

# BECOMING A TRAUMA INFORMED COURT

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# What Do We Mean by Trauma?

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

SAMSHA, 2014

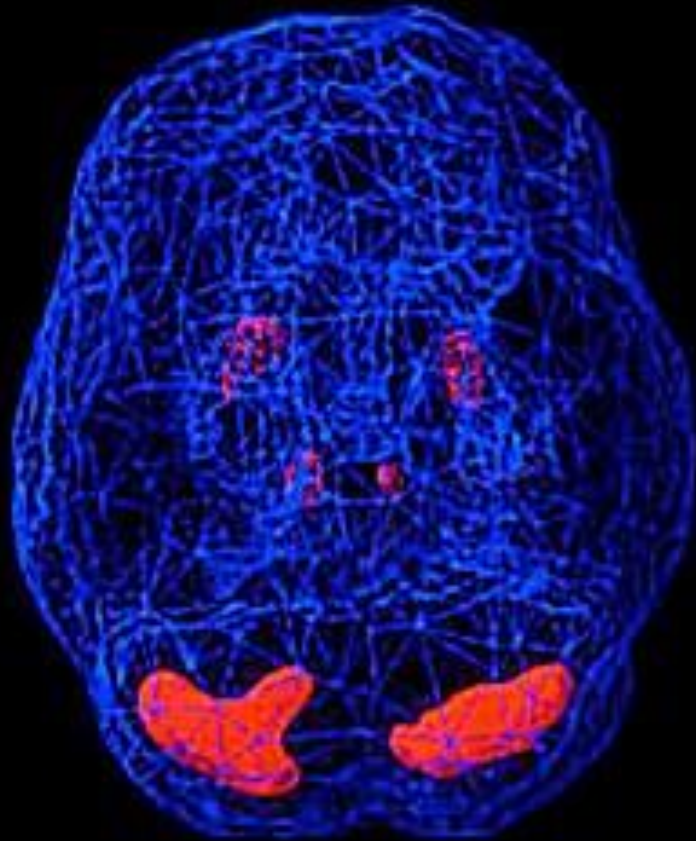
# Many Types of Trauma

- ▶ Combat and war-zone trauma
- ▶ Rape
- ▶ Child physical abuse
- ▶ Child sexual abuse
- ▶ Domestic violence
- ▶ School violence
- ▶ Environmental trauma
- ▶ Forced displacement
- ▶ Torture
- ▶ Being held hostage
- ▶ Genocide
- ▶ Cultural trauma
- ▶ Accidents
- ▶ Natural disasters
- ▶ Fires
- ▶ Historical trauma

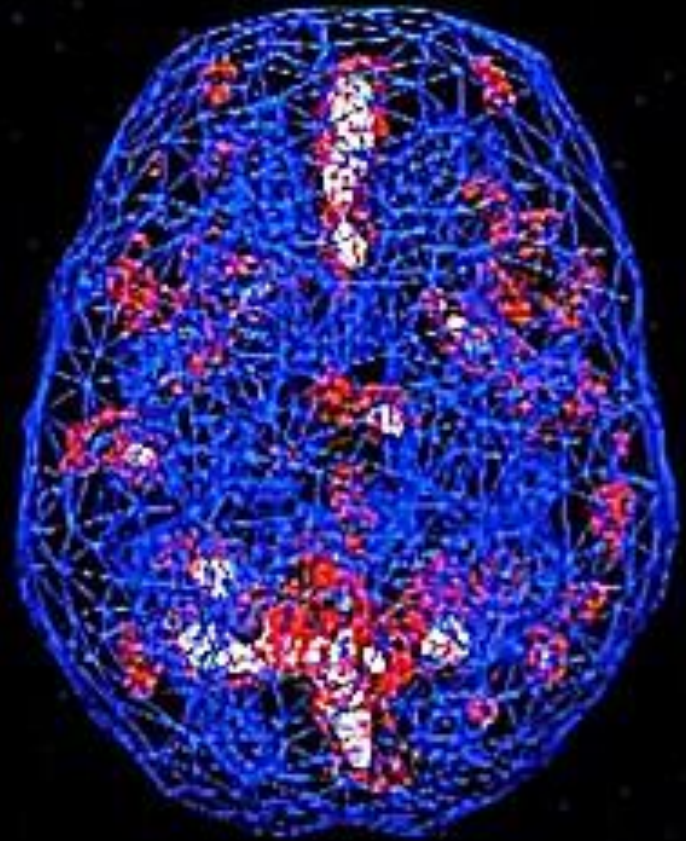
# Why Should You Care about Trauma?

The experience of trauma among people with substance use disorders and mental health disorders, especially those involved with the justice system, is so high as to be considered *an almost universal experience*.

