

Trauma-Informed Court Systems

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What We Will Discuss Today

- ▶ What trauma and being trauma responsive means
- ▶ How trauma affects the brain and what that means for individuals in the courtroom
- ▶ How courts work to be more trauma informed and trauma responsive, both generally and specifically

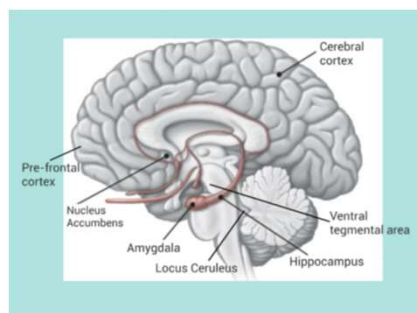
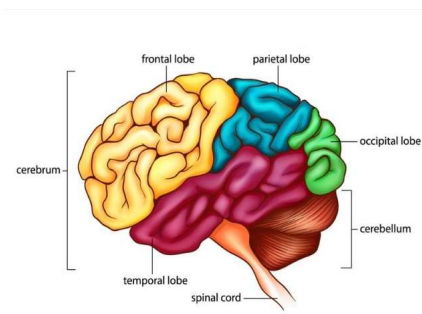


Trauma



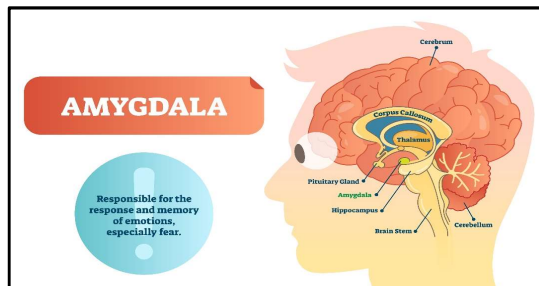
- ▶ An experience/experiences that overwhelms a person's ability to cope.
 - awful experience
 - happened at a young age
 - happened over and over again
 - happened at the same time as other stressful life events
 - reminds the person of bad experiences in their past

Human Brain

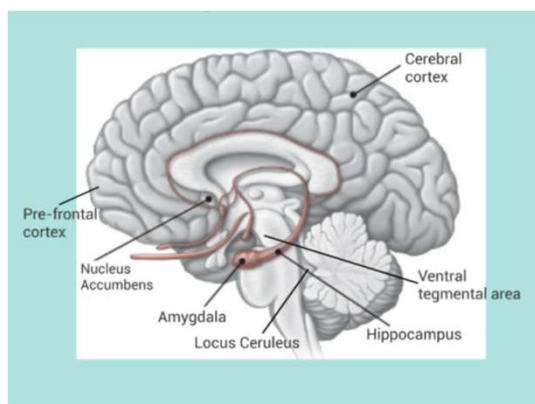


Trauma Response

- Fight
- Flight
- Freeze
- Surrender



Amygdala Hijack



Trauma

- ▶ A natural response to an unnatural circumstance
- ▶ Brain survival mode/self preservation
- ▶ Can lead to hypervigilance for any sign of threat or danger
- ▶ May cause people to act in unexpected ways



