



Strengthening Tribal Courts: Impact of Domestic Violence on Youth

◆ November 20 - 21, 2024 | Hochatown, OK ◆





Coming Up Next | Mock Hearing Pt.1

Trauma-informed Courts: Setting the Stage

Hon. Ron Whitener (Ret.) (Squaxin Island Tribe)

Chief Judge for the Tulalip Tribes (retired), Co-Owner of
The Whitener Group





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The Violence Against Women Act Training

Trauma Informed Courts – Setting the Stage

Hon. Ron J. Whitener (Ret.)

Trauma we deal with in our courtrooms

- Direct
 - Physical, Psychological, Cultural
- Secondary
 - Vicarious
- Intergenerational

Direct Physical Trauma – Traumatic Brain Injury

- Approx. 1.7 million people experience a TBI annually
- Studies find between 25% and 87% of criminal offenders have TBI, compared to 8% in the general population
- People with TBI are more likely to be incarcerated at an earlier age and incarcerated longer
- TBI is associated with increased:
 - Irritability
 - Aggressive behavior
 - Poor impulse control
 - Lesser inability to plan

Psychological Trauma – Post Traumatic Stress Disorder

- 20% of the incarcerated population found to have PTSD, vs 6-9% of the general population
- Symptoms include:
 - Intrusive thoughts
 - Nightmares
 - Flashbacks of past traumatic events
 - Hypervigilance
 - Disassociation
- Women have higher rates than men
- Higher likelihood to reoffend
- Higher likelihood of violent offending
- Higher likelihood to abuse drugs and alcohol

Cultural Trauma

- “An overwhelming, often ongoing physical or psychological assault by an oppressive dominant group on another group’s cultural resources through force, threats of force, or oppressive policies” – Subica and Link, 2022
- Affects indigenous, immigrant, and refugee populations

Secondary Trauma

- Also commonly known as “vicarious trauma”
- Process of mental change resulting from empathetic engagement with trauma survivors
- Can affect health professionals, social workers, attorneys, and judges
- Symptoms
 - Sleep disturbance and nightmares
 - Appetite changes
 - Hypervigilance
 - Startle response
 - Negative coping (substance abuse or acting out)
 - Guilt
 - Fear and anxiety
 - Oversensitivity

Intergenerational Trauma

- A form of vicarious trauma
- Trauma from empathetic engagement with survivors of trauma, including parents and grandparents who have their own intergeneration trauma

Triggers and Trauma Responses

Triggers

- Can be anything that reminds one of the traumas they have faced.
- Sights, sounds, situations, etc.
- Can be social situations where power differentials are present.
- Can also be reminders of what was lost.

