

Mind Matters: Building a Justice System That Is Inclusive and Responsive to Brain Injury

Executive Summary



It is estimated that over half of individuals encountering the criminal justice system have experienced a brain injury. While there are committed advocates and researchers developing essential tools and resources for the field, many criminal justice agencies are not adequately equipped to support individuals with brain injury. To lay the groundwork for future training, technical assistance, and resource development in this area, policy leads at the CSG Justice Center assembled a group of brain injury experts, researchers, and criminal justice agency representatives to develop *Mind Matters: Building a Justice System That Is Inclusive and Responsive to Brain Injury*, which outlines key findings and recommendations to advance the field at the intersection of brain injury and the criminal justice system.

Informed by the insights of brain injury experts, researchers, and criminal justice agency representatives, the report provides a clear picture of opportunities to improve responses to people with brain injury across the criminal justice system and the need for coordinated, systemic change. Equipped with the report's recommendations and best practices, criminal justice leaders and key stakeholders across the field can take guided action to create a justice system that is inclusive and responsive to people with brain injury. Implementing the following recommendations to address brain injury within the justice system will not only improve outcomes for people with brain injury, but also contribute to enhanced public safety when the symptoms and consequences of an individual's brain injury can be effectively managed.

Key Considerations

- Brain injury often co-occurs with substance use and/or mental health conditions, making it difficult to disentangle and address.
- People living with brain injury are at an increased risk for negative outcomes, such as reduced treatment completion rates and increased recidivism rates.
- Appropriately supporting people with brain injury as they navigate the criminal justice system enhances safety within interactions, facilities, and the community.

“Subtle changes could make a big difference in the health and life quality of people living with brain injury in prisons [and the justice system].”

— Brain Injury and Justice System Workgroup member

Recommendations



Training and Education

- A. Develop and implement a standardized brain injury training model that is easily accessible for criminal justice agencies.
- B. Leverage local partnerships with medical and behavioral health professionals to cultivate cross-training opportunities.
- C. Provide psychoeducational resources to individuals with brain injury and their families/caregivers, including resources that offer tailored strategies and accommodations.



Screening and Identification

- A. Conduct universal screening for lifetime history of brain injury using a validated tool, such as the Ohio State University TBI Identification Method (OSU TBI-ID), at as many contact points along the criminal justice system as possible.
- B. Administer additional assessments, such as the Adult Symptom Questionnaire, to determine symptoms, identify barriers and level of impairment, and guide interventions when a history of brain injury is present.
- C. Given high rates of brain injury among youth in the justice system, provide education and screening at juvenile justice facilities and ideally at schools prior to justice system involvement.
- D. Establish data tracking and information-sharing protocols to support case coordination and data-driven decision-making.
- E. Create a climate within the criminal justice system that is inclusive of brain injury through educational awareness campaigns, as well as through facility-based or program-specific practices.



Compensatory Strategies and Modifications

- A. Modify programs within criminal justice settings, where possible, to help an individual with brain injury successfully navigate and remain safe in the system.
- B. Collaborate with people with brain injury to determine accommodations and develop strategies to mitigate their symptoms.



Referrals and Resource Coordination

- A. Establish partnerships and referral mechanisms between criminal justice entities and brain injury service providers.
- B. Build care coordination into the brain injury referral process.



Strategies for Advancing Recommendations

- A. Build collaborative partnerships at the national, state, and local levels between criminal justice agencies, mental and public health authorities, and brain injury administrators and experts.
- B. Promote a positive culture shift that is inclusive and responsive to brain injury.
- C. Apply a racial equity lens to ensure equitable access to screening and identification processes, accommodations, and referrals to resources and services.
- D. Review and refine policies and legislation related to brain injury.
- E. Increase funding to support additional research, training and technical assistance, and service provision.



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