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Judicial Perspectives on Sentencing Mentally Ill Violent Offenders in New York

Vinita Puri
Walden University

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Walden University

College of Psychology and Community Services

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Vinita Puri

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Review Committee

Dr. JoAnn McAllister, Committee Chairperson, Psychology Faculty

Dr. Kimberly McCann, Committee Member, Psychology Faculty

Chief Academic Officer and Provost
Sue Subocz, Ph.D.

Walden University
2024

Abstract

Judicial Perspectives on Sentencing Mentally Ill Violent Offenders in New York

by

Dr. Vinita Puri

Doctorate, I/O Psychology, American University, 2021

M.Phil., University of Cambridge, 2014

MSW, Wilfrid Laurier University, 2009

BA, York University, 2001

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Psychology

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Abstract

Mass incarceration is a public health crisis in the United States. Scholarly research has shown that incarceration may lead to exacerbated psychiatric conditions and increased recidivism risk. Lawmakers and policymakers have turned toward therapeutic jurisprudence (TJ) to develop and implement trauma-informed crime prevention and intervention strategies that focus on diverting individuals from prisons and into community-based treatment. New York legislators have expanded problem-solving courts (e.g., mental health courts), psychiatric treatment facilities, public housing supports, and law enforcement training. In this generic qualitative study, five criminal court judges in New York shared their perspectives on TJ and trauma-informed approaches to sentencing mentally ill violent offenders. Four themes emerged from thematic analysis: criminal responsibility, sentencing approaches, professional development for judges, and benefits of study. The five subthemes related to the research questions were cognitive factors, social factors, applications of TJ, judicial education, and criminal justice reforms. The findings of this study may provide greater insights for law- and policymakers in New York and other U.S. urban areas on ways to strengthen criminal justice policy reforms incorporating trauma-informed research applicable to legal applications. Applying TJ to judicial sentencing may facilitate positive outcomes for defendants and victims, which can enhance public safety leading to positive social change.

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Dedication

I dedicate this work to my beloved family, who have always encouraged me to achieve my greatest potential. I will start by acknowledging my grandparents, Biji and Dadaji, who imparted their wisdom and showered me with unconditional love. I also wish to acknowledge my parents for their unwavering support and guidance. Their belief in me has always kept my spirits and motivation high despite the challenges I have endured. I have been blessed to have a mother for whom has been the greatest role model any girl could ever wish. My mom has inspired me to be a social change-maker and encouraged me to be effective in the lives of others. My father has always believed in me and helped me stay determined. Next, I would like to acknowledge the two Angels in my life, Ashnoor and Ashraya (my nieces). It has been an absolute joy seeing you both grow up. I will cherish our precious memories forever. Thank you to my brother and sister-in-law for bringing these Angels into the world and for your continuous love and support. God has truly blessed me and has taught me to believe in myself. Through all my trials and tribulations, I have learned to overcome adversity and cultivate resilience. I know I can achieve anything I set my mind to.

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Chapter 1: Introduction to the Study

Researchers in the field of criminology and psychology have established a link between trauma exposure and emotional dysregulation (Capuzzi et al., 2019; Piper & Berle, 2019). Exposure to adverse experiences, such as poverty and violence (especially in childhood), is linked to changes in the brain's function and structure. Neurobiological changes may significantly reduce cognitive capacity, which is associated with poor behavioral outcomes (Eaves et al., 2020; Fitton et al., 2020; Raine, 2019). Hayhurst et al. (2017) used electroencephalogram testing to demonstrate how maternal stress in infancy could contribute to reduced brain activity in the prefrontal cortex. According to Raine (2019), the prefrontal cortex is the part of the brain's anatomy that is associated with executive functions, which support healthy decision making and problem solving.

Practitioners using trauma- and violence-informed approaches recognize the connections between violence, trauma, adverse health outcomes, and behaviors (Lockwood & Lewis, 2021). In many U.S. states, criminal justice policy reforms allow for incorporating trauma-informed evidence to implement new specialty courts focused on specific types of crimes (Center for Justice Innovation, 2019). There have been investments to subsidize public housing, substance use treatment centers, psychiatric facilities, and other wrap-around social supports (Manhattan Institute, 2022).

