

*WHAT'S ALL THE DRAMA
ABOUT TRAUMA?
TRAUMA INFORMED
PRACTICE IN JUVENILE
COURT AND ITS
RELATION TO
RESTORATIVE JUSTICE*

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Learning Objectives

- **What is trauma?**
 - Definition
 - Types
 - Effects
- **Why do we care?**
- **What can we do?**

What is Psychological Trauma?



Event(s) so overwhelming that it diminishes a person's capacities to cope, creating fear, terror, helplessness, hopelessness, and despair

Trauma Personified



Michelle Licata when abuse began



Michelle Licata (left); Courtney Wild (right)

Both girls, about 14 when they were first abused, acknowledge eventually recruiting other young girls for Jeffrey Epstein

Types of Trauma

- Trauma can be acute (a single traumatic event limited in time)
- Chronic (multiple traumatic events)
- Complex (a mix of events)
- Developmental Trauma: Traumatic experiences early in life have developmental impacts, which can sculpt and shape neurological response

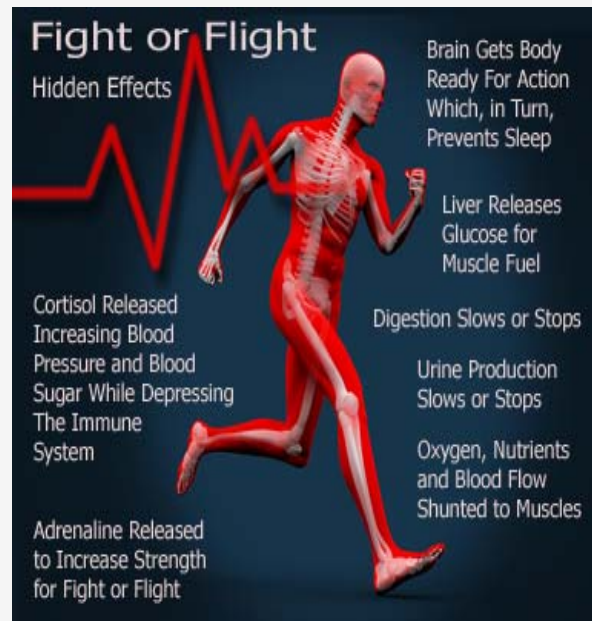
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Other Examples

WAR
Abandonment
Loss of loved ones
Separation
Serious injuries or accidents
Neglect
Witnessing violence in the family, school, community
Physical Assault
RACISM
Emotional physical, sexual abuse
Bullying
Terrorism
Natural disasters

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Fight— Flight— Freeze



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Complex Trauma

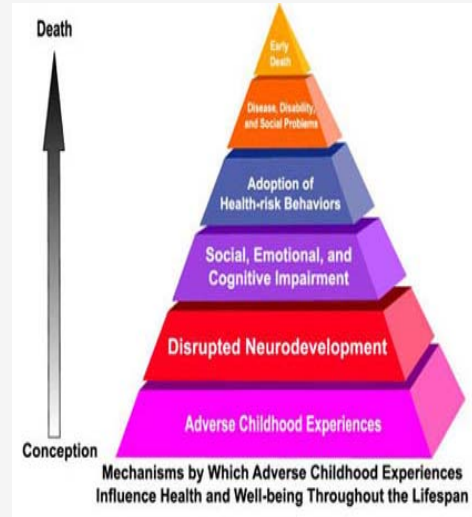
- Includes repeated exposure to stress, abuse, and neglect
- Difficulty interpreting and identifying emotional responses
- Rational thought vs. overwhelming emotion
- Over-development of regions of brain affecting fear and anxiety
- Results in under-development of frontal lobe
- Contributes to long-term organic brain changes
- NOT a DSM-5 Diagnosis
 - Other specified trauma and stressor-related disorder

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Complex Trauma Has Implications Over the Life Span

Effects of Complex Trauma

- Changes in neurobiology
- Social, emotional and cognitive impairment
- Adoption of health-risk behaviors
- Severe and persistent problems
 - Mental health
 - Physical health
 - Social problems
- Early death



Felitti, V.J., et al., 1998

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Biology of Trauma and Toxic Stress

Trauma interferes with the integration of left and right hemisphere brain functioning, which explains traumatized children's "irrational" ways of behaving under stress.

Under stress, their analytical capacities disintegrate, and their emotional schemas of the world take over, causing them to react with uncontrolled helplessness and rage.

Complex Trauma in Children and Adolescents
White Paper from NCTSN Complex Trauma Task Force (2003)

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Impact of Traumatic Stress on the Developing Brain

- More Anxious
- Low Self Esteem
- Less Capable of Concentrating
- More Attentive to Non-Verbal Cues
- Misinterpret Non-Verbal Cues
- Misjudge Their Internal State
- Impaired Social and Problem Solving Skills
- Disruptions in Self Regulation

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Substantial Impairment in Individuals Exposed to Complex Trauma

Attachment	Biology	Affect Regulation	Dissociation	Behavioral Control	Cognition	Self-Concept
Problems with boundaries	Sensorimotor development problems	Difficulty with emotional self-regulation	Distinct alterations in states of consciousness	Poor modulation of impulses	Poor attention regulation/ executive functioning	Lack of a predictable sense of self
Distrust and Suspicious	Problems w/ coordination, balance, body tone	Difficulty labeling and expressing feelings	Amnesia	Self-destructive behavior	Lack of sustained attention / curiosity	Poor sense of separateness
Social isolation	Multiple somatic complaints	Difficulty communicating wishes and needs	Depersonalization and derealization	Aggressive, oppositional, rule-violating behavior	Problems processing novel information	Disturbances of body image
Interpersonal difficulties	medical problems across multiple domains	Difficulty understanding internal states	Impaired memory for state-based events	Pathological self soothing behaviors/ Reenactment trauma behavior in play	Difficulty planning and anticipating	Low self-esteem
Difficulty with perspective taking	Ultimately associated w/ early death		Two distinct states of consciousness	Sleep/eating disturbances	Learning Difficulties	Shame and guilt

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Adaptive Responses to Trauma

- Understand problematic behaviors are:
 - Not character flaws
 - Not symptoms of mental illness
 - Strategies or behavioral adaptations developed to cope with the impact of past trauma
- Callousness or emotional numbing?
- Lack of trust in people and systems
- Unusual emotional responding (laughing)
- Inconsistencies in victims: typical, predictable, and normal way of responding to life threatening events and coping with and remembering traumatic experiences

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What IS all the Drama about Trauma?



