

# FASD AND CRIMINAL JUSTICE SYSTEM VULNERABILITIES



University of  
**Salford**  
MANCHESTER

**DR DAVID JUNIOR GILBERT**

# OBJECTIVE



University of  
**Salford**  
MANCHESTER

- Setting the pace: Research/**FEWs**
- Case studies
- Research insight
- Translation into practice
- What does good like



**Teina Pora**





Mauha Fawcett arrives at court today. Photo: George Heard

Another New Zealand case:

Fawcett was interviewed on five occasions and initially admitted to being present during the murder, hitting the victim when instructed to do so, and dumping the body.

## R v Fawcett [2021] NZHC 2406

- Fawcett’s murder conviction was largely based on inculpatory statements or confessions he had made to the police.
- Following the conviction, Fawcett was diagnosed with FASD.
- This Court allowed Fawcett’s conviction appeal by consent.
- 
- The Crown conceded that there were concerns as to the reliability of Mr Fawcett’s confessions, given his FASD diagnosis – the conviction was quashed.
- The judgment said the case had “certain parallels” with Teina Pora

# Strengths in FASD

## **People with FASD tend to be good at –**

Creative arts, sports, music, caring, expressive language and vocabulary, functioning in a well-structured environment, self-awareness, building and mechanical skills, second languages, resilience, adaptability, motivation, determination, and kindness.



# BACKGROUND

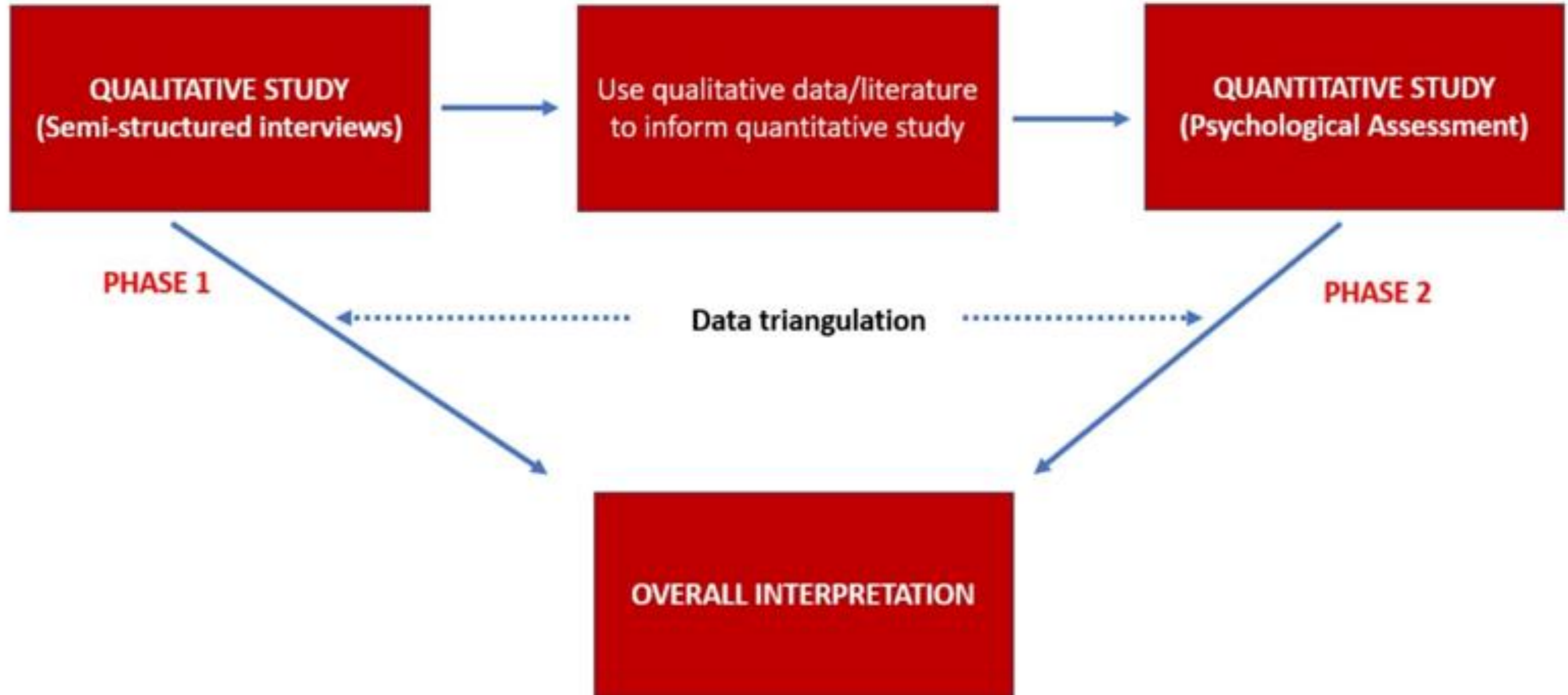


**FASD**  
FETAL ALCOHOL  
SPECTRUM DISORDER

- 19x more likely to encounter the justice system (Popova et al., 2011).
- Increased risk of recidivism



