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The Thread of Trauma: A Critical Analysis of the Criminal Legal System

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Abstract: A thread of trauma weaves throughout the U.S. criminal legal system, beginning with individual childhood experiences that are situated within families, communities, and systems that are embedded in structural oppression, thereby increasing the risk of initial and subsequent traumas. The criminal legal system, where individuals who experience prior trauma are more likely to be system-involved, exposes racial minority youths especially to further trauma. This thread also impacts criminal legal system professionals who bear witness to the indirect trauma of victims and people who have harmed, which is often manifested in secondary and vicarious trauma symptoms, while may also cause them to grapple with their own prior trauma. The author offers a critical theory of trauma based on Bronfenbrenner's ecological framework, first by examining select scholarly research on individual-, relationship-, community-, and system-level trauma, including trauma within the criminal legal system. The system is then examined through the lens of critical race theory, which both explains the persistence of oppression within the system and provides a path to reform by centering on the lived experiences of those most impacted. The author then applies the concepts of secondary and vicarious trauma, psychological safety, and institutional betrayal to explore original research on the impacts of working sex crimes on prosecutors. Finally, implications for system- and organizational-level change and recommendations for future research are offered, including the meaningful engagement of individuals with lived experiences in the development, implementation, and evaluation of victim-centered, trauma-informed, and culturally responsive programs and services.

Keywords: trauma; secondary trauma; vicarious trauma; critical race theory; emotional labor; psychological safety; institutional betrayal

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1. Introduction

The literature is robust on the impacts of trauma among individuals and within relationships and communities. Adverse childhood experiences (ACEs) at the individual level are associated with lifelong negative emotional, cognitive, and physical impacts (Felitti et al. 1998). In areas with greater ethnic and racial diversity, community-level stressors stemming from systemic and historical racism add additional layers of trauma, including acts of discrimination and witnessing violence in neighborhoods (Public Health Management Corporation 2013). The experience of trauma during childhood has also been found to be associated with subsequent criminal legal system involvement (Jennings et al. 2012). The system itself maintains a legacy of control and carceral punishment and, thus, exposure to further trauma (Jacobs et al. 2021), in turn exposing practitioners working in the system to indirect trauma. Police (e.g., Turgoose et al. 2017; Stamm 2010), forensic nurses or sexual assault nurse examiners (SANE), (e.g., Townsend and Campbell 2009), and victim advocates (e.g., Baird and Jenkins 2003) are among those found to experience secondary trauma (Figley 1995) and vicarious trauma (Salston and Figley 2003) as a result of exposure to disturbing victim narratives and images in their work. Prior experience of personal trauma among criminal justice professionals may add additional emotional distress, although the research is mixed (Fansher et al. 2019; Raunick et al. 2015).

In this article, the author develops the concept of the "thread of trauma", built upon Bronfenbrenner's (1979, 1992) multisystem ecological framework and argues for the value of bringing a critical theory lens (Horkheimer and Adorno 1972) to the understanding of trauma and the ways the criminal legal system is structured to sustain trauma exposure for system-involved individuals, particularly those from traditionally marginalized communities. Oppression within the system is then examined through the application of the key tenets of critical race theory (Bell 1980 and others), which also offers a foundation for reform via the application of lived experiences by individuals most harmed by oppression (Delgado and Stefancic 2012) especially among those holding multiple marginalized intersecting identities (Crenshaw 1991). Drawing from original research on how prosecutors work with survivors of sexual assault (Slovinsky 2018), the author suggests that a critical trauma theory can also illuminate how systemic oppression contributes to trauma at multiple levels, not only for victims and people who harm but also for first responders in the criminal legal system. Practitioners who have experienced prior trauma may also experience reduced feelings of psychological safety (Schein and Bennis 1965) and perceptions of institutional betrayal (Smith and Freyd 2014), especially if they strongly identify with the victims they serve. First, this article reviews the literature on various types of traumas including system-based, and secondary and vicarious trauma. Next, the author examines the criminal legal system from the standpoint of critical race theory (Bell 1980). Then, the author provides a brief summary of the study and applies the conceptual framework, i.e., the thread of trauma, to the qualitative research findings. This article ends with recommendations for policy, practice, and future research.

1.1. Conceptual Framework: The Thread of Trauma

1.1.1. Individual- and Community-Level Trauma

Trauma does not exist in a vacuum. Instead, it is the product of social relationships and broader structures that create a pattern that weaves through and within multiple levels of influence from systems to communities to families to individuals. This view is consistent with the ecological framework, which models interconnections across systems from the microsystem (individual) level to the chronosystem, i.e., environmental factors that can occur across the lifespan (Bronfenbrenner 1979, 1992). It also aligns with the goals of critical theory, whereby scholars seek to illuminate the underlying structures that foster oppression (Horkheimer and Adorno 1972). This section reviews select literature on the experience of individual-, relationship-, and community-level trauma and the ways those experiences connect to criminal legal system involvement and, then, trauma within the system.

The Substance Abuse and Mental Health Services Administration (SAMHSA) defines "trauma as an event or circumstance resulting in physical harm, emotional harm and/or life-threatening harm" (SAMHSA 2014, p. 7). Felitti et al.'s (1998) foundational research on the long-term impacts of childhood trauma introduced ACEs, which connect traumatic events and unsafe conditions occurring in children prior to the age of 18 to ongoing negative outcomes that persist into adulthood including depression, substance use, and disease. ACEs include emotional, physical, and sexual abuse; substance use in the home; and having a parent who was incarcerated. The researchers solidified a connection pediatricians had known for years-resolving the root causes of harm and trauma, e.g., poverty, oppression, etc.—would result in positive outcomes for youths (Burke 2014).

In 2013, the Institute for Families, with the research assistance of the Public Health Management Corporation, published the results of the Philadelphia Expanded ACE Study (Public Health Management Corporation 2013). The study's aim was to identify a fuller range of adversities experienced within a racially and socially diverse U.S. city. In addition to the original ACE survey items, researchers asked participants about their exposure to stressors at the community level, including witnessing violence and experiencing discrimination. The results showed higher rates of ACEs overall among Philadelphia residents and a high prevalence of witnessing violence during their youth (40.5%), feeling unsafe in their community or not trusting neighbors as a child (27.3%), and experiencing racial

or ethnic discrimination (34.5%). These findings demonstrate the need for individual-, relationship-, and community-level prevention programs that are culturally responsive and therefore centered on the needs of diverse communities. Such programs would ideally include the voices of those impacted in the design of interventions, namely those with lived experiences (Delgado and Stefancic 2012). Innovative prevention programs that follow this model will be discussed later.

ACEs situate minority youths in environments and situations where they experience a heightened risk of ongoing negative physical and mental health impacts (Trotta et al. 2015), including the prevalence of post-traumatic stress disorder (PTSD), which has been shown to be highest among Black individuals; the latter also seek treatment for PTSD at lower rates as compared with white individuals (Roberts et al. 2011). Although it is not currently listed in the *Diagnostic and Statistical Manual of Mental Disorder* (American Psychiatric Association 2013), race-based traumatic stress can emerge as a result of experiencing racial discrimination or harassment (Carter 2007). Indirect exposure to race-based violence may also lead to significant emotional harm. In the wake of a fatal shooting by police in 2018, (Lipscomb et al. 2019) interviewed 62 Black males as part of a phenomenological qualitative research study exploring the impacts of viewing, reading, or hearing about the violence. Over 90% of those interviewed indicated PTSD-related symptoms including hypervigilance, fear, and flashbacks. Scholars have also drawn attention to the intergenerational trauma impacts associated with the legacy of slavery among Black individuals living in the U.S. and the diaspora. Degruy-Leary (2017) explains this specific form of trauma, post-traumatic slave syndrome, as a condition that includes attitudes, beliefs, and behaviors associated with low self-esteem, anger, and feelings of inferiority. However, Kendi (2016) raised concerns that the theory, although well-intended, reinforces acceptance of generalized negative stereotypes of Black people, "Black people as a group do not need to be healed from racist trauma. All Black people need is to be freed from racist trauma" (para. 18). Research examining epigenetic modification of DNA is emerging, but there is early evidence of intergenerational biological changes relating to sociocultural stressors (Mulligan 2021) including racial discrimination (Brody et al. 2016; Barcelona de Mendoza et al. 2018).