SAMHSA, 2013

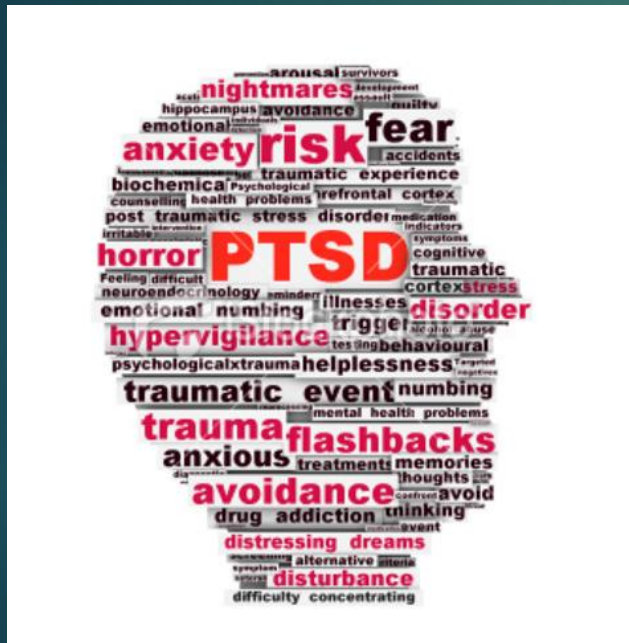


**Non-traumatized**



**PTSD**

# Post-Traumatic Stress Disorder in DSM 5



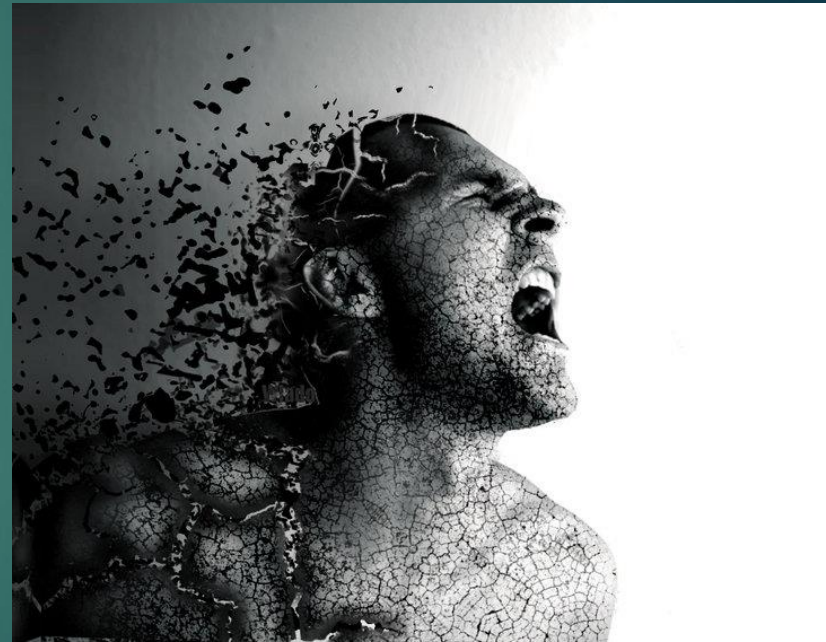
PTSD is characterized by:

- ▶ Exposure to a severe life-threatening event
- ▶ Repetitive re-experiencing of the event
- ▶ Avoidance of stimuli associated with trauma
- ▶ Negative moods and cognitions
- ▶ Increased arousal



# Complex PTSD Is Much More Than “Simple” PTSD

- ▶ Loss of a coherent sense of self
- ▶ Problems in self-regulation
- ▶ Tendency to be re-victimized
- ▶ Other mental health disorders
- ▶ Substance use disorders
- ▶ Health problems
- ▶ Relationship problems
- ▶ Changes in systems of belief and meaning



# ACES – WHAT ARE THEY

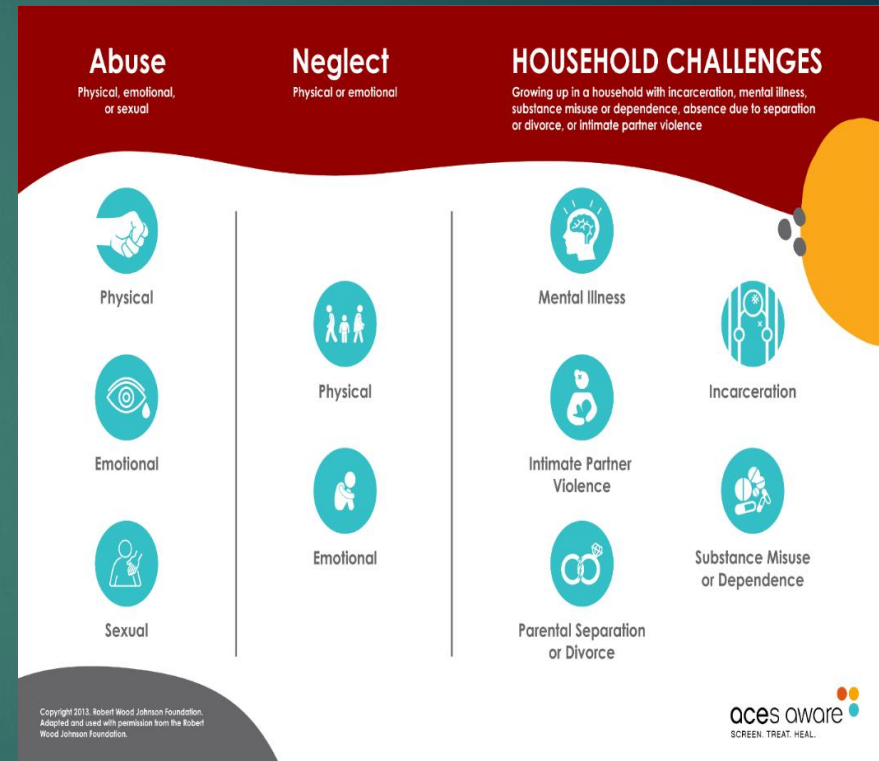
- ▶ Adverse Childhood Experiences
- ▶ Traumatic events that occur before age 18
- ▶ Includes physical, sexual and emotional abuse
- ▶ The more ACEs a child experiences, the more likely to suffer from certain diseases, poor academic achievement, substance use
- ▶ Activates stress response system
- ▶ Causes wear and tear on body and brain





# SCREENING

- ▶ Physical Abuse
- ▶ Verbal Abuse
- ▶ Sexual Abuse
- ▶ Emotional Neglect
- ▶ Physical Neglect
- ▶ Parent with:
  - Substance Use Disorder
  - Mental Illness
- ▶ Intimate Partner Violence
- ▶ Family Member in Prison
- ▶ Parent or Parents with Depression
- ▶ Divorce





Mechanism by which Adverse Childhood Experiences  
Influence Health and Well-being Throughout the Lifespan

**The ACE Pyramid represents the conceptual framework for the ACE Study. The ACE Study has uncovered how ACEs are strongly related to development of risk factors for disease, and well-being throughout the life course.**