# Method: Mixed Method Approach



## International FASD and Justice System Study

- ✓ Are you an adult (18 years old and over) who has been diagnosed with Fetal Alcohol Spectrum Disorder (FASD)/prenatal alcohol exposure?
- ✓ Do you care for a young person (11 – 17 years old) who has been diagnosed with Fetal Alcohol Spectrum Disorder (FASD)/prenatal alcohol exposure?
- ✓ Are you based in Australia, Canada, New Zealand, US or the UK?

*If yes, can you help us with our research please?*

We want to understand why people with FASD/prenatal alcohol exposure may become involved with the police. To contribute, please scan the QR code below.



### Principal Investigator

Dr David Junior Gilbert  
+447405655235  
d.j.gilbert1@salford.ac.uk

Ethics approval number: 13874

### Project Team/Collaborators

Prof. Anita Gibbs (New Zealand)  
Prof. Raja Mukherjee, (UK)  
Dr Valerie McGinn (New Zealand)  
Prof. Clare Allely (UK)  
Emily Speybroeck (USA)  
Patience Udonsi (UK)  
Prof. Gisli Gudjonsson (UK)  
Prof. Carmela Pestell (Australia)  
Dr Grace Tan (Australia)  
Jordan Derkson (Canada)

Dr Christie Petrenko, (USA)  
Prof. Jacqueline Pei (Canada)  
Dr Joanna Chu (New Zealand)  
Prof. Kaitlyn McLachlan (Canada)  
Dr Natalie Brown (USA)  
Dr Paul Connor (USA)  
Prof. Mansfield Mela (Canada)  
Dr Hayley Passmore (Australia)  
Prof. Penny Cook (UK)

## International FASD and Justice System Study

- ✓ Are you an adult (18 years old and over) who has been diagnosed with Fetal Alcohol Spectrum Disorder (FASD)/prenatal alcohol exposure?
- ✓ Do you care for a young person (11 – 17 years old) who has been diagnosed with Fetal Alcohol Spectrum Disorder (FASD)/prenatal alcohol exposure?
- ✓ Are you based in Australia, Canada, New Zealand, US or the UK?

*If yes, can you help us with our research please?*

We want to understand why people with FASD/prenatal alcohol exposure may become involved with the police. To contribute, please scan the QR code below.