In New York, eligibility criteria for participation in problem-solving courts have expanded to include persons charged with violent felonies (Manhattan Institute, 2022). As a result, criminal court judges have more opportunities to refer cases to these specialty courts (e.g., mental health courts, drug courts, domestic violence, etc.). District attorneys

typically screen cases and may consult with judges (Center for Justice Innovation, 2019). Judges who are trauma informed may consider alternatives to incarceration for mentally ill violent offenders (Ulmer et al., 2023). However, judges might not believe violent offenders are suitable for community-based sentencing based on their assessment and evaluation of evidence (Smith, 2020).

Problem Statement

There is an overrepresentation of mentally ill persons in the criminal justice system. Research has shown that harsh penalties may exacerbate mental health conditions and lead to more significant emotional dysregulation problems, in turn increasing aggressive behaviors and violent outcomes (Bhuller et al., 2020; Kendall et al., 2018). Violent offenders typically undergo processing through general courts, where judges have the discretion and authority to make sentencing decisions that can significantly impact defendants' lives; however, there is little known about how criminal court judges make sentencing decisions in cases involving mentally ill violent offenders.

Purpose of the Study

The purpose of this qualitative study was to understand how criminal court judges in New York make sentencing decisions in cases involving mentally ill violent offenders. I conducted this study to examine the extent to which these judges are familiar with trauma-informed research and the extent to which they may apply therapeutic jurisprudence (TJ) to support their sentencing decisions.

Research Questions

RQ1: How do judges make sentencing decisions involving mentally ill violent offenders?

RQ2: What are the perspectives of judges on applying TJ in cases involving mentally ill violent offenders?

Theoretical Framework for the Study

TJ was the theoretical framework for this study. In the theory, it is suggested that legal system professionals should be trauma informed and consider the sociopsychological consequences of legal actions (Wexler & Winick, 1996). Trauma-informed judges can facilitate trauma-informed care for mentally ill violent offenders through their sentencing decisions (Wilczek-Rużyczka, 2023). However, not all judges are familiar with trauma-informed research and may not apply TJ when making sentencing decisions, especially in cases involving violent offending. Criminal court judges have the authority and discretion to sentence offenders based on their assessment and evaluation of the evidence. Judges in specialty courts (e.g., mental health court, drug court, veterans court) collaborate with mental health practitioners and other legal professionals to make sentencing decisions (Loong et al., 2019). Based on TJ theory, these courts provide opportunities for offender rehabilitation.

TJ is a valuable framework judges may use in considering mental culpability and capacity factors that can aggravate or mitigate criminogenic risk (Goldenson et al., 2022; Perlin, 2021; Winick, 2013). However, there is little known about judges' perspectives on applying trauma-informed sentencing for mentally ill violent offenders processed in

general criminal courts. This study provided an opportunity for criminal court judges to share their perspectives on TJ as it applies to making sentencing decisions in cases involving mentally ill violent offenders.

Nature of the Study

The current study built on the limited qualitative research that included judges as research participants (see Marsh, 2019; Smith, 2020). A generic approach was appropriate to gather relevant data to answer the research questions. Quantitative approaches involve collecting and analyzing numerical data to find patterns and averages, making predictions, evaluating causal relationships, and generalizing results to broader populations (Ravitch & Carl, 2019). Quantitative measures and statistical analyses did not fit the purpose or scope of the study.

I considered several qualitative research designs for this study. Ethnography focuses on social and cultural aspects of beliefs, behaviors, and processes; phenomenology enables exploration of the internal and psychological processes of the research participants; and case study researchers review and investigate single cases or situations to provide in-depth analysis themes (Patton, 2019). Grounded theorists engage participants in developing an explanation (i.e., theory) where none exists or needs expansion (Saldaña & Mallette, 2017). Because these approaches did not fit with the purpose and scope of the study, a generic approach was appropriate. Generic qualitative studies allow greater flexibility for gathering multiple and diverse perspectives of participants (Ravitch & Carl, 2019).

I developed and submitted semi structured interview questions to Walden University's Institutional Review Board (IRB) for approval. Semi structured interviews allowed me to gather rich, thick, and descriptive data to support data analysis (see Creswell & Poth, 2016). In a qualitative study on judicial sentencing practices, Ulmer et al. (2023) found that judges could share their perspectives on the focal concerns framework with open-ended, semi structured interview questions developed in advance. I employed thematic analysis to code and analyze data, identify patterns (i.e., themes) across participant responses, and interpret the findings.