There is also a clear pathway from the experience of trauma into the criminal legal system. Indeed, a meta-analysis of 37 studies found a strong association between childhood victimization and subsequent criminalization in nearly 84% of the studies (Jennings et al. 2012). Once youths are engaged within the criminal legal system, they have been found to experience higher rates of trauma. System-involved youths have higher rates of exposure to multiple deaths and traumatic deaths, including murder, coupled with higher rates of grief in their communities (Vaswani 2014). Death appears to be a common occurrence for youths labeled as delinquent. In one study, over 70% reported experiencing a significant loss in recent months, with nearly 34% becoming members or increasing their involvement in gang activity after the death had occurred (Lansing et al. 2018). Dierkhising et al. (2021) found that the path of trauma continued also for Hispanic youths, where exposure to community violence nearly doubled among youths who were both gang- and justice-involved in comparison with formerly incarcerated youths who indicated no gang involvement.

Repeated victimization and polyvictimization, or the experience of multiple types of harm, also have been shown to have cumulative negative impacts that are related to subsequent crime and delinquency (Meade et al. 2021, p. 1858) as well as a higher risk of future trauma, especially repeat sexual victimization (Walker et al. 2017). In a recent study of Black transgender women's experiences in school and the criminal legal system (Rosentel et al. 2021), those who were denied access to gender-consistent school facilities and who were removed from schools on the basis of their identity were more likely to experience mistreatment by police. A greater likelihood of incarceration was also found among those who were expelled or denied enrollment as youths and those who were exposed to "anti-trans victimization" including physical and/or sexual abuse (p. 485). Thus, holding multiple marginalized identities appears to be associated with

higher exposure to subsequent traumas and system involvement, consistent with a key tenet of critical race theory, intersectionality, discussed in the next section.

1.1.2. Criminal Legal System Trauma from the Lens of Critical Race Theory

In this section, the persistence of criminal-legal-system-based trauma is viewed through the lens of critical race theory (Bell 1980), first examining the ways that biases and stereotypes may influence perceptions of system practitioners and then exploring the experience of trauma among those who are incarcerated. Critical race theory also illuminates the ways that racial oppression serves as a barrier to transparency on system-generated trauma and to commitment to reform. Finally, critical race theory's emphasis on intersectionality and centering on the lived experiences of those most oppressed to be the voice of change provides a foundation to dismantle the root causes of trauma (Delgado and Stefancic 2012).

The criminal "legal" system has been used throughout this discussion vs. "justice" as intentional use of language that does not infer true justice as an outcome, especially among traditionally marginalized communities. There have long been calls for reform, as waves of civil rights activism persist in shedding light on the experience of trauma within the criminal legal system. Persistent negative racial stereotypes are embedded within and across institutions, where Black people especially are viewed as violent and aggressive (Pickett et al. 2012). Research supports evidence of implicit bias among police, such that people with darker skin color translate to perceptions of a greater threat and subsequent disparate treatment (see Trinkner and Goff 2016 for a review). Other studies have found Black youths to be viewed by those working in the system as older and less innocent in comparison with white or Latino counterparts, especially in cases where youths were accused of serious crimes. This perception may result in reduced safety and protection from the criminal legal system, due to a legacy of dehumanization of Black people in the U.S. (Goff et al. 2014).

Persistent stereotypes and biases appear to be associated with higher rates of trauma related to police exposure. In a recent review of the literature, Jindal et al. (2021) explored the influence of police interactions on Black youths across 16 quantitative studies including 19,493 participants. The findings revealed such interactions to be associated with multiple adverse impacts for Black youths, including mental health concerns such as sadness, fear, reduced feelings of safety, sexual risk behaviors, and substance use. Given findings such as these, scholars have recommended including youths' experiences with police violence into the original ACE framework (Edje and Crawford 2021).

Mass incarceration disproportionately impacts Black individuals in the U.S. and coincides with heightened trauma exposure in prison. Among the same cohort of males born between 1965 and 1969, nearly 3% of (non-Hispanic) white men and just over 20% of (non-Hispanic) Black men spent time in prison by their 30s (Western and Wildeman 2009). Arrest and imprisonment have been found to be associated with PTSD and depression (Boyd et al. 2016). Decades of research on sexual violence in prison have also found rates that vary from 1% to 21% due in part to differences in definitions and methodology (Jones and Pratt 2008), with the highest prevalence of physical and sexual abuse among females who have been incarcerated (Silberman 2010). Previous physical or sexual abuse is also predictive of experiencing violent victimization while being incarcerated (Ellison et al. 2018). People who are transgender are among those most vulnerable to harm while incarcerated. They have been found to be more likely to be refused medical treatment while in prison and to face solitary confinement. They are also five times as likely to be sexually assaulted by prison personnel and ten times as likely to be assaulted by other people who are imprisoned (James et al. 2016).

Activists and scholars persist in long-held calls for alternatives to punishment and incarceration (Jacobs et al. 2021; Scahill 2021). A "racial reckoning" (Quarcoo and Husaković 2021) has burgeoned in recent years in response to systemic violence made visible by the widespread use of social media by real-time activists who bear witness to police who use violence, coupled with demands for the release of police body camera footage. According

to a U.S. Bureau of Justice Statistics report, *Contacts Between Police and the Public*, in 2020 Black (6%) and Hispanic (3%) individuals were more likely to experience the threat or use of nonfatal force in comparison with white (2%) individuals. However, as of 2022 just 41% of law enforcement agencies voluntarily submitted data for inclusion in the FBI's National Use of Force Data collection system. This figure represented just over 50 percent of the total number of U.S. law enforcement officers. Without open access to government data, researchers must look to other sources for information (Comer and Ingram 2023) as they examine the collective mental and physical impacts of being exposed to racial trauma in the media (Bor et al. 2018). Federal legislative reform efforts have gained recent traction, as evidenced by the George Floyd Justice in Policing Act of 2021 (H.R.1280, United States Congress 2021), which would seek to address racial profiling by police at the federal, state, and local levels (U.S. Congressional Research Service 2022) and to create the National Police Misconduct Registry, to centralize reports of complaints and records of police misconduct. However, the Act has yet to be passed by the 117th Congress.

The persistence of racism and racial trauma within the criminal legal system is best viewed through the lens of critical race theory. The theory emerged from the scholarship of Derrick Bell and other key figures including Richard Delgado, Jean Stefancic, Kimberlé Crenshaw, Alan Freeman, Angela Harris, Mari Matsuda, Charles Lawrence, and Patricia Williams (Delgado and Stefancic 2012). One of the key tenets of the theory proposes that race is socially constructed, and racism is an ordinary experience for most Americans as a reflection of differential racialization, a process of attribution that favors the needs of the group holding power. Delgado and Stefancic (2012) describe this phenomenon: "a group of color may be depicted as happy-go-lucky, simpleminded, and content to serve white folks. A little later, when conditions change, that very same group may appear in cartoons, movies, and other cultural scripts as menacing, brutish, and out of control, requiring close supervision" (p. 10) via systems including criminal and educational (Mallett 2017). Thus, the status quo tends to view Black individuals as people who require heightened system oversight. As discussed previously, discrimination and harassment on the basis of race presents its own unique form of trauma (Carter 2007). Craig-Henderson and Sloan (2003) argue that race-based traumatic events are distinctive because they are not random, i.e., individuals are targeted because of their race. Second, these events occur within a broader societal framework of negative stereotypes. The latter perspective aligns with critical race theory's acknowledgement of the pervasive experience of racism.

Another key component of critical race theory that sheds light on the reductionist approach to transparency in the criminal legal system and the stagnant nature of reform is Bell's (1980) notion of interest convergence, wherein majority group members will only support the interests of minority communities when those actions also support majority interests. Bell conceptualized interest convergence through a legal analysis of *Brown v. Board of Education*, which abandoned segregation not due to the demonstrated harm caused to Black children but due to the influence of economic and political forces that were painting a negative portrait of the U.S. on the international landscape. Extending this argument, transparency on the extent of police violence committed against Black Americans and comprehensive reform will not be prioritized if it does not serve the interest of white people (Bell 1980). Lack of interest convergence may also explain why federal funding designed to prevent and respond to high rates of violence in marginalized communities has historically been "fractured, burdensome, ineffective, and/or unattainable" for organizations (Abaya et al. 2022). In other words, public funding has historically been issued to address social problems that are deemed to hold the highest priority.

