



INVISIBLE SENTENCES



FASD, Stigma, and the Overlooked Connection to Incarceration

Presented By The Criminal Justice Advocacy Program

December 9, 2025

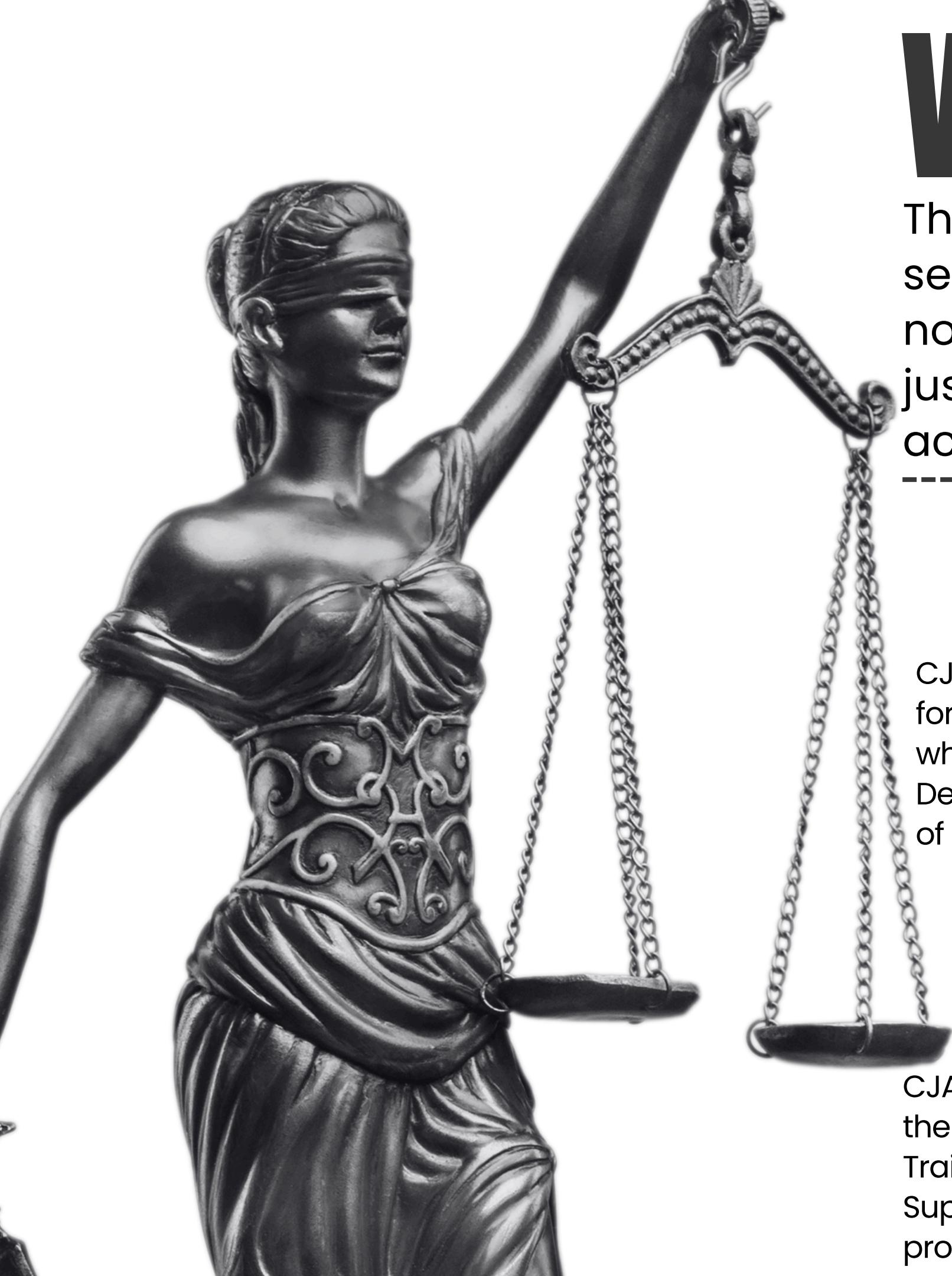
PRESENTERS

Robyn Holt, LMSW, MA **Director**

Robyn Holt is the Director of the Criminal Justice Advocacy Program at The Arc of New Jersey. Before this role, she worked extensively with individuals with severe and persistent mental illness. After supervising at a partial care center, she went on to lead a Program of Assertive Community Treatment (PACT) team and later served as Director of the largest Supported Housing program in New York State. Her passion for supporting individuals with complex psychiatric needs led her to her current position, where she advocates for people with Intellectual and Developmental Disabilities involved in the criminal justice system. Robyn holds Master's degrees in Social Work and Counseling Psychology, a degree in Psychiatric Rehabilitation, and is a Licensed Social Worker.