A purposive snowball sampling approach enabled the recruitment of eight to 10 criminal court judges. I prepared a recruitment package to contact judicial administrators who serve as gatekeepers for communications with criminal court judges across New York. The names and contact details of judicial administrators across New York are available on the New York State Unified Court System (NYCOURTS) website. Upon receiving permission from a judicial administrator, I asked for this individual's help with recruiting judges that met the inclusion criteria. The inclusion criteria for the study were judges actively practicing in New York for at least 5 years with considerable experience presiding over cases involving mentally ill violent offenders.

Definitions

Civil commitment: Holding and treating a person who has not initiated any treatment for a mental health issue against their will. Among the criteria for civil commitment is the inability to keep themselves or others safe (Geloso & March 2021).

Court order: A command or mandatory direction of a judge made during a case that establishes courtroom procedures (Legal Information Institute, 2021).

Crime: A positive or negative act in violation of penal law; an offense against the state classified either as a felony or misdemeanor (Legal Information Institute, 2021).

Diversion: Alternative to incarceration used in cases involving special populations, including incapacitated persons (Galvin & Ulmer, 2022).

Judicial discretion: The power of the judge to act according to their judgment and conscience (Painter-Davis & Ulmer, 2020).

Mental health court: A diversionary court created to funnel mentally ill offenders into therapeutic, court-ordered treatment programs in lieu of criminal prosecution (Loong et al., 2019).

Recidivism: Relapse of criminal behavior (M. Clarke, 2019).

Rehabilitation: The process of reeducating and preparing those who have committed a crime to reenter society (Levenson & Willis, 2019).

Sentence: Penalties imposed in a criminal prosecution (Smith, 2020).

TJ: A social justice interpretive framework for applying the law for therapeutic benefit (Wexler & Winick, 1996).

Trauma informed: Understanding the impact of trauma (Substance Abuse and Mental Health Services Administration [SAMHSA], 2021).

Assumptions

Qualitative research begins with assumptions and interpretive/theoretical frameworks that inform and guide research design and data collection methods (Creswell

& Poth, 2016). According to Creswell and Poth (2016), there are four basic philosophical assumptions: ontology, or how the issue relates to the nature of reality; epistemology, or being aware of how knowledge claims are justified by staying as close to the participants as possible during the study to get firsthand information about their knowledge; axiology, or the role of values in research; and methodology, or the basic procedure used in qualitative research. Philosophical assumptions are embedded within interpretive frameworks known as paradigms.

Individuals come to understand the world based on their subjective experience and knowledge; thus, their ontological perspectives may differ from mine. I have a favorable view of TJ based on my background as a social worker. My epistemological perspective is informed by my knowledge of trauma-informed research and my alignment with TJ values. According to Patton (2019), the generic qualitative approach is pragmatic, requiring transparency in all data collection procedures and protocols. To avoid researcher bias, I remained aware of how my biases and beliefs may have influenced data collection and interpretation.

Scope and Delimitations

The scope of the study was obtaining the perspectives of a purposefully selected sample of judges with experience presiding over cases involving mentally ill violent offenders. Delimitations included focusing on criminal court judges, who have greater discretion and authority to refer to specialty problem-solving courts and facilitate access to community-based resources. Participation required judges in the State of New York with at least 5 years of work experience with the population of interest. Other legal

professionals, such as lawyers, administrators, and court staff, were ineligible because the focus was on judges. Judges hold discretionary power to make sentencing decisions (Smith, 2020), making it valuable to understand their views.

Purposeful sampling was appropriate to recruit judges across the NYCOURTS. I began by connecting with the judicial administrators authorized to grant access to communicating with judges regarding the current study. The recruitment package included the Walden University IRB-approved consent form and sample interview questions. Judges interested in participating underwent screening based on inclusion criteria (i.e., at least 5 years of experience presiding over cases involving mentally ill violent offenders). The recruitment procedures and protocols appear in greater detail in Chapter 3.

Limitations

Judges are a difficult population to study (Casaleiro et al., 2021), especially in qualitative research (Mustafa, 2021). Judges are often unwilling to participate in investigations due to privacy concerns (Nir & Liu, 2022) and perceived bias (Mustafa, 2021), which was a limitation. Had I been unsuccessful in connecting with judicial administrators directly, I would have contacted the Center for Justice Innovation in New York for assistance. The Center for Justice Innovation is an independent nonprofit organization conducting original research on various justice initiatives and designing programs emphasizing local leadership, community empowerment, prevention, equity, and safety. I believed this organization would understand the merits of the current study and connect me to judicial administrators across the NYCOURTS.