## How Common are ACES?

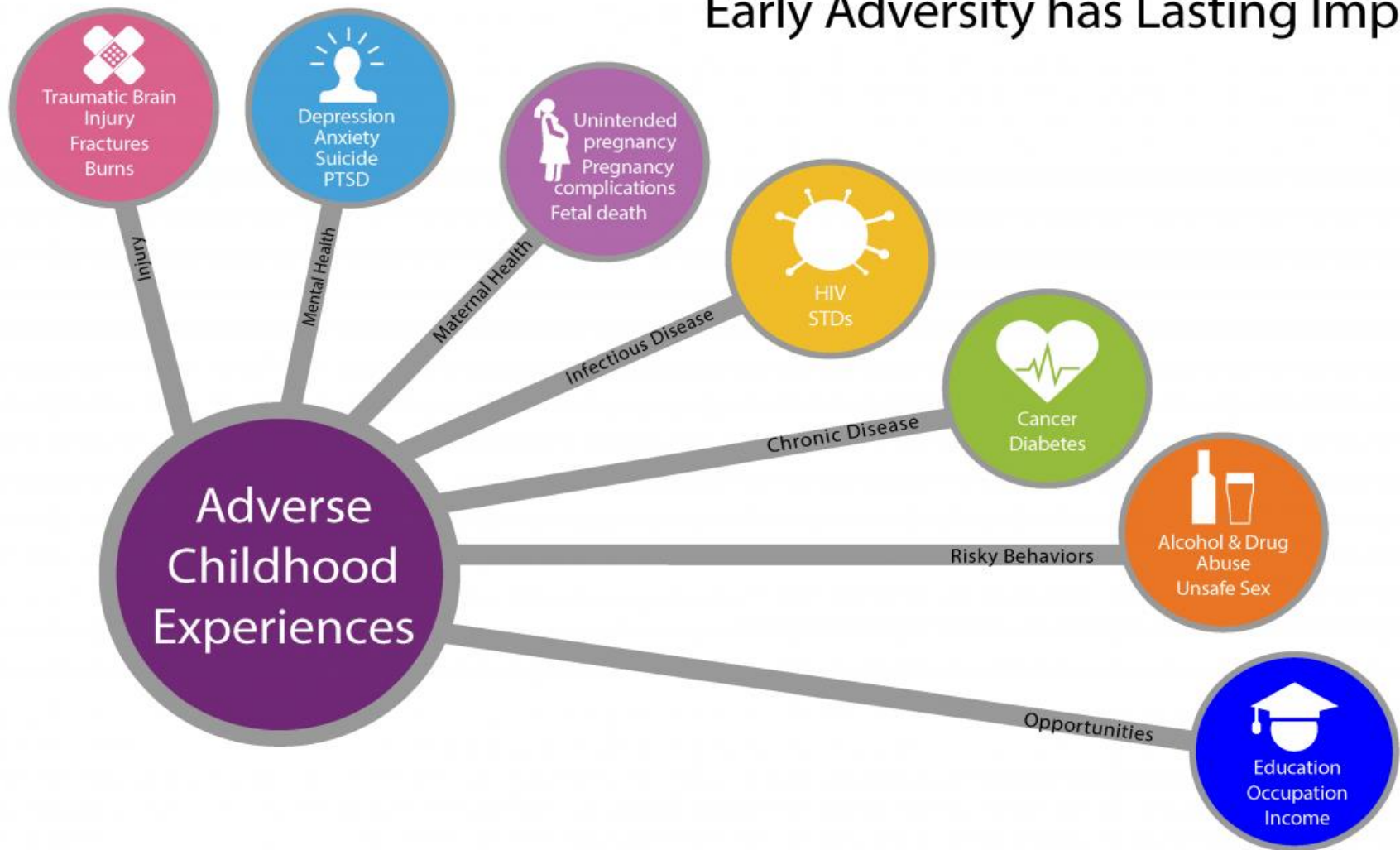
ACE Study



**ACE Score Prevalence for CDC-Kaiser ACE Study Participants, Waves 1 and 2.**



# Early Adversity has Lasting Impacts



# Traumatized Brain

- ▶ <https://www.youtube.com/watch?v=xYBUY1kZpf8>



**4x**



more likely to be a  
high risk drinker

**11x**



more likely to have  
smoked cannabis

**14x**



more likely to have  
been a victim of  
violence\*

**15x**



more likely to have  
committed violence  
against a person\*

**16x**



more likely to have  
used crack cocaine  
or heroin

**20x**



more likely to have  
been incarcerated  
at any point in their  
lifetime.

\*In the past 12 months

# How Does Your Brain Work?

BLUE	RED	YELLOW	ORANGE
GREEN	BLUE	PURPLE	RED
PURPLE	YELLOW	RED	BLUE
ORANGE	BLUE	YELLOW	RED
RED	GREEN	ORANGE	BLUE
PURPLE	YELLOW	BLUE	ORANGE

