

# Fostering Trauma –Informed Practices in your Courtroom

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# Disclaimer

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Points of views or opinions in this document are those of the author Justice and do not necessarily represent the official position of policies of the U.S Department of Justice, the U.S Department of Health & Human Services, or the Substance Abuse & Mental Health Services Administration (SAMHSA).

- “There is no greater agony than bearing an untold story inside you.”

Maya Angelou  
American Poet  
(1928-2014)

# What's in it for me?

## Being trauma informed...

- Increases safety.
  - Practice universal precautions.
- Promotes recovery and public health.
  - Interrupt coping/survival behavior patterns.
- Reduces recidivism.
  - Prevent deeper end justice involvement.
  - Engage families.
- Acknowledges trauma in “clients” as well as professionals.
- Reduces the burden on individuals, families, & society.



- Part of being trauma-informed means recognizing that some of you in this audience today may be “triggered” or negatively impacted by the material or examples presented. If that happens, please feel free to use any of the coping mechanisms or strategies that work for you (e.g., deep breathing, mindfulness, visualization, etc.)

# SAMHSA's Definition of Trauma

Individual trauma results from an *event*, series of events, or a set of circumstances that is *experienced* by an individual as physically or emotionally harmful or threatening and that has lasting adverse *effects* on the individual's functioning and physical, social, emotional, or spiritual well-being.



# Why Do We Learn About Trauma?

- Develop understanding
- Increase awareness
- Recognize signs
- Learn how to respond
- Improve courtroom interactions
- Create successful outcomes

# What is Vicarious or Secondary Trauma?

- “Cost of caring” – Figley 1982
- “Compassion fatigue” – Perlman & Saakvitne, 1995
- “Sick with listening” – Rossner, 2017
- “Emotional residue” of exposure to traumatic stories & experiences of others through work (ACA, 2016)
- “Secondary traumatization” – ACA, 2016
- “Trauma & stressor-related disorders” – DSM-6





# Definitions

- **Burnout**: physical and emotional exhaustion that workers can experience when they have low job satisfaction, perceived demands are greater than perceived resources, gap between expectations and outcomes
- **Compassion Fatigue (CF)**: the cumulative physical, emotional, and psychological effect of exposure to traumatic stories when working in a helping capacity
- **Vicarious Trauma (VT)**: profound shift in world view that occurs in helping professionals when they work with clients who have experienced trauma

# Trauma Is...

A psychological response to:

- Events that are physically or emotionally harmful
- Experiences that have negative long-term effects on an individual's physical and mental well-being

Causes feelings of constant powerlessness, fear, hopelessness, and hypervigilance.

# Trauma Is...

- Impact is pervasive
- It shapes the world view of the participant
- Individualized experiences
- Many cope or heal while others get stuck

# Impact of Trauma

- Short-term effects of trauma can include substance abuse, interpersonal violence, gambling, and other risky behavior
- Long-term effects can include arrest, incarceration, and recidivism

# Physical Health & Trauma

- ACE studies\* demonstrate that childhood trauma significantly increases the risk of:
  - Cigarette smoking<sup>1</sup>
  - Suicidal behavior<sup>1,2</sup>
  - Difficulty controlling anger<sup>3</sup>
  - Memory impairment<sup>4</sup>
  - Sexuality issues<sup>3</sup>
  - Heart disease<sup>5</sup>
  - Headaches<sup>6</sup>
  - Adolescent pregnancy<sup>7</sup>
  - Obesity<sup>3</sup>
  - Lung disease<sup>8</sup>
  - Cancer<sup>5,8</sup>
  - Premature death<sup>9</sup>

