

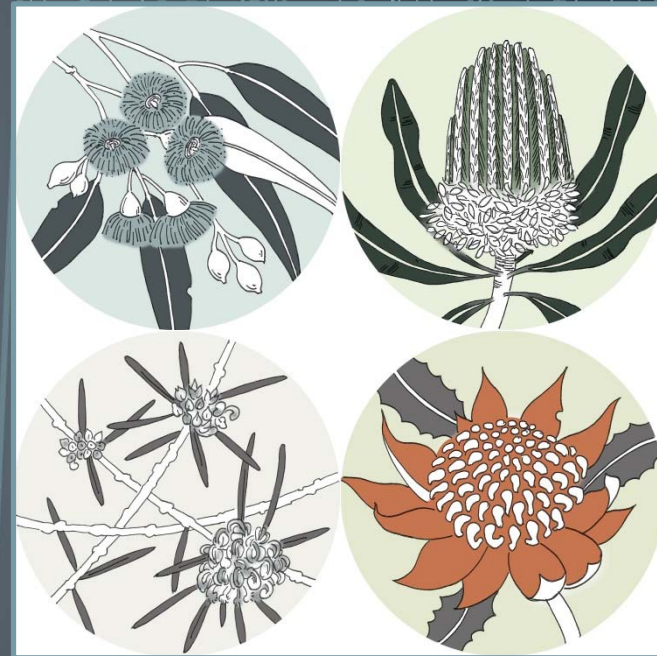
Sentencing Stress and Vicarious Trauma

NJCA & ANU Sentencing Conference, 3 March 2018

Carly Schrever

Judicial Wellbeing Advisor, JCV

LLB; BSci; MPsych (Clinical) / PhD Candidate



Judicial stress was once an
'unmentionable topic', and is still a
sensitive one

Sentencing stress sits within the many
stressors of judicial office

Stressors of judicial office

Stressors of Work Load:

- Increasingly high case load
- More documents and more laws
- Insufficient time for writing judgments
- Extra duties of office
- Limited opportunity to delegate

Stressors of Work Type:

- Conflict & disagreement
- Highly emotional & tense
- Managing mental illness or personality problems of court users
- Traumatic material
- Making decisions that significantly impact people's lives

Stressors of Work Culture:

- Isolation
- Scrutiny
- Public
- No feedback
- No management
- Stress denying
- Expression of emotion and opinion constrained
- Safety concerns
- No career progression
- Longevity of service

**Stress comes from a range of sources
and can give rise to a range of
psychological outcomes**

Stress constructs

- Psychological distress (Kelk et al., 2009)
- Burnout (Lustig et al. 2009)
- Vicarious Trauma (Vcklevski & Franklin, 2008)
- Secondary Traumatic Stress (Chamberlain et al, 2009)
- Emotional Labour (Roach Anleu & Mack, 2005)
- Transitional Stress (Travis, 2007)
- Decision-making fatigue (Danziger et al., 2011)
- Compassion fatigue (Burke, 2014)
- Low Job Satisfaction (Chase & Hora, 2009)
- Depressive symptoms (Chan et al., 2014)
- Anxious symptoms (Chan et al., 2014)

What is vicarious trauma?

Secondary Trauma Reactions

Vicarious Trauma

Disruptions to a persons' beliefs about safety, power, independence, esteem, intimacy, and/or frame of reference as a result of being exposed to another's traumatic experiences

Secondary Traumatic Stress

Development of PTSD symptoms (re-experiencing, arousal, avoidance, emotional numbness) following the traumatic experience of an important person

