

Fostering Trauma-Informed Practices in Your Courtroom

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The Importance of a Trauma-Informed Approach

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Why is Trauma a Focus Across Many Systems?

- Science
 - Adolescent brain development
 - Observable impact of trauma on adults
- Money
 - Costs to many systems – justice, medical, behavioral health
- Politics
 - “Raise the age”
 - Trauma experiences in other populations (e.g. soldiers)

What's in it for me?

Being trauma informed...

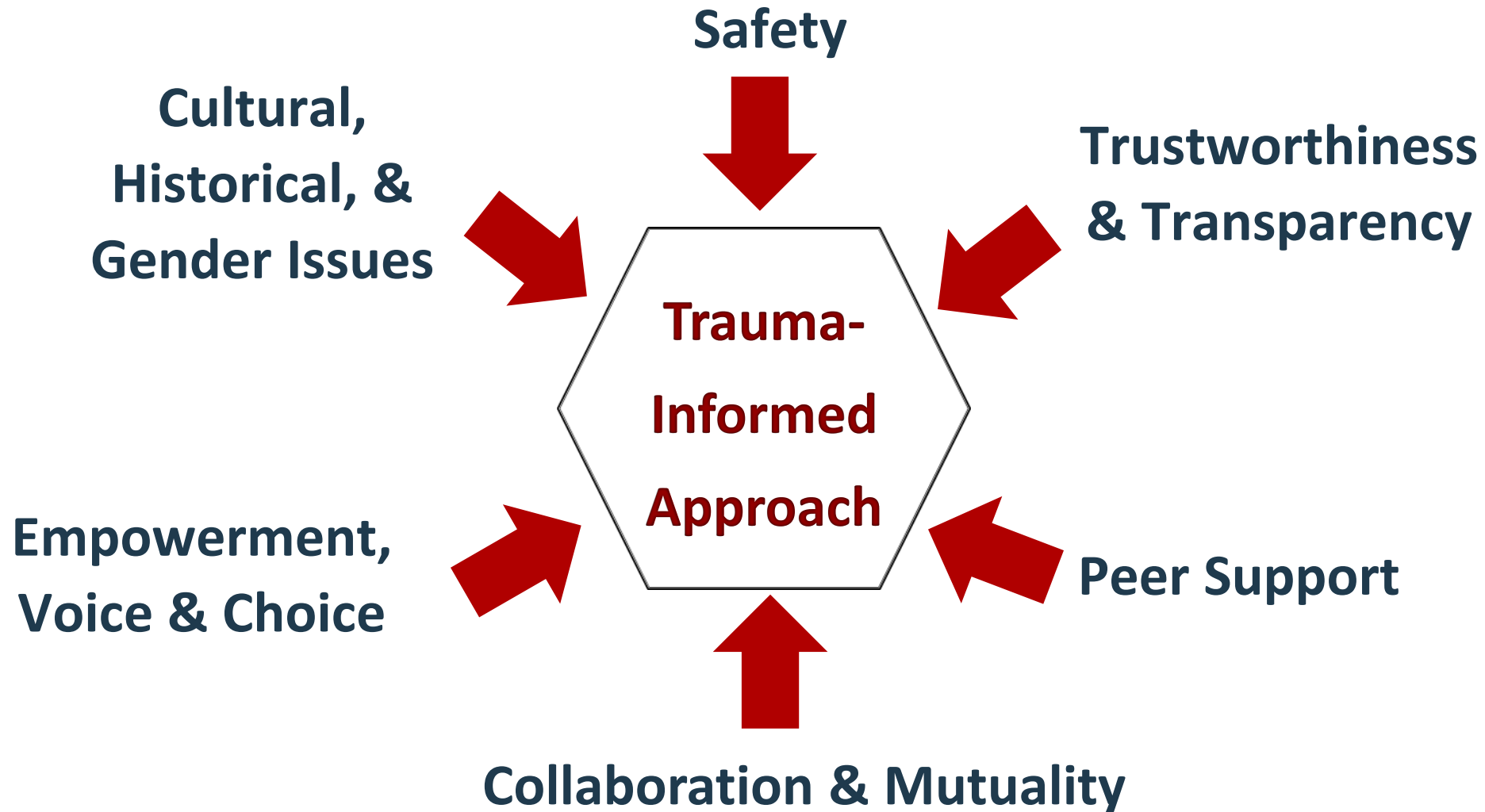
- Increases safety.
 - Practice universal precautions.
- Promotes recovery and public health.
 - Interrupt coping/survival behavior patterns.
- Reduces recidivism.
 - Prevent deeper end justice involvement.
 - Engage families.
- Acknowledges trauma in “clients” as well as professionals.
- Reduces the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



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.