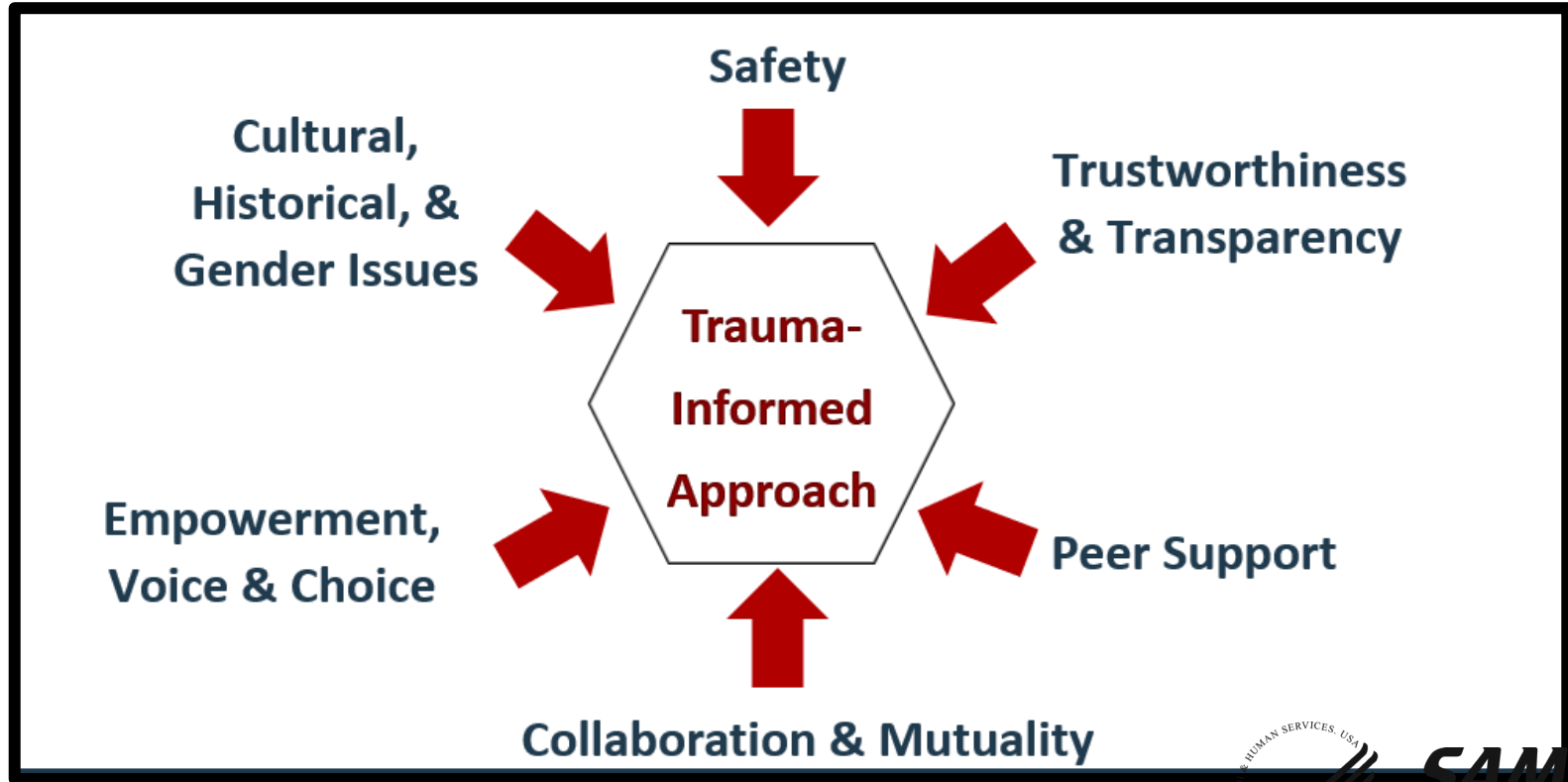


# Substance Use/Mental Health & Trauma

- Suicidality<sup>1</sup>
- Alcohol misuse<sup>2,3</sup>
- Witnessing/perpetrating IPV<sup>2,4,5</sup>
- Lower scores on MH measures<sup>6</sup>
- Depression<sup>1</sup>
- Co-occurring disorder<sup>2</sup>
- Psychotropic med prescriptions<sup>7</sup>
- Anxiety<sup>2</sup>
- Hallucinations<sup>8</sup>
- Antisocial personality disorder<sup>9</sup>
- Substance Use Disorder<sup>1,3</sup>



# Principles of a Trauma-Informed Approach



# Goal: Trauma-Informed Responses

- Be aware of possible “triggers”-smells, sounds, or sensations-that provoke memories of past traumatic experiences
- Responses may be more effective if they :
  - Are specific to the individual’s gender
  - Integrate trauma-specific treatment with mental health and substance abuse treatments
  - Utilize group environments to build trust and enhance healing



# SAMHSA's Trauma-informed Approach

1. Realize the prevalence of trauma & why a trauma-informed approach is important.
2. Recognize how trauma affects all individuals in an organization, program, system, & workforce.
3. Respond effectively & with compassion.
4. Resist re-traumatization.



# What is Trauma-Informed Practice?

- Incorporate an understanding of trauma into your routine work practice.
  - ✓ What is trauma? What is vicarious or secondary trauma?
- Assure your clients/defendants/families have access to trauma-informed interventions.
  - ✓ What evidence-based trauma services exist in your community?
- Focus on how services are delivered by partner organizations.
  - ✓ Are my partner agencies trauma-informed?



