fasd NL

A GUIDE FOR INDIVIDUALS WITH FASD: NAVIGATING THE JUSTICE SYSTEM

This is for people with FASD who come in to contact with the justice system through police contact, courts, corrections or diversion.

@fasdNL
www.fasdNL.ca

24/7 CRISIS SUPPORTS

Residential School Survivors and Family Helpline
- **1-866-925-4419**

Hope for Wellness - Helpline for Indigenous People
- **1-855-242-3310**

Canada Suicide Helpline
- **1-833-456-4566**

Domestic Violence Helpline
- **1-800-709-7090**

Gambling Helpline
- **1-888-899-4357**

Provincial Health Line
- **811**

IF YOU ARE GIVEN COURT CONDITIONS TO FOLLOW

A judge may give you conditions to follow. These might be a curfew, checking in with a probation officer, staying away from alcohol/drugs or people. Conditions can be confusing and difficult to understand. Make sure you know what is expected of you by:

- Asking your lawyer to explain each condition
- Asking for examples of what you can and can't do
- Writing things down in your own words

If there are any you don't agree with or think you can't follow, talk to your lawyer before agreeing or signing anything. Speak up as early as possible.

Getting help with conditions

If you have trouble following conditions, your probation/parole officer may be able to help with:

- Setting reminders for meetings and court dates (phone, calendar, alarms)
- Providing a written explanation of each condition
- Helping arrange transportation
- Offering phone or virtual check-ins (if allowed)
- Connecting you with support programs

Ask them as soon as possible to prevent getting charges for breach of probation/parole.

WHAT TO EXPECT IN COURT

The Court Environment

Court may feel scary, loud, and be hard to follow. You can ask to have a support person with you, in addition to your lawyer. This could be a:

- family member, friend, or someone you trust
- community worker, social worker or FASD coordinator
- victim services officer (in some cases)

Speaking in Court

You may need to speak in court. If you do:

- Ask your lawyer, support worker or FASD coordinator to practice questions with you before your court date
- Take your time when answering questions
- Ask if you can bring notes
- It is okay to say, "I don't understand"; ask for the question to be explained in a different way
- Ask for a break if you feel overwhelmed

Your lawyer

Your lawyer is there to help you. You can ask them:

- To explain your charges and your options
- What is the next step in your case
- What a possible sentence could be

If something is not clear, ask again. It is okay to ask more than once.

You may not agree with your lawyer. It is ok to ask questions or disagree about what you think is best for you. For example, if a lawyer encourages you to plead guilty or take a plea deal (even if you are not guilty), but you disagree. You can also ask for a new lawyer if you feel they are not representing you well.

IF YOU ARE STOPPED OR QUESTIONED BY POLICE

If you are stopped or questioned by police, you may feel stressed, angry, confused, or annoyed. It is important to try and put your emotions to the side and remember these points.

Decide if you want to share that you have FASD

If you feel comfortable telling police or your lawyer that you have FASD, it may help them better understand your actions and needs. You don''t have to tell them; it is your choice. Sharing your diagnosis can:

- help them use clear language
- avoid misunderstandings
- be important later in court

You can also ask for things that help you, such as speaking slower or repeating the question.

You have the right to remain silent

You **don't have to answer questions** from a police officer without a lawyer present. They may say you are being "uncooperative" or "non-compliant", but you can take your right to silence, especially if you are confused or not sure what is happening.

- You can say "I want to speak to a lawyer" or "I am not answering any questions until I have a lawyer" or "I have FASD and need help from a lawyer"
- If you do not have a personal lawyer or money to pay one, you may need to ask the officer for a legal aid lawyer.

You still need to follow instructions (for example, where to stand or sit), but you do not have to answer questions. After that, try to **wait quietly** until your lawyer arrives. **Listen and follow their instructions** if they ask you to move or get in the police car. Officers are allowed to **detain you** and place you in **handcuffs** while waiting. They may even bring you to the lock-up or police station before you speak to your lawyer. Expect this and try to remain calm.

fasd NL

SHARING INFORMATION ABOUT FASD

If you want the court to know you have FASD (or other diagnoses), you need to tell your lawyer and **consent** (meaning give permission) to **providing this information**. Your lawyer can share this in the right way. If you think you may have FASD but don't have a diagnosis, you can ask your lawyer or support worker about getting assessed.

Information on your diagnosis may be included in a **Pre-Sentence Report**. This report helps the judge understand your situation and how FASD may affect things like memory, understanding, or decision-making, which influences sentencing decisions. You can ask for certain people to be interviewed for your pre-sentence report. For example, your psychiatrist or counsellor, support worker or doctor.

COMMUNITY SUPPORT AND RESOURCES

Support from the community can make a big difference. You can ask for support from your lawyer, probation or parole officer, community organization or trusted friends and family. They may help connect you to services like housing, counselling, or other support programs. **You do not have to figure everything out on your own**. It is okay to ask questions, ask for help, and take the time you need to understand what is happening. Some places you may contact for support include:

- John Howard Newfoundland and Labrador
  - **1-877-726-5541**
- Stella's Circle Just Us Women Program
  - **1-709-738-0658**
- St. John's Status of Women's Council
  - **1-709-753-0220**

INDIGENOUS SUPPORTS IN NEWFOUNDLAND AND LABRADOR

If you identify as Indigenous, you can choose to share this with your lawyer and they can ask for a Gladue Report. Like a pre-sentence report, this report gives the court important background about your life and community, including the impacts of colonization and system barriers that you may have experienced. It can help the judge make a more informed and fair decision.

You can also ask for local Indigenous organizations and supports in your area. Some include:

Nunatsiavut Government Health and Social Development Regional Office
- **709-896-9750**

Sheshatshiu Innu First Nation Band Office
- **gpastitshi@sifn.ca**
- **709-372-4512** (Jordan's Principle Office)

Mushuau Innu First Nation Band Office
- **709-478-8838**

Mushuau Innu Health Commission
- **709-478-8871**

Conne River Justice Department
- **709-882-2470**

First Light
- **709-726-5902**