BLUE

RED

YELLOW

ORANGE

GREEN

BLUE

PURPLE

RED

PURPLE

YELLOW

RED

BLUE

ORANGE

BLUE

YELLOW

RED

RED

GREEN

ORANGE

BLUE

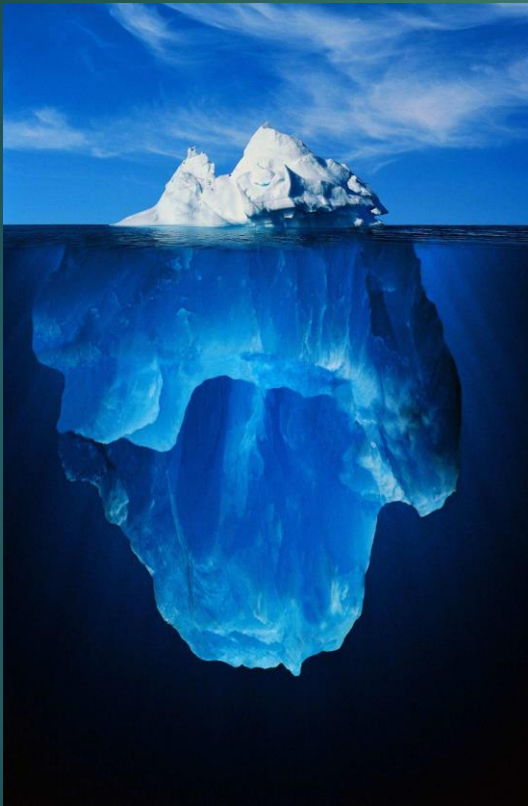
PURPLE

YELLOW

BLUE

ORANGE

# What's the Real Story?



What they did to get into court



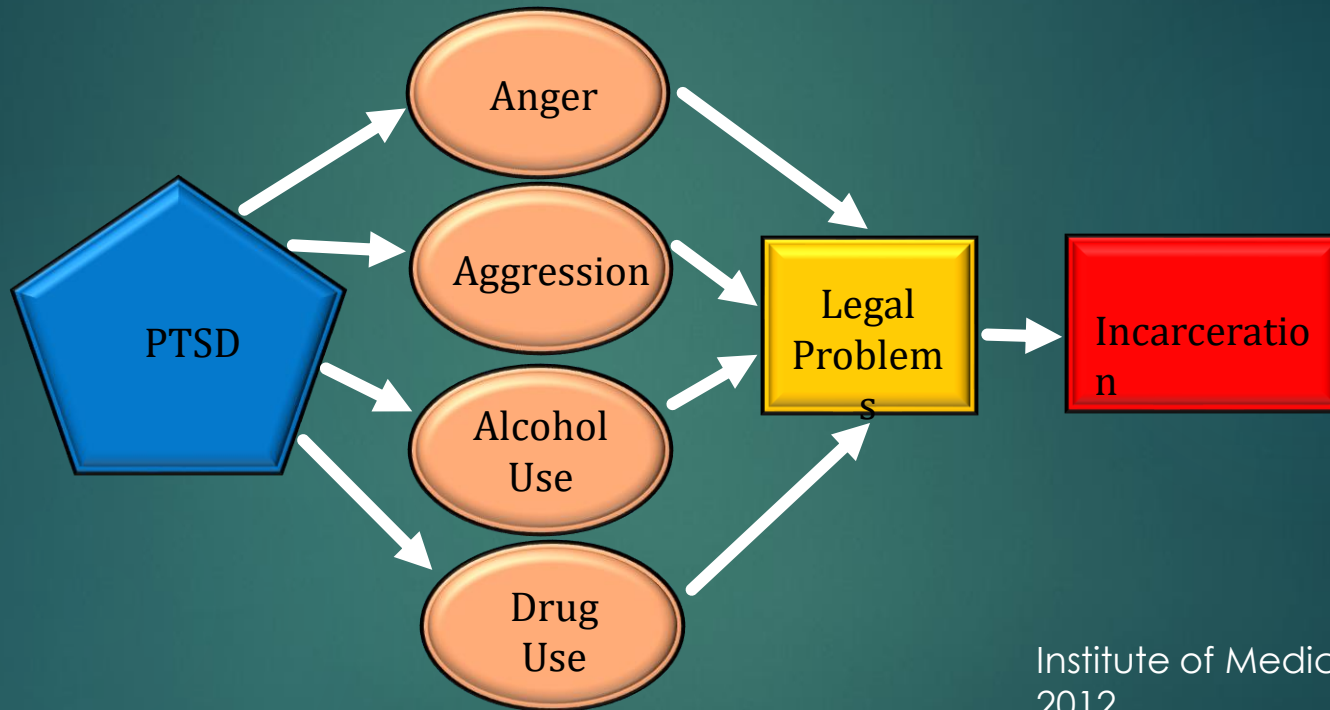
What happened to them to get them here



# What Does Being Trauma-Informed Mean?

- ▶ Being aware of high frequency of trauma in defendants
- ▶ Rates of criminal behavior and violent offenses much higher in victims of child abuse and neglect (Widom, 1989)
- ▶ Rates of child maltreatment high among drug users
- ▶ Rape victims far higher rates of drug use than those who have not been raped (Kilpatrick et al., 1992)
- ▶ 68% of prisoners report childhood abuse, 23% report multiple forms of abuse (Weeks and Widom, 1998)

# Links from PTSD to Incarceration



Institute of Medicine,  
2012



# What They May Look Like to You

This is all due to their neurobiology

- ▶ Agitated
- ▶ Anxious and panicky
- ▶ Hypervigilant
- ▶ Startle to noise
- ▶ Discomfort with crowds
- ▶ Being touched
- ▶ Distrusting
- ▶ Defiant
- ▶ Disrespectful
- ▶ Hostile
- ▶ Provocative