### Principal Investigator

Dr David Junior Gilbert  
+447405655235  
d.j.gilbert1@salford.ac.uk

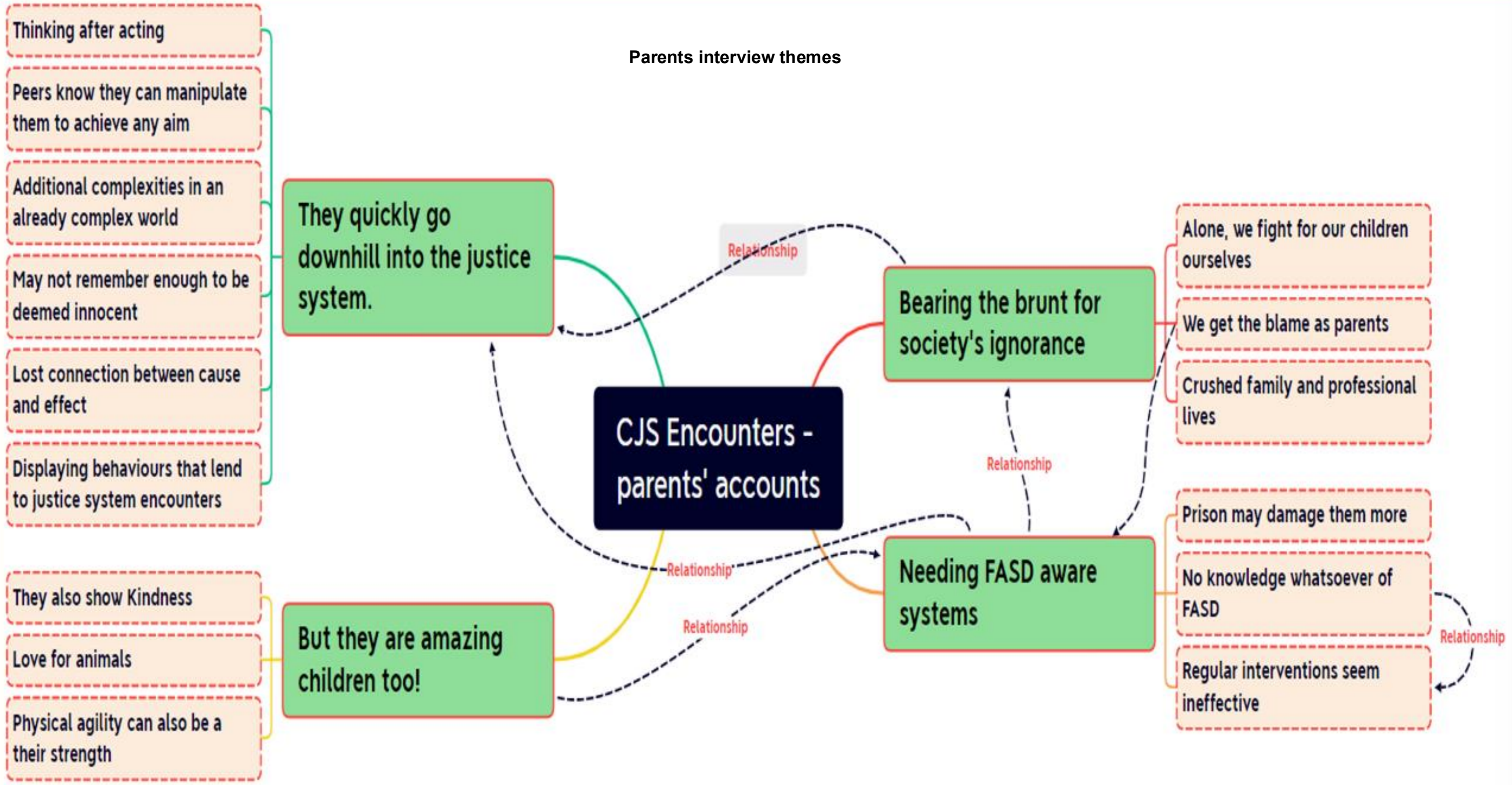
Ethics approval number: 13874

### Project Team/Collaborators

Prof. Anita Gibbs (New Zealand)  
Prof. Raja Mukherjee, (UK)  
Dr Valerie McGinn (New Zealand)  
Prof. Clare Allely (UK)  
Emily Speybroeck (USA)  
Patience Udonsi (UK)  
Prof. Gisli Gudjonsson (UK)  
Prof. Carmela Pestell (Australia)  
Dr Grace Tan (Australia)  
Jordan Derkson (Canada)

Dr Christie Petrenko, (USA)  
Prof. Jacqueline Pei (Canada)  
Dr Joanna Chu (New Zealand)  
Prof. Kaitlyn McLachlan (Canada)  
Dr Natalie Brown (USA)  
Dr Paul Connor (USA)  
Prof. Mansfield Mela (Canada)  
Dr Hayley Passmore (Australia)  
Prof. Penny Cook (UK)

Parents interview themes



They quickly go downhill into the justice system.

- Thinking after acting
- Peers know they can manipulate them to achieve any aim
- Additional complexities in an already complex world
- May not remember enough to be deemed innocent
- Lost connection between cause and effect
- Displaying behaviours that lend to justice system encounters

But they are amazing children too!

- They also show Kindness
- Love for animals
- Physical agility can also be a their strength