Jennifer Catalano, MS **Case Manager**

Jennifer Catalano is a dedicated advocate for individuals with intellectual and developmental disabilities (IDD) in the criminal justice system, currently pursuing her Doctor of Psychology in Criminology & Justice Studies at the University of Arizona. As a case manager for The Arc of New Jersey's Criminal Justice Advocacy Program, Jennifer collaborates with courts, prosecutors, and public defenders, crafting personalized justice plans and leading educational initiatives statewide. Jennifer holds a Master of Science in Forensic Psychology from Purdue University, a Bachelor of Arts in Psychology from Montclair State University, and a Paralegal Certification from Pace University.



WHAT DOES CJAP DO?

The Criminal Justice Advocacy Program provides advocacy services to individuals who, because of their disability, may not understand the process and procedures of the criminal justice system. The Program seeks to ensure fair and equal access to alternatives to incarceration and restorative justice.



Provide Alternatives

CJAP provides alternatives to incarceration for adults (21+) in the criminal justice system who are diagnosed with Intellectual and Developmental disabilities (IDD) in the way of drafting Personalized Justice Plans (PJP's)



Support & Advocacy

CJAP supports and assists individuals throughout the criminal justice system. This includes interaction with court personnel, letters and correspondence, case management, linkages, resources, as well as attending court appearances



Administer Trainings

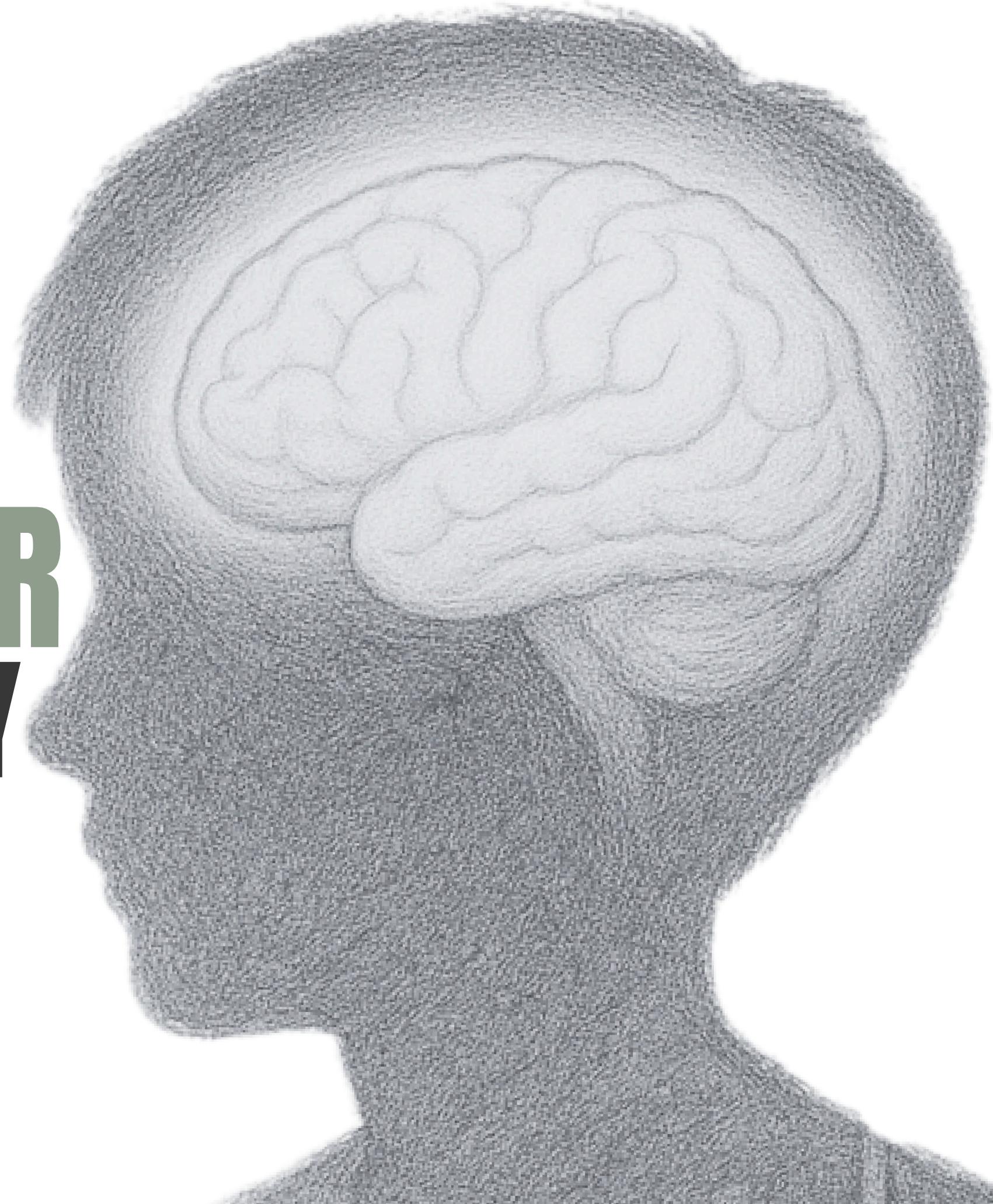
CJAP facilitates various trainings throughout the State, including – Crisis Intervention Trainings (CIT), trainings for court personnel, Support Coordination agencies, community providers, families, as well as jails and prisons