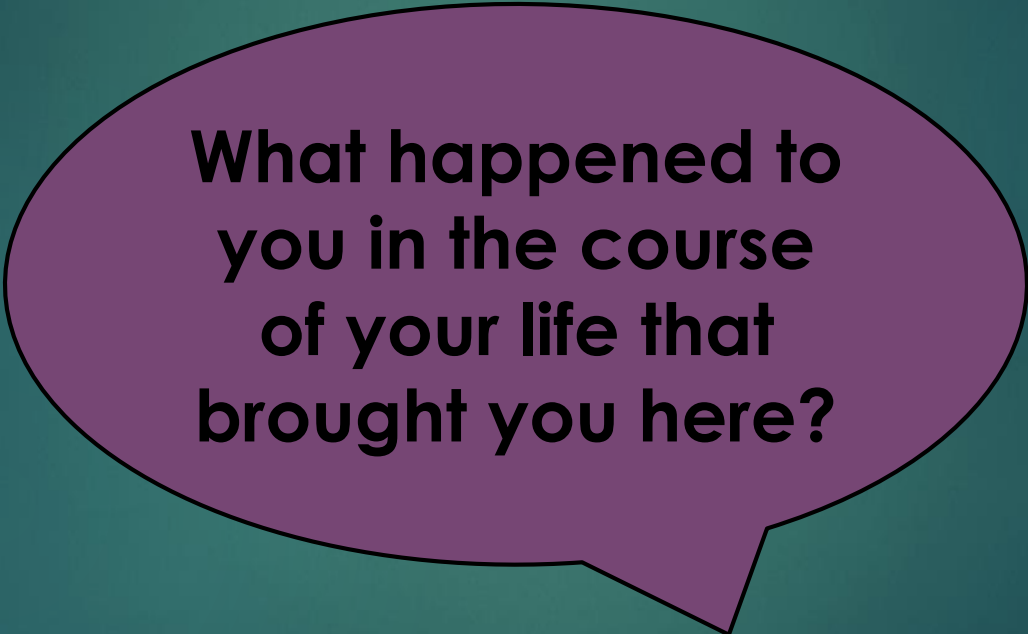
ALARM



# Continuum of Trauma Responsivity

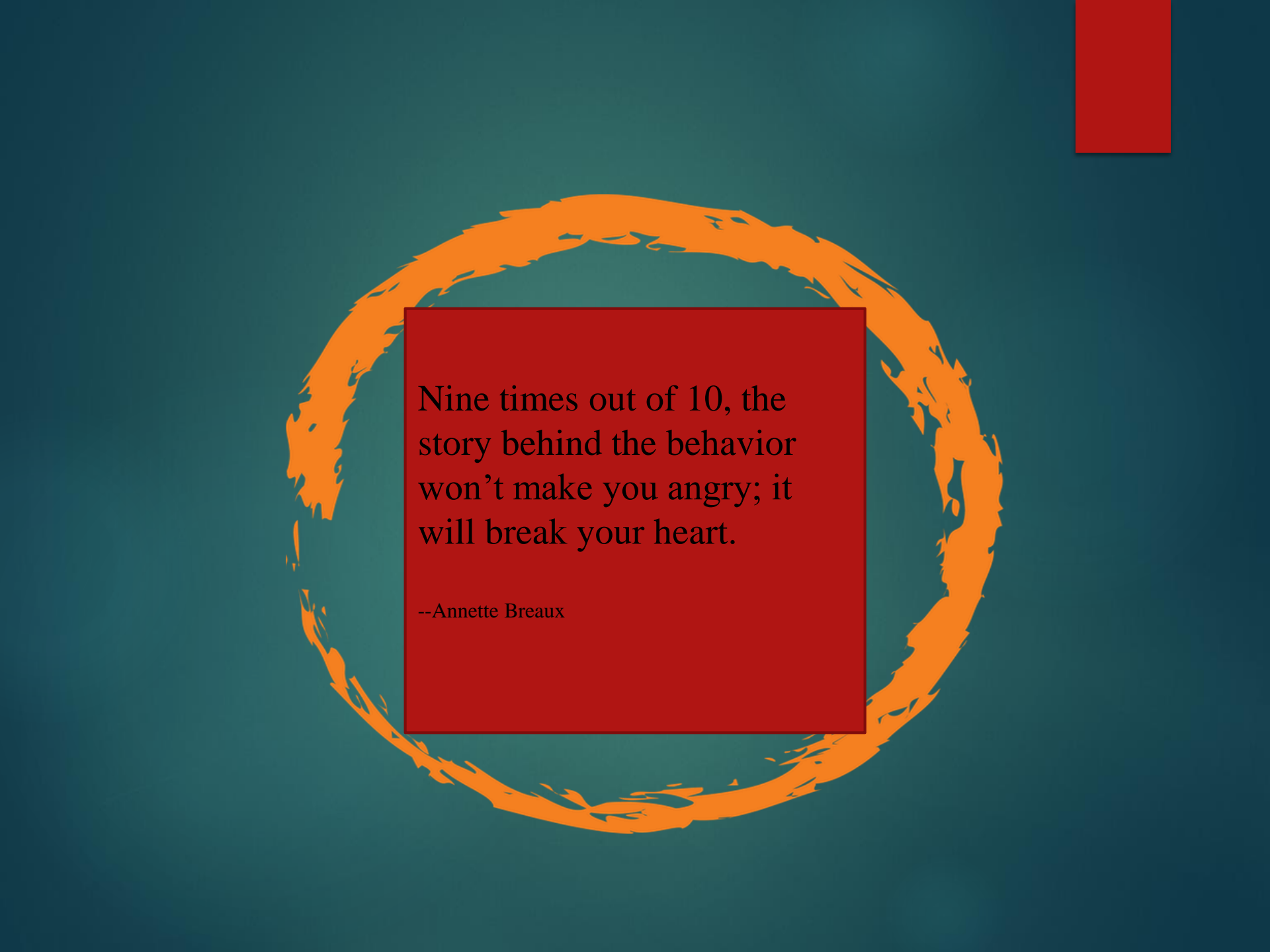


# The Central Question in Trauma-Informed Courts



**What happened to  
you in the course  
of your life that  
brought you here?**

**The  
Judge**



Nine times out of 10, the  
story behind the behavior  
won't make you angry; it  
will break your heart.