Compassion Fatigue

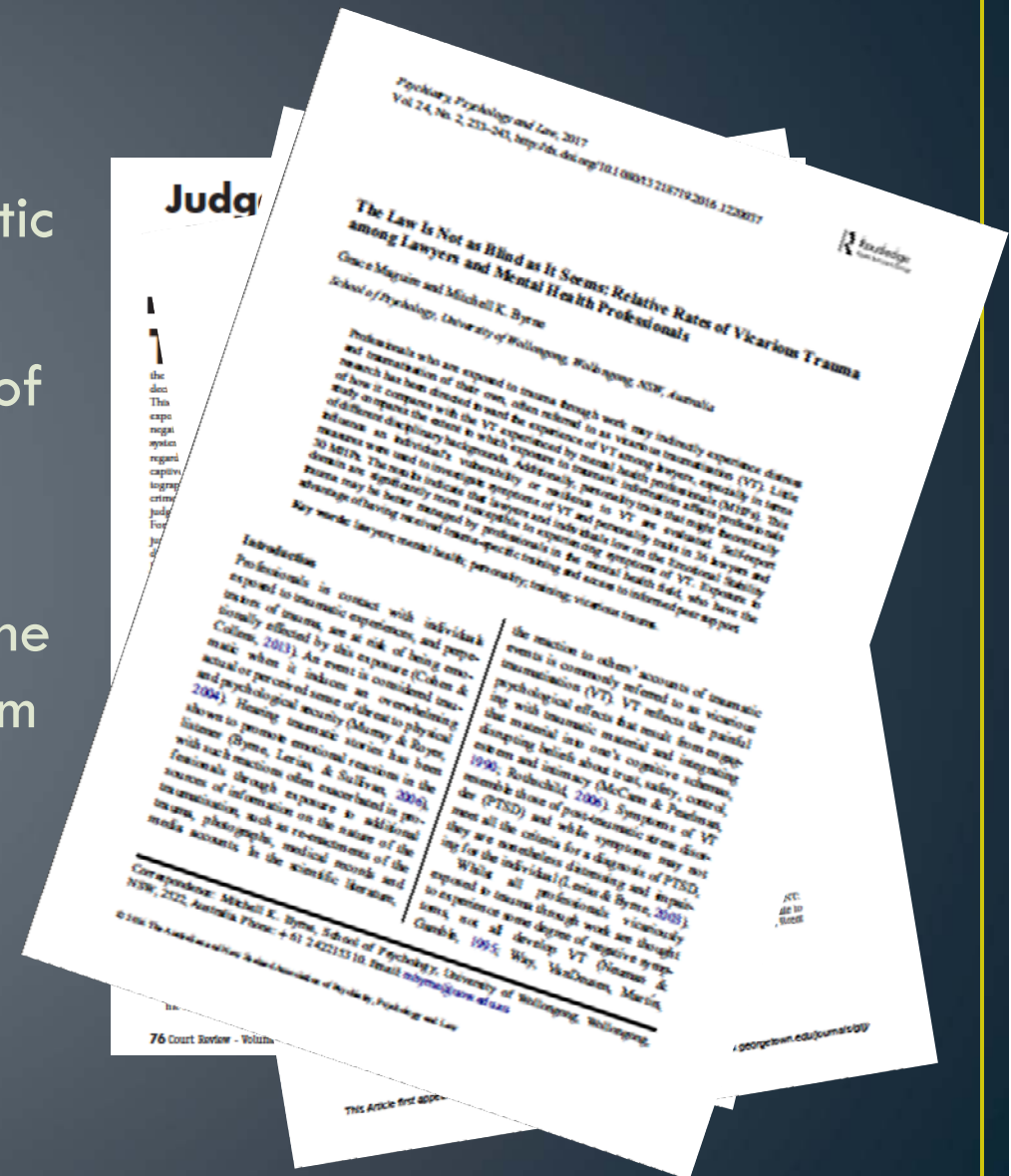
Reduction in the capacity or interest in being empathetic towards others, believed to result from ongoing expenditure of empathy

Burnout

Presence of emotional exhaustion, cynicism, and feelings of disconnection from others, resulting from prolonged work and interpersonal demands

Vicarious trauma and the work of the courts

- Cumulative impact of traumatic material
- Often triggered by a detail of personal relevance or significance
- Disruptions to beliefs about the world... and the justice system



McGuire & Byrne (2017), The law is not as blind as it seems, *Psychiatry, Psychology and Law*

Responding to judicial stress

Nature of Stressor

Intrinsic

i.e. inherent to the role,
irreducible sources of stress in
judicial office, unavoidable

Extrinsic

i.e. potentially unnecessary to
the performance of judicial
function, avoidable

Intervention approach

Management

- Individual level
- Interpersonal level
- Organisational level

Prevention

- Individual level
- Interpersonal level
- Organisational level

Managing sentencing stress and vicarious trauma

1. Prioritise general wellbeing
2. Personal rituals to support role definition

The Overinvolvement-Underinvolvement Continuum

MOVING TOWARD FROM WORKING WITH SURVIVORS

MOVING AWAY FROM WORKING WITH SURVIVORS

'Crusader' approach

Doing it all oneself

Trying to fix everything

Excessive responsibility for people's feelings

Excessive accommodation of people's difficulties

Wanting to know more

Empathy

Responsibility for one's behaviour and the reaction of others

Developing strategies

Advocacy for intervention

Observing faculty

Professional detachment

Maintaining boundaries

Variety of professional activities

Preoccupation with efficiency

Cynicism

Minimising contact

No responsibility for people's reactions

Insufficient allowance for problems

Blaming survivors

Displacement onto other issues

OVERINVOLVEMENT

IDEAL RANGE

UNDERINVOLVEMENT

Managing sentencing stress and vicarious trauma

1. Prioritise general wellbeing
2. Personal rituals to support role definition
3. Limiting exposure to traumatic material – to the extent possible
 - a. Reducing the evocativeness of the material
 - b. Limiting the number of like cases heard in a row
4. Professional help – don't leave it too late!

Responding to judicial stress

Nature of Stressor

Intrinsic

i.e. inherent to the role,
irreducible sources of stress in
judicial office, unavoidable

Extrinsic

i.e. potentially unnecessary to
the performance of judicial
function, avoidable

Intervention approach

Management

- Individual level
- Interpersonal level
- Organisational level

Prevention

- Individual level
- Interpersonal level
- Organisational level