Some final key tenets of critical race theory serve to illuminate the need for systemic improvements or, for other civil rights activists and scholars (Jacobs et al. 2021), a complete transformation of the criminal legal response to individuals who have experienced trauma. "Intersectionality" refers to the notion that no person can be adequately identified by membership in any one group (Crenshaw 1991). People holding multiple historically marginalized identities face even greater system-based harm, as seen in Rosentel et al.'s

(2021) study of Black transgender women who experienced mistreatment in school and in the criminal legal system. Critical race theory also argues that people who have experienced racial trauma are uniquely suited to speak on behalf of other members of their group(s) on the ways racism affects their lived experiences (Delgado and Stefancic 2012). Critical race theory continues to evolve and expand to include the experiences of racism among various communities including Latinx, Native and Indigenous people, and Asian Americans. Other critical standpoint groups have emerged including LatCrit, TribalCrit, and AsianCRT (George 2021). These concepts—intersectionality and centering on lived experiences—provide the foundation for system change. Individuals holding multiple marginalized identities not only experience higher levels of oppression and harm but also are resilient in the face of adversity (Kendi 2016) and uniquely suited to offer comprehensive solutions to preventing trauma and harm, i.e., changing the conditions that allow the initial strands in the thread of trauma to form.

In sum, trauma impacts individuals across the lifespan, beginning in childhood, with long-term negative effects persisting through adolescence and adulthood, especially among Black individuals who are system-engaged. The experience of racial trauma within the system and the ways that the system might be reformed via the meaningful inclusion of the voices of those most harmed can be examined through the application of key tenets of critical race theory. Another thread, secondary and vicarious trauma, wields its influence within the criminal legal system, specifically among practitioners that work directly with people who have experienced harm. The next section also explores the concepts of psychological safety and institutional betrayal as potential additive stressors for workers in the system.

1.1.3. Experiences among Criminal Legal System Practitioners: Secondary and Vicarious Trauma, Psychological Safety, and Institutional Betrayal

In this final section that outlines the conceptual framework for a critical theory of trauma, the discussion centers on the experiences of professionals working in the criminal legal system. Practitioners are exposed to horrific narratives and images as part of their work with people who have been harmed or who have harmed others. They also may have experienced prior trauma as individuals living within families, communities, and systems, especially if they hold marginalized identities. Thus, the thread of trauma can be both layered and complex for certain groups of criminal legal professionals and may result in even greater challenges with secondary and vicarious trauma, as well as feelings of psychological safety and perceptions of institutional betrayal. This section explores each of these issues and is followed by a review and application of the concepts to original research conducted by the author (Slovinsky 2018).

Secondary trauma is a common psychological and emotional response to working with individuals who have suffered traumatic incidents. Secondary trauma symptoms can include emotional activation; intrusive thoughts, memories, or dreams; and avoidance, which can also be present in individuals with PTSD (Turgoose et al. 2017). Other features of secondary trauma include burnout (Figley 1995); a meta-analysis of over 40 studies found a strong association was found between burnout and secondary trauma (Cieslak et al. 2014). Secondary trauma is also marked by emotional exhaustion and feelings of hopelessness (Stamm 2010). Another indicator is a decline in the ability to carry the emotional burden of others (Figley 2002). Traumatic countertransference, when immediate and spontaneous emotions are invoked in response to client narratives, can also impede a professional's capacity to set boundaries in their work (Salston and Figley 2003).

Hensel et al. (2015) conducted a meta-analysis of nearly 40 studies that examined secondary trauma risk factors among professionals providing therapeutic work to trauma victims. Variables that were significantly related to secondary trauma included caseload frequency, volume, and ratio (amount of time spent with trauma cases) and having a personal trauma history. Emerging research has found higher levels of secondary traumatic stress among therapists who work with clients who have experienced racial discrimination

(Giordano et al. 2021). Shell et al. (2021) also explored Black therapists' experiences with burnout and secondary traumatic stress. They found that race-related stress, as measured using three subscales Individual Racism, Institutional Racism, and Cultural Racism, were predictive of both variables. Thus, practitioners working directly with system-involved individuals may be at a higher risk for secondary trauma, especially where the impacts of racial trauma are operating. However, additional research is needed.

Although there are similarities with secondary trauma, vicarious traumatization is marked by a shift in an individual's worldview over time in response to indirect trauma (Salston and Figley 2003). McCann and Pearlman (1990) viewed vicarious trauma through the theoretical lens of constructivist self-development theory in focusing on the context of a professional's experience with vicarious traumatization, including the potential for changes to cognitive schemas or ways of viewing the world. The researchers describe this process as interactions between an individual's personality, features of the traumatic event, and external socio-cultural factors (Pearlman and Mac Ian 1995, p. 558). Thus, both secondary and vicarious trauma are marked by significant psychological impacts, while the latter may result in a change in service providers' worldviews.

Among criminal legal professionals, Catanese (2010) provided an early overview on secondary and/or vicarious trauma and its impacts on police, prosecutors, and probation officers working with sexual assault victims and people who harm. The author indicated negative outcomes including feelings of fear and helplessness in response to exposure to painful stories and imagery. Turgoose and colleagues (2017) examined the levels of secondary trauma, compassion fatigue, and burnout among police working sex crime cases. Although overall levels of each variable were found to be low, officers who worked longer lengths of service exhibited higher levels of these symptoms. A qualitative study initially designed to understand the reasons for sexual assault case attrition also found evidence of trauma resulting from investigators' work on cases (Morabito et al. 2021). Forensic investigators who review content involving crimes against children have also been shown to exhibit increased likelihood of secondary trauma (Burruss et al. 2018; Perez et al. 2010). One study examined the role of gender and personality factors among internet child abuse investigators and found those who identified as female and showed traits of neuroticism and introversion were more likely to report secondary trauma symptoms (Tehrani 2016).

SANEs have also been shown to exhibit psychological impacts in their work with survivors. Townsend and Campbell (2009) administered the Compassion Fatigue Self-Test (Figley 1995) to measure levels of secondary trauma. The findings demonstrated that one in four participants indicated experiencing trauma symptoms a few times or more after treating patients. Interestingly, nurses who reported prosecution of cases as important in their work exhibited higher levels of secondary trauma symptoms, potentially pointing to stress that may arise from an inability to control factors in other parts of the system (Beaton and Murphy 1995), which was also seen in the author's (Slovinsky 2018) (Slovinsky and Brubaker 2022) study with prosecutors. Raunick et al. (2015) also found that SANE nurses had significantly higher levels of vicarious trauma as compared with nurses working in other areas of women's health.

Mental health professionals who work with sexual assault survivors (Schauben and Frazier 1995), sexual assault trauma counselors (Ghahramanlou and Brodbeck 2000), and advocates working with victims of sexual assault and domestic violence (Baird and Jenkins 2003) have been shown to experience patterns of secondary trauma. Advocates are intended to serve as critical voices for those harmed both outside and within the system. Based on the author's professional experience and the literature, they often retain a peripheral role in the criminal legal response as their purpose, to honor the choices of the survivor, may run contrary to other responders' desire for arrest or convictions. In one study exploring the perceptions of law enforcement and prosecutors on the advocacy role, advocates were generally viewed as helpful in providing emotional support to the victim and family and mitigating crime victims' stress while participating in the system. However, some participants expressed concerns about advocates being overly involved in cases and having

conflicting goals in the legal process (Gaines and Wells 2017). Divergent goals in system approaches may be a challenge specifically for system-based advocates, or those who work within the criminal legal system such as police or prosecutors' offices. Brubaker (2019) found a similar dynamic where college campus-based advocates appeared conflicted between their commitment to their institution and to survivors' empowerment. Thus, role conflicts could lead to additional stressors and the experience of secondary and/or vicarious trauma among service providers.

While system-based advocates may experience greater pressure in aligning with their professional colleagues, community-based advocates operate with more, but not complete, autonomy within non-profit organizations. These agencies work within parameters outlined by federal and state funding streams that reinforce or even require criminal legal system collaboration. This cooperation has been cast as a "dance with the devil" (Matsuda 1996, p. 41) that impedes transformative efforts that forward accountability models as alternatives to carceral punishment that most often impacts marginalized communities. Thus, advocates appear to cope with additional challenges including perceived role conflict as they also straddle working within systems while remaining committed to the activists' efforts to reform and/or transform the system, as discussed later.

