

Justice on Trial: Protecting the Rights of People with FASD in Canada's Harshest Sentences



“Balancing Safety, Fairness, and Human Dignity”

When Canada labels someone a *Dangerous Offender* (DO) or *Long-Term Offender* (LTO), it can mean spending decades—or even life—behind bars. But what happens when the person facing these labels lives with **Fetal Alcohol Spectrum Disorder (FASD)**, a condition that affects judgment, impulse control, and memory?

Led by **Professor Mansfield Mela** (University of Saskatchewan) in collaboration with **Professor Glen Luther** (USask College of Law), this groundbreaking study titled **“Investigating Dangerous Offender/Long-Term Offender Classifications for Individuals with FASD”** examines whether the justice system is truly fair to people with FASD when applying its most severe sentencing classifications.

The research team is:

- **Mapping the Law** – Analyzing federal and provincial statutes to see if and how they account for neurodevelopmental disabilities.
- **Reviewing Real Cases** – Studying anonymized court and psychiatric reports for offenders with FASD who have faced DO/LTO designations.
- **Engaging Key Decision-Makers** – Interviewing judges, lawyers, forensic psychiatrists, and correctional psychologists about the adequacy of current risk-assessment tools and possible alternatives.
- **Shaping Better Policy** – Recommending practical, evidence-based guidelines so that courts and clinicians can balance public safety with fairness and rehabilitation.

By highlighting gaps in law, policy, and practice, this project aims to **prevent unintentional discrimination**, improve risk-assessment tools, and ensure sentencing decisions reflect both the realities of public safety and the lived experiences of people with FASD.

Ultimately, it's about **rethinking justice**—moving toward a system that is firm, fair, and humane for one of our most vulnerable populations.