# Incorporating Trauma-Informed Practices into Your Court

- Identifying trauma
- Adjusting the relationships among parties
  - Respect, Information, Safety, Choice (RISC)
- Adapting legal strategies
  - Authority is not based on power, it's based on trust
- Preventing vicarious trauma
  - Workplace culture – expectations, caseload, etc.



# Trauma-Informed Judicial Practices

- Trauma-informed judicial interactions begin with **dignity** and **respect**
- Effective communication is essential and takes into account the perception of the trauma survivor
- Express concern and give positive feedback, rather than use negative or punitive language
- The courtroom environment can be intimidating- make sure that participant is not re-traumatized

# Traumatic Events

- Physical abuse
- Loss
- Combat or victim of war
- Community trauma
- Sexual abuse

# Traumatic Events

- Domestic violence
- Witness violence or other traumatic event
- Historical trauma
- Terrorism
- Natural disaster
- Betrayal of trust by a person or institution

# Courtroom Communication

PROFESSIONAL'S COMMENT	CLIENT'S PERCEPTION	TRAUMA-INFORMED ALTERNATIVE
"Your drug screen is dirty."	"I'm dirty. There is something wrong with me."	"Your drug screen shows the presence of drugs."
"Did you take your meds today?"	"I'm a failure. I'm a bad person. No one cares how the meds make me feel."	"Are the meds your doctor prescribed working well for you?"
"You didn't follow the contract, you're going to jail. We're done with you. There is nothing more we can do."	"I'm hopeless. Why should I care?"	"Maybe what we've been doing isn't the best way for us to support you. I'm going to ask you not to give up. We're not giving up on you."
"I'm sending you for a mental health evaluation."	"I must be crazy. There is something wrong with me."	"I'd like to refer you to a doctor who can help us better understand how to support you."

# Seeking Safety/ Trauma Approaches

1. How have traumas that you have experienced been triggers for you?
2. Do you have problems dealing with stress? What helps?
3. What things can you do to deal with feelings that your trauma brings up?

Judicial Bench Card

NADCP/ NDCI/NCDC/Justice for Vets



# Guidelines for Implementing a Trauma-Informed Approach

- Governance & Leadership
- Policy
- Physical Environment
- Engagement & Involvement
- Cross-sector Collaboration



# Guidelines for Implementing a Trauma-Informed Approach

- Screening, Assessment, & Treatment Services
- Training & Workforce Development
- Progress Monitoring & Quality Assurance
- Financing
- Evaluation



- What Does it Mean to Provide Leadership on the Subject of Trauma-Informed Courts?
  - Be the champion for a trauma-informed approach.
  - Support and invest in implementing a trauma-informed approach.
  - Identify a point of responsibility for the work.
  - Include peers/persons with lived experience.



# Are Your Policies and Practices Trauma-Informed?

- Analyze your policies to determine if they are trauma-informed.
- Develop written policies and procedures that establish a trauma-informed approach as essential to your court/community.
- A trauma-informed approach must be “hard wired” into policies, procedures, and practices of your court/community.



# Trauma-Informed Environment

Is Your Courtroom and Court-Related Environment Sensitive to Trauma?



# Courtroom Environment

<b>PHYSICAL ENVIRONMENT</b>	<b>REACTION OF TRAUMA SURVIVOR</b>	<b>TRAUMA-INFORMED APPROACH?</b>
A court officer jingles handcuffs while standing behind a defendant.	Anxiety; inability to pay attention to what the judge is saying; fear.	
Multiple signs tells defendants (and others) what not to do.	Feeling intimidated; lack of respect; untrustworthy; treated like a child	
The judge sits behind a bench, often elevated, defendant is at a table some distance away.	Fear of authority; inability to communicate clearly, especially if perpetrator/abuser in courtroom.	



- How Do you Engage and Involve Others to Foster Trauma-Informed Practices?
  - Include people in recovery, people receiving services, family members, and trauma survivors.
  - Program design, implementation, service delivery, quality assurance, cultural competence, access to peer support, workforce development, and evaluation.

# Recommendations to Stakeholders in Drug Courts

1. Communicate & demonstrate that well-being is a priority.
2. Convene a state task force on well-being in treatment courtrooms.
3. Ensure the treatment court professionals have access to well-being resources & programming.
4. Ensure adequate insurance, leave policies, & retirement benefits.
5. Authorize caseload and staffing studies.