Resources/Information

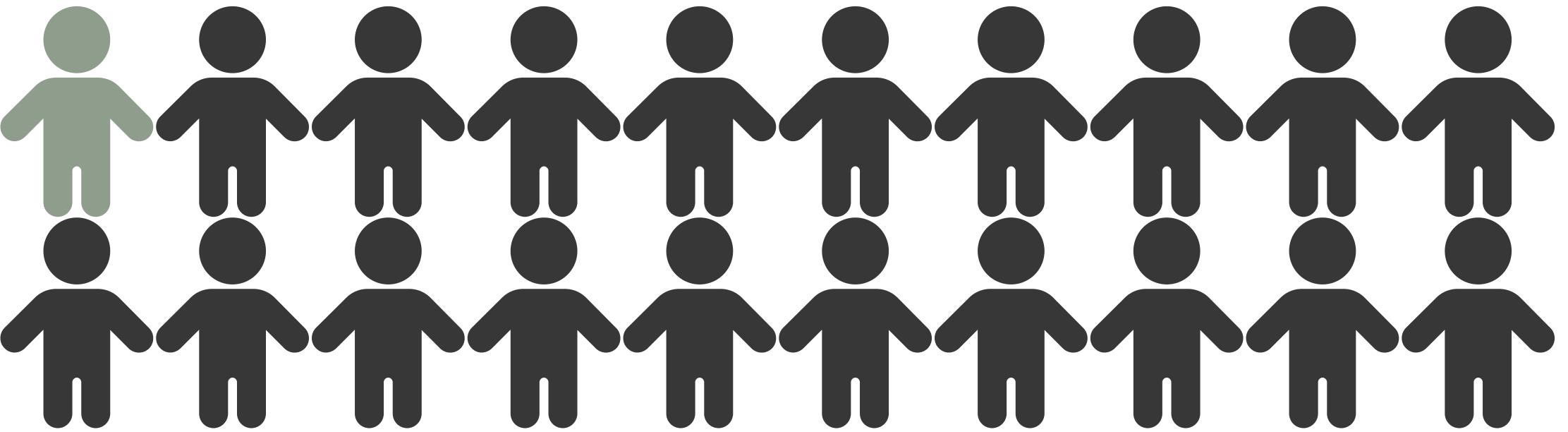
CJAP is a clearinghouse for information about offenders IDD, and serves as a liaison between the criminal justice and human services systems

FETAL ALCOHOL SPECTRUM DISORDER THE INVISIBLE DISABILITY



THE HIDDEN CRISIS

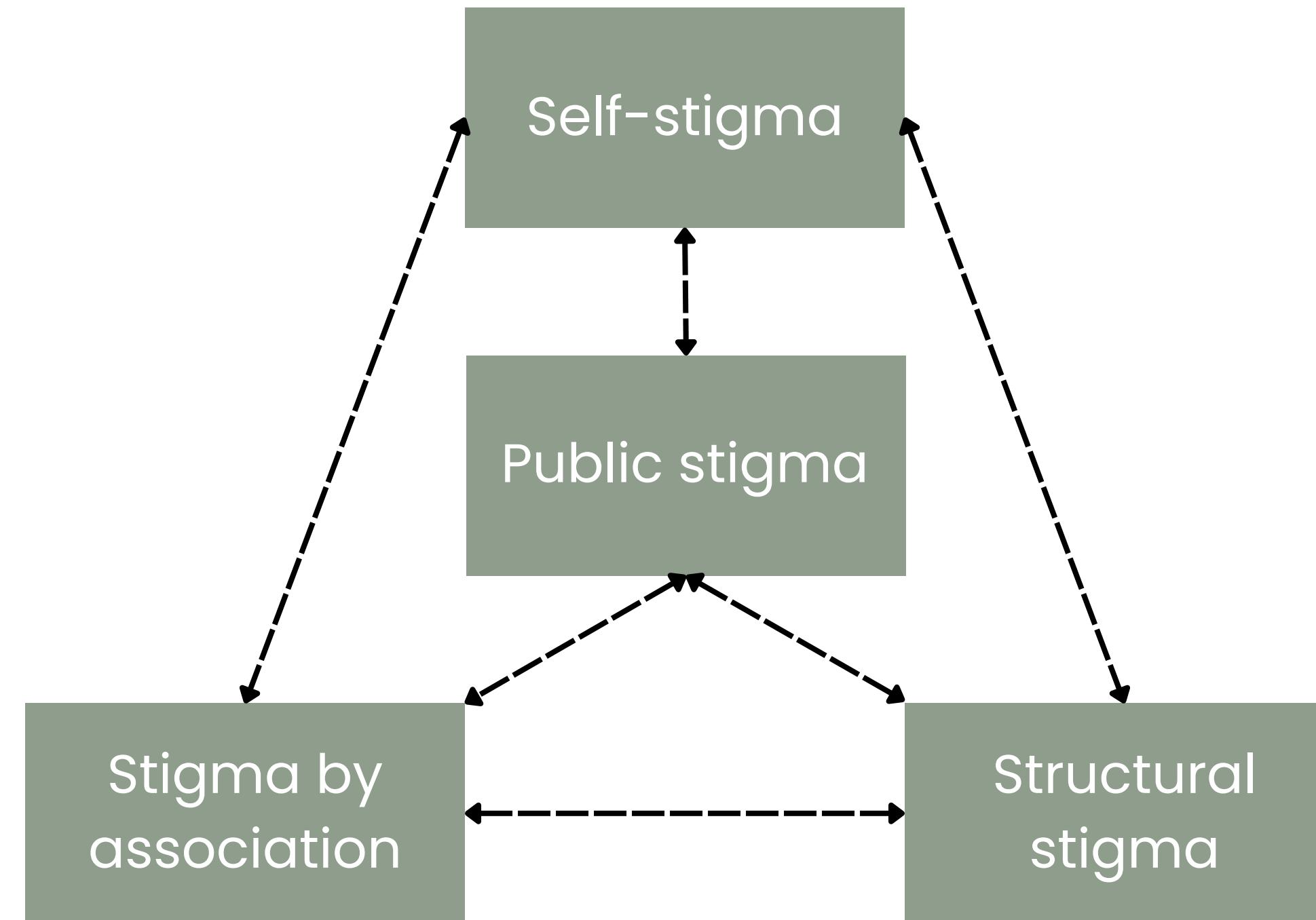
As many as **1 in 20** school-aged children in the U.S.
are diagnosed with a Fetal Alcohol Spectrum Disorder (FASD)



