

ADHD in the Canadian Criminal Justice System

Centre For ADHD Awareness

By

Heidi Bernhardt

Nick Sowsun

Higher Prevalence Rates within Correctional Services

- Incident rates of ADHD seen in the correctional population are 5 times that of adults, and ten times that of youth in the general population. (Young et al, 2015)
- Generally accepted prevalence rate of ADHD within jail systems is 26.1%. (Young et al, 2015)
- Canadian study shows a higher rate – 33%. (Young et al, 2015)

Higher rate of Coexisting Mental Health Disorders

- 80%-100% of adults with ADHD also suffer from a coexisting psychiatric disorder. (Scott, 2016)
- Mental disorders are 21.5% more prevalent amongst ADHD inmates than non-ADHD inmates. (Einarrson, 2009)
- 80% rate of Substance abuse and 67% rate of suicidality among ADHD inmates, compared to 52% and 48% for non-ADHD. (Einarrson, 2009)

Self-Regulation Impairment and the path towards Crime

- ADHD symptoms of impulsivity and executive functioning impairment result in self-regulation impairment, which puts individuals with ADHD at a much higher risk of becoming involved with the criminal justice system. (Eme, 2013)
- Individuals with ADHD are commonly more easily frustrated, have more difficulty dealing with that frustration and are more likely to inappropriately express anger when frustrated. (Scott et al, 2016)
- Offences of the ADHD youth tend to be more impulsive and reactive in nature. (Connor, 2012)

Vulnerability Throughout the Justice System Process

- Those with ADHD have difficulty remaining focused and attentive through police questioning, are more likely to respond with “I don’t know” and are more eager to comply with requests to avoid confrontation. (Gudjonsson et al, 2008)
- Those with ADHD are more likely to make false confessions, usually because they want to leave the police station, or are protecting somebody else, or under in the influence of drugs, or unable to cope with police pressure. (Gudjonsson et al, 2008)
- The aggressive behaviour of those with ADHD often leads to a denial of early parole and increased incarceration time making them more costly to deal with. (Young; Thome, 2011)

Underdiagnosed and Undertreated

- Due to limited awareness and appropriate screening services ADHD still remains underdiagnosed and under treated especially in this population – one study found that only 2 out of 30 inmates with symptoms were diagnosed in childhood. (Eme, 2013)
- Even in the non-correctional population, symptoms of ADHD such as mood instability, restlessness and inner tension are often mistaken for comorbid disorders such as depression and anxiety and are inappropriately treated. (Scott et al, 2016)
- Symptoms of impulsivity, hyperactivity, inattention, disorganization and impairments in social skills and time management are often interpreted as laziness, rudeness, defiance or just being ‘bad.’

ADHD Treatment Reduces Substance Abuse and Suicidality

- Scientific evidence establishes that treatment for ADHD reduces substance abuse (Konstenius, 2014)
- Additionally, studies show that treatment for substance abuse and suicidality is much more effective when co-existing ADHD has been treated first. (Connor, 2012)
- Nonetheless, substance use and suicidality are amongst the key elements of Corrections Canada's Mental Health Strategy, however ADHD is not. (Correction Services Canada, 2012)

Treatment Reduces Crime

- Additionally, treatment for individuals with ADHD has been shown to reduce criminal behaviour by 32-41%. (Lichenstein et al, 2012)
- For individuals with ADHD who are already a part of the Criminal Justice System, studies have shown that treatment for ADHD reduces recidivism by 30%. (Ginsberg, 2014)

Socioeconomic Cost of ADHD

- A recent US study estimated the cost to society to be \$2-\$4 billion dollars per year. If we extrapolate the study's finding into Canadian numbers the societal costs would be \$200-400 million dollars per year. (Fletcher, 2009)
- This figure is a measure of the direct cost to victims of crimes and their families, individuals with ADHD and their families, the criminal justice system, the medical system, society and the economy generally.

Benefits of early detection and treatment of ADHD

- We should be assessing and treating youth in corrections as soon as possible, as this may help to prevent the trajectory into adult offending.
- Building awareness of ADHD and implementing screening and assessment procedures within the justice system would increase the chances that those with ADHD could be flagged and receive appropriate treatment.
- This would improve disruptive behaviour and reduce aggression amongst inmates while incarcerated, with the added benefit of reducing additional time on their sentences, (Ginsberg, 2010) and lowering recidivism rates (Ginsberg, 2014)

Newer Treatments are less Abusable

- Traditional concern has always been that medication is highly abusable, susceptible to diversion, creates many problems for Correctional Staff (Burns, 2009)
- A significantly lower abuse potential exists for a growing number of newer long acting stimulant medications which are more difficult to physically and/or biochemically reduce to their base molecules thereby nearly eliminating the likelihood they can be readily abused by way of nasal insufflation or injection (Scott et al, 2016; Bright 2008)
- For instance the pro-drug lisdexamfetamine dimesylate (Vyvanse) requires interaction over time with an enzyme thought to be present in the gut for the dextroamphetamine molecule to be released and can be dissolved in water and consumed in front of staff without decrease in effectiveness

Suggested Actions for officers

- Be knowledgeable of the red flags of ADHD – impulsive behaviour and poor decision making, hyperactivity, difficulty regulating attention and emotions, comorbid depression, anxiety and substance abuse.
- If you observe potential symptoms with a history of offending, impulsive acts or problems at school – consider contacting school or family to encourage a medical assessment.
- Early intervention may prevent trajectory into lifetime offending.

Suggested Actions for Counsel and Courts

- Be knowledgeable of the red flags of ADHD – impulsive behaviour and poor decision making, hyperactivity, difficulty regulating attention and emotions, comorbid depression, anxiety and substance abuse.
- If you observe potential symptoms (above), impulsive acts or problems at school – consider recommending a medical assessment for ADHD by an expert physician.
- If a diagnosis is found, it may be a mitigating factor.
- Treatment is always a better outcome (for all) than just punishment.
- In addition, knowledge of a medical impairment will assist the client, counsel and court to navigate the justice system appropriately.

Suggested Actions for Correctional Systems

- Screen for ADHD and coexisting mental health disorders.
- If screening uncovers symptoms a full psychiatric assessment should occur after one month of incarceration.
- Initiate a behaviour intervention program targeting ADHD symptoms.
- Initiate “best fit” medication therapy for the patient while also considering “best fit” for dispensing, according to the environment.
- Follow up to objectively assess improvement and also assess treatment of co-occurring mental health disorders and document.
- Arrange ongoing medical care after release for continued treatment.

Overall Benefits to Society

- The reduction in criminal behaviour and improved overall rehabilitation of these inmates will increase their and their family's quality of life, reduce costs to the justice system, benefit the communities they return to and Canadian society in general. (Usher et al, 2013)