

# Office of Juvenile Justice & Delinquency Prevention

## Tribal Youth Resource Center



# Trauma-Informed Court Self-Assessment

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# Presentation Topics

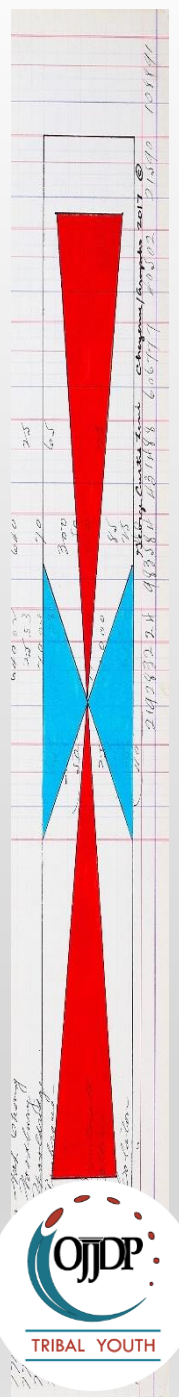


- What does being *Trauma-Informed* mean?
  - Realizing the Impact of Trauma
  - Recognizing and responding to trauma in the courtroom
- Why be *Trauma-Informed*?
  - Getting a Trauma-Informed perspective
  - Strategies for implementing a Trauma-Informed Approach
- Self-Assessment
  - 8 Essential Elements
  - Step-by-Step Guide to conducting self-assessment

# What Does Trauma-Informed Mean?

“A trauma-informed child- and family-service system is one in which all parties involved **recognize and respond to the impact of traumatic stress** on those who have contact with the system including children, caregivers, and service providers. Programs and agencies within such a system **infuse and sustain trauma awareness, knowledge, and skills into their organizational cultures, practices, and policies.** They act in **collaboration** with all those who are involved with the child, using the best available science, to facilitate and support the recovery and resiliency of the child and family.”

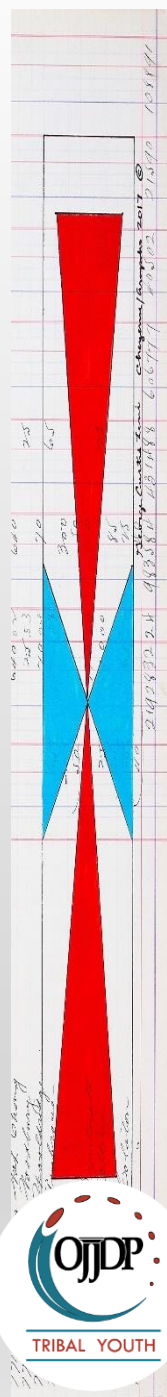
Source: National Child Traumatic Stress Network. Retrieved from <http://www.nctsn.org/resources/topics/creating-trauma-informed-systems>



# What Does Trauma-Informed Mean?

- In a nut shell, the definition consists of four elements
  - (1) ***Realizing*** the prevalence of trauma
  - (2) ***Recognizing*** how trauma affects all individuals involved
  - (3) ***Responding*** by putting this knowledge into practice
  - (4) **Resist Re-traumatization** by addressing the organizational practices that may trigger painful memories and re-traumatize the client
- Being trauma-informed does NOT mean individuals are free from consequences
- How you implement a trauma-informed judicial practice in your healing to wellness court will vary

(SAMHSA, 2012)



# Ten Things to Remember



- A traumatic experience is an event that is perceived and/or threatens someone's life, safety or well-being or that of a loved one
- Child traumatic stress can lead to Post Traumatic Stress Disorder
- 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

# Ten Things to Remember



- Trauma assessments can reduce misdiagnosis, promote positive outcomes, and maximize resources
- There are mental health treatments that are effective in helping youth and adults who are experiencing child traumatic stress
- There is a compelling need for effective family involvement
- People are resilient
- The system should be trauma-informed at all levels



# PTSD Symptoms From the DSM



- Re-experiencing (Memories, Dreams or Flashbacks)
- Persistent Avoidance
- Changes in Cognitions and Mood
- Changes in Arousal and Reactivity
- Dissociation

(APA, 2013)

# Reactions to Trauma

## FIGHT. FLIGHT. FREEZE.

Hyper vigilance  
Emotion Dysregulation  
Impulsive  
Restlessness  
Decision-Making Difficulty  
Future Planning Difficulty  
Diminished Concentration  
Impaired Memory  
Avoidance