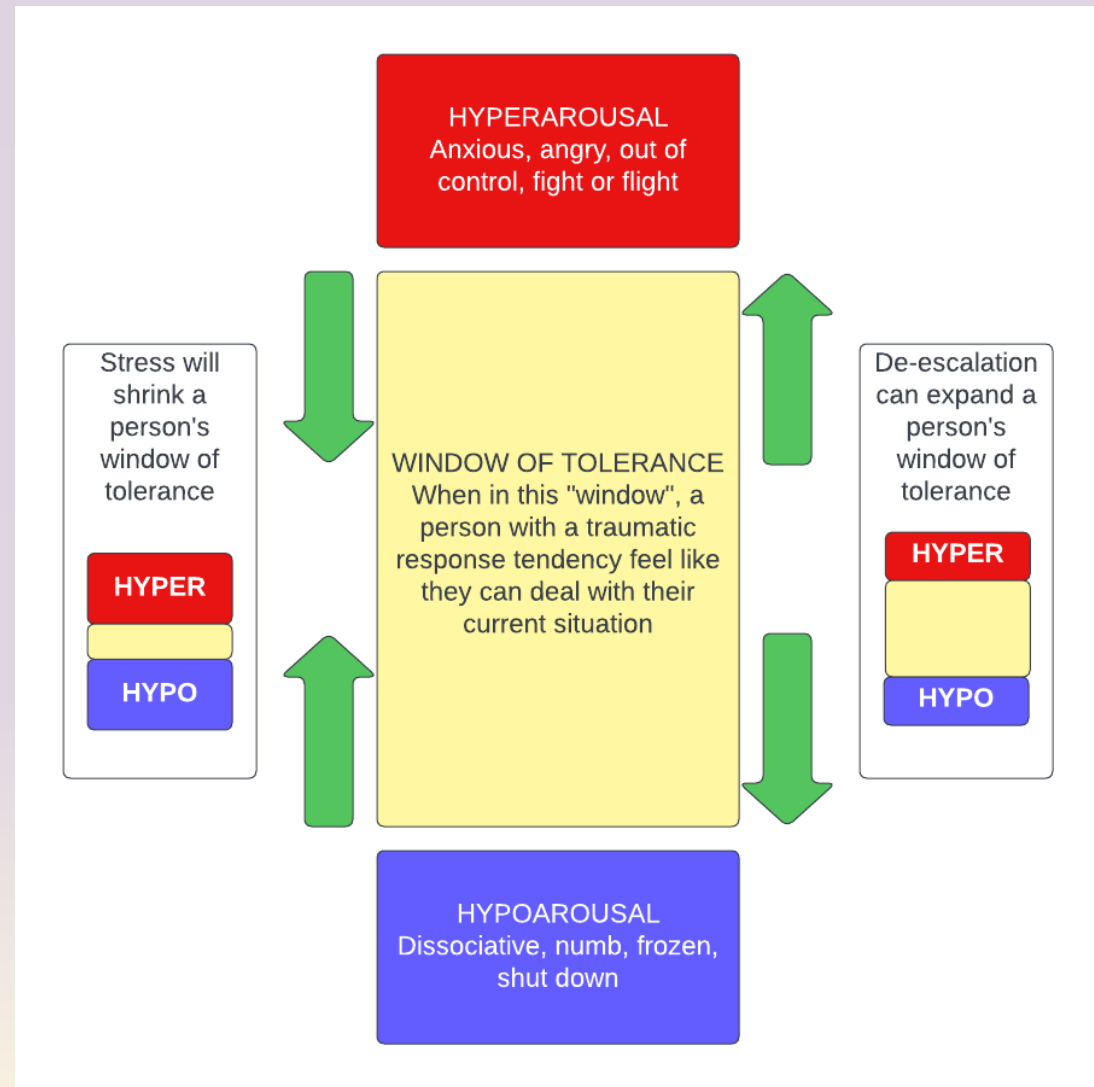
Trauma Responses

- A response that helped one survive or cope with a trauma at the time that is no longer useful.
 - Aggressive behavior/ anger outbursts
 - Dissociation (“Spacing out”)
 - Escapism (including ETOH, Substance use, etc.)
 - Disdainful attitude and micro-aggressions
 - Vindictiveness

What Trauma Responses Can Look Like

- Craving control
- Agreeing to things just to get through a situation
- Feeling on guard all the time
- Having a negative world view, fatalism, and lack of trust for others
- Seeking constant escapism
- Feeling responsible for other's happiness
- Agreeing to things to avoid losing security
- Emptiness
- Giving into reckless impulses and not caring for personal safety

“Window of Tolerance”



Is It Trauma Informed? Mock Hearing



Please take a short 10-minute break, we'll be back!





Coming Up Next | Mock Hearing Pt.2

Trauma-informed Courts: Taking Action and Implementing Solutions

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Mock Hearing Pt.2

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**Strengthening Tribal Courts:
Impact of Domestic Violence on Youth**

**Trauma Informed
Courts – Taking Action
and Implementing
Solutions**

Reimagine the Courtroom Environment

- Commonly designed to instill obedience and authority
- Look for ways to soften
 - Paint color
 - Allow exit and entry when participants need it
 - Have a place for people to decompress (expand their window)
 - Be family friendly
 - Use friendlier signage for rules
 - Use natural lighting
 - Encourage quiet in the courtroom “Take it outside, attorneys!”
 - Artwork!
 - Wayfinding aids

Examine The Language You Use – The Don'ts

- Don't equate their identity to their diagnosis such as being a alcoholic or drug addict
- Don't emphasize limitations
- Don't use condescending, patronizing, intimidating language
- Don't portray success as superhuman
- Avoid jargon or legalese
- Don't use negative or judgmental language
- Don't hammer on failures in the past
- Don't argue with a person's perceptions of events
- Don't argue that information was already provided or known
- Don't assume that because you told them something, it was understood
- Don't jump in and speak for them
- Don't tell them that certain things they tell you are "irrelevant"

Examine The Language You Use – The Dos

- Use non-labeling language to describe conditions
 - “person with a mental health condition”, “person who has been diagnosed with...”
- Emphasize abilities, strengths, skills, passions
- Use language that conveys hopes and optimism
- Ask how people would like to be addressed
- Clarify that they understand the information and expectations given
- Convey optimism and positivity
- Ask if they feel like they have been listened to
- Validate their experiences
- Give them time to find their words and express them
- Ask what has been helpful or unhelpful to them in the past

Require Training for Judges & Staff

- Train to recognize the signs of trauma and respond appropriately
- Train to be welcoming to ensure people are respected and supported
- Make sure staff are trained on maintaining healthy boundaries
- Require staff to maintain communication that is consistent, open, respectful from all judges and staff members

Is It Trauma Informed? Mock Hearing

Thank You!!!



Closing Words

Judge Amy Pierce

Choctaw Nation District Court Judge





Thanks for Joining Us!

Thanks for coming to this Tribal Courts Training Hosted by Choctaw Nation!

If you haven't already, please take the Day 1 and Day 2 surveys:

Day 1 Survey



Day 2 Survey





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