The judicial administrators could have wanted to see a sample of interview questions to support the purpose and scope of the study. Another limitation would be if the administrators were unwilling to assist me in contacting judges or refused due to concerns about the means of data collection, storage, or dissemination. I provided as much detail as needed and encouraged them to contact Walden University IRB or my dissertation chair if their concerns were not adequately addressed.

Judges are typically busy and may not be motivated enough to engage in an interview process, which could have been another limitation. Some judges may also lack understanding of trauma-informed approaches to sentencing and may not feel inclined to share their views on TJ or their understanding of trauma-informed research as it applies to the population of interest (i.e., mentally ill violent offenders). The small sample size was a limitation and insufficient to achieve data saturation. Small sample sizes are not typically generalizable to the entire population (e.g., criminal court judges across New York). As such, the findings may not be meaningful for law and policymakers in New York and beyond (i.e., nationally, and internationally).

Another common limitation in qualitative research is the risk of researcher bias (Creswell & Poth, 2016). As a social worker who has worked in the criminal justice field, I am passionate about trauma-informed practice and the application of TJ in cases involving vulnerable offenders who conflict with the law. To prevent personal bias in prescreening and interviewing the participant, I regularly reflected on my thoughts and feelings about the subject and bracketed my impressions during the interview process. The semi structured interview approach allowed participants to elaborate on their

responses to my questions. To prevent bias and increase data validity and reliability, I engaged the participants in member checking before analyzing the data and interpreting the findings.

Significance

The findings of this study may provide law- and policymakers with a greater understanding and appreciation of judges' perspectives on trauma-informed approaches to sentencing and the extent to which they may apply TJ in cases involving mentally ill violent offenders. According to the Manhattan Institute (2022), New York legislators have invested millions of dollars in crime prevention and intervention strategies that may reduce recidivism risk, particularly among vulnerable offenders (e.g., addictions and mental health issues). It is unknown how well judges understand the research behind alternatives to incarceration or how likely they are to apply therapeutic jurisprudential approaches to sentencing mentally ill violent offenders. Whether criminal court judges agree with the new legislative changes underway (e.g., building transitional housing, expanding criteria for problem-solving courts) could lead to discrepancies in sentencing (Smith, 2020). The findings may indicate the need for further judicial education and professional development on trauma-informed approaches to sentencing and the application of TJ in cases involving vulnerable offenders (Marsh, 2019; Smith, 2020). The insights gained from the current study could help strengthen criminal justice policies that align with TJ and trauma-informed practice.

Summary

Chapter 1 began with a brief overview of neuroscientific literature, showing that exposure to adverse experiences (especially in childhood) can lead to structural and functional brain abnormalities, which may contribute to emotional dysregulation and aggressive behaviors. Violent offenders, especially those who have committed serious felonies, typically receive harsher penalties, such as incarceration (Johnson et al., 2022). According to the National Alliance on Mental Illness [NAMI], 2020), incarceration, and especially solitary confinement, have been correlated with increased trauma, mental health problems, and aggression. Upon release from prison, these individuals may have greater challenges accessing housing, employment, medical care, and other social services, which may increase the criminogenic risk of reoffending. Individuals who continue to reoffend are likely to receive longer and harsher punishments, which often include periods of incarceration. The incarceration of mentally ill offenders correlates with increasing trauma and worsening mental health problems.

TJ is a framework used to integrate trauma-informed practice within legal contexts. The purpose of TJ is to facilitate positive outcomes for those who come into conflict with the law. Law- and policymakers have used TJ to develop problem-solving courts specific to types of offenses (e.g., domestic violence, drugs, veterans' issues). The State of New York has expanded eligibility criteria for problem-solving courts to include mentally ill violent offenders (Centre for Justice Innovation, 2019). Legislators have made significant investments to wrap-around community-based support that address the needs of vulnerable offenders. However, no qualitative researchers have engaged

criminal court judges in sharing their perspectives on trauma-informed approaches to sentencing mentally ill violent offenders.

Trauma-informed legal approaches to sentencing mentally ill offenders are based on the principles of TJ and used in specialized mental health courts meant to divert nonviolent offenders from the criminal justice system (Perlin, 2018; Winick, 2013). Few scholars have considered how to apply trauma-informed approaches to sentencing in the general criminal court context, where judicial officers process and sentence violent offenders. Considering the vital role judges play in making sentencing decisions, it is useful to understand their perspectives.