Numbing  
Dissociation  
Disengaged  
Distrust  
Blame Others  
Re-experiencing  
Flashbacks  
Anxiousness  
Regression



# Recognizing Trauma Reactions in the Courtroom



Let's look at some examples:

- Hypervigilance: *Exaggerated startle response to a loud noise in the courtroom*
- Emotion Dysregulation: *Yelling*
- Avoidance: *Not showing up to court*
- Impaired Memory: *Difficulty remembering everything that is said after court or about a situation when they were dysregulated*
- Avoidance or Dysregulation: *Responding with, "I don't know" or refusing to answer questions*
- Physical Reactions: *Excessive sweating or fidgeting*
- Numbing: *No emotional expression*

# What Trauma Reactions Can Be Triggered in the Courtroom

- How might the client react to going to court?
- How might the client react to a judge representing the law and spending a limited amount of time with the client?
- How might the client react having the people in the court system playing many different roles to the client (i.e. adult, peer, authority figure, male or female, relative, community member)?
- What are other ways you have seen clients who have experienced trauma react in the courtroom?

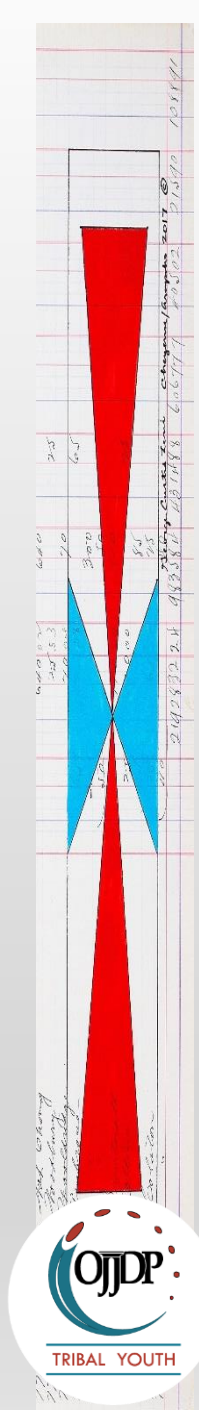
# Courtroom Environment



“When you go into a court you don’t know what’s going on because you’re terrified. There are guns, they’ve got you chained up, and you’re under the influence. All these things are happening at once.”  
—Trauma Survivor

# General Trauma-Informed Practices for the Court

- Engaging in Trauma-Informed Communication
- Trauma-Informed Processes and Procedures
- Creating Safety in the Courtroom
- Getting a Comprehensive Look at the Case



# Importance of Trauma-Informed Communication



“Once our courtroom team participated in trauma training, we questioned all our routine practices. We communicated more respectfully and effectively, and we began to be much more individualized in our approach to each case.”

—Treatment Court Judge

(SAMHSA, 2013)

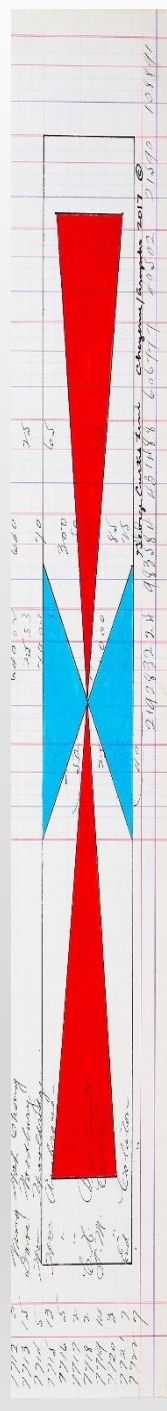
# Building Rapport



- Be Consistent, Warm, & Interested
- Acknowledge what they have said by repeating it back
- Thank them for any information they give
- Commenting and giving praise for any improvements that you've seen
- Be sure to communicate with the client's development in mind and remember that youth who have experienced trauma can developmentally regress

(Olafson & Kenniston, 2008)



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# Before Court



- Who is likely to be there? Explain each person's role.
- What is expected to happen? (Don't make promises but give an outline of court proceedings) What is expected of them?
- When is it? Give reminders.
- Where? If possible, let them see the courtroom beforehand.
- Why? What is the purpose?
- Also, identify support system. Perhaps this supportive adult can be in the courtroom

