



LINC
LEADING INTO NEW COMMUNITIES
**EYES ON
THE LAW**



INTRODUCTION TO TRAUMA INFORMED COURTS

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EYES ON THE LAW

LINC INC.



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Introduction

The implementation of Trauma-Informed Courts, or ACE's Informed Courts, is a public health approach meant to change the way individuals interact with the justice system and how judges interact with individuals, especially young people, who appear before them. Trauma informed courts rely on the findings of Childhood Adverse Experience (ACE's) assessments to guide the court making trauma-informed and empathetic decisions. Considerations for the impacts that ACEs can have on a person, is a critical step in building resilient communities. North Carolina is currently leading on the effort to introduce trauma-informed practices in the courtroom. In May 2021, Chief Justice Newby announced the establishment of the Task Force on ACEs-Informed Courts. The mission of the task force is to “enable Judicial Branch stakeholders to understand the impact on children of exposure to ACEs and to develop strategies for addressing adverse consequences within our court system”.

This publication takes an introductory look at the relationship between trauma and ACEs as well as investigating how the implementation of trauma informed courts can become essential tools in our judicial systems. Most experiences within the court system are rooted in trauma. Incarceration and interactions with the legal system serve as moments where the culmination of cycles of trauma manifest as justice-involvement. Oftentimes, these moments make up the worst moments of someone's life. Training judges and court officials to be trauma-informed and recognize the factors of trauma that lead to justice-involvement is critically important in alleviating further trauma, improving outcomes and providing the opportunity for individuals to overcome their hardships.



Exploration of ACEs

In 1998, CDC-Kaiser Permanente published a groundbreaking study that investigated the impact of ACEs on physical and mental health problems in over 17,000 adults. During the study, the adults were given a survey asking about 10 different types of ACEs and if they had experienced them prior to the age of 18. The study showed a direct correlation between ACEs and future health complications. ACEs can also include community and environmental ACEs. ACEs are traditionally defined by 3 categories: Abuse, Neglect and Household challenges or dysfunction. Those categories are further broken down to define the criteria for those abuses as defined. The assessment is scored from 0-10, with the more Adverse Childhood Experiences, the more likely the person may experience detrimental impacts into their adult lives.

With the Covid-19 pandemic, adverse community environmental impacts on ACEs were introduced to include additional factors that can impact ACEs scores including: discrimination, violence, remote work and education opportunities, food insecurity and lack of access to primary health care. The diagram below provides a breakdown of Covid-19 and Adverse Community Environments.

The Pair of ACEs COVID-19 Adverse Community Experiences



Abuse



Physical



Emotional



Sexual

Neglect



Physical



Emotional

Household Dysfunction



Mental Illness



Intimate Partner Violence



Divorce



Incarceration



Substance Use

ACEs Assessment

The 10 ACE's questions can be found below. Take a moment to complete the assessment and discover your own ACEs score. Consider what's been discussed so far in the publication and hold those ideas close. Understanding how trauma has been a force within your personal life, may help you understand those forces in someone else's. **For every question you answer 'yes', give yourself 1 point.**

- 1 Did a parent or other adult in the household often: swear at you, insult you, put you down or humiliate you **OR** act in a way that made you afraid that you might be physically hurt?
- 2 Did a parent or other adult in the household often: push, grab, slap or throw something at you **OR** EVER hit you so hard that you had marks or were injured?
- 3 Did an adult or trusted individual ever touch or fondle you or have you touch their body in a sexual way **OR** try to or actually have oral, anal, or vaginal sex with you?
- 4 Did you often feel that no one in your family loved you or thought you were important or special **OR** your family didn't look out for each other, feel close to each other, or support each other?
- 5 Did you often feel that you didn't have enough to eat, had to wear dirty clothes, and had no one to protect you **OR** your parents were too drunk or high to take care of you or take you to the doctor if you needed it?
- 6 Were your parents ever separated or divorced?
- 7 Did you ever witness intimate partner violence between your parents or caregivers?
- 8 Did you ever live with anyone who was struggled with alcohol or substance use?
- 9 Was a household member depressed or struggle with mental illness or did a household member attempt suicide?
- 10 Did a household member go to jail or prison?