Imagine being punished your entire life for something beyond your control.

STIGMA = SILENCE = SUFFERING

WHY FASD REMAINS UNDER THE RADAR



We cannot address what we do not acknowledge.

HOW FASD AFFECTS THINKING & BEHAVIOR

SOCIAL VULNERABILITY AND IMMATURITY

Due to delayed social-emotional development, individuals may exhibit age-inappropriate social behaviors and an increased susceptibility to manipulation or exploitation.

Example: Displays excessive trust in unfamiliar individuals and is easily influenced by peers.

LIMITED SKILL GENERALIZATION

Cognitive inflexibility often impairs the ability to apply learned skills across different settings or contexts.

Example: Adheres to rules in structured environments (e.g., school) but fails to do so at home.

MEMORY IMPAIRMENT

Individuals with FASD often demonstrate deficits in short-term and working memory, leading to difficulties with information retention and retrieval. **Example:** Unable to recall multi-step instructions shortly after they are given.

LANGUAGE PROCESSING DIFFICULTIES

Receptive and expressive language delays are common. Individuals may rely on rote or scripted responses and struggle to articulate original thoughts.

Example: Provides rehearsed or memorized answers that lack context relevance.

IMPULSIVITY AND POOR INHIBITORY CONTROL

Impairments in executive functioning may result in impulsive behaviors that precede thoughtful decision-making, often mistaken for intentional misconduct.

Example: Interrupts conversations, acts out physically, or runs off without apparent cause.

EMOTIONAL AND SENSORY DYSREGULATION

Heightened sensitivity to environmental stimuli can result in emotional outbursts or withdrawal, particularly in overstimulating contexts.

Example: Becomes overwhelmed in crowded or noisy settings, leading to meltdowns or shutdowns.

CAUSE-AND-EFFECT REASONING DEFICITS

Individuals with FASD frequently struggle to associate behaviors with their consequences, which may lead to repeated maladaptive patterns.

Example: Fails to modify behavior despite prior discipline or negative outcomes.

TEMPORAL AND ORGANIZATIONAL CHALLENGES

Abstract reasoning deficits interfere with the understanding and management of time, sequencing, and task completion.

Example: Frequently late to appointments; unable to follow multi-step routines independently.

THE SCHOOL-TO-PRISON PIPELINE



IMAGE CREDIT: ANASTASYA ELISEEVA

<https://www.closeup.org/reversing-the-school-to-prison-pipeline-part-1-defining-the-school-to-prison-pipeline/>

WHAT IS THE SCHOOL-TO-PRISON PIPELINE?

The school-to-prison pipeline refers to a disturbing national trend in which disciplinary policies and systemic inequalities funnel students, especially those from marginalized communities, out of the classroom and into the justice system. This pathway disproportionately affects students of color, those with disabilities, youth from low-income households, and LGBTQ+ students, whose behaviors are often criminalized rather than supported.