Research has shown public defenders working in the criminal legal system to experience symptoms consistent with PTSD, as well as high levels of burnout and secondary trauma due to exposure to clients who have experienced trauma (Levin et al. 2011). Studies exploring the impacts of secondary trauma on prosecutors have been limited, with some exceptions. Maguire and Byrne (2017) compared lawyers' and mental health professionals' levels of vicarious trauma, measuring exposure to traumatic material and personality traits. Their findings showed that lawyers who were indicated as being low on an "emotional stability domain" (p. 233), i.e., those with higher rates of neuroticism, were significantly more likely to experience vicarious trauma symptoms. The researchers explained that mental health practitioners may have greater access to trauma-related training and peer support in comparison with lawyers, who are expected to shield emotions.

In one study (Leiterdorf-Shkedy and Gal 2019), prosecutors appeared reluctant to display feelings during interactions with other court personnel and indicated mixed coping responses while working on challenging cases. Additionally, Wettergren and Bergman Blix (2016) noted shared rules in the courtroom on the portrayal of feelings, as they engaged in "emotion management" (p. 22). Organizational norms that encourage emotional suppression, in lieu of having the support of co-workers, may contribute to emotional distress (Fansher et al. 2019). These findings are consistent with those in the author's (Slovinsky 2018; Slovinsky and Brubaker 2022) study. Recently, the author presented their research on prosecutors' experience with secondary and vicarious trauma at a national conference. After the session, a prosecutor related that they felt the need to apologize to the court after they began to cry while recounting details of a tragic case. Thus, they were forced to shield their emotions within the courtroom.

The above prosecutor's experience, i.e., feeling safe enough to be vulnerable in a highly formalized environment where negative repercussions could result from showing emotions, is consistent with the concepts of psychological safety and institutional betrayal. Schein and Bennis (1965) first described psychological safety as the level of workers' feelings of security and confidence in their ability to manage change. Likewise, Kahn (1990) expanded the concept to include the ability of an individual to show their true self without facing negative consequences in the workplace. Research has also found that people thrive when their relationships with co-workers are supportive and based on trust (Kahn 1990). Edmondson (1999) viewed psychological safety from the perspective of the team, where members feel a sense of safety and are free to take interpersonal risks. Thus, the organization's approach to its employees can have a direct impact on their perceived ability to make decisions and be authentic in the workplace. This approach will be discussed in a later section.

By contrast, experiencing institutional betrayal can reduce feelings of trust and safety and, by extension, increase the experience of trauma. Institutional betrayal involves

"deliberate acts or acts of omission (e.g., negligence) perpetrated by institutions onto individuals that rely on these institutions for support, resources, protection, and in some cases survival" (Smidt and Freyd 2018, p. 491). Prior scholarship has applied the theory of institutional betrayal to abuse by clergy in the Anglican institutional church (Gardner 2022), the U.S. Military (Monteith et al. 2016), sexual assault on college campuses (Smith and Freyd 2013), and healthcare systems (Smith 2017; Tamaian et al. 2017). Smidt and Freyd (2018) recently extended the theory to illustrate purposeful acts of commission in institutions. Examples of commission include the application of harsh penalties under U.S. immigration policy and state laws requiring educational institutions to report the gender identity of children to parents. The authors point to the need for institutional courage to counter acts of systemic betrayal via internal activism to drive a culture of support and care, increasing transparency and accountability, and providing reparations to reverse harms.

The influence of prior trauma exposure on those working with crime victims is another important area of inquiry, especially given mixed findings in the literature. Follette et al. (1994) found a positive relationship among police between experiencing prior trauma and subsequent vicarious trauma in working with sexual abuse survivors. Forensic interviewers of child victims of maltreatment similarly report experiencing high rates, especially where interviewers have prior trauma experiences (Fansher et al. 2019). These studies could indicate that criminal legal professionals with a trauma background may face even greater cognitive and emotional impacts while working with victims of crime. However, other research has pointed to little to no association between prior traumas and subsequent experiences of secondary trauma among rape crisis counselors and female psychologists (Schauben and Frazier 1995). In another study, SANEs who indicated a personal trauma history was not indicative of higher vicarious trauma as compared with other nursing professionals who also experienced personal trauma (Raunick et al. 2015).

In the following section, original qualitative research on prosecutors working sex crime cases is reviewed and presented as evidence of secondary and vicarious trauma. The findings are also examined through a critical race theory (Bell 1980) lens and the application of the concepts of psychological safety (Edmondson 1999; Kahn 1990; Schein and Bennis 1965) and institutional betrayal (Smith and Freyd 2014).

2. Original Research on Prosecutors Working Sex Crimes

This discussion provides a critical analysis of the results from an original qualitative study (Slovinsky 2018) (Slovinsky and Brubaker 2022) with prosecutors who work sex crime cases. The initial goal of the study was to explore the factors prosecutors consider as they decide to take a case to trial. Using purposive and snowball sampling, where the researcher requests recommendations for additional study participants (Nardi 2018), the final sample included 15 prosecutors who worked sex crimes drawn from a different county or city in the Commonwealth of Virginia. A total of 13 prosecutors participated in face-to-face interviews. Four participants responded to a survey offered to increase participation; two completed surveys that provided enough data for analysis.

The participants in the study identified primarily as female and two identified as male. The sample is consistent with a statement shared by one participant, who indicated that young females are typically assigned to sexual assault cases. The age of participants ranged from 33 to 62. Most participants identified as white (12), two identified as African American/Black (2), and one identified as Asian (1). The sample is comparable with racial demographics of the broader U.S. population. According to the most recent data available, a study by the Reflective Democracy Campaign (2015) found that 95% of over 2400 elected prosecutors identified as white males. Only 1% of elected prosecutors identified as females of color (Women Donors Network 2015). The underrepresentation of minorities working as prosecutors may signal important implications for those working within the system, especially if they experience discrimination or harassment. On the other hand, they may feel even more empowered to make a difference, as one Baltimore, Maryland prosecutor argued "As a Black woman who understands just how much the criminal justice

system disproportionately affects communities of color, I will seek justice on your behalf" (Wilkinson 2015). The latter statement is consistent with Kendi's (2016) argument that Black people living in the U.S. fight back "harder and stronger after racist trauma" (para. 13) and with calls to place individuals with lived experiences in key roles within systems (Delgado and Stefancic 2012)

Applying a grounded theory approach which allows researchers to remain open and flexible in the emergence of themes (Charmaz 2014), the author initially coded the data line by line. A priori codes were also used to categorize data based on what was found in the literature, such as discretion/decision-making and jury bias. The author applied open coding (Strauss and Corbin 1998) to describe and analyze the data and incorporated in vivo codes, or key words or phrases used by study participants as they shared their experiences (Charmaz 2014), e.g., "victim centered".

Several themes were found throughout participant narratives that captured the concepts of secondary or vicarious trauma. Additional themes emerged through the application of concepts of psychological safety and institutional betrayal. Participants indicated that sexual assault cases were significantly more complex and challenging in comparison with other crimes. They also reported high levels of distress in response to cases as is consistent with secondary and vicarious trauma. They also indicated signs of reduced psychological safety (Edmondson 1999; Kahn 1990; Schein and Bennis 1965) in openly expressing their strong negative emotional reactions. Prosecutors also reflected on challenges with unique systemic barriers in prosecuting sexual assault that were largely outside of their control, namely perceived institutional betrayal (Smith and Freyd 2014), that led to experiences of anger, frustration, and guilt at not being able to do more for victims.

Across the total sample of 15 prosecutors, five (n = 5, 42%) participants shared narratives that pointed to their own secondary and vicarious trauma in response to working with victims of sexual assault. In response to feelings of despair, prosecutors indicated that they engaged in disengagement to cope with painful emotions:

> You develop a pretty thick skin, and you get used to saying that. I remember the first time I had to tell a victim [trial] wasn't going to happen and it was just so gut-wrenching and then by the end of it, I'd be like, 'who's next?' (Slovinsky 2018)

Over time, the prosecutor elected to distance themselves from the work because of constraints in the system that would not lead to a successful trial and the challenges in having to explain the process outcome this to the victim. Another participant described prosecuting sex crimes as "a soul crushing job". After being out of the field for nearly two years, she shared, "I still just feel now like I'm starting to get emotions back", (Slovinsky 2018). The statement points to shifts in their cognitive schema about the world as being safe and just, consistent with vicarious trauma and the experiences of rape crisis counselors and female psychologists in another study (Schauben and Frazier 1995).