Principles of a Trauma-Informed Approach



Physical Health & Trauma

ACE studies* demonstrate that childhood trauma significantly increases the risk of:

- Cigarette smoking¹
- Suicidal behavior^{1,2}
- Difficulty controlling anger³
- Memory impairment⁴
- Sexuality issues³
- Heart disease⁵
- Headaches⁶
- Adolescent pregnancy⁷
- Obesity³
- Lung disease⁸
- Cancer^{5,8}
- Premature death⁹

¹ Felitti et al., 1998 ² Thompson et al., 2018 ³ Anda et al., 2006 ⁴ Edwards et al., 2001 ⁵ Hughes et al., 2017 ⁶ Anda et al., 2010 ⁷ Hills et al., 2010 ⁸ Brown et al., 2010 ⁹ Brown et al., 2009

Substance Use/Mental Health & Trauma

- Suicidality¹
- Alcohol misuse^{2,3}
- Witnessing/perpetrating IPV^{2,4,5}
- Lower scores on MH measures⁶
- Depression¹
- Co-occurring disorder²
- Psychotropic med prescriptions⁷
- Anxiety²
- Hallucinations⁸
- Antisocial personality disorder⁹
- Substance Use Disorder^{1,3}

¹ Felitti et al., 1998 ² Anda et al., 2006 ³ Hughes et al., 2017 ⁴ Dube et al., 2002 ⁵ Whitfield et al., 2003 ⁶ Edwards et al., 2003 ⁷ Anda et al., 2007 ⁸ Whitfield et al., 2003 ⁹ DeLisi et al., 2019

Implementing a Trauma-Informed Approach In Your Court

Hon. Marcia Hirsch
Presiding Judge
Queens Treatment Courts



Incorporating Trauma-Informed Legal Practice 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.

Courtroom Communication

JUDGE'S COMMENT	PERCEPTION	TRAUMA-INFORMED
"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."

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.



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



Courtroom Environment

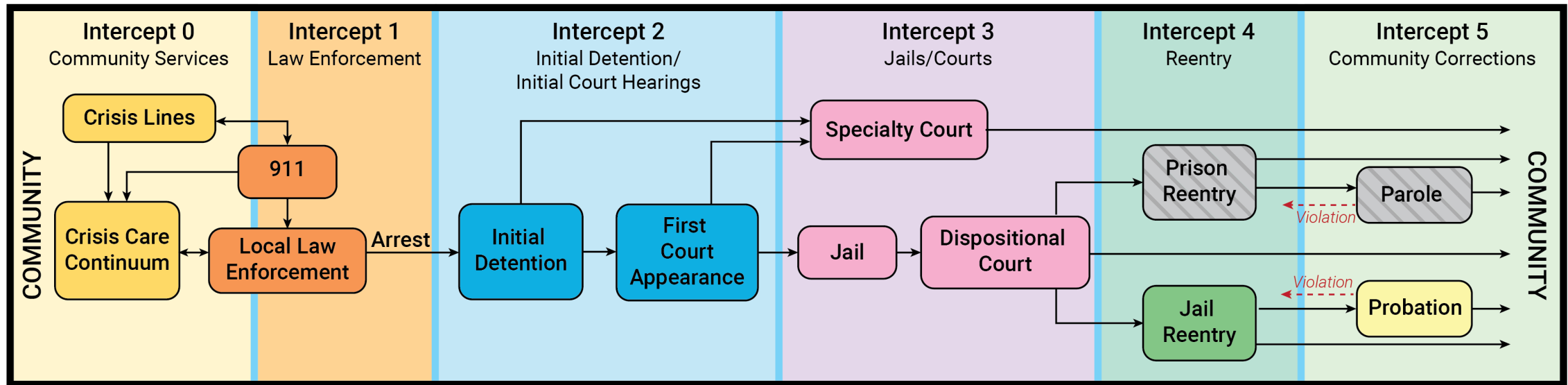
PHYSICAL ENVIRONMENT	REACTION OF TRAUMA SURVIVOR	TRAUMA-INFORMED APPROACH?
A court officer jingles handcuffs while standing behind a defendant.	Anxiety; inability to pay attention to what the judge is saying; fear.	
Multiple signs tells defendants (and others) what not to do.	Feeling intimidated; lack 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.



Can You Do This Alone?



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Trauma Screening and Assessment

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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.
- Conducted at earliest point possible in the criminal justice system.
- Ongoing assessment at different stages as risk, needs, and level of supervision may change.
- Use consistent measures across justice system.
- Communicate screening and assessment results and information across the criminal justice system.

Recommended Screening Instruments

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

* Available free of charge

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 “superalert” 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) system incorporates 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?

- Ongoing assessment, tracking, and monitoring of trauma-informed principles and effective use of evidence-based trauma specific screening, assessments, and treatment.
- Financing structures 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.

Courtroom Procedures

COURTROOM EXPERIENCE	REACTION OF TRAUMA SURVIVOR	TRAUMA-INFORMED APPROACH?
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	

Thank You



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