HOW IT HAPPENS:



Zero-Tolerance Policies



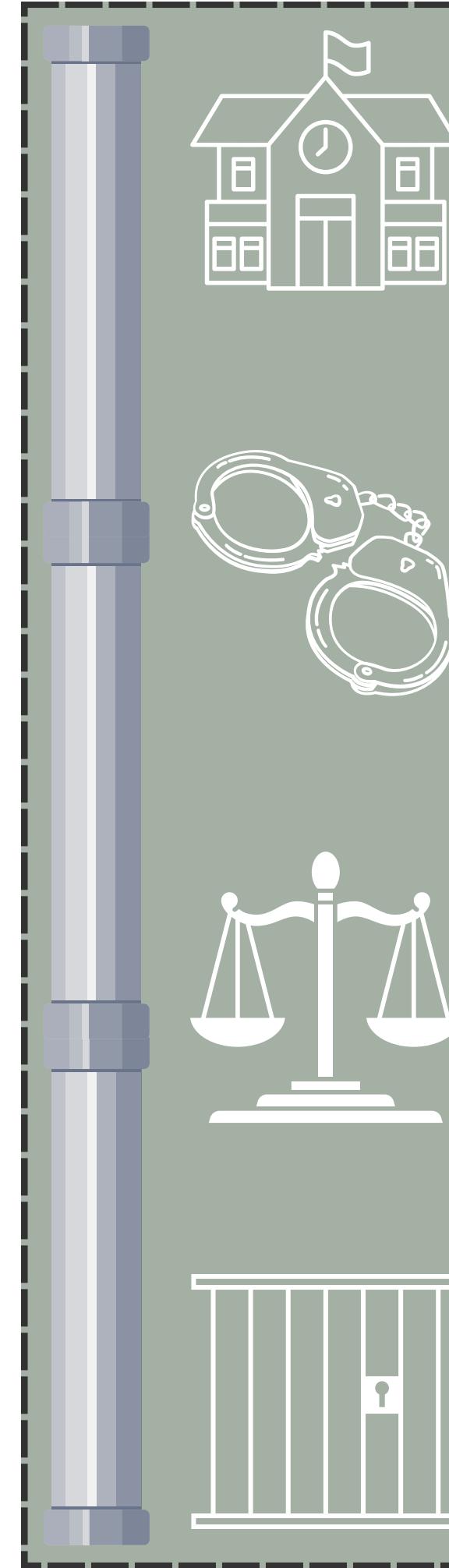
School Resource Officers



Exclusionary Discipline



Academic Failure



It begins in the classroom.

Harsh disciplinary policies, implicit bias, and lack of support services disproportionately impact marginalized students.

Discipline becomes criminalization.

Behaviors that once earned a trip to the principal's office now lead to arrests—especially for students of color, students with disabilities, and LGBTQ+ youth.

Early court involvement.

School-based arrests & referrals to juvenile court disrupt education and set youth on a path toward the justice system.

Education ends.

Incarceration begins.

Students pushed out of school are at higher risk of dropping out and entering the criminal justice system—often permanently.

WHY ARE MARGINALIZED COMMUNITIES DISPROPORTIONATELY AFFECTED?



Systemic Inequities in Discipline

1. Implicit Bias and Subjective Discipline

- Black students, particularly boys, are more likely to be seen as threatening or “older” than their white peers—a phenomenon known as adultification bias.
- Students with disabilities or neurodevelopmental disorders are frequently punished for symptoms (e.g., impulsivity, sensory overload, executive dysfunction) rather than supported with accommodations.

2. Zero-Tolerance Policies and “No Excuses” Models

- These policies disproportionately affect students with disabilities, who may not fully understand the expectations or consequences due to cognitive or communication challenges.
- In schools serving low-income communities, strict discipline models are often implemented under the assumption that control is needed to ensure order — creating rigid, punitive environments.
- LGBTQ+ students, especially transgender and gender-nonconforming youth, may be disciplined for dress code violations, “inappropriate” identity expression, or being involved in conflicts rooted in harassment.

3. School Resource Officers (SROs) and Criminalization of Behavior

- Minor misbehaviors (e.g., verbal outbursts, shoving, defiance) are now criminalized, leading to arrests and court referrals instead of counseling or conflict resolution.
- Students with disabilities may be physically restrained or handcuffed for noncompliance during meltdowns or sensory overload episodes.
- Black students are far more likely than their white peers to be referred to police for the same behavior, contributing to long-term justice involvement.

4. Cultural Mismatch and Lack of Representation

- Cultural norms around communication, conflict, or behavior may be misinterpreted as defiance, leading to escalated responses.
- A lack of culturally responsive training means educators may not recognize or appropriately respond to the social-emotional needs of their students.
- Students may feel unseen, misunderstood, or targeted, further fueling behavioral challenges and mistrust in the school system.

WHY ARE MARGINALIZED COMMUNITIES DISPROPORTIONATELY AFFECTED?

Cycle of Disadvantage

The *cycle of disadvantage* refers to a self-perpetuating pattern of inequality where marginalized students face layered barriers in both educational and societal systems that increase their risk of justice involvement and reduce access to future opportunity.

1. Underfunded Schools in Underserved Communities

Schools located in predominantly Black, Latinx, Indigenous, and low-income neighborhoods often lack the basic resources necessary to support student success, resulting in:

- Larger class sizes and fewer experienced teachers
- Outdated materials and limited extracurricular activities
- Lack of counselors, social workers, and mental health professionals

2. Limited Access to Support Services

Marginalized students are disproportionately under-identified or misdiagnosed for learning and behavioral supports.