In Chapter 2, I will provide an overview of the literature search strategy and a detailed description of TJ. The comprehensive literature review will include trauma-informed research and criminological literature that have contributed to criminal justice policy reforms aimed at reducing incarceration and preventing recidivism risk among vulnerable offenders. Chapter 3 will include a discussion of the study's methodology, including the design, procedures, and tools used to examine the topic and answer the research questions. In Chapter 4, I will provide an overview of the setting, participant demographics, and processes involved in recruiting participants, collecting data, and applying the data analysis plan to interpret the findings. This chapter will also contain a presentation of the findings of the study based on the transcribed interviews, which were member checked, analyzed, and coded for themes and subthemes. In Chapter 5, I will provide my conclusions and recommendations based on the results of the study.

Chapter 2: Literature Review

Trauma is an outcome of an adverse event, a series of events, or a set of circumstances that may impair cognitive, social, emotional, and physical well-being (SAMHSA, 2021). Trauma-informed practices recognize the impact of trauma to explain behavioral outcomes (NAMI, 2020). Evidence-based research has suggested that exposure to trauma (including all types of violence) plays a role in the development and trajectory of mental illness and concurrent disorders (SAMHSA, 2021). Research in the field of trauma has found that structural inequities may lead to mental health problems linked with violent behavior (Johnson et al., 2022).

Trauma occurs when people experience an overwhelmingly negative event or series of events, including violence (Capuzzi et al., 2019). For many marginalized populations, discrimination and systemic violence are everyday experiences. Exposure to systemic violence, such as racism, can increase a person's vulnerability to all other forms of violence (Capuzzi et al., 2019) and may lead to historical and intergenerational trauma (NAMI, 2020). Trauma studies have shown that child abuse, including neglect and exposure to intimate partner violence, can lead to poor cognitive, emotional, and social development, which can cause significant lifetime health problems (Baetz et al., 2021; Bryanna, 2015). Poor mental health is correlated with aggression (Keatley et al., 2021) and psychopathy (Raine, 2019).

Trauma-informed sentencing for mentally ill violent offenders is an evolving approach in the criminal justice system. Recognizing the impact of trauma and mental illness on behavior, judges can tailor sentencing to address underlying issues, potentially

reducing recidivism, and promoting rehabilitation (NAMI, 2020). Research has established a high prevalence of trauma histories among incarcerated populations. Mental illness and trauma often co-occur, exacerbating the challenges faced by offenders and complicating their interactions with the criminal justice system (Quandt & Jones, 2021). SAMHSA (2021) reported that trauma can impair cognitive functions and lead to emotional dysregulation, which has ties to addictions and mental health issues.

Law- and policymakers are increasingly examining institutional policies, practices, and processes that may contribute to poor psychological and sociological consequences for those who conflict with the law (McKinsey et al., 2022). Trauma-informed policies and practices acknowledge the impact of trauma on an individual's capacity to cope with daily life stressors (SAMHSA, 2021). Trauma-informed practices are applicable to address the root causes of crime, including violent crime (Ulmer et al., 2023). In a report for the Vera Institute, Ulmer et al. (2023) found that risk factors for violent crime include lack of affordable housing, food insecurity, racism, poverty, lack of access to medical care, and lack of social support. Investments in these community-based solutions will only help if individuals have opportunities to access these resources. Vulnerable persons, such as those with mental illness, drug addiction, lack of housing, or food insecurity, are at a higher risk of offending. Greater investments in community-based treatment and wrap-around support could prevent and reduce further offending (SAMHSA, 2021).

According to TJ, the role of the law should be to facilitate therapeutic outcomes for those who come into conflict with the criminal justice system (Wexler & Winick,

1996). Law enforcement officers and other legal professionals (e.g., judges, court administrators, and lawyers) require training on how to support the needs of traumatized individuals in the context of their offenses. Criminal defendants should have the opportunity to express their feelings and discuss their needs through presentencing assessments (Center for Justice Innovation, 2019). A range of diversion programs and services could be alternatives to incarceration. Rehabilitation programs provide access to trauma-informed mental health and substance abuse treatment during incarceration and post release through mental health and other specialized problem-solving courts.

Judges play a critical role in assessing, interpreting, and evaluating offenders' risks while considering viable options for treatment when possible. Criminal court judges use their discretion and authority to make decisions about criminal responsibility to support their sentencing decisions up to and including prison time (Smith, 2020). Trauma-informed judges are skilled at holistically assessing, evaluating, mitigating, and aggravating factors that could have contributed to the crimes committed (Center for Justice Innovation, 2019).