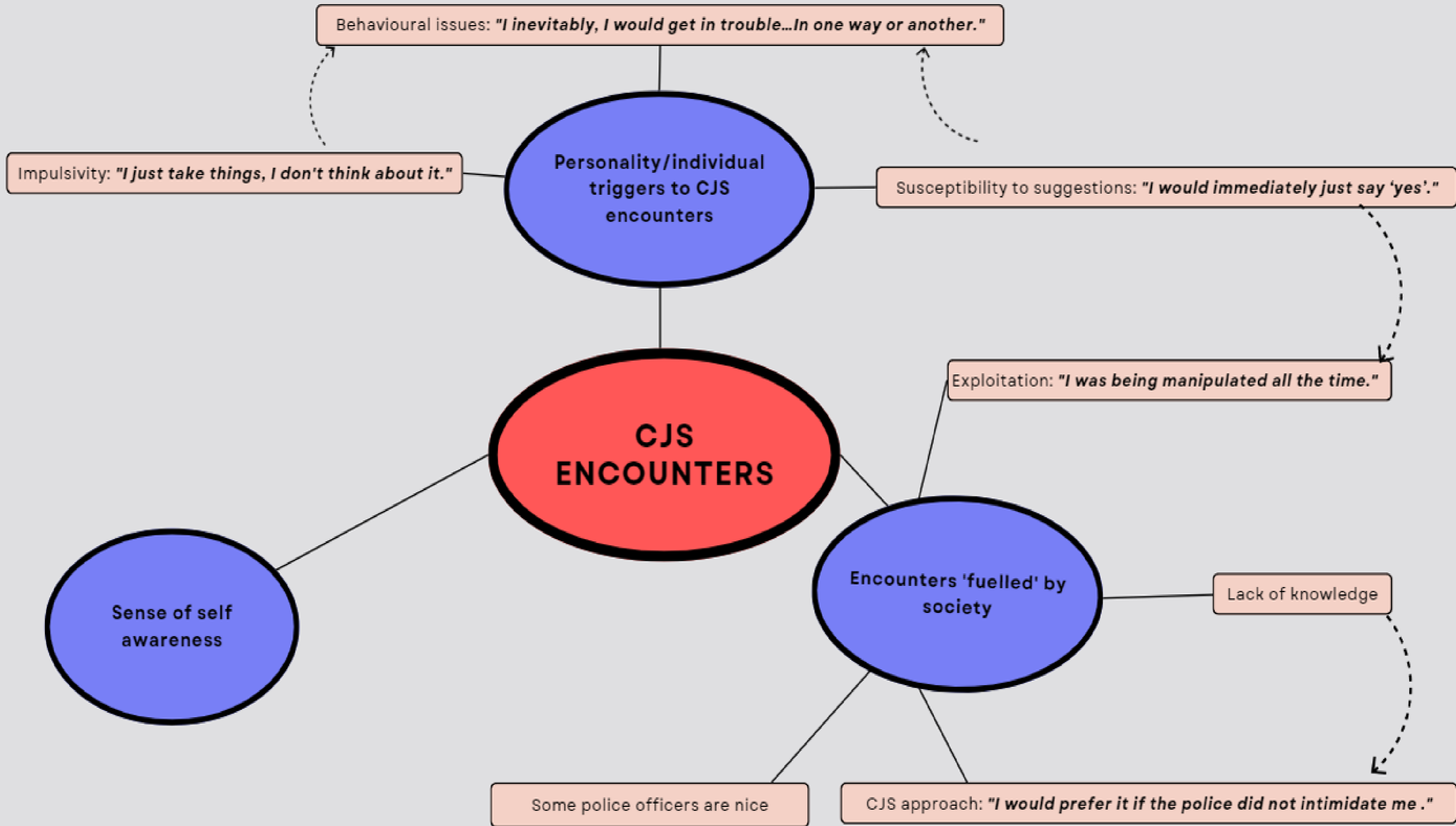
CJS Encounters - parents' accounts

Bearing the brunt for society's ignorance

- Alone, we fight for our children ourselves
- We get the blame as parents
- Crushed family and professional lives

Needing FASD aware systems

- Prison may damage them more
- No knowledge whatsoever of FASD
- Regular interventions seem ineffective



# Research Questions – Phase II

1. How suggestible are those with FASD compared to neurotypical controls?
2. What is the relationship between memory, impulsivity, IQ and suggestibility in FASD-impacted individuals when compared to the neurotypical population?

*"Interrogative suggestibility (IS) is defined as 'the extent to which, within a closed social interaction, people come to accept messages communicated during formal questioning, as a result of which their subsequent behavioral response is affected.'"*

(Gudjonsson et al., 2006, p. 84)



- **Intelligence Quotient (IQ)**

	Contrl Group IQ	FASD Group IQ	Mean Difference	95% Confidence level	
				Upper Level	Lower Level
Mean (SD)	116.7 (9.5)	82.23 (9.1)	34.5	28.8	40.2
Minimum	97	70			
Maximum	134	105			

**p < 0.001**

## Immediate suggestibility

	FASD Group Mean (SD)	Comparison Group Mean (SD)
Immediate recall	5.10 (4.00)	16.07 (7.12)
Confabulation before 50mins delay	1.0 (1.13)	1.06 (1.49)
Delayed Memory Recall	5.00 (4.32)	15.88 (6.33)
Confabulation post 50mins delay	1.37 (2.71)	1.28 (1.67)
Yield 1	7.44 (3.00)	3.88 (3.18)
Yield 2	8.22 (3.11)	5.28 (3.74)
Shift	6.04 (3.61)	3.72 (3.21)
Total Suggestibility	13.48 (5.52)	7.6 (4.89)