"one of the most serious, expensive and widespread public health crises of our time."

-Dr. Nadine Burke Harris, Surgeon General of California

\$45 million in Gov. Newsom 2020 CA budget proposal to screen low-income Medi-Cal patients for adverse childhood experiences (i.e. ACE's)

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Trauma in a Social Context

- Trauma affects people from all socioeconomic backgrounds, levels of educational attainment, areas of geographical residence, ages, and racial or ethnic affiliation
- More marginalized and most vulnerable members of society are at greater risk for trauma responses
- More common for youth, women, the impoverished, and minority groups to experience trauma reaction

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Victims to Offenders: The Vicious Cycle of Trauma

- 50% of those arrested for prostitution related charges were at one point sex trafficking victims
- average age of entry into sex trafficking is 16.1 years of age
- "our children and young adults are trafficking our children and young adults."*
- the vast majority of female offenders have been physically or sexually abused both as children and adults
- Of delinquent girls, 75% have been sexually abused

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*"Measuring the Nature and Extent of Gang Involvement in Sex Trafficking in San Diego"

Why is Trauma Important for Court Practitioners to Understand?



- 75-93% of those entering the juvenile justice system have experienced trauma
- Economic costs of untreated trauma-related substance abuse were estimated at \$ 161 billion in 2000
- Improves judicial outcomes while minimizing avoidable conflict during and after hearings
- Applies approaches that are most effective in promoting recovery and reducing recidivism
- Benefits individuals and the systems that serve them

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Impact of Trauma on Criminal Behavior

- Exploited and traumatized youth may be arrested for crimes that are seemingly unrelated to exploitation or trauma
 - Drug use
 - Violence to self or others
- The adverse effects of trauma may occur immediately, but often they emerge months or even years after the events
- The individual may not recognize the connection between the events and the effects of the trauma
- Does NOT imply lack of responsibility for illegal behavior

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What is a “Trauma-Informed” Court?

- Acknowledging the prevalence and impact of trauma
- Avoid retraumatizing people while supporting their movement towards resilience, recovery and wellness
- Re-examining policies and procedures that may result in participants feeling loss of control in specific situations
- Create a sense of safety for all participants
- Attempts to reduce revictimization of victim-witnesses, particularly in cases of sexual abuse or DV

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Goals of Trauma- Informed Courts

- Promote justice
- Reduce recidivism/crime
- Avoid perpetuating cycle of trauma
- Minimize re-traumatization of victims and witnesses
- Minimizing conflict during and after court proceedings

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Trauma Informed Attorneys

❖ *WHAT CAN LAWYERS DO TO BE TRAUMA INFORMED?*

EDUCATE THEMSELVES ON TRAUMA

EMPOWER CLIENTS WITH PREPARATION

*EXPLAIN THE PROCESS FROM A TRAUMA
LENS*

Restorative Justice



Restorative justice is an approach to justice in which the response to a crime is to organize a meeting between the victim and the offender, sometimes with representatives of the wider community. The goal is for them to share their experience of what happened, to discuss who was harmed by the crime and how, and to create a consensus for what the offender can do to repair the harm from the offense. This may include a payment of money given from the offender to the victim, apologies and other amends, and other actions to compensate those affected and to prevent the offender from causing future harm.

Restorative Justice

- approach to making reparations following crimes (or other wrongdoing) that focuses on:
 - healing the harm done
 - promoting accountability and personal responsibility
 - encouraging the active participation of the victim, offender and other concerned parties
- emphasizes restitution and restoration in the relationships between the offender, the victim(s) and the broader community
- Contrasted with Retributive Justice: “just desserts”

Restorative Justice, Trauma & the Courts

*THE LAW SHOULD STRIVE TO
BECOME TRAUMA INFORMED.*

*RESTORATIVE JUSTICE DESPITE THE
WORD 'RESTORE' DOES NOT IMPLY
HEALTHY OR EQUAL RELATIONSHIPS
BUT SEEKS TO ESTABLISH THEM*

The Broader View of Trauma

*RELATES TO WHAT WE KNOW
ABOUT CONNECTIONS
SOCIAL CONTROL THEORY:
SOCIETAL AND FAMILIAL BONDS
SERVE AS SOCIAL CONSTRAINTS*

Trauma-Informed Practices for Judges

Re-examining procedures where participants feeling loss of control

Training staff to be welcoming and non-judgmental

Modifying physical environments

Engaging participants by minimizing perceived threats

Avoiding re-traumatization

Supporting recovery

Implementing trauma-informed principles, policies, and practices.

Dr. Carlos Nelson, Behavioral Health Program Manager, Juvenile Forensic Services STAT Team, San Diego

Trauma-informed juvenile justice practices influence the future life chances and choices of youth who come into our care.

Dr. Carlos Nelson, Behavioral Health Program Manager, Juvenile Forensic Services STAT Team, San Diego

Thank you!

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