In a recent report by the Manhattan Institute (2022), New York state has significantly invested in the expansion of problem-solving courts and community-based resources. Additionally, crime prevention strategies have been put in place to divert vulnerable offenders (e.g., homeless, poor, mentally ill, etc.) away from the criminal justice system. For example, police officers are receiving crisis intervention and conflict resolution training and other legal professionals, such as lawyers and judges are

participating in professional development opportunities to learn more about mental health issues as they apply to defendants.

There is little research on judges' views on sentencing approaches in cases involving mentally ill violent offenders (Marsh, 2019; Smith, 2020). Judges are critical in assessing, interpreting, and evaluating evidence for sentencing decisions; therefore, it is useful to understand their perspectives and approaches to sentencing, considering the trauma-informed criminal justice reforms underway in many parts of the United States and worldwide. In this study, I focused on New York, which has the highest incarceration rate in the United States (see Manhattan Institute, 2022).

A literature review provides a comprehensive overview and synthesis of existing research and scholarly articles relevant to a particular topic or research question (Patton, 2019). To establish the context and significance of the research topic in this chapter, I provide an overview of the search strategy, theoretical foundation, and key concepts related to the research questions. Discussions include research on trauma to examine the value of trauma-informed research as it applies to mentally ill and violent offenders. Criminological research and current criminal justice policy in New York are also reviewed to provide context for the purpose and scope of this qualitative study.

Literature Search Strategy

I used keywords in my search to identify literature on the association between mental illness and violent offending. I focused on databases that filtered studies from the United States, specifically including federal and state-level criminal justice law and policy articles. The databases searched were Academic Search Complete, Criminal

Justice Database, EBSCO, eBooks, ScienceDirect, Semantic Scholar, NAMI, PsycARTICLES, Psychiatry Online, SAGE Journals, ProQuest, and Walden Library Books. I also reviewed the official New York City Police Department, Office of Mental Health, Department of Corrections, National Commission on Correctional Health Care, SAMHSA, and Bureau of Justice websites to obtain the most up-to-date information. The specific words and combination of words used in my searches were *mental illness, violent offending, mentally ill violent offenders, judicial decision-making, trauma-informed judging, therapeutic jurisprudence, therapeutic jurisprudence AND criminal courts, trauma-informed sentencing, New York problem-solving courts, deinstitutionalization, mental health diversion programs, violent crime AND New York, mental health court, criminal justice policy reform AND New York, recidivism AND incarceration AND mentally ill, and mentally ill violent offenders AND New York.*

Theoretical Foundation

TJ is an interdisciplinary theory used to examine how interactions with legal systems can facilitate positive therapeutic outcomes for individuals who conflict with the law (Winick, 2013). TJ emerged from trauma-informed research, which views the law as a social force that can have therapeutic or antitherapeutic consequences on an individual's well-being (Kawalek, 2020). TJ focuses on the law's impact on emotional life and psychological well-being and the legal processes and practices that promote healing and positive outcomes for individuals involved in the legal system, and key principles include the following: (a) respect for dignity: treating offenders with respect and considering their emotional and psychological needs; (b) problem-solving approach:

addressing the underlying issues that contribute to criminal behavior, such as mental illness and trauma; and (c) interdisciplinary collaboration: engaging mental health professionals, social workers, and other experts in the legal process (Goldenson et al., 2022).

Research has shown that applying TJ theory to all aspects of the criminal justice system and community mental health facilities could produce better outcomes for defendants, jails, prisons, and the community (Quandt & Jones, 2021). TJ is a framework for trauma-informed practice that can support positive outcomes for vulnerable defendants in conflict with the law (Perlin, 2018). Judges who apply TJ practices in their courtrooms can facilitate therapeutic outcomes for mentally ill persons with histories of trauma (Marsh, 2019).

TJ has been integrated into various aspects of the New York criminal justice system. For example, mental health courts to manage cases involving mentally ill offenders emphasize treatment and rehabilitation over punishment, with judges playing an active role in monitoring progress (Centre for Justice Innovation, 2019). New York lawmakers have implemented drug and veterans' courts that incorporate TJ principles to address the specific needs of offenders (Loong et al., 2019). These specialty courts offer a case management approach to develop and implement treatment plans in lieu of a traditional sentence (Winick, 2013). Judges can facilitate access to treatment and collaborate with case management teams for sentencing (Zettler, 2020). New York lawmakers have expanded the number of specialty problem-solving courts and

significantly invested in community-based wrap-around services to support vulnerable persons in the community (Manhattan Institute, 2022).