- Black and Latinx students are less likely to be diagnosed with autism or ADHD until later in childhood or adolescence, often after behavioral issues arise.
- Students with disabilities may be placed in inappropriate educational settings without the necessary accommodations.

3. Disproportionate Surveillance and Punishment

Implicit bias and systemic racism lead to:

- Over-policing in schools with predominantly marginalized populations
- Higher rates of suspension, expulsion, and school-based arrests for subjective offenses like “disrespect” or “defiance”
- Criminalization of normal adolescent behavior, especially for Black and Indigenous youth

WHAT WE HAVE LEARNED ABOUT FASD

Fetal Alcohol Spectrum Disorders (FASD) are a range of neurodevelopmental conditions caused by prenatal alcohol exposure.

WHY IT MATTERS IN SCHOOLS

Students with FASD are often misunderstood as “defiant” or “disruptive,” leading to punitive rather than supportive responses:

- They may appear capable but struggle with retention and follow-through, prompting harsh discipline.
- Behavioral symptoms are frequently misinterpreted, resulting in exclusionary discipline and police referrals.
- Many are undiagnosed, especially in communities of color or low-income areas, meaning they receive no formal support.

Individuals with FASD often experience:



Impaired memory & executive functioning



Poor impulse control & emotional dysregulation



Difficulty understanding cause-and-effect



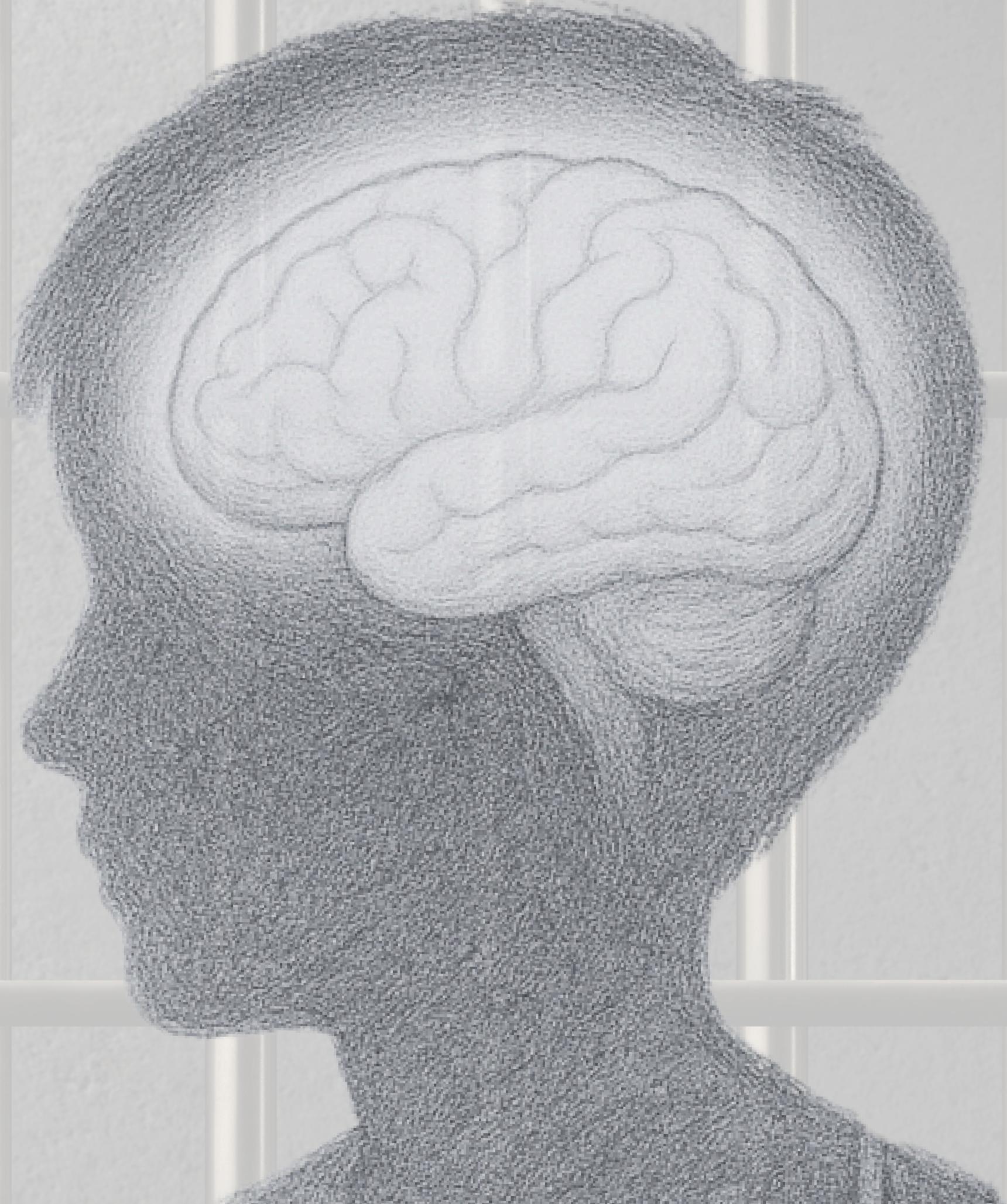
Challenges with social cues & communication