# Trauma-Informed Courtroom Communication



Judge's Comment	Perception of Trauma Survivor	Trauma-Informed Approach
"You have a dirty UA."	"I'm dirty." or "I'm bad" or "Now everyone knows so I am ashamed"	"Your drug screen shows there is a presence of drugs" or "Your drug screen tested positive for (insert substance)."
"Are you taking your meds?"	"I need meds to be normal, because I'm not normal" or "No one cares how the drugs make me feel"	"Are the medications you have been prescribed working well for you?" ; informing them they can communicate this with their prescribing doctor

(SAMHSA, 2013)

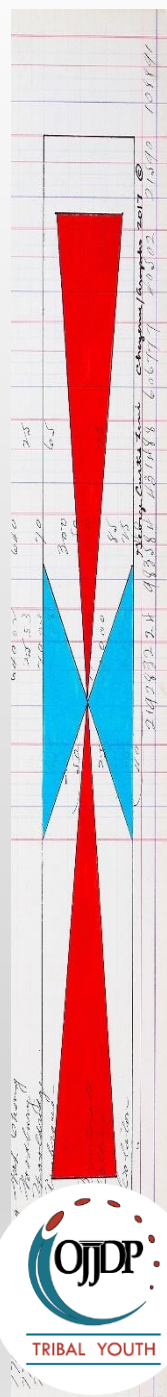
# Trauma-Informed Courtroom Procedures

Courtroom Experience	Reaction of Trauma Survivor	Trauma-Informed Approach
A court officer handcuffs an individual without warning.	Anxiety about being restrained; fear about what is going to happen.	Tell the court officer and the individual you intend to remand them. Explain why, what is going to happen and when.
A judge remands one individual to jail but not another when they both have done similar things and they are both in the courtroom at the same time.	Distress about unfairness; feeling that the other person is getting special treatment.	Explain why you are doing this. "This is this person's first time committing this offense, therefore I am deciding..."

# Trauma-Informed Courtroom Environment

Physical Environment	Reaction of Trauma Survivor	Trauma-Informed Approach
Participants address the court from their place at the defendants table	Fear of authority; difficulty communicating	When practical, ask the participant to come closer, speak to them beside or right in front of the bench
A judge asks a participant to explain their behavior or impact of abuse without acknowledging the impact of others in the courtroom	Intimidation; fear of abuser who may be in the courtroom; fear of community members or family in the courtroom; fear they will not be believed	Allow the participant to approach the bench
Judge sits behind the bench	Intimidation; Fear; Anxious	In some courts, the judge sits at a table in front

(SAMHSA, 2013)



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- Has all relevant information from the client's history been made available to the court?
- Are professionals working with the client communicating?
- Any development delays noted?
- Previous court contacts?
- Has the client ever received trauma-informed evidence-based evaluation and treatment?
- Consider a trauma-informed assessment to ensure all relevant information has been gathered in order to prevent additional trauma inflicted by the system



# Assessment and Referral



- Treatments and referrals: Do not assume that a general mental health evaluation includes a trauma assessment or that treatment is going to be trauma focused. Generic interventions that are not trauma focused may be ineffective.
- Appropriate trauma-informed assessment would include:
  - Past/Current traumas that may impact functioning
  - Strengths in coping and problem solving and identifying social supports
  - Self-report measures and clinical interviews assessing mental health status
  - Presence or absence of post traumatic reactions
  - Recommendations for treatment

# Why Be Trauma-Informed?



- Trauma is prevalent in AI/AN communities therefore we should expect trauma to enter the courtroom regardless
- Not recognizing trauma could result in unintended harm through re-traumatization or confirm negative beliefs
- Punishment doesn't usually work; Recidivism continues to occur
- Trauma impacts many court decisions
- As revealed in the ACE study, untreated trauma can lead to various long-term difficulties in adulthood

# Importance of Trauma-Informed Processes and Procedures

“So here I was, in front of this judge, asking for a restraining order against a family member who was also going to show up in that courtroom...What the judge did was pretty incredible. He asked me to come forward. It created a sense of privacy. I didn’t have to shout across a really busy courtroom. He really helped me in that simple act of asking me to come closer. I was able to do what I needed to do, and he was able to hear what he needed to hear...this judge changed my life in that one simple act.” -Trauma Survivor

# General Trauma-Informed Strategies



- Revise tribal codes to be trauma-informed
- Provide foundational trauma training to all court personnel
- Rethink how the court room set up interferes or facilitates safety (physical and psychological) –This might include community input
- Track outcomes: Is what you are currently doing working?