Several factors have been found to influence the impacts of secondary and vicarious trauma among professionals working in the criminal legal system. The presence of supportive relationships among co-workers and management can serve to alleviate symptoms of stress among police officers (Perez et al. 2010). Social and supervisory support has also been found to reduce levels of secondary trauma (Bourke and Craun 2014). Organizational backing overall has shown positive outcomes for victim advocates (Slattery and Goodman 2009). In the author's study (Slovinsky 2018), the presence of a supervisor who supported prosecutors in their decision-making appeared to foster a sense of empowerment:

> So, I was lucky in that the commonwealth attorney [supervisor] I worked for strongly supported us and gave us the discretion that we needed, it was honestly something that was earned over time. . .as long as you can document the reasons behind it, as long as you explain those reasons, to the victim as long as you give them the opportunity to tell you how angry they are with you. . .you have the support you need (Slovinsky 2018)

The above prosecutor's quote can be examined from the standpoint of psychological safety and institutional betrayal. When supervisory support was present, the prosecutor felt empowered to make decisions on cases without fear of retribution. However, the prosecutor was also expected to accept the brunt of dissatisfaction that victims expressed when case outcomes did not meet their expectations, another potential source of distress.

Similarly, psychological safety can also be enhanced in supportive work climates where staff can lean into relationships with co-workers and be themselves (Kahn 1990). However, institutional rules surrounding courtroom "order and decorum" (American Bar Association 2023) may serve to inhibit emotional authenticity. As one participant shared at the end of an interview, "I think I've got it all off my chest finally. I've been wanting somebody to know all this stuff. It's been so frustrating" (Slovinsky 2018). This statement makes clear the expectation to check one's emotions within the court culture.

Among prosecutors who have experienced their own personal trauma, the tendency to strongly empathize with survivors of sexual assault may be even more profound. In light of expectations to conceal one's emotions, prosecutors who have been sexually assaulted may also fear disclosing their experience and how it impacts their work, thus having reduced feelings of psychological safety. If survivors are blamed or otherwise mistreated by other system workers, prosecutors may also have heightened perceptions of institutional betrayal. There have been mixed results in the literature with regard to the impact of prior individual trauma on practitioners working in the criminal legal system (see, for example, Follette et al. 1994; Schauben and Frazier 1995) However, in the author's study (Slovinsky 2018), one prosecutor shared how their own experience with trauma influenced the way they perceive victims' experiences and the system overall:

> I'm personally a victim of sexual assault. . .I feel very strongly that victims of sexual assault are given a terrible representation in the criminal justice system. And their credibility tends to be at the forefront of everyone's analysis and I think it has a very chilling effect, very chilling effect and I don't like that (Slovinsky 2018)

The prosecutor's empathy for survivors and stated frustration with the system reflected a heightened risk for secondary trauma symptoms (Follette et al. 1994). Traumatic countertransference might also have resulted in an inability to pull away from the case if the prosecutors connected too closely with survivors (Salston and Figley 2003). This close alignment may have resulted in lowered psychological safety as a survivor working in a system, especially in cases where victims' agency was ignored or rejected. Finally, the prosecutor expressed a strong perception of institutional betrayal in noting the "terrible representation" and "chilling effect" within the system.

Another participant illustrated the ways juror bias contributed to their perceptions of institutional betrayal:

> I don't pick juries for these [cases] anymore because I find that having 12 people trying to make a decision about this is nearly impossible. . .The last two juries I had, one was a mistrial and then I was going to retry it, but then my victim kind of fell apart and couldn't go through it again. Then the second one. . .It was a stranger abduction rape and the jury basically said they didn't believe anybody and that he had said that it was a cocaine deal and they lived in [lower income neighborhood] and they said they knew that people [there] did drugs. . .So, it kind of has shaken my little bit of faith in the jury at least on these cases (Slovinsky 2018)

In stating that their faith in jurors' critical role in the system was "shaken", the prosecutor had determined that the most effective strategy to reduce their stress and that of the victim was to stop selecting juries, a key system process. The prosecutor also noted the inherent bias that the jurors appeared to express when victims and/or people who harm are from underserved areas, thus exposing system-involved individuals from marginalized communities to further negative judgment and harm. This bias appeared to be another source of

indirect trauma for the prosecutor working the case. This is consistent with Shell et al.'s (2021) study, which found higher rates of burnout among professionals working with people who had experienced race-related stress.

When marginalized victims experience disparate treatment in the criminal legal system, prosecutors demonstrated high levels of frustration and perceived institutional betrayal. A study participant recounted severe discrimination and harassment that a transgender victim faced by other actors in the courtroom:

> I saw several members of the criminal justice process including judges intentionally humiliate Trans people, asking them things like 'okay, Ms. So and So—this is your name but I'm looking at your criminal history and I see an a.k.a. and here is a male name. Do you want to tell me about that?' So making that Trans person explain that in front of the courtroom full of people and then have the deputy turn and say 'it doesn't matter what gender you identify with, you're going into the male population even though you're a Trans woman.' . . . It's hard to mitigate those because there's lots of pieces you don't control. (Slovinsky 2018)

The prosecutor's experience with this case and others resulted in them leaving the field because they could not continue to bear witness to institutional barriers faced by individuals they were meant to serve, especially those who experienced discrimination. If prosecutors work with victims holding multiple marginalized identities (Crenshaw 1991), they may experience even higher levels of secondary and or vicarious trauma, as well as perceptions of institutional betrayal.

Having little control over the treatment of victims especially was a key source of emotional distress. Another prosecutor shared that they returned to their office and cried after particularly tragic cases, thinking "'my God how do we put somebody through this and then look at ourselves in the mirror?' because it's horrifying" (Slovinsky 2018). This prosecutor appeared to take on the sense of injustice that the survivor may have felt because of their participation in the criminal legal process and, by extension, perceived institutional betrayal. Notably, the prosecutor did not indicate that they were able to lean into their peers for support. This statement provided further evidence of reduced psychological safety in accessing organizational or peer support, as the prosecutor literally needed to look to themselves to rationalize how the system could fail to protect victims from further harm.

This discussion has focused on the ways in which prosecutors experience secondary and vicarious trauma, also applying a critical race theory lens and the concepts of psychological safety (Edmondson 1999; Schein and Bennis 1965) and institutional betrayal (Smith and Freyd 2014) to illuminate the ways that the thread of trauma impacts prosecutors in their work with victims of sexual assault. The next section offers implications for the criminal legal field, including the need to center on the voices of those most oppressed, which is consistent with victim-centered, trauma-informed, and culturally responsive approaches to working with people who have experienced harm.

3. Implications

3.1. Centering on People with Lived Experiences: Victim-Centered, Trauma-Informed, and Culturally Responsive Approaches

Critical race theory's key tenets of intersectionality and centering on lived experiences offer a starting point from which to develop strategies that eliminate the root causes of oppression and trauma, especially among traditionally marginalized communities. These concepts also align with the crime victims' rights movement's goals to be victim-centered, trauma-informed, and culturally responsive. In this section, the discussion begins with the ways the victim services field has re-envisioned its response to victims from traditionally marginalized groups and how the field has begun to meaningfully include survivors with lived experiences in the development and delivery of programs and services. The author, who has been a victim services practitioner for over 20 years, has witnessed the victims' rights movement shift in its approach and core messaging over the past several decades from awareness raising and outreach to formalized application of public health models and

evidence-based programs. However, the predominantly white cisgender female-led gender violence movement has also faced criticism for being too closely aligned with the criminal legal system (Matsuda 1996) and marginalization of those most impacted by trauma and violence—Black, Latinx, Indigenous, and Native women. This lack of inclusion is notable given that Black women were the first to revolt against sexual violence and to challenge the systems of oppression (McGuire 2011), and continue to do so through activism such as the Me Too Movement (2017).

Critique of the traditional victims' rights field has coincided with a renewed focus on the meaningful inclusion of people with lived experiences, especially those holding multiple marginalized identities. The concept of lived experiences has its roots in the Frankfort School's critical theory, which was influenced by Freud's psychoanalysis in the attempt to understand individuals' attachments that are connected to the experience of oppression (cited in Allen 2015) in pursuit of liberating humans from oppressive structures (Horkheimer and Adorno 1972). The approach is also consistent with critical race theory's call to center on those most impacted in changing racist structures and systems (Delgado and Stefancic 2012). The concept of lived experiences can also be seen in phenomenology, feminist theory, and ethnography (McIntosh and Wright 2019). Phenomenology, introduced by Edmund Husserl (1970), takes a "first-person point of view" in the way we view the world around us (Smith 2018, para. 1). Feminist theory, originating from Wollstonecraft (1792) and applied by many other scholars, confronts systems grounded in sexism and equality. Ethnography examines social relations through a rich description of the experiences of individuals and communities, as seen in the early work of Malinowski (1915).

