

Evaluating the psycholegal abilities of young offenders with fetal alcohol spectrum disorder

McLachlan, Kaitlyn; Roesch, Ronald; Viljoen, Jodi L.; Douglas, Kevin S.
Law and Human Behavior, Vol 38(1), Feb 2014, 10-22.
doi: 10.1037/lhb0000037

<http://psycnet.apa.org/journals/lhb/38/1/10>

Individuals with a diagnosis of fetal alcohol spectrum disorder (FASD) experience a range of physical, cognitive, and behavioral deficits thought to interfere with their ability to competently navigate the arrest, interrogation, and trial process. This study examined the psycholegal abilities of young offenders with FASD, including their understanding and appreciation of Miranda rights, and adjudication capacities (factual knowledge of criminal procedure, appreciation of the nature and object of the proceedings, ability to participate in a defense and communicate with counsel). Two groups of young offenders (50 with FASD and 50 without prenatal alcohol exposure) completed Grisso's Instruments for Assessing Understanding and Appreciation of Miranda rights and the Fitness Interview Test—Revised to assess overall rates of impairment in youth with FASD, as well as differences between the groups. Potentially important predictors of psycholegal abilities were also evaluated. Results indicated the majority of young offenders with FASD (90%) showed impairment in at least one psycholegal ability, and rates of impairment were significantly higher than the comparison group. However, considerable within-group variability was observed. IQ and reading comprehension emerged as robust predictors of participants' psycholegal abilities, while the FASD diagnosis differentiated participants' scores on the FIT-R. These findings underscore the importance of individualized and comprehensive forensic assessments of psycholegal abilities in this population when warranted. Additional system level strains for this population are discussed, including problems in approaching competency remediation, and the potentially growing need for accommodation and forensic assessments in the face of limited financial and professional resources in legal settings.