# Responding with the Essential Elements of a Trauma-Informed Justice System

- Eight Essential Elements that represent daily trauma-informed aspirational standards of operation
- Logically organized around:
  - **Typical case processing** (i.e., screening & assessment, intervention planning and service delivery)
  - **Critical staff topics** (e.g., prevention and management of STS)
  - **Broader systems issues** (e.g., trauma-informed cross systems collaboration, partnering with youth and families)
  - **Policies and procedures** consistent with elements

# Eight Essential Elements



1. Trauma-Informed Policies & Procedures
2. Identification/Screening of Youth Who Have been Traumatized
3. Clinical Assessment/Intervention for Trauma-impaired Youth
4. Trauma-Informed Programming & Staff Education
5. Prevention & Management of Secondary Traumatic Stress
6. Trauma-Informed Partnering with Youth & Families
7. Trauma-Informed Cross System Collaboration
8. Trauma-Informed Approaches to Address Disparities & Diversity

<https://www.nctsn.org/resources/essential-elements-trauma-informed-juvenile-justice-system>



# Key Challenges to Essential Elements



- Ensuring that Essential Elements are:
  - Adopted
  - Infused
  - Sustained
- Heterogeneity of Systems
  - Reviewing current practices
  - Operationalize trauma-specific initiatives and practices via policies to ensure continuity & sustainability
  - Essential Elements are a desire to achieve

# Trauma-Informed Court Self-Assessment



- Parallels Essential Elements
- Framework and Benchmarks to:
  - Examine
  - Review
  - Rate day-to-day operations
  - Evaluate
- Shows the extent of court operations that demonstrate the content, process, & system-level procedures reflected in each Essential Element

# Self-Assessment:

## Step 1: Form a Self-Assessment Team



Team compilation could include:

- juvenile court judge and administrator
- drug/mental health/other alternative court members
- probation
- juvenile detention & alternatives to detention/incarceration
- diversion
- school/education
- law enforcement
- health care, behavioral health, mental health, & social work professionals
- prosecutors
- defense attorneys

# Self-Assessment:

## Step 2: Conducting the Self-Assessment



- Trauma-informed policies and practices (16 benchmarks)
- Identification/screening of youth who have been traumatized (9)
- Clinical assessment (6) / intervention (9) for trauma-impaired youth
- Trauma-informed programming and staff education (14)
- Prevention and management of secondary traumatic stress for staff (6)
- Trauma-informed partnering with youth and families (7)
- Trauma-informed cross system collaboration (14)
- Trauma-informed approaches to address disparities and diversity (12)

# Self-Assessment:

## Step 2: Conducting the Self-Assessment



### Benchmark Ratings

- *Not a Current Practice* = No knowledge of a policy, practice, or procedure
- *Practice Under Consideration* = Policy, practice, or procedure has been discussed or considered for development but is not currently part of routine court operations
- *Informal Practice* = Policy, practice, or procedure is not a part of formal court operations but is used on an ad hoc basis by court staff
- *Formal Practice* = Policy, practice, or procedure is a routine part of formal court operations (e.g., relevant staff are trained, supervised, and/or outcomes are monitored)
- *Not Applicable* = Element is not applicable to court operations



# Self-Assessment:

## Step 2: Conducting the Self-Assessment



### Benchmark Rating Rules

- Each benchmark receives a single rating by the Self-Assessment Team
- All viewpoints, including divergent views, should be carefully considered before settling on a rating that reflects the consensus of the Team
- Note dissenting views and ratings in the narrative conclusions section
- Key observations that highlight the current state of the benchmark and will be used to inform next steps should be documented and include concrete findings that justify the benchmark rating
- Sum the number of benchmarks rated as *Not a Current Practice*, *Practice Under Consideration*, *Informal Practice*, *Formal Practice*, or *Not Applicable* at the bottom of the benchmark ratings.