Judges in New York may have different sentencing approaches, which may or may not include the application of TJ, to support their sentencing decisions in cases involving mentally ill violent offenders. I conducted this study to understand the factors judges consider when making sentencing decisions (e.g., legal guidelines, precedent cases, and expert testimony) and their own discretionary power for weighing out specific risk factors for offending. An additional goal of the study was to understand judges' perspectives on applying TJ in cases involving mentally ill violent offenders.

Literature Review Related to Key Concepts

Mass Incarceration

The prison population in the United States continues to rise (Lockwood & Lewis, 2021). Overcrowded prisons can lead to unsanitary conditions harmful to the physical and mental well-being of prisoners (Quandt & Jones., 2021). This may lead to threats of infection, increased stress, and exacerbated mental health issues (NAMI, 2020). Upon release, an individual's criminal record (especially sexual and violent offenders) may pose barriers to employment, housing, financial security, and health care needs (Fitton et al., 2020). These risk factors may increase recidivism risk (Bhuller et al., 2020).

Deinstitutionalization is an alternative to mass incarceration for mentally ill persons in U.S. prisons (Lamb & Weinberger, 2019). Deinstitutionalization began in the 1960s when the federal government began to shut down psychiatric facilities to save money. Patients discharged without guidance, money, or wrap-around support services

often became homeless due to a lack of shelters. Many states implemented mandatory minimum legislation to control the rates of crime committed on the streets because citizens feared for their safety (Perera & Sisti, 2019). The criminalization of mentally ill persons contributed to mandatory minimum legislation and harsh sentencing policies (Perera & Sisti, 2019). The stigmatization and discrimination of mentally ill persons leads to an increased vulnerability to substance use, social isolation, worsening psychiatric disorders, and reduced capacity to access community-based social supports (Zettler, 2020).

Trauma-Informed Research

Trauma-informed researchers recognize the prevalence and impact of trauma on individuals' behavior and mental health and place emphasis on the importance of creating environments sensitive to trauma and promoting recovery (Baetz et al., 2021; Bryanna, 2015). Research has shown that untreated trauma may compromise one's ability to self-regulate and control impulses (Black et al., 2019; Raine, 2019). As a result, individuals with histories of trauma and mental illness could be at a higher risk of engaging in aggressive and violent behaviors (Keatley et al., 2021). The landmark Adverse Childhood Experiences study included 17,000 people and found that the number of traumatic events in a person's early life has a strong correlation with subsequent heart, liver, and lung disease; smoking; obesity; sexually transmitted disease; substance use; depression; suicidal behavior; and psychosis (Bryanna, 2015). In a systematic review and meta-analysis on the association between trauma experienced during incarceration and posttraumatic stress disorder (PTSD), Piper and Berle (2019) found a correlation between

untreated childhood trauma, PTSD, and violent outcomes. Other studies on childhood trauma have shown that individuals with histories of trauma are more likely to have higher mortality rates, substance abuse rates, and risks associated with aggressive behaviors (Roy et al., 2020). Another study found that trauma exposure can alter the structure and chemical functioning of the brain (Lengvenyte & Vieta, 2020). Among these alterations were increased activity in the amygdala; decreased activity in the prefrontal cortex (reducing the ability to use executive functions); and neurochemical changes, such as increased dopamine (more risk-taking behaviors) and decreased serotonin (increasing risk for depression and other mental health disorders; Black et al., 2019).

Trauma-informed researchers have paved the way for responsive legislation and social policy (McKinsey et al., 2022). Mental health disability advocates have stressed the importance of recognizing that mentally ill persons are worthy of human rights protections under the law (Perlin, 2021). According to a report by the NAMI (2020), individuals' behavior reflects their ability to cope with environmental stress. Individuals with a history of trauma may experience symptoms of distress (e.g., anxiety, depression) and have poor coping skills (e.g., use substances to cope); as a result, they may be more vulnerable to interactions with the criminal justice system (Zgoba et al., 2020).

Criminological Research

Several criminological studies have shown that survivors of severe trauma are at a greater risk of coming into conflict with the law (Piper & Berle, 2019; Raine, 2019). Capuzzi et al. (2019) found that many individuals treated in inpatient and forensic

psychiatric settings were survivors of trauma. Similarly, elevated levels of trauma exposure and mental illness were inherent in correctional settings (NAMI, 2020). Research on people in the juvenile and criminal justice system indicated high rates of mental and substance use disorders and personal histories of trauma (Zettler, 2020). The use of coercive practices in the behavioral health system or intimidating practices in the criminal justice system, such as isolation and restraints, can be retraumatizing for individuals who enter these systems with significant histories of trauma (Lockwood & Lewis, 2021).

