



FAIR AND JUST PROSECUTION

Promoting justice through leadership and innovation

ISSUES AT A GLANCE

Juvenile Justice and Young Adult Issues: Promoting Trauma-Informed Practices

Fair and Just Prosecution (FJP) brings together recently elected district attorneys¹ as part of a network of like-minded leaders committed to change and innovation. FJP hopes to enable a new generation of prosecutive leaders to learn from best practices, respected experts, and innovative approaches aimed at promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility. In furtherance of those efforts, FJP's "Issues at a Glance" provide district attorneys with information and insights about a variety of critical and timely topics. These papers give an overview of the issue, key background information, ideas on where and how this issue arises, and specific recommendations to consider. They are intended to be succinct and to provide district attorneys with enough information to evaluate whether they want to pursue further action within their office. For each topic, Fair and Just Prosecution has additional supporting materials, including model policies and guidelines, key academic papers, and other research. If your office wants to learn more about this topic, we encourage you to contact us.

SUMMARY

This is one of a series of FJP's "Issues at a Glance" briefing papers addressing juvenile justice and young adult issues. The hope is that these briefs provide a jumping off point for district attorneys thinking about adopting new or alternative approaches to the juvenile and young adult population.

Research showing that brain development is significantly altered by traumatic events or toxic stress is changing the way district attorneys treat juveniles and victims of crimes, and also structure their offices. Recognizing and responding to trauma can help reduce recidivism, increase perceptions of fairness, and improve victim experiences. While childhood trauma can impact people well into adulthood, this brief explores avenues for integrating trauma-informed practices into a prosecutorial office in the juvenile context.² An awareness of these issues is equally important in regard to office personnel; addressing these concerns internally can help reduce burnout among staff.

¹ The term "district attorney" or "DA" is used generally to refer to any chief local prosecutor, including State's Attorneys, prosecuting attorneys, etc.

² FJP will discuss approaches for trauma-informed practices with adult populations in a future brief.

"In recent years, we've come a long way in making our juvenile justice system 'appropriately balanced,' and we should all applaud efforts ... to advance these changes. However, if our collective responsibility is to foster justice and public safety — as we believe it is — we have miles to go before we sleep. Our young people, and our communities, deserve no less."

— DISTRICT OF COLUMBIA ATTORNEY GENERAL KARL RACINE, FJP EXECUTIVE DIRECTOR MIRIAM KRINSKY & CFYJ CHIEF EXECUTIVE OFFICER MARCY MISTRETT

This briefing paper recommends that district attorneys focus on implementing new policies and practices in three distinct areas: (1) reducing re-traumatization for children and youth who come into contact with the district attorney's office, whether they present as individuals charged with a crime, witnesses, community members, or victims; (2) partnering with mental health service providers to ensure necessary treatment for children and youth with trauma-related mental health issues; and (3) reducing secondary traumatic stress for attorneys and other staff.

BACKGROUND AND DISCUSSION

In recent years, the scientific study of trauma and adolescent and young-adult brain development has provided new insights into how systems should treat the children and youth under their jurisdiction and care. The judicial and criminal justice systems and practitioners have been slower than other fields to adopt and embrace this new understanding around trauma. Many prosecutorial offices, in particular, have only recently started to conform office policies and practices to take advantage of this new body of learning.

Research on trauma has found that traumatic events have a lasting impact on developing brains, especially for those children growing up with limited protective factors.³ It is now well settled that there are crucial windows of brain development in early childhood that impact a person's life-long ability to cope with challenges. Traumatic events during this period can have a profound impact on a young person's future response to adverse circumstances. Toxic stress and exposure to repeated or prolonged negative stimuli can also be just as influential on developing brains as singular traumatic events. While youth with positive familial and community support can rebound from traumatic events or be less impacted by toxic stress, those without appropriate support show a range of behaviors associated with delinquent youth.

Both youth and young adults undergo continued brain development that impedes good decision-making; youth with trauma have an added layer of difficulties. Most youth have challenges with decision-making, risk taking, impulse control, and emotional regulation that are linked to ongoing changes in the brain. In addition, traumatized young people often misread social cues and interpret others as hostile, feel a lack of control, can be re-traumatized by otherwise moderately stressful or even innocuous situations, and become hyper-aroused or numbed and dissociated during stressful events.

The district attorney has an opportunity to build on this research and work with outside experts to develop new paradigms for her office's practices as well as the responses of others in a manner that can reduce traumatization for children and youth interacting with the justice system. Both youth arrested for criminal behavior and those victimized by it are at higher risk of offending without appropriate intervention; they are thus particularly good candidates for trauma-informed programming and practices. District attorneys can also work to reduce secondary traumatic stress or compassion fatigue for professionals working with traumatized populations.