# Incorporating Screening, Assessment, & Treatment

- How and Why Do You Incorporate Trauma Screening, Assessment, and Treatment?
  - Integrated screening and assessment is gold standard.
  - High base rates for Mentally Disordered Offenders (MDO), Substance Use Disorder (SUD), and trauma leads to universal screening.
  - Tools are administered at earliest point possible in the criminal justice system.
  - Ongoing assessment at different stages as risk, needs, and level of supervision may change.
  - Consistent measures across justice system are helpful.
  - Screening and assessment results and information should be communicated across the criminal justice system.

# Recommended Screening Instruments

Mental Disorders	Substance Use Disorders	Co-occurring Disorders	Trauma Hx & PTSD	Suicide Risk
<b>BJMHS*</b> Brief Jail Mental Health Screen -OR-	<b>TCUDS-V*</b> Texas Christian Univ Drug Screen-V -OR-	<b>MINI-Screen</b> Internat'l Neuropsych Interview-Screen -OR-	<b>THS*</b> Trauma History Screen -OR- <b>LCS-R*</b> Life Stressor-Checklist -OR- <b>LEC-5*</b> Life Events Checklist for DSM-5 -AND-	<b>BSS</b> Beck Scale for Suicide Ideation -OR- <b>INQ</b> Interpersonal Needs Questionnaire & <b>ACSS*</b> Acquired Capability Suicide Scale
<b>CMHS-F/CMHS-M</b> Correctional Mental Health Screen  -OR-	<b>SSI*</b> Simple Screening Instrument  -OR-	<b>BJMHS* &amp; TCUDS-V*</b>  -OR-		
<b>MHSF-III</b> Mental Health Screening Form-III	<b>ASSIST</b> Alcohol, Smoking, & Substance Involvement Screening Test	<b>CMHS-F/M &amp; TCUDS-V*</b>	<b>PCL-5*</b> Posttraumatic Stress Disorder Checklist for DSM-5	<b>ASIQ</b> Adult Suicidal Ideation Questionnaire

# Life Events Checklist – LEC-5

- 17 potentially traumatic events (examples):
  - Natural disaster
  - Explosion or fire
  - Serious accident
  - Assault with a weapon
  - Sexual assault
- Indicate if: happened to me, witnessed it, learned it happened to family member or close friend, or part of job.



# Trauma History Screen – THS

- 14 events that happened to you (examples):
  - A really bad car, boat, train, or airplane accident
  - Attack with a knife, gun, or weapon
  - Sudden death of a close family member or friend
  - Seeing someone die suddenly or get badly hurt or killed
- Did any of these things bother you emotionally?
- If yes, further questions that elaborate on those events.



# Post-traumatic Checklist – PCL-5

- 5 questions about the worst event that’s ever happened to you:
  - How long ago?
  - Did it involve actual threatened death, serious injury, or sexual violence?
- 20 items that ask about how that worst event bothered you in the last month by:
  - Repeated, disturbing, and unwanted memories of the stressful experience?
  - Feeling distant or cut off from other people?
  - Being “super alert” or watchful or on guard?



# Trauma-Specific Treatments

- Seeking Safety
- TF-CBT – Trauma-focused Cognitive Behavioral Therapy
- TARGET – Trauma-affect Regulation: Guide for Education and Therapy
- CPT for PTSD – Cognitive Processing Therapy for PTSD
- MISSION – Maintaining Independent and Sobriety through Systems Integration, Outreach, and Networking
- Helping Women/Men Recovery and Beyond Trauma
- EMDR – Eye Movement Desensitization and Reprocessing

# Your Entire Workforce Needs to be Trauma-Informed

- On-going training on trauma and peer support are essential.
- Human Resources (HR) systems should incorporate trauma-informed principles into hiring, supervision, staff evaluation; procedures are in place to support staff with trauma histories and/or experiencing secondary stress or vicarious trauma.



# How Do You Know If You Are Trauma-Informed?

- Use of ongoing assessment, tracking, and monitoring of trauma-informed principles and effective use of evidence-based trauma specific screening, assessments, and treatment.
- Financing structures that support a trauma-informed approach including training, support, facilities, peer support, provision of recommended screening/assessment/treatment, and cross-system collaborations.
- Evaluation of service and program implementation is conducted.





