

Sexual Assault and FASD

Sex is an instinctual and an evolutionary necessity: no sex = no people on earth. Once started there is not much thinking or reflection during the sex actions. Sex can be a difficult topic to approach, but must be faced. These notes are brief and meant to begin a conversation, not meant to be the only way to approach this topic. What follows is only a proposal of suggestions compiled from experts in various fields.

Individuals with FASD are no different from anyone else other than brain cells are missing in key areas. As such they may have difficulty grasping certain unspoken rules and/or controlling impulses. Furthermore, they may not be able to foresee the severe consequences of their immediate actions. The good news is this population is not unreachable. Though it may be difficult work, with a consistent, repetitive, respectful training, they can learn. One method I have used successfully to teach sex and correct sex behaviours to my clients is checklists.

Criminal Code of Canada

Most of the sex assaults I see as a lawyer working with this population are awkwardly unbalanced. Almost all are males 19 to 27, with an intellectual, cognitive, or social age much younger, often about 12 to 15. As such, they have sex with females (or males) in the 12-to-15-year range. People who have FASD get brain tired. The Criminal Code can be confusing. When working with this group simplify key areas to support their level of brain function.

A Possible Beginning

In the film *The King and I* Julie Andrews sings, *Getting to Know You* to her students. In doing so she is describing the first steps before sex, the social process of showing yourself and knowing another. Following her lead I teach my clients only 2 rules of sex - break one of these rules and you go to jail.

Rule 1: Only have sex with someone the same age as you. *Rule number one is not law in Canada.

Rule 2: Only have sex when there is clear *consent*. This is law. **This second rule** means only have sex when each partner says out loud so all involved can hear that they agree to proceed with the action. Keep in mind that consent needs to be sought for every new sexual action, every change of plans, or type and amount of sex action. Those who believe saying these words out loud steals the magic and romance have a fundamental misunderstanding of the function of sex and/or intimacy.

Consent involves a checklist:

You can make your own checklist depending on the client. I am suggesting you start like:

- May I hold your hand?...yes...no
- May I put my arm around you?...yes...no
- May I kiss you ?...yes...no
- May I touch you (name a body part)?...yes...no
- Continuing until the agreed upon action is completed.

Creating this checklist will test your skill for keeping things simple while omitting nothing important.

Brain Training: All sex education training must be punctuated by brain training and here I mean breathing lessons as well as other brain techniques available to you.

- **Breathing** is the key skill. It brings more oxygen to the brain and lowers the heart/lung respiration numbers which reduces panic. Breathing helps us to pause and think. Most crimes are opportunistic, spur of the moment actions resulting in more bad events. This is why when we teach breathing, we teach the brain to pause and reflect. When we teach breathing, we teach a physical skill like dancing, juggling, or using Google. Teaching breathing techniques gives hope and reduces their daily panic.
- **Reflection** stops crime.
- **Repeat:** I have used this breathing, checklist process successfully. Most notably to an inmate before his assessment for a serious sex assault offence. Probation wanted 15 years in jail. After many hours of breathing lessons and a fine pre-sentence report, the judge ordered probation.

One-on-One

Then in a quiet room with no distractions you and the client practise, and practise, over and over like actors reading for a play. Repeat “Repetition with heart many times, and then many times more.

Use brain enabling strategies such as notes on the back of doors, notes in a cell phone, whatever connects with the person you are working with. The **most important** brain strategy to teach is slowing your breathing. Once your breathing is slowed your brain is better able to engage. Debrief after each successful minor social events.

Brief words on the function of sex:

Rather than being an action found only in long term monogamous healthy loving relationships, sex is about the creation and release of sexual energy. **Masturbation** is often a crucial aspect of our client’s sex life.

Some years ago, a friend, now a BC Supreme Court Judge, was arguing a case in Ottawa in front of the Supremes. Briefly there was an interchange between esteemed counsel and the 9 Justices where the concept of masturbation being a possible steam release valve that might reduce sex assault was discussed. Sadly nothing was said about this idea in the judgement. For certain more work here is needed to show experts the obvious! Parents and caregivers as well as probation officers need to be aware. Begin by talking about masturbation.

Sex is one of the 4 instinctual human responses of fight, flight, freeze, and intercourse. These actions are from the reptilian brain, from the reticulating action system. None of this is controversial. We might then learn from experts that the brain finds it difficult, but if not

impossible to separate sex with a partner and sex alone. The goal is the same, the big relax. Those with FASD have lives of frustration and failure. Thus, the attraction to masturbation is obvious.

Teach the rules for masturbation. Use lube. Lock the bathroom/bedroom door. All this teaching can only begin, and the lessons will only stick if you have a relationship with the person so that you can be candid, accurate, self-disclosing and funny.

Self-disclosing can be tricky. Tell yours secrets selectively is the **iron clad rule**. Some years ago, while in Sudbury, an audience member said she did not want to tell, teach, or allow her son access to sex education materials. She was a good person who feared her son would go “overboard” and get excessively sexual, then arrested. She was in tears. So, I walked over, with permission put my arm around her and talked to the group about how I learned about sex in high school and what I could learn by reading a book or two.

I told my audience that “at 57 years old I am finally having great sex because I have learned some important lessons since my BRAIN INJURY accidents when I was 49.” The audience appeared to be was composed of female social workers about my age, all who cheered in agreement. The cheers buoyed the distraught woman. As she looked around several other women said much the same as I did about “finally” learning what was important for them in their sex life. Then women disclosed that they had the same fears for their children and clients. My sense was there is much to learn about sex and there is much ignorance, fear, and lack of information. My disclosure started an avalanche. Many in the room found the session MOST helpful because there was input from many. The woman discovered she was not alone and could find people to talk about how to sex educate her son. Again, it takes a village to raise a child.

Uncontroversial Research from the 1920’s.

You can graph sex. The horizontal axis is time. Research shows most sex is 6-7 minutes long...minutes if you are in France...I am not making this up. Allow 10 minutes because we are Canadians. The vertical axis can be called “intensity of bodily feeling.” Mark it 1 to 10.

The result is the standard orgasm curve: a slow climb to 6 or 7minutes and a steep drop to the horizontal axis at zero intensity some distance along the horizontal time axis. This graph also describes our brains. Once sex is beginning our frontal lobe gives way to the chimpanzee brain, the left/right lobes of the cortex, the dog brain, and finally the reptilian brain located at the brainstem.

In Summary this is a checklist as to how the questions begin:

1. Ascertain the age of all known friends and known associates is the beginning of prevention.
2. Remind individual of his/her age by asking “How old are you?”
3. Add any other question you might have.
4. Teach breathing. Most valuable.

Remember: Breathing and the desired and needed pause can be taught.

Resources:

- “Fetal alcohol and the Rules of Sex,” Papers section; www.davidboulding.com. Specially, refer to the 7 R’s: Relational, Respectful, Repetitive, Relevant, Rhythmic, Rewarding, and Recognizing the Brain. Key words, **Repetition with Heart**.
- Nora Baladerian’s: “THE RULES OF SEX: The social and legal guidelines for those who have never been told.”
- Handmade Love: a Guide for teaching about male masturbation through understanding DVD and video by Dave Hingsburger.
- Alex Comfort’s Joy of Sex
- Dr. David Rueben’s Everything you wanted to know about sex but were afraid to ask