## 1Week Suggestibility

Memory recall	4.56 (3.83)	13.44 (5.63)
Confabulation	2.71 (3.94)	1.38 (1.50)
Yield 1	8.83 (3.85)	4.28 (3.66)
Yield 2	8.34 (3.85)	4.8 (3.64)
Shift	4.13 (3.62)	2.48 (2.68)
Total Suggestibility	12.44 (6.57)	6.76 (5.40)

# Acquiescence



- The Acquiescence scores of the FASD group (mean = 5.82; SD = 2.70) was significantly higher in comparison to norm values obtained from individuals in the **general population who are deemed vulnerable** e.g., older (>66years old; mean = 2.13;  $p < 0.01$ ) and less-exposed to education (0-8years of education; mean = 3.51;  $p = 0.03$ )
- Tending to agree with statements more easily compared to vulnerable groups in the general population?

Acquiescence is commonly defined as an individual's tendency to offer affirmative responses irrespective of the content of questions posed by the interviewer (Jackson & Messick, 1958).

<b>MID-50 Minutes Activity</b> <b>(Acquiescence)</b>		
<b>QUESTIONS</b>	<b>RESPONSE</b>	<b>SCORES</b>
1. Prescription drugs frequently do more harm than good.	T	<b>1</b>
Prescription drugs are almost always helpful	T	
2. A person should take medicine only as a last resort.	T	<b>0</b>
Its always silly to suffer if a medicine will make you feel better.	F	
3. Good health is largely a matter of luck.	T	<b>1</b>
When it comes to health there is no such thing as bad luck.	T	
4. Anyone can learn a few basic health rules which will go a long way in	T	0

- According to Gudjonsson (2003a), compliance is defined as "the tendency of the individual to go along with propositions, requests, or instructions, for some immediate instrumental gain" (p. 370).
  - Although linked to interrogative suggestibility, compliance is regarded as independent because interrogative suggestibility directly correlates with the belief system of the individual accepting suggestions.
  - Wider literature also shows some relationship with Self-esteem
-

**MID-50 Minutes Activity**  
**(GCS)**


<b>QUESTIONS</b>	<b>RESPONSE</b>	<b>SCORES</b>
As a child I always did as my parents told me	T	1
I give in easily when I am pressured	F	0
I am not too concerned about what people think of me	F	1
I tend to become easily alarmed and frightened when in the company of people in authority	T	1
when I was a child I sometimes took the blame for things I had not done	F	0
When I am uncertain about things I tend to accept what people tell me	T	1
I tend to go along with what people tell me even when I know that they are wrong	T	1

# COMPLIANCE – Self-report and Parent Report

- Eagerness to please/self-esteem protection/avoidance of conflict
- There was no significant difference between the compliance scores from the FASD group and norm values obtained from alleged false confessors in the general population (mean = 14.30; SD = 4.0; range = 0 – 20;  $p = 0.60$ ).

RESEARCH ARTICLE |  Open Access |  

## FASD and Intellectual Disability Equivalence: A Meta-Analysis of Suggestibility During Forensic Interviews

[David J. Gilbert](#) , [Stephen Ikechukwu Azumara](#), [Jacqueline M. Wheatcroft](#), [Karen Steele](#), [Penny Cook](#), [Raja Mukherjee](#), [Gisli Gudjonsson](#), [Natalie Novick Brown](#)

First published: 08 March 2026 | <https://doi.org/10.1002/bsl.70052> | [VIEW METRICS](#)

 SECTIONS



PDF



CITE



TOOLS



SHARE

### ABSTRACT

Intellectual disability (ID) equivalence describes conditions in which individuals function cognitively and adaptively at levels comparable to ID without meeting IQ-based diagnostic criteria. Fetal alcohol spectrum disorder (FASD) is characterised by impaired executive and adaptive functioning despite IQs often above the ID threshold, suggesting functional overlap with ID. This meta-analytic study is the first to examine whether FASD and ID share vulnerabilities in interrogative suggestibility. Two PRISMA-guided systematic searches of six