# Self-Assessment:

## Step 2: Conducting the Self-Assessment



### Benchmark Rating Example

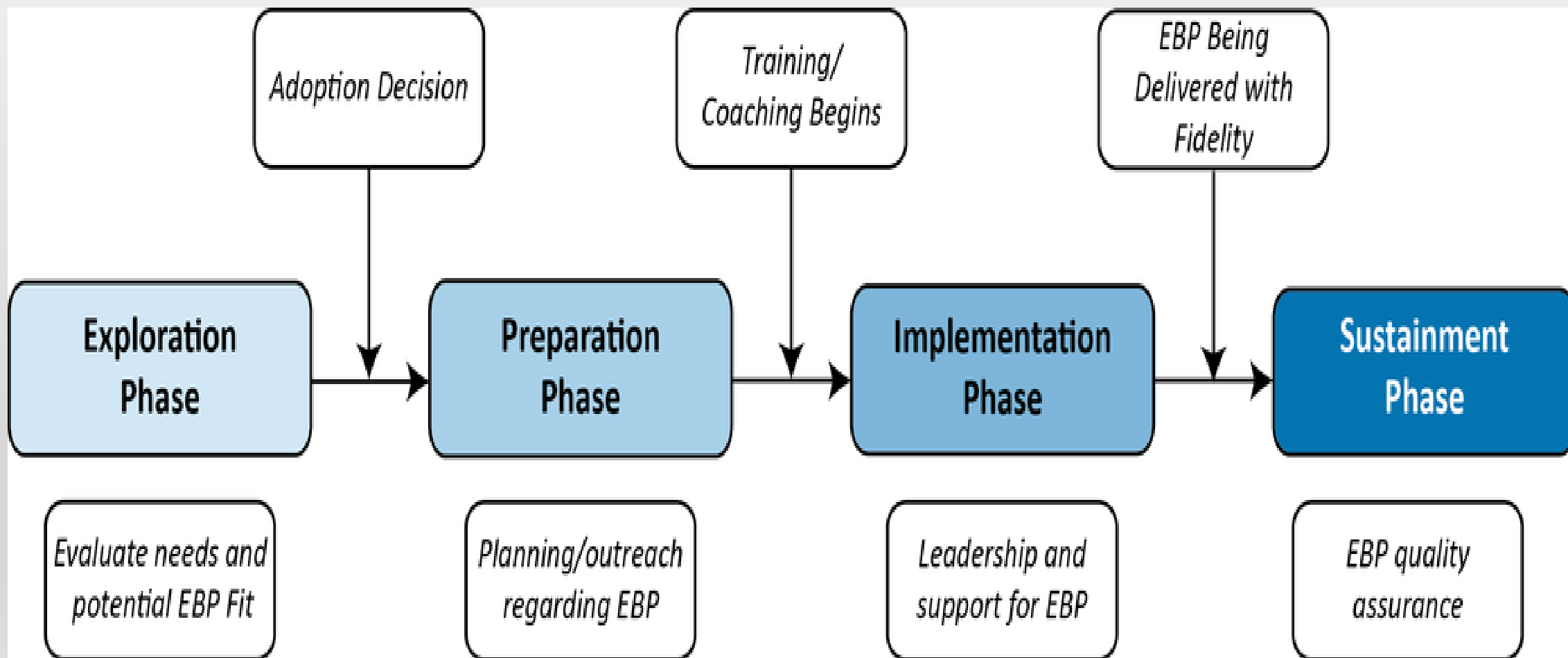
- Element 2, Benchmark 2a
  - “Trauma screening is detailed in procedures and policy.”
- Rated
  - Practice Under Consideration
- Key Observations
  - “Discussion about developing policy occurred during the past 3 months in administrative meetings but a first draft of written policy has not been submitted to a review committee.”

# Self-Assessment:

## Step 2: Conducting the Self-Assessment



EPIS Framework (Exploration, Preparation, Implementation, and Sustainment)



# Self-Assessment:

## Step 3: Reviewing the Self-Assessment



- Exploration (Not a Current Practice):
  - Court has not yet considered whether day-to-day activities under the element are trauma-informed
- Preparation (Under Consideration or Informal Practice):
  - Barriers and challenges to implementing the practice have been identified and initial steps taken to overcome barriers (Under Consideration or Informal Practice)
  - Trauma-informed practices and procedures that have been operationally defined (e.g., in a working draft) and are being piloted or implemented by a small number of staff or “trauma champions” (Informal Practice)
- Implementation (Formal Practice):
  - Policy and practice has been formally adopted
- Sustainment (Formal Practice):
  - Practices and procedures have been implemented system wide and are considered ingrained and stable throughout the system

# Self-Assessment:

## Step 3: Reviewing the Self-Assessment



### Potential Strategies for System Improvement

- Exploration:
  - Define your court's needs and goals related to address this element
  - Identify practices that might meet your needs
- Preparation:
  - Obtain buy-in for the practice from leadership and key stakeholders
  - Identify any potential costs and funding sources
- Implementation – the Team has determined that practice is a good fit with the court's organization and have worked to engage key stakeholders, identify champions, obtain buy-in, and secure needed resources:
  - Complete training for all key staff that will be involved in the practice
  - Develop a system for monitoring outcomes
- Sustainment:
  - Monitor fidelity to the practice
  - Integrate feedback to refine the delivery of the practice to meet the needs of your stakeholders

*Note:* Strategies should explicitly address relevant benchmarks and should also be informed by the element summary rating.