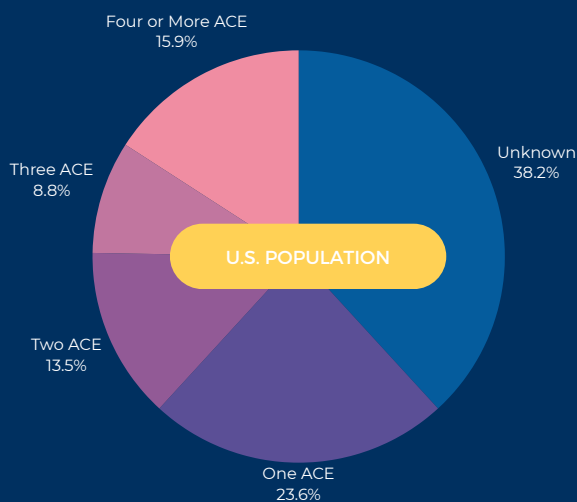
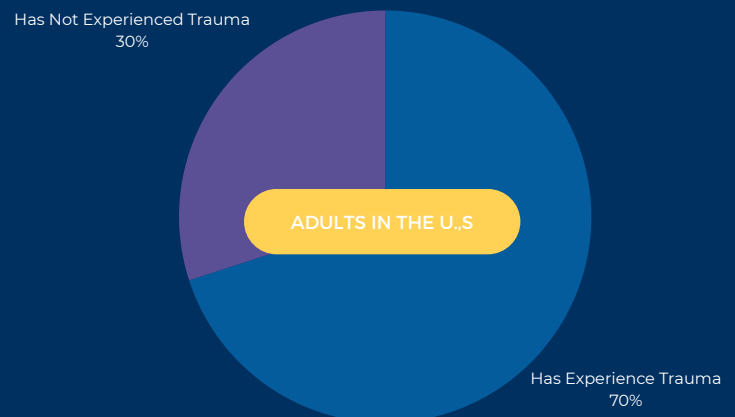
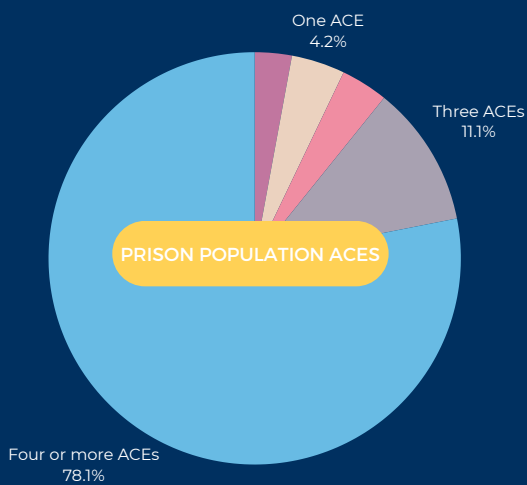
REMEMBER! →

**As the number of ACEs increase,
so does the risk for negative
health outcomes!**



Correlation Between ACEs and Justice Involvement

According to the Compassion Project, 64% of people in the United States have at least one Adverse Childhood Experience. For individuals that are incarcerated, the percentage of a person having at least one Adverse Childhood Experience jumps to 97%. Experiencing childhood trauma greatly increases the likelihood to become justice-involved throughout a person's lifetime.



How do ACE's Impact Us?

It is estimated that nearly 34.8 million children (0-17) are exposed to experiences that would contribute to ACEs.

That's nearly half of all children in the United States.

Consider the following statistics:

- When an individual experiences 1 or 2 ACEs they are:
 - 2x more likely to have serious financial problems
 - 3x more likely to struggle with gainful employment
 - 3x more likely to need support with depression through medication
 - 4x more likely to be exposed to STDs
- When an individual experiences 3 or more ACEs, they are more:
 - 60% more likely to experience the risk of autoimmune diseases such as lupus, multiple sclerosis & type 1 diabetes.
- When an individual experiences 4 or more ACEs they are:
 - 3.7x more likely to have anxiety
 - 4.4x more likely to have chronic depression
 - 5.6x more likely to become involved in substance use
 - 7x more likely to become justice-involved
 - 15x more likely to attempt suicide

Implementation & Justification

GUIDELINES



The Substance Abuse and Mental Health Service Administration (SAMHSA) has provided guidelines for the implementation of trauma-informed courts. One important idea to recognize is how ensuring more positive interactions within the legal system may improve outcomes and outreach for individuals faced with those interactions. The first strategy for implementation is recognizing that being trauma-informed involves adopting a new way of thinking in which behaviors are understood as being results of emotional and physical impacts of past trauma. Implementing trauma-informed courts is based on dignity and respect. This idea is based on the way judges communicate with individuals who appear before them.

COMMUNICATION STRATEGIES



Adopting a trauma-informed language approach and utilizing that language in courtroom communication is an effective way to begin implementation. For example: using people first-language ie. referring to someone by their name rather than criminal or defender and refraining from calling a person derogatory terms such as addict when referring to substance use struggles or even mental health. Learning to communicate with individuals on a basis of compassion, empathy and understanding can go a long way in supporting positive outcomes and may even go a long way in mending the negative perceptions of the justice system. Being transparent, de-escalating situations and engaging in active listening are just some methods to accomplish this.