# Material deviations

## Fabrications to support false admissions

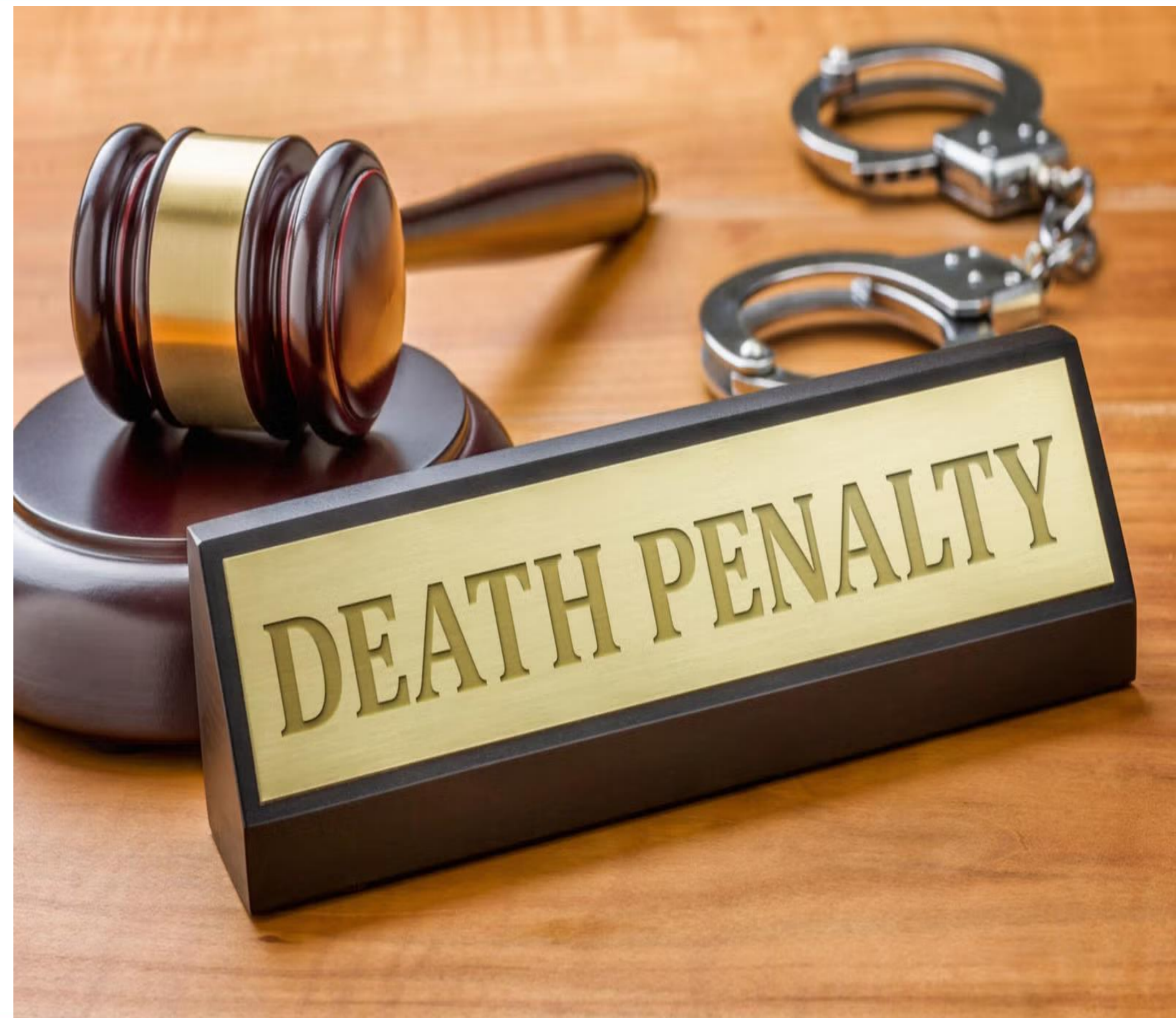
Original Story	Version from an individual with FASD
<p>Anna and John were a happily married couple in their thirties. They had three children, two boys and a girl. They lived in a small bungalow which had a swimming pool in the garden. John worked in a bank while Anna worked in a bookshop with her sister Maria. One Tuesday morning in July, the couple were leaving the house to go to work when they saw a small boy going down a steep slope on a bicycle and calling for help. Anna and John ran after the boy and John caught hold of the bicycle and brought it to a halt. The boy appeared very frightened but unhurt and said that the brakes on his bicycle had broken. Anna and John recognised the boy whose name was William. He was the youngest son of their neighbours who worked for a well known travel agency in a nearby town. Sometimes in the winter months, the two couples had gone skiing together but the children of both families had preferred to stay with their grandparents who lived in the country</p>	<p>There was this two People, let's say they were stick people. And then they then they lived in a little cottage, whatever it was, bungalow. But it couldn't be under the ground like rabbits. But it wasn't now. And then one of them. One of them went to the book shop. Well, then I don't know where the other one went. Was it like a shoe shop or something? I don't know. I forgot. Anyway, the other one just went off somewhere? Everyone just went to the book shop 'cause they wanted some books and stuff, and then they were two little kids. One. The younger one was in was like going down like this big slope with the bike and then it bike was broken and he was all upset, so he took it back. And then they like in older son, and then they were like, fighting and arguing. But when the parents came back, they were all arguing, let's say there was a dog in there. And then the dog was barking. And then there was an old witch that came and said "shut up there". And then, and then, they, all of them in the family, they were holding hands. And they were going like this. And then the little kiddies. The young young one, was just like kicking the witch.</p>