Trauma-Informed Practices in the Office

While estimates vary, up to 90% of youth with justice involvement have experienced some traumatic event, with around 30% meeting diagnostic criteria for post-traumatic stress disorder

³ Protective factors may include having a supportive family environment, stable housing, parental employment, etc.

(PTSD).⁴ Given the high rates of trauma, and the frequency of co-occurring disorders that make trauma difficult to identify, DA's offices should institute a "presumption of trauma." This includes internal changes to reduce re-traumatization of youth and children who come in contact with the office. Additionally, trauma-informed practices can improve the quality of information collected from young people, increase their willingness to comply with requirements, and improve their perceptions of the justice system.

The first step for improving practices is providing training to attorneys and other staff who interact with young people with trauma backgrounds. Training can help attorneys and staff identify trauma-induced behaviors.

Second, ensure supervisors encourage attorneys to modify practice as appropriate. Attorneys and support staff should treat youth with trauma histories in ways that help them cope with their circumstances, including working with outside experts to help attorneys understand the importance of following through on promises, allowing youth to have a voice in the crafting of any diversion options and requirements, and avoiding triggering language or behavior.

Third, designate a trauma-informed practice champion who can lead an examination of current practices for changes that can support those with traumatic histories. These may include: changing training and onboarding to emphasize trauma and youth brain development; setting up a quiet interview or lounge area for victim services and non-custodial interviews; modifying victim outreach letters to recognize their experiences; and allowing children or other victims of trauma who testify to have the assistance of support persons, courthouse dogs, or other supports.

These practices should extend beyond the DA's office and into the courtroom. A court process that is more responsive to youth with trauma backgrounds will enhance perceptions of legitimacy and, potentially, a youth's willingness to abide by court orders. A trauma-informed justice system includes judges and staff trained in recognizing and addressing trauma, as well as spaces and practices that promote the safety, voice, and choice of youth.

Identifying and Treating Youth with Trauma

The District Attorney's office can work with external partners to identify youth with trauma histories and to reduce trauma for children and youth who come into contact with the juvenile-justice system. Victims of crime often become perpetrators and perpetrators have often been victimized in the past, so over the long-term casting a wide net may be the most constructive way to address these concerns and thereby reduce future criminal activity. In the short term, however, beginning with a smaller scale program may help establish protocols and build relationships.

⁴ Dierkhsing C.B., Ko S.J., Woods-Jaeger B., Briggs E.C., Lee R., Pynoos R.S. *Trauma Histories Among Justice-Involved Youth: Findings from the National Child Traumatic Stress Network*, *European Journal of Psychotraumatology*, 2013.

"We need to holistically attack this problem and ensure that we get to our children before they get to the criminal justice system."

— BALTIMORE CITY STATE'S ATTORNEY MARILYN MOSBY

The DA's office can identify youth with trauma through simple screenings conducted by case workers or other staff. Youth should understand the purpose of the screening, receive assurances that results from the screening will not be used against them in legal proceedings, and consent to screenings after consulting with counsel. Screening tools vary depending on the age of the participant, cost, training needed for screeners, etc. but some useful ones include:

- [Acute Stress Checklist](#)⁵
- [Child Report of Post-Traumatic Symptoms](#)⁶
- [Diagnostic Interview for Children and Adolescents — Acute Stress Disorder Module](#)⁷
- [Trauma History Screen](#)⁸ (separate for adults and children)

The DA's office can then work with local community organizations, including mental health providers, to establish a robust referral program that refers youth to “best fit” programs. Important considerations should include provider location, treatment modality, and any pre-existing service relationships. Effective handoffs are also crucial to ensure that young people do not get lost in the complexities of the process. Families or other supportive adults should be included in the handoff, where possible and with youth permission, to provide support and encourage social accountability. Jurisdictions with limited access to trauma-informed mental health services may want to ensure that referrals to organizations that support education, employment, or other life skills utilize trauma-informed practices.

Prosecutorial offices following best practices should monitor progress and completion rates through data collection. Over time, data should be used to assess the caliber of referral partners and thereby promote changes among less effective service providers. The DA's office may require partner agencies to submit data on engagement rates (X weeks of treatment), completion rates, secondary referrals, etc. Data should be specified by treatment as different modalities have different retention patterns yet modality should be selected based on need.

Trauma histories also have implications for juvenile dispositions. Incarceration may be re-traumatizing, either due to the frequency of violence and sexual assault within facilities or the inherently traumatic experience of being taken from home and put in an unfamiliar and possibly dangerous situation. In some instances, trauma may motivate violent behavior. A trauma-informed lens means considering youth with traumatic histories for diversion programs or alternatives to incarceration even if they have committed violent offenses. When the underlying criminal behavior is trauma-driven or the youth has been diagnosed as suffering from traumatic disorders, requiring youth to participate in trauma-informed services — especially those that address co-occurring mental health issues — in lieu of incarceration may be more cost effective, just, and enhance public safety.