PROCESSES & PROCEDURES



Court processes and procedures can also be adapted to successfully implement trauma-informed practices. These can be continued training opportunities for judges, assessments and observations to monitor the use of trauma-informed practices in courtrooms and supporting the implementation of court advocates, trained in supporting individuals in crises and throughout their interactions with the legal system may be beneficial in pursuing trauma-informed practices within court systems. Creating ACEs informed courts can also take the form of specialized alternative courts such as treatment courts or support existing work within juvenile and family courts.

JUSTIFICATION



Research has supported the findings that trauma directly impacts not only individual's health outcomes throughout their lives, but also their interactions with the legal system. Implementing trauma-informed courts is just one aspect of a solution that supports the reductions of recidivism and instances of justice-involvement. Cycles of poverty, trauma and substance use are identified factors in justice-involvement. Evolving our court system to better support individuals in resolving these underlying issues is the first step in to ensuring successful outcomes in the future. The lack of support for these individuals should be addressed by our court systems, rather than seek to simply punish individuals without the offering the opportunity for growth or to address the causes of their interactions with the court system.

Implementation in NC & New Hanover County

CONCLUSIONS

As mentioned, North Carolina is leading the charge in implementing trauma-informed practices in our court rooms. The Task Force on ACEs-Informed Courts released their observations and implementation ideas in their Final Report on November 30, 2023. We wanted to take this moment to highlight the work being done by the Task Force. As this publication serves as an introduction to the concept of trauma-informed courts, we would be remiss if we neglected to discuss the ongoing work within our own community. In future publications, we will explore the implementation of ACEs informed courts within our county and state and follow the impact those practices have on our judicial system. You can view the Task Force's Final Report at:

<https://www.nccourts.gov/news/tag/press-release/chief-justices-task-force-on-aces-informed-courts-issues-final-report>

You can also view the handouts provided at the local New Hanover County Courthouse and on their website, which provide quick guidelines to practicing being trauma-informed within the courtroom.

Because these implementation practices are relatively new, Eyes on the Law looks forward to seeing the transformation of our justice system. In future publications, we will continue to monitor, report and observe these implementation efforts. These efforts can be a catalyst in change in addressing many of the issues we've discussed within our series on youth justice-involvement. From discussing the beginning of youth interactions with the justice system and discussing what may be a step in the right direction for preventing further cycles of trauma and incarceration, we are hopeful that the community continues to become educated on resiliency-based models and explore the benefits of transforming ideas and interactions within our legal systems.

This publication serves as a precursor or proverbial tip of the iceberg for more in-depth discussions about the implementation of ACEs informed courts within our community. We look forward to continuing this research and learning more about how these courts can be beneficial and the lives that will inevitably be touched.

Author's Notes



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Most of us have experienced trauma in one form or another. However, the outcomes of our lives are vastly ranged and different. Dr. Peter Levine, best known for his work in psychotherapy, once said: "Trauma is a fact of life. It does not, however, have to be a life sentence. Not only can trauma be healed, but with appropriate guidance and support, it can be transformative." Recognizing trauma and learning tools to approach healing is an invaluable way to transform someone's life. Trauma is rooted in so many of our experiences and is oftentimes present with us throughout every moment of our lives. Ensuring that we have the ability to support individuals in understanding trauma and mending our relationships with trauma is just one step in repairing the dysfunction of many of our communities. I hope that this publication encourages its readers to explore trauma informed practices and ask questions about why it's beneficial to implement across multiple facets of our society from the legal system to our health fields and educational systems. This is just a small drop in a well rich with ideas and possibilities and I hope that we can continue to explore how implementing resiliency-based models can improve our relationship with each other as individuals and our communities.

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The effects of trauma, especially considering the social climate we live in now where trauma seems almost unavoidable for most of us, cannot be ignored within our court system. Trauma shifts how we experience, how we interpret, and how we handle challenges, which can be even more exacerbated for those going through the too often traumatic experience of becoming justice involved. In order to properly provide assistance, support, and understanding to those who are justice involved we must start within our courts to ensure the 75-90% of people who are entering the justice system already traumatized from an event from their childhood are not being further traumatized and we are seeing that happen with the implementation of ACE's and Trauma-informed practices as outlined above, but as there is in any field there is a plethora of more actions, more education, and more progress that can be had. With this publication we hope to spark those conversations of continuance and building upon the powerful groundwork that has already been laid out, we hope to bring awareness to this topic for anyone who might not be familiar, and we hope to continue to elevate our communities into the space of being fully trauma-informed. We are looking forward to continuing to expand upon this important topic with series of monitoring trauma-informed practices in NC Courts as well as within other justice-based institutions so that we can continue to dive into the plethora of possibilities with and informed vision.



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