Increasingly, human service providers are being encouraged to meaningfully include individuals who have experienced trauma into every stage of the work, from program development, to provision of direct services, and evaluation. For example, the U.S Assistant Secretary for Planning and Evaluation (ASPE), advisor to the Secretary of the U.S. Department of Health and Human Services (UHHS), acknowledges the importance of lived experiences, providing online information and resources for professionals working with people directly impacted by trauma. ASPE recommends developing "solutions that are most appropriate for those impacted by the issue, and the *potential harmful unintended consequences of the current and past actions taken by the existing system on the people it aims to serve*" [italics added] (United States Department of Health and Human Services n.d., para. 3).

Efforts to center on the lives of people who experience trauma are consistent with those that promote victim-centered, trauma-informed, and culturally responsive services. In its *Model Standards for Serving Victims and Survivors of Crime*, the U.S. Department of Justice Office for Victims of Crime (OVC) defines victim-centered services as those that focus on the priorities, needs, and interests of victims of crime. Restoring victims' feelings of safety and security is a primary goal. Service providers should also incorporate victims' rights, voices, and perspectives when designing and providing services, and safeguard against practices that may result in the re-traumatization of victims (United States Department of Justice n.d.a).

The victim-centered approach aligns with SAMHSA's nationally recognized trauma-informed response, which

> "Realizes the widespread impact of trauma and understands potential paths for recovery; Recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system; Responds by fully integrating knowledge about trauma into policies, procedures, and practices, and seeks to actively resist re-traumatization" (SAMHSA 2014, p. 9)

SAMHSA's (2023) *Practical Guide for Implementing a Trauma-Informed Approach* (SAMHSA 2023) builds upon its earlier resist–recognize–respond–resist framework and promotes the acknowledgment of systemic harms including trauma grounded in oppression. SAMHSA's (2023) guide specifically recommends the criminal justice system apply trauma-informed strategies, beginning with the recognition across all practitioners that an individual's history

with trauma can impact their engagement and interactions with system professionals as well as the interventions being applied (SAMHSA 2023).

A culturally responsive approach centers on the lived experiences of traditionally marginalized people who have experienced trauma, consistent with critical race theory (Delgado and Stefancic 2012). It also elevates the unique cultural identities of individuals and the ways culture shapes individual experiences of trauma and resiliency. Culturally responsive service providers actively acknowledge the negative impacts of oppression, discrimination, and racial and historical trauma, for example among African Americans and Black Americans who live with the legacy of slavery (Degruy-Leary 2017), and Native and Indigenous people who experienced widespread "losses of lives, land, and culture from European contact and colonization resulting in a long legacy of chronic trauma and unresolved grief across generations" (Brave Heart and DeBruyn 1998, p. 60). Bryant-Davis (2007) recommends that therapists actively screen for experiences of racial trauma with their clients, and recognize the impacts of intersecting oppressions while supporting individuals. Finally, as with victim-centered and trauma-informed approaches, culturally responsive programs and services seek to avoid replicating harm in part by removing barriers and increasing access to individuals who have experienced trauma, including within systems.

It is notable that, at a national level, there is increasing recognition that harm can originate in systems designed to protect and prevent further acts of violence and trauma (United States Department of Health and Human Services n.d. and SAMHSA 2023). Given the high rates of victimization experienced by people who have harmed, carceral approaches must continue to be examined from the standpoint of people with lived experiences, especially those who have been most impacted by oppression. The next section includes a discussion on the calls for reform of the criminal legal system via restorative justice and, for other scholars and activists, a complete transformation of the system.

3.2. Restorative Justice and Transformation

To address harm across the community, relationship, and individual levels, scholars and practitioners have called for restorative justice as an alternative to carceral punishment. Restorative justice offers victims another avenue to seek justice and accountability in a way that aligns with their own goals (Koss and Lopez 2018). Koss (2014) empirically evaluated the RESTORE program, a model of restorative justice used within the criminal legal process in Arizona. In this voluntary program, victims of crime, including those secondarily harmed such as family members, explore the impacts of the crime with those responsible for the harm. Participants jointly create an accountability plan; RESTORE staff continue to supervise adherence for a year. Community Accountability and Re-Integration Board meetings also provide the responsible person the opportunity to deliver updates on their progress (Koss 2014).

Others argue for a more transformative approach to address community harm. As activist and author Mariame Kaba argues, "policing is derivative of a broader social injustice. So it's really impossible for non-oppressive policing to exist in a fundamentally oppressive and unjust society" (Kaba, quoted in Scahill 2021, para. 19). Namely, the system as it currently stands will not result in justice for those who experience violence in their communities nor will attempts to integrate social work principles into police work. The latter models include co-responder teams that pair law enforcement with counselors to respond to individuals experiencing mental health crises. Similarly, in Mobile Crisis Teams, mental health professionals serve as the primary responder, with police backup as needed (U.S. Congressional Research Service 2022).

In 2021, a group of social work scholars (Jacobs et al. 2021) critiqued various forms of collaboration between social workers and police, including the joint response to law enforcement calls for service. In lieu of this model they deem as "carceral social work" (p. 37) grounded in white supremacy and social control, they provide several recommendations that serve to foster relationship building and halt punishment. These include centering on communities to address challenges via political mobilization, support, and grassroots

organizations without system involvement. INCITE!, founded in 2000 by women of color, and Creative Interventions, founded in 2004 by an INCITE! co-founder, are examples of programs designed to reimagine interventions to violence. Creative interventions rely on mobilization of community members in place of professionals (Jacobs et al. 2021), including meeting survivors in their homes, for example, to replace the traditional service model of visiting an office for assistance. Creative interventions also include the creation of "StoryTelling & Organizing Project (STOP)", a space to collect stories of everyday community-driven responses to violence (Jacobs et al. 2021).

Alternative interventions such as those abovementioned meaningfully engage people with lived experiences who have experienced multiple forms of oppression in the creation of supports that address harm, consistent with victim-centered, trauma-informed, and culturally responsive approaches, as discussed earlier. Introducing restorative and transformational interventions into the educational system early on may also interrupt the "school to prison pipeline", where school disciplinary actions against vulnerable youths lay the initial groundwork for subsequent system involvement and incarceration (Mallett 2017, p. 563), especially for Black transgender women (Rosentel et al. 2021). There appears to be broad public support for a shift in focus on punishment, even among victims of crime. A survey conducted by the Alliance of Safety and Justice found that 61 percent of crime victims expressed support for shorter prison sentences and more resource allocation focused on prevention and rehabilitation (Alliance of Safety and Justice 2022).

Innovations in the prevention of trauma and harm are also being acknowledged at the federal level. The American Institutes for Research (Brennen et al. 2019) introduced a U.S. Department of Justice (U.S. DOJ)-funded strategic planning and implementation guide for building trauma-informed systems across agencies working with children and youths. Perhaps in response to experts calling for federal and state governments to prioritize funding for organizations that respond to community violence (Abaya et al. 2022), recently, the U.S. DOJ issued USD 100 million in funding to curb serious violence. The funding supports agency collaboration and innovations, including grassroots and community groups that work outside the criminal legal system (United States Department of Justice 2022). Such groups may be co-located in healthcare organizations, or in independent programs that recruit outreach workers with lived experiences and those who serve to interrupt violence in families and neighborhoods, through relationship building, group meetings, peace agreements, and conflict resolution (Buggs et al. 2022). Importantly, funding will also support research and evaluation of community violence intervention efforts to inform future service design and implementation (United States Department of Justice 2022).

Police executives have also argued for an alternative to law enforcement response to people who are experiencing mental health crises, with one former police chief stating, "We're asking cops to do too much in this country. We are. Every societal failure, we put it off on the cops to solve. Not enough mental health funding, let the cops handle it" (Brown 2016). In Calvert et al.'s (2020) study exploring fear and distrust of police among Black individuals across a variety of groups, police who were interviewed indicated that violent encounters were the result of a lack of connection between officers and the communities where they work. Alternative accountability models may serve to bridge this trust gap and, as described earlier, reduce the experience of indirect trauma among law enforcement and other first responders.