⁵ International Society for Traumatic Stress, *Acute Stress Checklist for Children*, 2006, <http://www.istss.org/assessing-trauma/acute-stress-checklist-for-children.aspx>.

⁶ Trauma Institute & Child Trauma Institute, *Child Report of Post-Traumatic Stress Symptoms*. <http://www.childtrauma.com/publications/assessment-instruments/>.

⁷ DISC Development Group, *Interview Manual*, Columbia University. https://www.cdc.gov/nchs/data/nhanes/limited_access/interviewer_manual.pdf.

⁸ National Center for PTSD, *Trauma History Screen*. <https://www.ptsd.va.gov/professional/assessment/te-measures/tha.asp>.

Reducing Secondary Traumatic Stress Among Staff

Trauma impacts not simply those individuals the DA's office interacts with, but also its own staff. Secondary traumatic stress can be a source of burnout, increased staff turnover, or lower quality work. The DA should make internal changes to reduce secondary stress among staff.

Again, the first step is to provide training to staff, increasing their awareness of secondary traumatic stress and its effects, and helping them develop strategies for building resiliency.

Second, adopt strategies to monitor secondary stress. This may include informal measures such as surveys or asking supervisors to monitor and note indicators of secondary trauma. More rigorously, the [Professional Quality of Life Measure \(ProQOL5\)](#)⁹ can help gauge changes over time in employee compassion fatigue.

Lastly, change practices to build resiliency and reduce compassion fatigue. Examples include:

- Creating established protocols or avenues — perhaps through a specific person in the office with psychology training — to enable staff to seek help without stigma;
- Modifying attorney caseload to avoid emotionally difficult cases when the attorney is experiencing secondary trauma;
- Encouraging formal and informal communication among staff about the emotional stress of traumatic cases;
- Having supervisors frequently provide check-ins during particularly difficult or emotionally trying cases;
- Encouraging (and creating opportunities for) healthy eating, exercise, and mindfulness practices that promote self-care; and
- Asking staff about, and implementing, mechanisms and accommodations to reduce stress.

RECOMMENDATIONS

1. **Provide training for attorneys and other staff** who interact with young people with trauma backgrounds. Ensure training covers secondary traumatic stress.
2. **Make internal changes to office practices and physical layout** to reduce re-traumatization and improve communication with youth and children in contact with the office.
3. **Develop trauma-informed practices for both juveniles accused of crimes and victims.** Build a comprehensive system for serving youth with trauma including upfront screening, provider partnerships, and data-informed monitoring of service and treatment efficacy.
4. **Work with judges and defense attorneys** to ensure all stakeholders receive training on trauma. Promote implementation of trauma-informed practices in all aspects of the case.
5. **Consider juvenile trauma histories at all points in the process** when evaluating whether a youth should be incarcerated, diverted, or subject to other dispositions.
6. **Adopt strategies to monitor attorney secondary stress.** This may include informal measures such as surveys or asking supervisors to monitor and note indicators of secondary trauma.

⁹ Stamm, Henry E., Stamm, Beth H., et al., *The ProQOL 5*, 2009.

RESOURCES

- The National Child Traumatic Stress Network Juvenile Justice Center provides online modules, roundtables, and other psychoeducation specific to the juvenile justice space: <http://learn.nctsn.org/>.
- The NCTSN's Think Trauma Curriculum is a potentially useful source of information, though it would require adaptation to the juvenile justice context: <http://www.nctsn.org/products/think-trauma-training-staff-juvenile-justice-residential-settings>.
- Crandal, B. & Conradi, L., *Review of Child and Adolescent Trauma Screening Tools*. (San Diego, CA, 2013, available at: <http://www.childsworld.ca.gov/res/pdf/KatieA/ChildAdolescentTraumaScreenTools.pdf>).
- The National Child Traumatic Stress Network, *What's Sharing Power Got to Do with Trauma-Informed Practice?* (2016), available at: http://www.nctsn.org/nctsn_assets/pdfs/sharingpower2_final.pdf.
- Stamm, Henry E., Stamm, Beth H., et al., *The ProQOL 5*, (2009), available at: http://www.proqol.org/uploads/ProQOL_5_English.pdf.
- The National Child Traumatic Stress Network, *Secondary Traumatic Stress: A Fact Sheet for Child-Serving Professionals*, (2011), available at: http://www.nctsn.org/sites/default/files/assets/pdfs/secondary_traumatic_tress.pdf.
- The National Child Traumatic Stress Network, *Essential Elements of a Trauma-Informed Juvenile Justice System*, (2016), available at: http://www.nctsn.org/sites/default/files/assets/pdfs/jj_ee_final.pdf.

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