QUESTIONS	IMMEDIATE ANALYSES						
	Y1	Score	Feedback	QUESTIONS	Y2	Score	SHIFT
Were the couple called Anna and John?	y			Were the couple called Anna and John?	no	0	1
Did the couple have a dog or a cat?	no	0		Did the couple have a dog or a cat?	y	1	1
Did the boys bicycle get damaged when it fell on the ground.	no	0		Did the boys bicycle get damaged when it fell on the ground.	y	1	1
Was the husband a bank director?	y	1		Was the husband a bank director?	y	1	0
Did the couple live in a small bungalow?	y			Did the couple live in a small bungalow?	y		0
Did the boy on the bicycle pass a stop sign or traffic light?	no	0		Did the boy on the bicycle pass a stop sign or traffic light?	y	1	1
Was the boy frightened of the big van coming up the hill?	y	1		Was the boy frightened of the big van coming up the hill?	y	1	0
Did the boy have some minor bruises as a result of the accident?	don't know	0		Did the boy have some minor bruises as a result of the accident?	y	1	1
Was the boy's name William?	y			Was the boy's name William?	y		0
Did the boy drop the books he had been carrying while riding the bicycle?	don't know	0		Did the boy drop the books he had been carrying while riding the bicycle?	y	1	1
Was Anna worried that the boy might be injured?	y	1		Was Anna worried that the boy might be injured?	y	1	0
Did John grab the boy's arm or shoulder?	don't know	0		Did John grab the boy's arm or shoulder?	y	1	1
Did the couple recognize the boy?	no	0		Did the couple recognize the boy?	y		0
Did the boy commonly ride the bicycle to school?	don't know	0		Did the boy commonly ride the bicycle to school?	y	1	1
Was the boy taken home by Anna or John?	no	0		Was the boy taken home by Anna or John?	y	1	1
Was the boy allowed to stay away from school on the day of the accident?	don't know	0		Was the boy allowed to stay away from school on the day of the accident?	y	1	1
Did the couples children sometimes stay with their grandparents?	y			Did the couples children sometimes stay with their grandparents?	y		0
Was the boy frightened of riding the bicycle again?	don't know	0		Was the boy frightened of riding the bicycle again?	y	1	1
Was the weather wet or dry when the accident happened?	dry	1		Was the weather wet or dry when the accident happened?	wet	1	1
Did the couple have a skiing cottage in the mountains?	y	1	Did the couple have a skiing cottage in the mountains?	y	1	0	
<b>Total</b>		<b>5</b>			<b>15</b>	<b>12</b>	
<b>TOTAL SUGGESTIBILITY</b>							
				<b>17</b>			

Column1  
Yes



# WHY DOES ALL OF THIS MATTER?

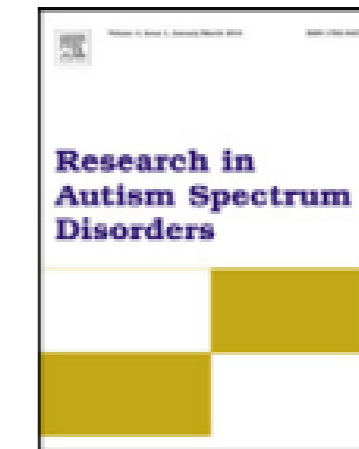




Contents lists available at SciVerse ScienceDirect

## Research in Autism Spectrum Disorders

Journal homepage: <http://ees.elsevier.com/RASD/default.asp>



### Brief report: Suggestibility, compliance and psychological traits in high-functioning adults with autism spectrum disorder

Katie L. Maras\*, Dermot M. Bowler

*Autism Research Group, Department of Psychology, City University London, Northampton Square, London EC1V 0HB, UK*

