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:

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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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