



Brain Injury and Criminal Justice

Understanding the overlap of brain injury and the criminal justice system, including strategies for professionals working with survivors.

Do you know or suspect you have a client with a brain injury?

Confirming a history of brain injury:

- 1) The Gold Standard for identifying brain injury is medical documentation
- 2) If medical documentation does not exist, consider conducting a screen for lifetime history using one of the following resources:
 - a. OSU TBI-ID: <http://ohiovalley.org/tbi-id-method/clinical/>
 - b. Toolkit for Providers of Clients with Co-Occurring TBI & Mental Health Symptoms:
https://www.mirecc.va.gov/visn19/tbi_toolkit/tbi/index.asp

Refer to a specialist (neuropsychologist, licensed clinician, etc.) for a neuropsychological evaluation to determine deficits associated with brain injury.

Common areas of impairment:

Other outcomes may include:

<ul style="list-style-type: none"> ● Short term memory ● Processing Speed ● Attention ● Emotional Regulation ● Light or Noise Sensitivity ● Impulsivity 	<ul style="list-style-type: none"> ● Substance Abuse ● Mental Health Concerns ● Suicidal Ideation ● Instability in Housing and/or Employment ● Increased Recidivism ● Lower Treatment Completion Rates
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Note: This printout is not intended to be exhaustive of all compensatory strategies and accommodation techniques. It is a snapshot that contains easy-to-implement options for professionals.

Now What?

You know your client has a brain injury, but that does not change the legal situation they are in. Fortunately, there are some simple techniques you can build into supervision and skill-building strategies to increase the likelihood of success and help compensate for brain injury deficits.

Here are some common areas of impairment and simple accommodations:

Attention

Might look like: Fidgeting, squirming, getting off topic

Tips: - Reduce distractions

- Keep instructions brief
- Work on one thing at a time

Processing Speed

Might look like: Confused appearance, slow responses, not following instructions

Tips: - Provide additional time to review information

- Speak slowly and clearly
- Check for understanding

Short Term Memory

Might look like: Disorganized, can't remember details, appears manipulative

Tips: - Provide written reminders of appointments, instructions, etc.

- Stick to routine as much as possible
- Summarize discussions about expectations and next steps

Sensory-Motor Skills

Might look like: Appearing overwhelmed, irritable, emotional meltdown

Tips: - Meet in a quiet, calm environment

- Schedule breaks
- Encourage rest, hydration, nutrition, and rescheduling if sick or overly stressed

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Language (Receptive)

Might look like: Withdrawing from social situations, appearing confused, struggles with abstract language

Tips: - Allow extra time to process

- Ask if needed to repeat or rephrase
- Instruct slowly and with one direction at a time

Language (Expressive)

Might look like: Not staying on topic, immature speech, lack of social etiquette

Tips: - Be patient

- Compassionately give feedback
- Allow extra time for them to respond

Language (Social Pragmatic)

Might look like: Inappropriate body language, lack of personal space boundaries, over-sharing

Tips: - Direct and concrete feedback

- Role play to improve behaviors
- Do not overly use or rely on body language and gestures

Initiation

Might look like: Appears unmotivated, needs constant cueing, a follower

Tips: - Provide small, tangible steps

- Help get started
- Encourage checklists and calendars

Mental Flexibility

Might look like: Perseverating, appears stubborn or argumentative, resistant

Tips: - Provide respectful feedback

- Plan and prepare for transitions
- Assist in developing alternative plans

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Reasoning

Might look like: Concrete thinking, difficulty learning from past experiences, struggles with open-ended questions

Tips: - Teach step-by-step problem solving

- Point out possible consequences
- Speak concretely

Emotional/Behavioral

Might look like: Argumentative, meltdown, overreaction to events

Tips: - Model and practice positive interactions

- Suggest breaks when appearing overwhelmed
- Encourage mindfulness behaviors and exercises

Activities to Encourage:

- Mindfulness
- Yoga
- Support Groups
- Journaling
- Exercise
- Adequate Rest
- Good Nutrition



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