Relevant Statistics

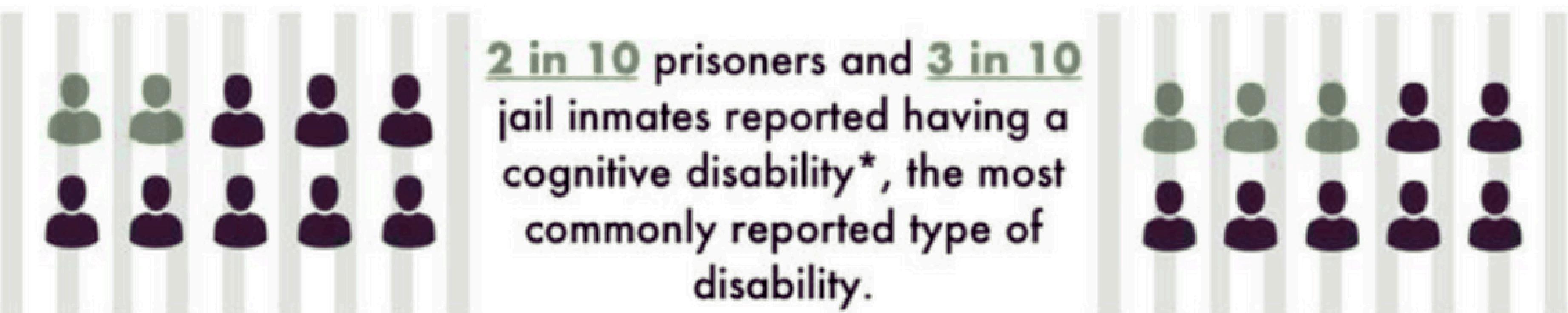
- Approximately **43** to **61%** of youth with FASD face disrupted school experiences, including suspensions, expulsions, or dropouts.
- Up to **60%** of youth with FASD will have contact with the justice system by adulthood.
- An estimated **18.3%** of youth in juvenile detention show signs of FASD.
- Some studies report FASD prevalence as high as **36%** among incarcerated youth.

Popova, S., Lange, S., Shield, K., Burd, L., & Rehm, J. (2019). Prevalence of fetal alcohol spectrum disorder among special subpopulations: a systematic review and meta-analysis. *Addiction*, 114(7), 1150–1172. <https://doi.org/10.1111/add.14598>