# Self-Assessment: Step 4: Developing a Plan for System Improvement



## Strategic Planning

1. Prioritize the changes recommended by the Self-Assessment Team.
  - Given the element summary rating, what are the Team's priorities for strategic planning under this element?
2. Develop key tasks (i.e., concrete next steps) for addressing the priorities and outline a timeline for completing tasks.
  - Key tasks involve concrete next steps that can be quantified and tracked.
  - Key tasks can be linked to an/or assigned to members of an Implementation Team.
3. Establish a proposed timeline to ensure there is a deadline for completing tasks and individual(s) responsible for completion.

# Self-Assessment: Step 4: Developing a Plan for System Improvement



## Key Considerations

- Assess your Organizational Capacity
- Build on Strengths
- Use the Self-Assessment Team
- Prioritize and Develop Goals
- Trauma-Informed Implementation



# Self-Assessment: Step 5: Understanding & Communicating Timeline & Scope



## SELF-ASSESSMENT STRATEGIC PLANNING WORKSHEET – ELEMENT 1

Identify the phase of implementation (element summary rating) that applies to your juvenile court system, according to the EPIS Model:

List the changes recommended by the team in order of priority (identify the benchmark/s associated with each prioritized change area).

- 1.
- 2.
- 3.

List the key task(s) to support the changes identified above.

- 1.
- 2.
- 3.

List key implementation team members to support changes/tasks (provide specific names):

- 1.
- 2.
- 3.

List the proposed timeline for the completion of key tasks:

- 1.
- 2.
- 3.

# Self-Assessment: Step 5: Understanding & Communicating Timeline & Scope



## Trauma-Informed Court Self-Assessment

- Orient Staff to *Essential Elements of a Trauma-Informed Juvenile Justice System*

### Scope

- Provides a comprehensive approach to implementing sustained trauma-informed practices
- Assessment based solely on these eight elements
- Provides self-directed guidance toward becoming a trauma-informed court using the EPIS framework.

### Timeline

- No timelines for completing the self-assessment
  - Courts can allot the necessary time to collect quality data at their own pace
- Courts can choose any number of approaches to completing the Trauma-Informed Court Assessment
  - Allows courts to choose any element as their starting point or completion of the entire assessment.

# Last Words



- Today we discussed universal strategies that you can apply
- The Court Self-Assessment is specific to each court
- Using a Trauma-Informed approach in court is still novel, so expect to see more about this topic in the future

# Resources



- Buffington, K, Dierkhising, C. B., & Marsh, S. C. (Ten Things *Every Juvenile Court Judges Should Know about Trauma and Delinquency*, 2010 National Child Traumatic Stress Network, *Essential Elements of a Trauma-Informed Juvenile Justice System*, 2015  
[https://www.nctsn.org/sites/default/files/resources//essential\\_elements\\_trauma\\_informed\\_juvenile\\_justice\\_system.pdf](https://www.nctsn.org/sites/default/files/resources//essential_elements_trauma_informed_juvenile_justice_system.pdf)
- National Child Traumatic Stress Network, *Trauma-Informed Juvenile Court Self-Assessment*, 2019  
<https://www.nctsn.org/resources/essential-elements-trauma-informed-juvenile-justice-system>
- National Child Traumatic Stress Network: Bench Card for the Trauma-Informed Juvenile Court Judge
- National Child Traumatic Stress Network: 8 Essential Elements of a Trauma Informed Juvenile Justice System
- University of Washington, Native American Law Center: Model Tribal Juvenile Codes

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# Tribal Youth Resource Center



The Tribal Law and Policy Institute is a Native owned and operated non-profit dedicated to providing free publication resources, comprehensive training, and technical assistance for Native nations and tribal justice systems.

The Tribal Youth Resource Center provides culturally based and trauma informed training, support and technical assistance to all OJJDP-funded Tribal Youth Programs & Tribal Juvenile Healing to Wellness Courts grantees, as well as all interested federally recognized tribes.

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