

# Brain Injury and the Criminal Legal System



The Centers for Disease Control and Prevention (CDC) recognizes TBI in prisons and jails as an important public health problem.

50-87%



The percentage of people in the Criminal Legal System who have had a TBI. (Compared with 8.5% in the general population)

12 times



People with TBI are twelve times less likely to achieve a discretionary release.

100%



Nearly 100% of women in the Criminal Legal System have a history of TBI. (Many from Domestic Violence)



## BEST PRACTICE

The Criminal Legal System should:

- **SCREEN** for prior history of Brain Injury
- **ASSESS** Cognitive & Functional Impairment
- **EDUCATE** staff on Brain Injury
- **EDUCATE** the person about their Brain Injury
- **PROVIDE** and **TEACH** Accommodations
- **CONNECT** person served with Community Resources

## COMMON PROBLEMS

After Brain Injury, we often see problems with:

- Attention, memory and new learning
- Slowed speed of processing
- Organization, problem solving & impulsivity
- Irritability, frustration & agitation
- Balance, dizziness & headaches
- Poor awareness of deficits & difficulties
- Difficulty being flexible, poor self-monitoring

## WHAT TO LOOK FOR

Criminal Legal personnel may see:

- Looking uninterested because they cannot pay attention
- Appearance of defiance because they cannot remember the rules
- Slow to follow directions because they cannot process quickly
- Getting into fights because of irritability, anger and impulsivity
- Falling into things, often getting hurt
- Difficulty re-entering community because of cognitive changes
- Gets stuck on an idea or a way of doing something, does not recognize mistakes

95% of people in prisons will return to the community.

They need social support, a way to be productive, housing, and independence with structure.

Watch for mental health warning signs and physical health problems.

# Common Accommodations for Brain Injury Challenges

Here are some common and simple accommodations:

- Working for shorter periods of time
- Getting rid of distractions around you, like noise or movement
- Taking notes (on paper, in a notebook, on a phone or computer)
- Using a phone to set timers to remember appointments
- Repeating information to the person
- Slowing down when talking; giving them more time to respond
- Giving the person a list of house rules, written directions, or pictures to help them understand and remember
- Coaching the person with the injury to "Stop, think and plan" then act
- Coaching the person to take deep breaths when feeling angry or anxious



Take Note

## Tools for Best Practice

### Brain Injury Screening Resources:

- **NASHIA's OBISSS:** <https://www.nashia.org/obissprogram> - The OBISSS is highly recommended. It is made up of the OSU screening tool, a Symptoms Questionnaire and Strategies. It can be used electronically, on a computer, phone or ipad. It can be self-administered.
- **OSU TBI Identification Method:** <https://wexnermedical.osu.edu/neurological-institute/neuroscience-research-institute/research-centers/ohio-valley-center-for-brain-injury-prevention-and-rehabilitation/osu-tbi-id>

**Brain Links' Strategies & Accommodations Tool:** <https://www.tndisability.org/rehabilitation-symptom-questionnaire-and-cognitive-strategies>

- Adult: [bit.ly/3FLkz0V](https://bit.ly/3FLkz0V)
- Juvenile: [bit.ly/4iS2bSC](https://bit.ly/4iS2bSC)



## Tennessee Resources

**Brain Links' Website** with many resources:  
[tndisability.org/brain](https://www.tndisability.org/brain)

**Brain Links' Toolkits** (for Service Professionals and Survivors): <https://www.tndisability.org/brain-toolkits>

**TN Department of Health TBI Program:**  
<https://tinyurl.com/3v5jrdt3>



**Tennessee Brighter Futures' Resource Pages & Training for Brain Injury:**  
<https://www.tndisability.org/tbf-brain-injury>



**Resource Pages & Training for Criminal Legal Systems:**  
<https://www.tndisability.org/tbf-criminal-justice>

**TN Brighter Futures is organized and facilitated by Brain Links through a contract from the TN Department of Health TBI Program.**



Criminal Legal System

### References:

- Dettmer, J. Criminal and Juvenile Justice Best Practice Guide: Information and Resources for State Brain Injury Programs. (2020). <https://www.nashia.org/cj-best-practice-guide-attachments-resources-copy>
- Traumatic Brain Injury in Prisons and Jails: An Unrecognized Problem. Centers for Disease Control and Prevention. [https://www.cdc.gov/traumaticbraininjury/pdf/prisoner\\_tbi\\_prof-a.pdf](https://www.cdc.gov/traumaticbraininjury/pdf/prisoner_tbi_prof-a.pdf)
- Jackson, S. (2020) 5 Tips to Help a Family Member Reintegrate After Prison Release. <https://www.trendwyoming.org/articles/helping-family-member-reintegrate-after-prison-release/>