As discussed, calls to reform or transform the criminal legal system are resulting in innovative grassroots approaches that are led by communities who are most impacted by trauma. These nationally recognized efforts help to ensure a victim-centered, trauma-informed, and culturally responsive approach is accessible to all system-involved individuals, including both victims and people who have harmed, not only to prevent re-traumatization but also to create opportunities that enhance post-traumatic growth (Tedeschi and Calhoun 2004) and hope (Munoz 2022), as described in the following section.

3.3. Post-Traumatic Growth, Hope, and Innovative Prevention and Intervention Programs

This section begins with a strengths-based discussion of the potential for post-traumatic growth following trauma. To foster this growth, innovative prevention programs are being developed and implemented to dismantle inequities and to center on the voices of those with lived experiences. Trauma-informed treatment programs have also been shown as beneficial for youths who are criminal-legal-system-involved or those who are at a heightened risk for system exposure (Olaghere et al. 2021). Such programs may also hold promise for enhancing resilience and hope (Munoz 2022).

Despite the long-term negative impacts of childhood trauma, a meta-analysis by Alisic et al. (2014) found that a small percentage of youths overall (15.9%) develop PTSD after trauma exposure, with female-identified youths showing the highest risk for PTSD (32.9%). When individuals thrive after experiencing trauma, post-traumatic growth can occur following, and even because of, a traumatic event (Tedeschi and Calhoun 2004). Viewed as positive psychological outcomes after experiencing trauma, post-traumatic growth can help to mitigate negative effects such as depression. A meta-analysis of 26 studies by Wu et al. (2019) found the rate of moderate to high post-traumatic growth to be just over 50% following exposure to various traumatic incidents including physical and sexual assault. Research on post-traumatic growth after experiencing racial trauma is emerging, but studies are finding associations between mindfulness and holding a strong sense of racial identity as having a positive relationship to growth (see, for example, Dong et al. 2023). Growth is also possible for criminal-justice-system-involved individuals. In Dierkhising et al.'s (2021) study of system-engaged youths, some participants indicated that they left gangs because of their traumatic loss—the trauma itself spurred them to seek a better path forward.

Innovative prevention programs recognize the burden of multiple health and social inequities on youths and the possibilities for post-traumatic growth. The RYSE Youth Center expanded the ACE's framework to include social location, generational embodiment, and historical trauma in applying a culturally responsive approach. The center also incorporates its Theory of Liberation, which centers on the lived knowledge and expertise of young individuals in its programs and services designed to help them thrive (RYSE 2015). The centers' focus on youth participatory action research has also been recognized by scholars, including student research projects involving gender- and sex-based violence and bullying and examining the coping strategies of youths in their community (Villa et al. 2018).

There is strong evidence for the effectiveness of trauma-informed approaches to system-involved youths as well as youths at risk of entering the system. In one meta-analysis, Olaghere et al. (2021) reviewed 29 studies evaluating the effectiveness of trauma-informed treatments for these populations. Cognitive–behavioral therapy, including trauma-focused therapy, was found to be effective in mitigating the impacts of trauma. The Trauma and Grief Component Therapy for Adolescents program focuses on knowledge and skill building to strengthen emotional, cognitive, and behavioral regulation via group sharing of traumatic experiences and losses and fostering a future-oriented standpoint among those participating in the program (Saltzman et al. 2017). A study examining the effectiveness of the program in a sample of youths housed in secure juvenile justice settings showed a significant reduction in PTSD symptoms. Participants indicated that they learned strategies to remain calm and were more hopeful for their future and inclined to think before acting. One youth remarked that he could now envision reaching the age of 18, something he believed would not be possible previously (Olafson et al. 2018). The latter finding is consistent with emerging trauma research that has signaled the importance of hope for the future as an important protective factor (Munoz 2022). To create the conditions for post-traumatic growth and hope, trauma-informed and culturally responsive treatment programs are needed for all individuals who have a higher risk of system engagement to interrupt the cycle of trauma.

Innovations in training and education to mitigate the impacts of secondary and vicarious trauma are evolving. Offering education and training on secondary trauma, compassion fatigue, and burnout have been found to enhance self-awareness and coping strategies

(Turgoose et al. 2017). Certified Compassion Fatigue Specialist Training centers on ways to enhance self-regulation and self-care and offers other tools to reduce the negative effects of working with individuals who have experienced trauma. The training was found to result in a statistically significant decrease in compassion fatigue at posttest (Gentry et al. 2004). In a study of pediatric nurses working in areas impacted by war and terror, (Berger and Gelkopf 2011), participants received information on ways to identify trauma in patients as well as stress management techniques. Those who received the training showed significantly improved self-efficacy and a reduction in the levels of secondary traumatization. The authors postulated that the peer-group format allowed for enhanced group cohesion and acknowledgment of shared courage, which is consistent with other research that has pointed to the importance of peer support in ameliorating secondary trauma (Figley and Kiser 1989; Catherall 1995; Stamm et al. 2004). Given the research findings relating to the effectiveness of training and education programs, organizations should consider integrating this information throughout the life stages of employment, from recruitment to exit interviews, to help reduce the negative impacts of experiencing indirect trauma.

Innovative programs that focus on prevention of trauma and intervention with those most impacted hold promise for interrupting the thread of trauma. Likewise, training and education programs may also serve to mitigate the impacts of secondary trauma among professionals working in the criminal legal system. However, more research is needed on the effectiveness of these strategies, as discussed in the next section.

4. Recommendations for Future Research

Given the prevalence of trauma among individuals, and exposure to community- and system-level trauma, more research is necessary to understand methods to interrupt the pathway of individuals into the criminal legal system. Those holding multiple intersecting and traditionally oppressed identities are best positioned to create tangible and long-lasting positive outcomes for individuals and communities, with the aim to prevent and interrupt the thread of trauma. Emerging research on the power of post-traumatic growth especially among minorities (Dong et al. 2023) and hope (Munoz 2022) demonstrates the need to explore these phenomena across diverse populations of people who have experienced trauma. Victim-centered, culturally responsive, and trauma-informed prevention and intervention initiatives that center on those with lived experiences such as the RYSE Center and INCITE! ((Jacobs et al. 2021) should continue to be piloted in additional communities and evaluated for their effectiveness.

Programs and services that involve collaborations across systems, such as those recommended by Brennen et al. (2019), should also be evaluated for effectiveness. Such evaluations should include valid and replicable measurement and benchmarking to assess the impact of collaboratives in reducing the impacts of harm experienced by children and youths. Evaluations of community programs and services developed and implemented to address serious violence via 2022 U.S.D.O.J. funding may also offer insights for innovations in preventing and addressing violence outside of the criminal legal system. Emphasis should be placed on traditionally underfunded grassroots community groups that have been operating independently to address violence through peacemaking and conflict resolution (Buggs et al. 2022), including the challenges they face that create barriers to successful outcomes, e.g., inadequate, cumbersome, and inconsistent funding streams (Abaya et al. 2022). While treatment programs such as The Trauma and Grief Component Therapy for Adolescents (Saltzman et al. 2017) show promise for youths who are system-involved, randomized controlled trials are also needed to examine the effectiveness of different types of treatments for those within and at risk of being engaged by the criminal legal system (Olaghere et al. 2021).

It has been shown that secondary and vicarious trauma are both common experiences among helping professions, including those in criminal legal system (see, for example, Figley 1995; Ghahramanlou and Brodbeck 2000; Townsend and Campbell 2009). Recent research has found higher levels of secondary trauma among Black therapists as measured by

individual, institutional, and cultural trauma (Shell et al. 2021) and among therapists who work with people impacted by racial harassment and discrimination (Giordano et al. 2021). The author's study revealed marked emotional distress for a prosecutor who witnessed discrimination against people who are transgender (Slovinsky 2018). Participant narratives also pointed to the potential for reduced feelings of psychological safety (Schein and Bennis 1965) and perceptions of institutional betrayal (Smith and Freyd 2013) including those who experienced prior personal trauma. These findings should be explored further across diverse populations of professionals working within the criminal legal system.