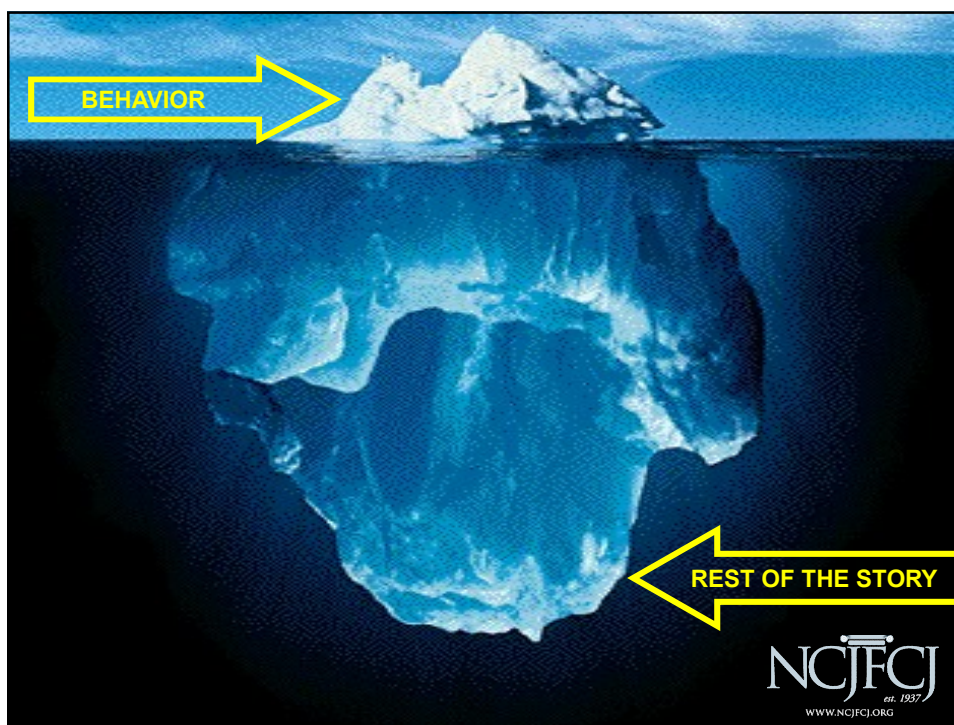
Trauma Responsive Organizations

- ▶ Understand, recognize, and respond to the effects of all types of trauma
- ▶ Focus on physical, psychological and emotional safety for participants and staff
- ▶ Help survivors rebuild a sense of control and empowerment

People are usually highly stressed when they come to court

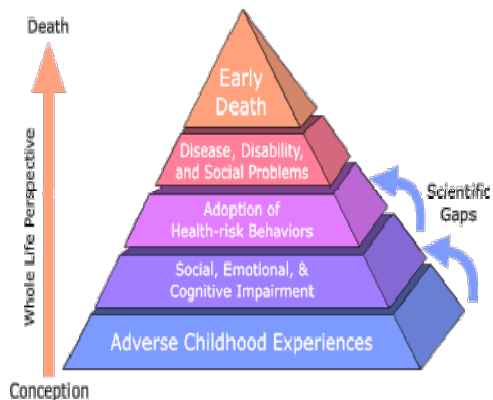


- ▶ Withdrawing
- ▶ Lack sleep
- ▶ Lots of anxiety about case
- ▶ Limbic system hyper-activated
- ▶ Frustrating behaviors



Adverse Childhood Experiences (ACEs)

- ▶ Twice as likely to smoke
- ▶ Seven times more likely to be alcoholics
- ▶ Six times more likely to have had sex before the age of 15
- ▶ Twice as likely to have been diagnosed with cancer
- ▶ Ten times more likely to have injected street drugs



- ▶ **Twelve times as likely to have attempted suicide**



What Does This Mean for Tribal Communities?



Historical Trauma

- ▶ Dr. Maria Yellow Horse Braveheart (1999) conceptualized **historical trauma** as “a constellation of characteristics associated with massive cumulative group trauma across generations.”



How Trauma Looks in Court



Trauma Reactive Interaction



Trauma is a risk factor for trauma.



Trauma Informed and Trauma Responsive Courts



Trauma Self-Assessment

Creating a Trauma-Responsive Court System

The NCJFCJ preliminarily defines “trauma-responsive” court/system to mean a system in which environments, practices, policies, and persons limit unnecessary stress and promote healing in those who have been trauma-exposed, to include court consumers *and* court professionals.

Communication in Court

“Every interaction between a judge and a treatment court participant is an opportunity for engagement. For a person who has experienced past trauma or may still be experiencing violence in their lives, a judge’s words can be potentially hurtful or potentially healing. Trauma-informed judicial practice recognizes the role that trauma may play in how an individual perceives what the judge says and how he or she says it.