#### ARTICLE INFO

*Article history:*

Received 12 January 2012

Received in revised form 30 March 2012

Accepted 30 March 2012

*Keywords:*

Autism spectrum disorder

Suggestibility

Leading questions

Recall

Eyewitness

Memory

Individual differences

#### ABSTRACT

Individuals with autism spectrum disorder (ASD) may be over-represented within the criminal justice system; it is therefore important to understand how they fare under police questioning. The present study examined interrogative suggestibility and compliance in individuals with ASD, and whether this is associated with certain psychological traits. Adults with ASD and their typical counterparts completed the Gudjonsson Suggestibility Scales (GSS), Gudjonsson Compliance Scale (GCS), and measures of state-trait anxiety, self-esteem, fear of negative evaluation by others and paranoia. In contrast to previous research (North, Russell, & Gudjonsson, 2008), there was no difference between the ASD and comparison groups on the measure of compliance, and groups also did not differ on any of the GSS measures, despite the ASD group reporting significantly higher paranoia. Findings indicate that individuals with ASD may be no more likely to succumb to interrogative pressures than their typical counterparts.

Systematic Review |  Free Access

# Suggestibility and false memories in relation to intellectual disability and autism spectrum disorder: a meta-analytic review

A. W. Griego , J. N. Datzman , S. M. Estrada, S. S. Middlebrook

First published: 03 September 2019 | <https://doi.org/10.1111/jir.12668> | Citations: 12

## Methods and Procedures

Articles that were selected for inclusion in the current study were required to have a clinically diagnosed sample, as well as a non-clinical control group. Studies were also required to have a post-hoc power score higher than .30 to prevent the effects of underpowered studies and limit the potential for publication bias. Selected studies were also required to have provided pertinent information required to complete the analyses (e.g. means, standard deviations, p-values, or correlation coefficients). Any study that did not provide the required information was excluded.

## Results and Conclusions

Two empirical Bayes omnibus analyses revealed a significant effect for participants diagnosed with ID ( $z = 6.10, p < .001$ ), which supported the researchers' hypothesis. The results indicated increased susceptibility toward memory suggestibility and false memories when compared with the general population. However, the results of the analyses did not support the researchers' hypothesis regarding participants diagnosed with ASD. The analyses indicated that participants diagnosed with ASD displayed decreased suggestibility and were less likely to develop false memories ( $z = -2.37, p = 0.018$ ).

# Interrogative suggestibility in adults diagnosed with attention-deficit hyperactivity disorder (ADHD). A potential vulnerability during police questioning

Gisli H. Gudjonsson \*, Susan Young, Jessica Bramham

*Institute of Psychiatry, King's College, London, United Kingdom*

Received 14 October 2006; received in revised form 12 January 2007

Available online 26 March 2007

---

## Abstract

Psychologists are commonly asked to ascertain the reliability of statements made by suspects to the police during questioning. Interrogative suggestibility is an important psychological vulnerability during interrogation and this was investigated in 36 people who met full diagnostic criteria for attention-deficit hyperactivity disorder (ADHD) and compared with that of 36 general population controls. People with ADHD were not found to be significantly more suggestible than the control participants, because in spite of their attentional problems, restlessness and impulsivity, they cope during interrogation by giving a disproportionate number of 'don't know' replies rather than yielding to suggestions and interrogative pressure. The findings suggest that behavioural inhibition and lack of confidence in their memory may be more important than memory deficits in understanding how people with ADHD cope with questioning.

© 2007 Elsevier Ltd. All rights reserved.

*Keywords:* Suggestibility; ADHD; Inattention; Behavioural inhibition; Confidence; Memory distrust

---



# FASD, Harmful Sexual Behaviours and Sexual Offending

Professional Doctorate, June 2026



University of  
**Salford**  
MANCHESTER



University of  
**Salford**  
MANCHESTER

**UZMA NASEEM**

**Doctoral Researcher / School of Health & Society**

Address: Floor 2, Humphrey Booth House,  
University of Salford, Manchester M5 4WT

[u.naseem@edu.salford.ac.uk](mailto:u.naseem@edu.salford.ac.uk) / [www.salford.ac.uk](http://www.salford.ac.uk)



**SCHOOL OF  
HEALTH  
& SOCIETY**

# WHAT DOES GOOD LOOK LIKE?



- ❖ The PAE question: screening too!
- ❖ Training for justice professionals: SAFETRAC – judges, police
- ❖ Liaison and Diversion - REFERRALS
- ❖ Guidelines: Advocates gateway and Benchbook
- ❖ Instruct the right experts
- ❖ FASD Courts?



University of  
**Salford**  
MANCHESTER

# THANK YOU SO MUCH!!!

[d.j.gilbert1@salford.ac.uk](mailto:d.j.gilbert1@salford.ac.uk)