--Annette Breaux

# FOUR THINGS YOU MUST ESTABLISH ABOVE ALL

Safety

Trust

Respect

A sense of some control



# SAMHSA's Four R's of Trauma-Informed Courts

**Realize** the widespread impact of trauma and understand potential paths for recovery

**Recognize** the signs and symptoms of trauma in participants, families, and staff

**Respond** by integrating knowledge about trauma into policies, procedures, and practices

Actively **resist re-traumatization**



# 10 Things Every Juvenile Court Judge Should Know About Trauma and Delinquency

- ▶ A traumatic experience is an event that threatens someone's life, safety, or well-being.
- ▶ Child traumatic stress can lead to Post Traumatic Stress Disorder (PTSD).
- ▶ Trauma impacts a child's development and health throughout his or her life.
- ▶ Complex trauma is associated with risk of delinquency.
- ▶ Traumatic exposure, delinquency, and school failure are related.

# 10 Things Con't . . .

- ▶ Trauma assessments can reduce misdiagnosis, promote positive outcomes, and maximize resources.
- ▶ There are mental health treatments that are effective in helping youth who are experiencing child traumatic stress.
- ▶ There is a compelling need for effective family involvement.
- ▶ Youth are resilient.
- ▶ Next steps: The juvenile justice system needs to be trauma-informed at all levels.

# Trauma and Authority

- ▶ To offenders, the courtroom may look and feel forbidding at first.
- ▶ Their impressions of courts may not be positive.
- ▶ Traumatized people need control.
  - ▶ Trauma happened TO them.
- ▶ The courtroom setting feels out of their control.
  - ▶ The judge/probation controls their fate.



# Trauma and Authority

- ▶ Most traumatized people have negative views of authority.
- ▶ Often, they have been harmed by people in positions of authority.
- ▶ They usually perceive authority figures as either harming them or abandoning them.
- ▶ This leads to negative authority projections.
- ▶ They respond in usual ways; anger, fear, shame.



# What Courts Can Do

- ▶ Screen all participants for trauma histories and trauma symptoms
- ▶ See the whole person
- ▶ Show compassion
- ▶ Change your perspective
- ▶ Maximize choice and control where possible
- ▶ Change your language
- ▶ Act respectfully and nonjudgmentally



# Changing Your Approach

## Old View

- ▶ Trauma is irrelevant
- ▶ Trauma can be considered as a mitigating factor in sentencing
- ▶ See the problem behavior
- ▶ Respond to public pressure
- ▶ Needs of the institution

## New View

- ▶ Trauma is central
- ▶ Trauma-centric case processing
- ▶ See the whole person
- ▶ Respond to established science
- ▶ Needs of all participants



# The Trauma-Informed Judge

- ▶ Does not use fear to control the courtroom.
- ▶ Usually receives the most negative authority projections.
- ▶ Responds rather than reacts:
  - ▶ To hostility with calmness and compassion
  - ▶ To avoidance with invitation and reaching out
  - ▶ To fear with understanding
- ▶ In other words, *they respond with the opposite of what is expected.*



# Trauma: What Helps

## ▶ APPROACH

- ▶ With Caution, slowly
- ▶ Create a safe space
- ▶ Seat client “facing danger”

## ▶ COMMUNICATE

- ▶ What happens next
- ▶ Put rules in writing
- ▶ Calm, slow, clear
- ▶ Use MI techniques
- ▶ Instill hope

## ▶ AVOID

- ▶ Over-reacting
- ▶ Sarcasm, shaming
- ▶ Triggering behavior

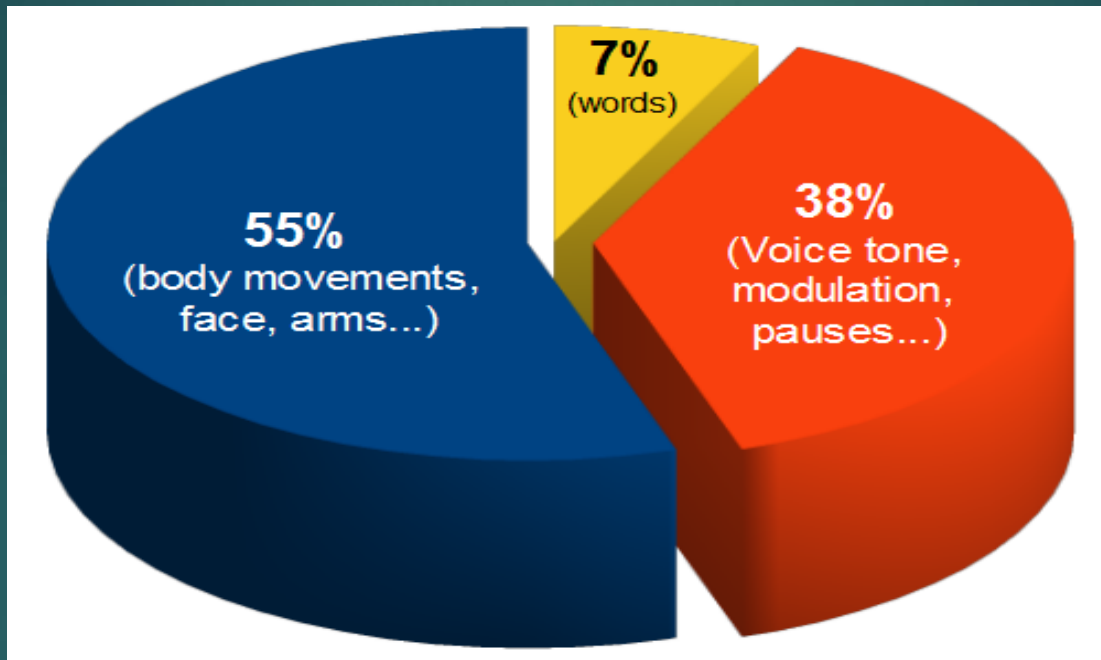
## ▶ RESPOND

- ▶ Patience
- ▶ Flexibility
- ▶ Positivity
- ▶ Don't take outbursts personally



# How much of your communication is in words?

(Source: Mehrabian & Ferris, 1967)



# Trauma-Informed Communication

## HURTFUL

- ▶ Criticize
- ▶ Confront
- ▶ Sarcasm
- ▶ Talking loudly
- ▶ Distracted
- ▶ Judgmental
- ▶ Disrespectful
- ▶ Jargon
- ▶ Defendant