# Courtroom Procedures

<b>COURTROOM EXPERIENCE</b>	<b>REACTION OF TRAUMA SURVIVOR</b>	<b>TRAUMA-INFORMED APPROACH?</b>
A court officer handcuffs a defendant, without warning, to remand him/her to jail for not meeting court requirements.	Anxiety about being restrained; fear about what is going to happen.	
A judge remands one individual to jail but not another when they both have a positive drug screen.	Concern about fairness; feeling that someone else is getting special treatment.	
A judge conducts a sidebar with attorneys.	Suspicion; betrayal; anxiety	



# Recovery

- A process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential
- Depends on the empowerment of the individual and the creation of healthy

# Resilience

- Recovering from trauma requires **resiliency**
- The 10 Factors of Resilience as identified by Dr. Southwick & Dr. Charney
  1. Optimism- maintaining a positive attitude while being aware of the challenges you face
  2. Flexibility
  3. Core value system- staying true to strong personal morals and beliefs

Southwick & Charney; Resilience: The Science of Mastering Life's Greatest Challenges (New York: Cambridge University Press: 2012 1<sup>st</sup> Ed, 2018 2<sup>nd</sup> Ed)

- The 10 Factors of Resiliency (cont.)
  4. Faith- both dependant and independent of religion
  5. Positive role models
  6. Social support- a safety net for support and communication

(Southwick & Charney)

- The 10 Factors of Resiliency (cont.):
  7. Physical fitness
  8. Cognitive strength
  9. Facing fears- fear is normal and can be used as a guide in overcoming life's challenges
  10. Finding meaning in struggles

(Southwick & Charney)

## In Conclusion

“I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.”

Maya Angelou  
American Poet  
(1925-2014)

# Questions?

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# Links and Resources for Download



## TRAUMA-INFORMED COURTHOUSES: PROVIDING A RESTORATIVE HUMAN EXPERIENCE WITHIN THE JUSTICE SYSTEM

<https://www.prainc.com/trauma-informed-courthouses-human-experience/>

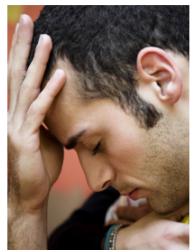


### Tips for Survivors of a Disaster or Other Traumatic Event COPING WITH RETRAUMATIZATION

**Introduction**

According to National Comorbidity Survey data, more than half of men and women had experienced one or more traumas over the course of their lives, with experience of a natural disaster the second most common trauma type (Kessler et al., 1998). For some, traumatic stress reactions to a new event can feel as intense as they were when the original event occurred. This is known as retraumatization. Retraumatization is reliving stress reactions experienced as a result of a traumatic event when faced with a new, similar incident. However, as the result of the passing of time many people do not realize the stress they are experiencing is related to an earlier trauma in their lives. A current experience is subconsciously associated with the original trauma, reawakening memories and reactions, which can be distressing. This type of reaction is common and survivors should realize there are steps that can be taken to manage or relieve symptoms.

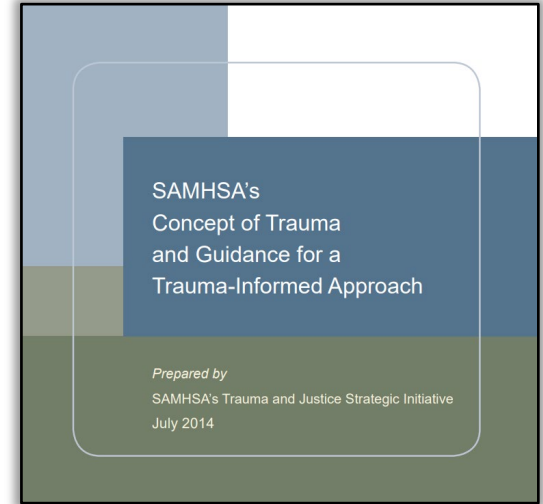
This tip sheet covers signs and symptoms of retraumatization, as well as how to know if you may benefit from more help and guidance on how to manage it. The tip sheet also lists resources for support and identifies ways you can build resilience, which is your ability to tap into your skills and access the resources around you when you are going through stressful experiences.



Most survivors of a disaster or other traumatic event are able to work through their traumatic experiences, return to their regular activities, and enjoy their lives. Some people, however, experience retraumatization and could benefit from recognizing trauma symptoms, learning how to manage them, and seeking additional help as needed. If you are experiencing retraumatization and need additional help, try using some of the recommendations noted in this tip sheet, or see the Helpful Resources section of this tip sheet for information about locating a trauma-informed professional.

1-877-SAMHSA-7 (1-877-726-4272) | info@samhsa.hhs.gov | <https://store.samhsa.gov>

<https://store.samhsa.gov/product/Tips-for-Survivors-of-a-Disaster-or-Other-Traumatic-Event-/sma17-5047>



## SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach

Prepared by  
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[https://ncsacw.samhsa.gov/user/files/files/SAMHSA\\_Trauma.pdf](https://ncsacw.samhsa.gov/user/files/files/SAMHSA_Trauma.pdf)



**SAMHSA**  
Substance Abuse and Mental Health  
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