THE INTERSECTION OF
FASD
& THE CRIMINAL JUSTICE SYSTEM



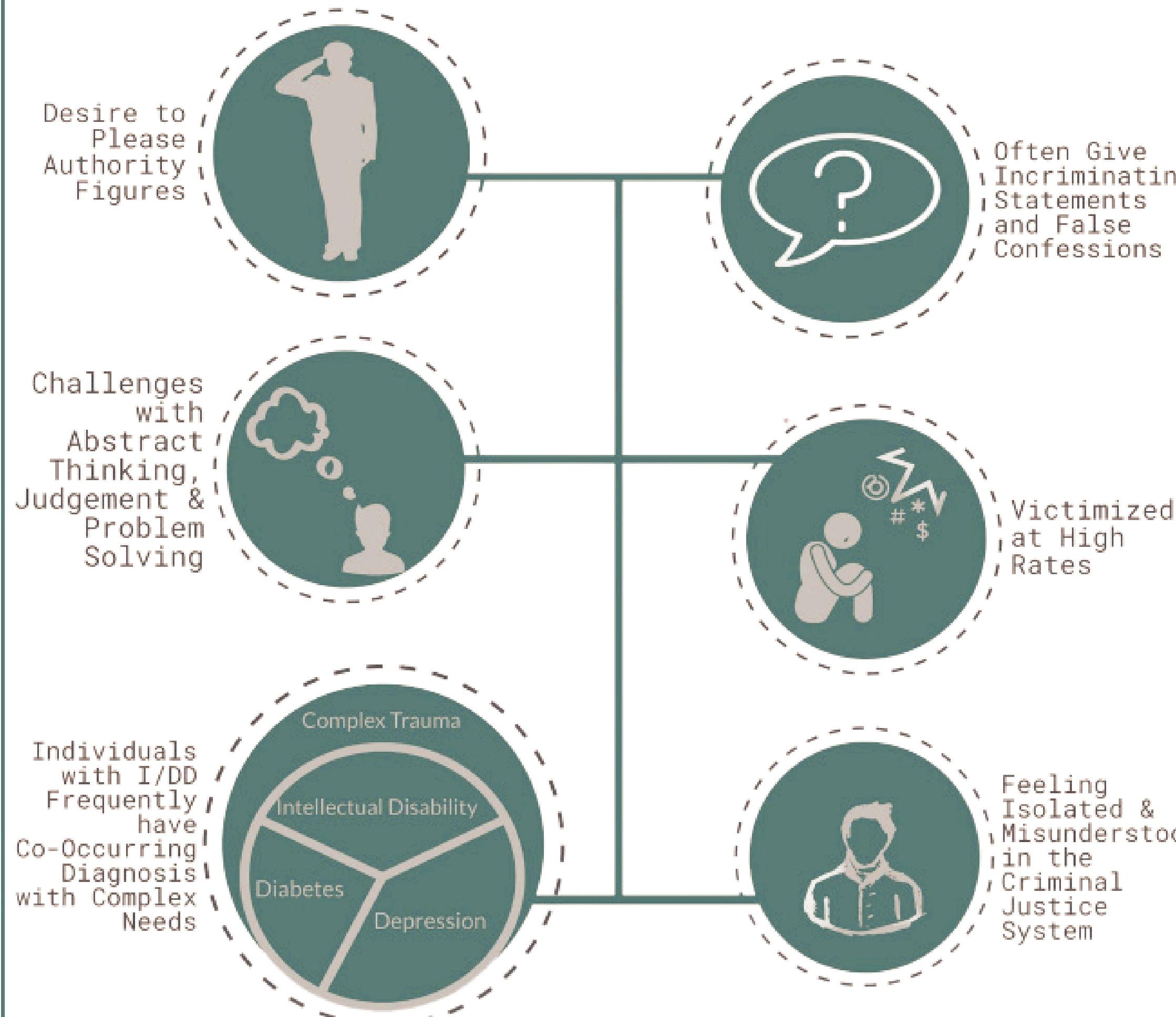
THE SCOPE OF THE PROBLEM



2 in 10 prisoners and 3 in 10 jail inmates reported having a cognitive disability*, the most commonly reported type of disability.

People with disabilities are significantly overrepresented at all stages of the criminal justice system. Compared to 15% of the United States general population, an estimated **40%** of people in state prisons have a intellectual or developmental disability.

Common Challenges Persons with I/DD Experience in the Criminal Justice System



People with Intellectual and Developmental Disabilities (IDD) often face challenges when interacting with law enforcement due to communication and behavioral difficulties.

Key challenges include:

Communication Barriers

Difficulty understanding instructions, expressing themselves clearly, or recognizing social cues

Emotional or Behavioral Responses

Anxiety, stress, or unusual behavior may be misinterpreted as non-compliance

Misunderstanding of the Situation

Difficulty understanding the seriousness or consequences of the situation

Misinterpretation of Behavior

Silence, confusion, or inability to follow commands may be seen as resistance

Vulnerability to Exploitation

IDD individuals are at higher risk of mistreatment or being wrongly accused

Legal Process Challenges

Difficulty understanding legal rights or participating in court proceedings

BREAKING THE CYCLE



What Can We Do to Transform the Systems That Contribute to the School-to-Prison Pipeline?

IMPLEMENTING KEY STRATEGIES FOR CHANGE

NEURODIVERSE-FRIENDLY CLASSROOMS

Incorporating effective, individualized supports such as visual schedules, one-step directions, sensory-friendly spaces, and calm-down areas can help promote regulation and safety.

EARLY IDENTIFICATION AND SCREENING

Early neuropsychological evaluations and school-based supports can help distinguish disability from willful misconduct, preventing mislabeling and punitive responses.

COMMUNITY COLLABORATION

Partnerships between schools, disability advocates, and law enforcement can help ensure student safety and dignity.

POLICY REFORM

Zero-tolerance policies often criminalize behaviors rooted in trauma or neurodivergence. Replacing exclusionary discipline with restorative justice can support positive behavior change.

SPECIALIZED SRO TRAINING

Untrained SROs may misinterpret disability-related behaviors as intentional defiance. Mandatory training in de-escalation strategies and trauma-informed care can help prevent unnecessary escalation.

REAL CHANGE STARTS WHEN WE STOP PUNISHING UNMET NEEDS AND START MEETING THEM WITH UNDERSTANDING.

By identifying early, reforming policy, creating inclusive classrooms, and training those on the frontlines, we can disrupt the school-to-prison pipeline — and build a system where every student has a fair chance to succeed.

FROM AWARENESS TO ACTION

HOW TO TAKE ACTION

- Support organizations that offer resources and training on FASD and other disabilities.
- Engage in community education to raise awareness about FASD and its impact.
- Collaborate across sectors, including education, healthcare, and justice agencies, to create integrated support systems for affected youth.

Together, we can create a more just and supportive environment that recognizes the unique challenges faced by youth with FASD and works proactively to dismantle the school-to-prison pipeline.

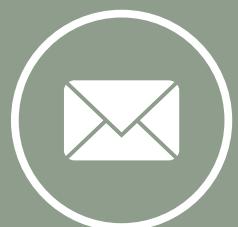


THANK YOU SO MUCH

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