## HELPFUL

- ▶ Express concern
- ▶ Support
- ▶ Empathy
- ▶ Talk softly but firmly
- ▶ Active listening
- ▶ Accepting
- ▶ Patient
- ▶ Understandable language
- ▶ Justice-involved person

# On the Bench

- ▶ Check your reaction
- ▶ Notice your physical state
- ▶ Pause
- ▶ Use active listening
  - ▶ Summarizing
  - ▶ Validating
  - ▶ Open-ended questions
  - ▶ Supportive statements
- ▶ Explain your decision clearly
- ▶ Contempt – Almost never

A rectangular image with a green, textured background. It contains a quote in white, bold, sans-serif capital letters. The quote is: "PATIENCE IS NOT THE ABILITY TO WAIT, BUT THE ABILITY TO KEEP A GOOD ATTITUDE WHILE WAITING." Below the quote, in smaller white capital letters, is the attribution: "JOYCE MEYER SPIRITUAL INSPIRATION".

**PATIENCE IS NOT THE  
ABILITY TO WAIT, BUT  
THE ABILITY TO KEEP  
A GOOD ATTITUDE  
WHILE WAITING.**

JOYCE MEYER  
SPIRITUAL INSPIRATION



# SCENARIOS

- ▶ Civil trial for damage where police officer says he was injured by defendant during arrest for disorderly conduct. Defendant appears in court with t-shirt that says “POLICE ALWAYS LIE.” Refuses offer of sweater to wear over t-shirt.
- ▶ Prosecutor during hearing calls public defender a “Damn Liar.”
- ▶ A defendant in criminal proceeding refuse to remove sunglasses/hat. Prosecutor asks for contempt and incarceration until removed.
- ▶ During sentencing defendant says, “This is a kangaroo court” and calls the judge a Fascist Dictator.





# Courtroom Communication

PROFESSIONAL'S COMMENTS	CLIENT'S PERCEPTION	TRAUMA-INFORMED ALTERNATIVE
"Your drug screen is dirty."	"I'm dirty. There is something wrong with me."	
"Did you take your meds today?"	"I'm a failure. I'm a bad person. No one cares how the meds make me feel."	
"You didn't follow the conditions of the TC contract so you are terminated and you will be going to jail. There is nothing more we can do."	"This is how it always goes, I am hopeless. Why should I care."	
"I'm sending you for a mental health evaluation."	"I must be crazy. There is something wrong with me."	

# 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 tell 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 is in the courtroom.	

# 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	

# Courtroom Procedures

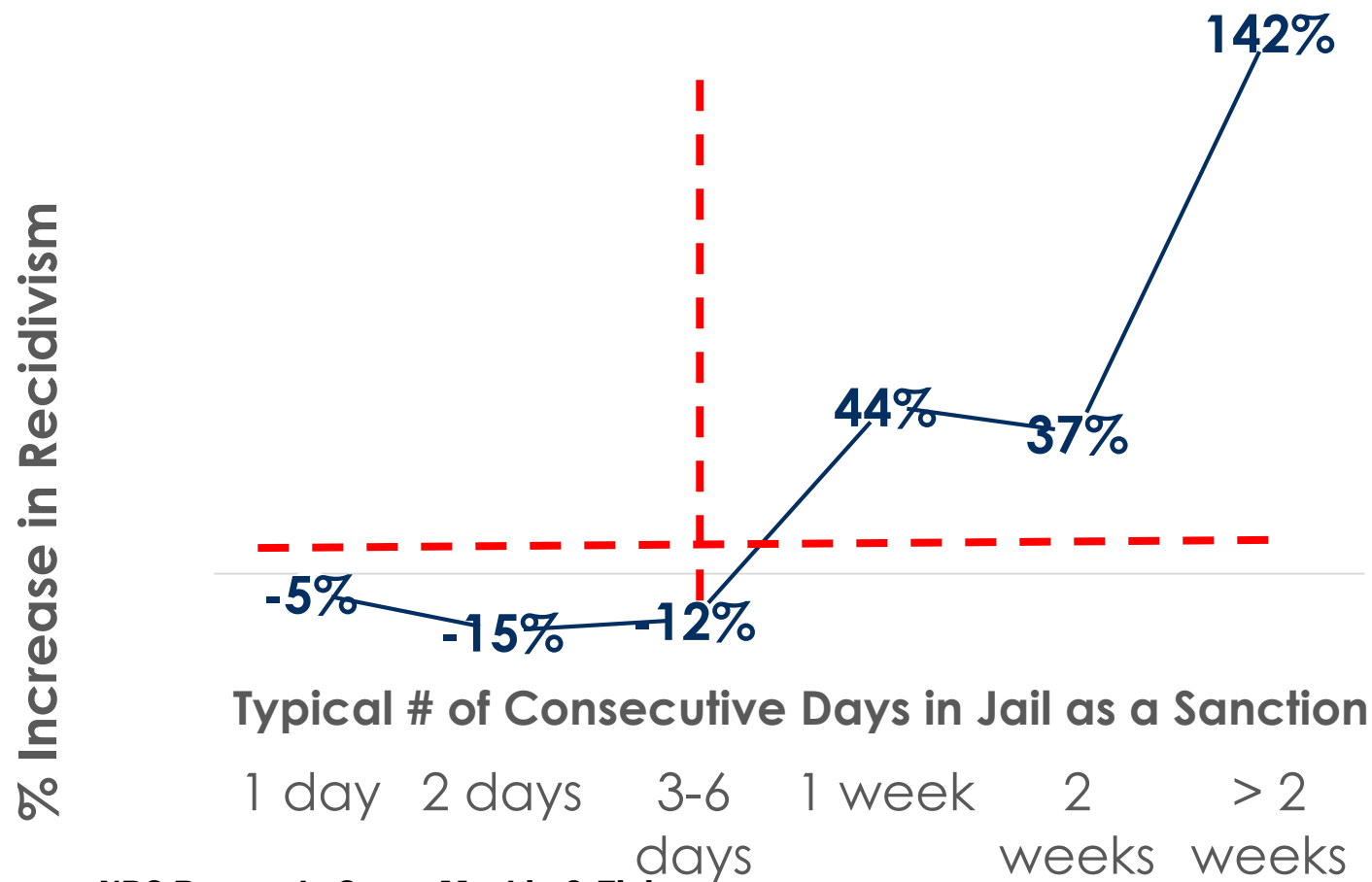
PHYSICAL ENVIRONMENT	PERCEPTION OF TRAUMA SURVIVOR	TRAUMA INFORMED APPROACH
Individuals who are frightened and agitated are required to wait before appearing before the judge.	Increased agitation; anxiety; acting out.	
Participants are required to address the court from their place at the defendant's table.	Fear of authority; inability to communicate clearly, especially if an abuser is in the courtroom.	