SAMHSA Essential Components of Trauma-informed Judicial Practice



| JUDGE'S COMMENT | PERCEPTION OF TRAUMA SURVIVOR | TRAUMA-INFORMED APPROACH |
|---|---|---|
| “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 pills today?” | “I’m a failure. I’m a bad person. No one cares how the drugs make me feel.” | “Are the medications 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 how I behave in jail? They expect trouble anyway.” | “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 on recovery. We’re not going to give up on you.” |
| “I’m sending you for a mental health evaluation.” | “I must be crazy. There is something wrong with me that can’t be fixed.” | “I’d like to refer you to a doctor who can help us better understand how to support you.” |

Culture



Seven Grandfather Teachings

- ▶ Love (Zaagi'idiwin)
- ▶ Bravery (Aakwa'ode'ewin)
- ▶ Humility (Dibaadendiziwin)
- ▶ Honesty (Gwekwaadiziwin)
- ▶ Respect (Minaadendamowin)
- ▶ Wisdom (Nbwaakaawin)
- ▶ Truth (Debwewin)

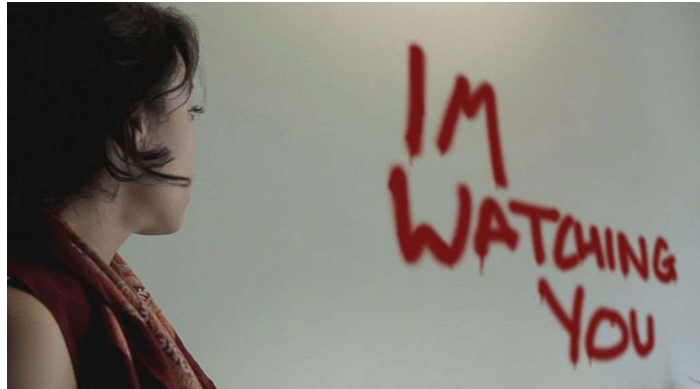


Environment

- ▶ Promote SAFETY
- ▶ Create an environment conducive to limiting arousal
 - ▶ Low stress process

Safety

- ▶ Victims need a place to sit where they will feel safe from their perpetrators



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Safety

- ▶ People need to feel safe coming into the court, within the courtrooms, and in waiting areas



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Process Not Stressful

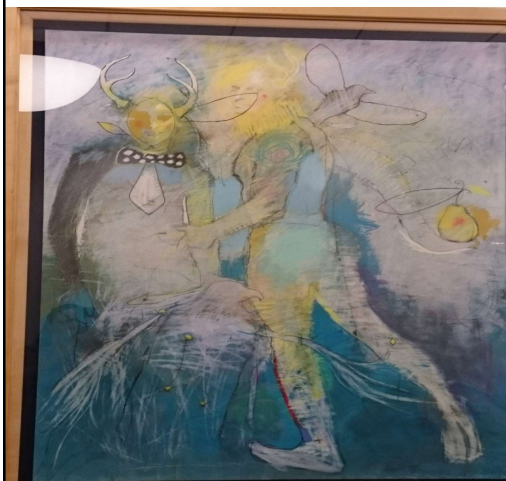


- ▶ Clients have somewhere to meet with their attorney or advocate.
- ▶ Individuals do not have to wait for long periods of time for their hearings

Limiting Environmental Stimulation

- Environment should be comfortable temperature
 - Noise
 - Light

- How does the art make people feel?





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Persons

- ▶ Create a shared definition of trauma
- ▶ Prioritize secondary traumatic stress
- ▶ Solicit opinions of community members

Trauma and the LGBTQ/Two Spirit Community

- ▶ Identification and assumptions of court staff and stakeholders
- ▶ Knowing what questions to ask of service providers
- ▶ Importance of peer support groups
- ▶ Utilizing resources such as Lambda Legal's Fair Court Project

<https://www.ovcttac.gov/taskforceguide/eguide/4-supporting-victims/45-victim-populations/lgbtq-victims/>

<https://www.lambdalegal.org/issues/fair-courts-project>



Policy

- ▶ Implement a policy that eliminates presumptive shackling for juveniles appearing in court.
- ▶ Implement policy on children in court.
- ▶ Implement a policy on how to handle domestic violence cases, to ensure safety of victim parent and child.



Practice

- ▶ Trauma screening
- ▶ Engage youth in the court process (encourage attendance)
- ▶ Engage parents in the court process
- ▶ Promote healing environment through positive interactions with the court
- ▶ Promote positive pro-social connections for youth and families



Pueblo of Pojoaque Court

- ▶ Discussion of need for assessment
- ▶ Steps taken to implement trauma informed and trauma responsive practices
- ▶ Buy-in and push-back from community



Thank You

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