The main categories of vicarious trauma interventions in research include mindfulness programs, psychoeducation training, recreational programs, and alternative medicine. Each has shown some levels of effectiveness in reducing burnout, compassion fatigue, and secondary trauma across practitioner populations. However, agency initiatives have historically tended to focus on self-care as a primary way to address the impacts of indirect trauma (Kim et al. 2022). Moreover, practitioners can have neutral and positive responses to exposure to indirect trauma, including vicarious transformation (Molnar et al. 2017). The latter suggests that individuals and agency leadership should work together to identify ways to apply what is known in the literature and to identify new strategies to mitigate negative responses to indirect trauma. Importantly, this approach is also consistent with centering those with lived experiences.

Collaborative initiatives that involve individuals across organizations should be developed, implemented, and evaluated for their effectiveness at mitigating the impacts of secondary and vicarious trauma. Evaluations of training content focused on secondary and vicarious trauma are needed, including those that are specific to professional occupations such as law enforcement and victim advocacy. For example, which elements of the training are most beneficial in reducing the impacts of secondary and vicarious trauma over time? Which elements are less helpful, especially for different roles within organizations? These questions would suggest a customized approach. Additionally, evaluation research may shed light on the most effective training models for educating professionals. Such models might include incorporating trainers with lived experiences of oppression in design and delivery, peer-to-peer training, and/or collaborative training models, e.g., pairing prosecutors with victim advocates as trainers and considering the backgrounds and identities of the trainers by race, ethnicity, gender identity, sexual orientation, etc. Research is also needed to explore the association between prior trauma and subsequent exposure to work-related indirect trauma, especially given mixed findings across different profession types (see, for example, Follette et al. 1994; Schauben and Frazier 1995). Interventions should then be tailored to meet the unique needs of people having a trauma history and assessed for impact.

The power of an organizational climate to reduce secondary trauma and emotional labor while also enhancing psychological safety and institutional courage cannot be understated, based on evidence for the effectiveness of supervisory (Bourke and Craun 2014), peer support (Figley and Kiser 1989; Catherall 1995; Stamm et al. 2004), as well as shared power within organizations. In one study of victim advocates, Slattery and Goodman (2009) found that higher reported levels of shared power across the agency served as a protective factor for advocates, with fewer reported post-traumatic stress symptoms even among those who experienced prior abuse. Shared power included positive responses to statements including the belief that staff are treated equitably and being able to share divergent opinions from those held by others with the agency, without fear of retaliation. Additional research is needed on ways to effectively introduce opportunities for shared power and decision-making to reduce negative outcomes among professionals working with survivors of trauma. The Sanctuary Model may serve as an effective framework for practitioner implementation. This model applies a trauma-informed and relationship-based approach to reduce authoritarianism in workspaces and to foster commitments to moral principles such as democracy and open communication (Bloom 2017).

Research-based resources such as OVC's Vicarious Trauma Toolkit offer strategies to create vicarious trauma-informed organizations in the areas of victim services, emergency medical personnel, law enforcement, and fire services. The toolkit includes model policies and protocols in addition to an organizational assessment centered around five pillars including leadership and mission, management and supervision, employee empowerment and work environment, training and professional development, and staff health and wellness (United States Department of Justice n.d.b). The toolkit should be expanded to include other professions, including prosecutors. Additionally, while the toolkit focuses specifically on the internal work climate, it is important to consider the impacts of systemic oppression and other external factors that can influence the level of individual and organizational stress, as shown by the Philadelphia Expanded ACE Study (Public Health Management Corporation 2013). Other contemporary issues include the profound impacts of the pandemic on community violence outreach staff (Buggs et al. 2022) and victim advocates as they necessarily shifted in the ways they delivered services (Schrag et al. 2022). Thus, the Toolkit's assessment would benefit from expanding to include the role of organizations in responding to systemic and environmental harms, which is consistent with the ecological framework (Bronfenbrenner 1979, 1992). The Sanctuary Model may also serve as a valuable theoretical framework to guide the development of additional resources within the toolkit since it encourages open communication and encourages alignment across agency personnel on core values and goals (Bloom 2017). Research is also needed on the effectiveness of interventions designed to shift organizational cultures within the criminal legal system towards becoming vicarious trauma-informed, including agencies that have utilized the OVC Vicarious Trauma Toolkit.

Finally, research that adequately conceptualizes and measures secondary and vicarious trauma (Molnar et al. 2017) is necessary to examine the effectiveness of outcomes across all of the aforementioned research and evaluation initiatives. Applying differential analyses such as qualitative interviews, observational techniques, and longitudinal studies may shed more light on how the impacts of secondary and vicarious trauma, feelings of psychological safety, and perceptions of institutional betrayal evolve over time. Investigation of individual-level factors, team- or peer-level factors, and organizational-level factors, as well as their interactions, can help researchers translate the literature into sound evidence-based practices that can drive positive outcomes across organizations (Newman et al. 2017). Given that the literature on psychological safety has centered on corporate work climates (e.g., Schein and Bennis 1965) and institutional betrayal in other organizations including religious (Gardner 2022) and healthcare systems (Smith 2017) (Tamaian et al. 2017), examining the role of these concepts in the criminal legal system is another important area of exploration. Translating what is known in the literature to the work of practitioners may lead to additional organizational strategies for leadership that help to mitigate the negative psychological impacts of working in the criminal legal system and to increase practitioners' feelings of safety in voicing their ideas and accessing supportive resources. Organizations must also consider ways to effectively identify, prevent, and seek accountability in cases of institutional betrayal, which may also serve to enhance employee's trust, commitment, and ability to sustain in challenging fields.

5. Conclusions

This article has offered a critical theory for a thread of trauma that weaves throughout the U.S. criminal legal system, beginning with individual-, relationship-, and community-level traumas that are connected to exposure to further trauma exposure within the system, not only among victims and people who have harmed but also the professionals who serve them. The latter may also carry their own lived experiences with trauma, which can add an additional layer of emotional distress. These experiences may also manifest as a reduction in feelings of psychological safety within organizations and perceptions of institutional betrayal.

Critical race theory helps to explain the persistence of trauma within communities and systems; it also paves the way to engage those who are at the intersection of multiple experiences of oppression in the development of solutions that will drive authentic change. As discussed, there are innovative programs that integrate the voices of those most harmed while also applying a victim-centered, trauma-informed, and culturally responsive approach. These programs should continue to be evaluated to identify what works best across diverse communities, as activists continue to elevate the need to dismantle the root causes of oppression, via reform or true transformation.

While this article has provided an overview of studies centering on the effects of secondary and vicarious trauma on individuals working in the criminal legal system, translation of this knowledge into the field is emerging. In addition to the OVC Toolkit mentioned previously, the International Association of Chiefs of Police (IACP) has acknowledged the importance of addressing indirect trauma via its Vicarious Trauma Response Initiative. As an interdisciplinary community collaborative, the initiative seeks to increase understanding of vicarious trauma among first responders and to provide resources and opportunities to collaborate with allied professionals to promote resiliency (IACP 2022). The National Council of Juvenile and Family Court Judges (NCJFCJ) has decades of experience in providing training and support to courts to engage in trauma-informed care and to mitigate secondary traumatic stress (NCJFCJ 2019). Initiatives such as these may show promise for criminal legal system agencies to become trauma-informed for justice-involved individuals and practitioners.

Still, there remains a multitude of systemic barriers that create challenges for addressing the impacts of working with people who have experienced trauma. As Molnar et al. (2017) suggest, organizational norms that expect shielding one's feelings must change to sustain the work of people who respond to trauma survivors, which is consistent with the concept of psychological safety. The authors also caution that the experience of secondary and vicarious trauma should not be situated solely with the individual, but with organizations that hold responsibility for mitigating the negative effects of the indirect trauma (Molnar et al. 2017). Organizations that are successful in reducing vicarious trauma may also enhance trust in leadership and thus prevent perceptions of institutional betrayal.

Arguments to elevate the role of organizations to reduce the impacts of indirect trauma are in line with scholars' (Kim et al. 2022) (Molnar et al. 2017) and activists' calls to end placing the burden on individuals, especially in Black and Brown communities, to practice self-care. As Kelechi Ubozoh, mental health consultant, writer, and public speaker stated, "I'm a Black woman living in America trying to navigate 'the system with my own historical trauma and survivorship (suicide, sexual violence). Self-care for me is a full-time job" (Ubozoh 2021, para. 4). Therefore, while organizational leaders are striving to shift internal cultures, they cannot ignore the influence of societal-level factors described throughout this article that serve to counteract any attempts at reducing the indirect trauma that appears to be an inevitable outcome from working in the field (Barrington and Shakespeare-Finch 2013; Pearlman and Caringi 2009).

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