

needed, accompanied by sufficient resources for intensive community programs as realistic alternatives to jail and as support for people living with FASD to avoid repeated conflicts with the law.

The recent enactment of mandatory minimum sentences for some offences further complicates the situation of offenders with FASD because it denies judges the flexibility to consider individual circumstances in their sentencing. There is a danger that prison will be used unnecessarily as another expensive crisis intervention for Aboriginal offenders with FASD, even though culturally appropriate supports in the community could often be a more appropriate approach.<sup>148</sup> As well as amending mandatory minimum sentencing laws, the federal government can do much more to tailor correctional and parole resources to facilitate the reintegration of offenders with FASD into their communities.

## Call to Action

- 34) We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:
- i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.
  - ii. Enacting statutory exemptions from mandatory minimum sentences of imprisonment for offenders affected by FASD.
  - iii. Providing community, correctional, and parole resources to maximize the ability of people with FASD to live in the community.
  - iv. Adopting appropriate evaluation mechanisms to measure the effectiveness of such programs and ensure community safety.

## Cultural services in prisons and jails

Studies based on interviews with Aboriginal inmates have confirmed that Aboriginal culture and spirituality can contribute to the healing of the inmates, to increased self-esteem, and to positive changes in lifestyle that make release and reintegration a real possibility.<sup>149</sup> Research suggests that recidivism rates for Aboriginal offenders who had participated in spiritual activities (such as sweat lodge ceremonies) were lower than for those who had not.<sup>150</sup>

However, Aboriginal people receive few services in provincial correctional facilities that are designed for those serving sentences of two years less a day or are awaiting trial. Only