# Some Additional Thoughts

- ▶ Motivational Interviewing
- ▶ Seating
- ▶ Signage
- ▶ Lighting
- ▶ Quiet
- ▶ Limiting movement in the courtroom
- ▶ Chewing gum; wearing sunglasses
- ▶ Provide options when appropriate



# Courts That Typically Impose Jail Longer Than 6 Days Have Higher Recidivism



NPC Research: Carey, Mackin & Finigan,  
2012

Courtesy of Shannon Carey



# What Lessons Will They Learn from Jail?

- ▶ Chaos, violence, injury
- ▶ Life disruption – people can lose:
  - ▶ Housing
  - ▶ Job
  - ▶ Kids
  - ▶ Relationships
  - ▶ Insurance (have to reapply for Medicaid)
- ▶ Drugs can be easily procured in the jail; information on contacts to get better, cheaper drugs
- ▶ New “friends” – They are spending time with the people we want them to avoid
- ▶ Learned helplessness/trauma



# Questions to Consider in Your Court

- ▶ What do we hope to gain by being a trauma-informed court?
- ▶ Is the courtroom set up in a trauma-informed way?
- ▶ How can we alter the courtroom set up to be more trauma-informed?
- ▶ Do defendants, families, victims, witnesses, and staff feel safe?
- ▶ Can people in the courtroom hear what the judges and other key officials are saying?
- ▶ Do court staff show respect toward people in the courtroom?
- ▶ Do we explain court procedures to people in the courtroom?
- ▶ What policies and procedures need to be altered to be more trauma-informed?



- ▶ Adverse Childhood Experiences Questionnaire, <http://www.odmhsas.org/picis/TraningInfo/ ACE.pdf>
- ▶ American Institutes for Research, Trauma-Informed Care and Trauma Specific Services: A Comprehensive Approach to Trauma Intervention, <https://www.air.org/sites/default/files/downloads/report/Trauma-Informed%20Care%20White%20Paper%20October%202014.pdf>
- ▶ Centers for Disease Control and Prevention, Adverse Childhood Events (ACEs), <https://www.cdc.gov/violenceprevention/aces/index.html>
- ▶ Center for Disease Control, Preventing Adverse Childhood Experiences: Leveraging the Best Available Evidence, <https://www.cdc.gov/violenceprevention/pdf/preventingACES.pdf>
- ▶ Clinician Administered PTSD Scale for DSM-5 (CAPS-5), <https://www.ptsd.va.gov/professional/assessment/adult-int/caps.asp>
- ▶ Felitti, V. J., Anda, R. F., Nordenberg, D., Williamson, D. F., Spitz, A. M., Edwards, V., Koss, M. P., & Marks, J. S. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. *American Journal of Preventive Medicine*, 14(4), 245–258.
- ▶ Justice Speakers Institute, The Trauma-Informed Courtroom, [http://justicespeakersinstitute.com/the-trauma-informed-courtroom/campaign=shareaholic&utm\\_medium=email+this&utm\\_source=email%3cBR%3e%3cBR%3e%3cBR%3e%3cBR%3e--%3cBR%3eShared](http://justicespeakersinstitute.com/the-trauma-informed-courtroom/campaign=shareaholic&utm_medium=email+this&utm_source=email%3cBR%3e%3cBR%3e%3cBR%3e%3cBR%3e--%3cBR%3eShared)

# Resources

- ▶ Lessons Learned from Developing a Trauma Consultation Protocol for Article by Dr. Shawn Marsh and Dr. Alicia Summers); NCJFCJ Journal, <https://onlinelibrary.wiley.com/doi/epdf/10.1111/jfcj.12059>
- ▶ Mental Health.org, Trauma-Informed Approach and Specific Interventions, <https://www.mentalhealth.org/get-help/trauma>
- ▶ National Council for Behavioral Health, How to Manage Trauma Infographic, <https://www.thenationalcouncil.org/resources/how-to-manage-trauma-2/>
- ▶ National Association of State Mental Health Program Directors, <https://www.nasmhpd.org>
- ▶ National Council of Juvenile and Family Court Judges, Trauma-informed Courts, Pima County Trauma Audit Report 2013.docx (Article by Dr. Shawn Marsh); <https://www.ncjfcj.org/child-welfare-and-juvenile-law/trauma-informed-courts/>
- ▶ Office of the Victims of Crime, Trauma-Informed Courts, <https://www.ovcttac.gov/taskforceguide/eguide/6-the-role-of-courts/63-trauma-informed-courts/>
- ▶ PCL-5 <https://www.ptsd.va.gov/professional/assessment/adult-sr/ptsd-checklist.asp#obtain>

# QUESTIONS?



COMPASSION IS HAVING  
THE COURAGE TO  
CHANGE THE WORLD.

ANON

VEGANPOSTERS.COM

THANK YOU

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