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March 2, 2012

Senator Kevin Meyer  
State Capitol Building, Room 103  
Juneau, Alaska 99801

Dear Senator Meyer,

I am writing in support of CSSB 151. First of all, thank you for sponsoring this important bill.

I am a parent of children with FASDs as well as a trainer in the field. I know the risk of our children coming into contact with the legal system is extraordinarily high. My son recently returned to jail for the fourth time, not for re-offending, but for probation violations. This is a story I hear over and over from parents. We know jail is not what they need, but currently there is no alternative. They want to be successful, and desperately seeks to feel competent, but the need support to deal with the secondary behaviors and the patterns of addiction in his life.

**Cost:** Many people with an FASD remain undiagnosed. An extremely high percentage of prisoners have undiagnosed FASD. The prison system has been called the largest mental health provider in the State. The money consumed by housing people with an FASD in jail would be better spent providing these supports and services in a natural setting which enables them to be successful members of society.

**Generalization:** People with an FASD often do not generalize behaviors well. People who maintain 'well' in prison are released only to fall flat on their faces, and often are stuck in the revolving door of recidivism- because nothing changes for them once they are released. They walk out with no supports and are expected to have 'learned their lesson', something that does not work given the brain damage. With sentencing alternatives, skills learned in society would be applied in real life settings. There would be supports and accountability in place. This would increase the likelihood of success.

**Benefit to Society:** Society is better served when people are successful. Incarceration does not help develop new patterns of behavior. People with an FASD have challenges with cause and effect. This bill provides a mechanism which allows judges to employ strategies that we know are effective for people with an FASD. This benefits society by not only ensuring safety but by developing productive citizens who can be successful, rather than those who serve time until release only to be no further ahead than when they were incarcerated.

**Maintenance:** Many people with an FASD follow an all too familiar path to residential treatment, in and out of state. This often culminates with prison. This is because, each time someone is released, there are no supports available to help them maintain the skills learned in a real life

setting. This bill allows for teaching skills in a real life setting, providing accountability and ‘in the moment’ support for continued success.

**Accountability:** Having the services like assisted living, supported employment, counseling, etc. available to be incorporated as part of the probation orders assures that offenders will be held accountable for utilizing these services. This clarifies expectations for people with brain differences. These services which can make the difference between success and re-incarceration, as the supports are built in to the system, and tailored to the individual needs.

My son is a classic example of someone who should never have entered the system, but whose life will be forever hindered by his record. Prior to his offending at 18, he had never before been in trouble with the law.

When I spoke to his Public Defender about his FASD, I was told that making this an issue in his case could work against him rather than be taken into consideration for sentencing; SB 151 shows how far we have come. During his trial, my son could not respond adequately to questions; the judge asked him if he spoke English. He does, however his brain does not process language well, and especially under extremely stressful circumstances. This is another example of the need for this bill. The brain works differently, this needs to be recognized by the court and it cannot be ignored.

For my son, there was no alternative to sentencing. The fact that he committed a felony is not, unfortunately, so unusual. At nearly 25, seven years later, my son has learned to function in prison. What he has not learned is how to be successful in society.

For too many, the perfect storm of circumstances begins before they are born. Prenatal exposure to alcohol leads to (in most cases) a hidden physical disability. This coupled with ongoing failure and frustration leads to the development of secondary characteristics and too often faulty social skill development. In prison our children come into contact with others who have similar issues or those who prey on vulnerable individuals. If alternatives to incarceration are available initially, the outcome can be very different.

Again, what people with brain differences need is access to the right supports, not merely punishment. Incarceration will not lead to learning nor prevent recidivism. Too often, people with an FASD cannot meet probationary orders and are re-incarcerated. With the right supports, people with an FASD can be successful and contributing members of society. Their disability needs to be identified and so do their strengths.

Supported success beats independent failure hands down. Supported success benefits all parties- independent failure benefits no one.

Sincerely,



Jeanne Gerhardt-Cyrus, Parent