Criminological research has shown that the experience of incarceration is traumatic and can exacerbate mental health conditions (Bhuller et al., 2020; Kendall et al., 2018). Repeated trauma exposure may lead to violence (Bonfine et al., 2020). Upon release from prison, mentally ill persons with a greater risk of violence may face additional social stigma and isolation (Perera & Sisti, 2019; Roy et al., 2020). Aggressive behaviors may prevent these individuals from accessing housing, employment, medical care, and other social services (Bhuller et al., 2020; Kendall et al., 2018), leading to poor health outcomes and increased mental health issues (Zgoba et al., 2020).

Criminal Justice Policy

Sentencing guidelines suggest judges identify factors that may influence criminal offending and facilitate rehabilitation outcomes when possible (American Civil Liberties Union, 2021). Criminal court judges' sentencing decisions may significantly impact defendants' lives (Mustafa, 2021; Nir & Liu, 2022). These judges must remain objective, considering various mitigating and aggravating factors for the harms committed and

determining sanctions accordingly (Smith, 2020). Judicial bias may significantly impact the constitutional rights of defendants (Painter-Davis & Ulmer, 2020). Identifying ways to prevent judicial bias merits further attention (Smith, 2020).

SAMHSA (2021) guidelines for trauma-informed practice are (a) ensuring individuals' physical and emotional safety (i.e., safety), (b) building trust through consistent and transparent practices (i.e., trustworthiness and transparency), and (c) empowering individuals to take an active role in their recovery (i.e., empowerment). These guidelines align with the TJ principles that promote the respect and dignity of individuals interacting with the law while considering their emotional and psychological needs (Wexler & Winick, 1996). TJ has been used as a model for problem-solving courts (e.g., mentally ill, drug addictions, homeless).

Lawmakers in New York have invested significantly in mental health care, social housing, law enforcement training, and problem-solving courts (The Manhattan Institute, 2022). Eligibility criteria for participation in problem-solving courts have expanded to include serious felonies (Center for Justice Innovation, 2019). Thus, criminal court judges may refer more cases to specialty courts, where the defendant will have greater access to case management services and rehabilitative treatment. Trauma-informed researchers support the application of TJ for judicial sentencing (Zettler, 2020). Judges receive professional development training on diverse topics, including mental health, trauma, and mitigating cognitive bias (Legal Information Institute, 2021).

Summary and Conclusions

The purpose of this qualitative study was to understand how criminal court judges in New York make sentencing decisions in cases involving mentally ill violent offenders. If judges are not trauma-informed, they may overlook mitigating factors in cases involving violent crime, such as trauma and poor mental health (Smith, 2020). Some judges question whether a person with severe mental illness understands what they need to do to be eligible for treatment court (Marsh, 2019). Hence, it is useful to gather the perspectives of criminal court judges on trauma-informed approaches to sentencing, especially in cases involving mentally ill violent offenders. Few qualitative researchers have studied judges to understand their perspectives and approaches to sentencing in cases involving mentally ill offenders, including those who have committed acts of violence. This study was a means to address this knowledge gap.

New York has one of the highest rates of incarceration and recidivism rates in the United States (The Manhattan Institute, 2022). Criminological research has shown that harsh sentences do little to address the root causes of crime (e.g., substance use, mental illness, lack of social support) or prevent recidivism risk (Johnson et al., 2022). To address the needs of vulnerable offenders (e.g., mentally ill, homeless, substance-addicted), New York lawmakers have budgeted additional funds for health and social services (Manhattan Institute, 2022). It is important to note that not all districts (e.g., urban vs. rural communities) receive the same level of funding or resources. Variability in criminal court operations and the degree of trauma-informed knowledge among legal

professionals can influence the effectiveness (or ineffectiveness) of law- and policymakers in reducing recidivism and incarceration rates.

In Chapter 3, I will present the study's methodology, including the design, procedures, and tools used to examine the topic and answer the research questions. I will also discuss the role of the researcher, ethical considerations, and participant selection. Discussions of data collection, data analysis, and the study's authenticity follow.

Chapter 3: Research Method

The purpose of this qualitative study was to understand how criminal court judges in New York make sentencing decisions in cases involving mentally ill violent offenders. I explored the extent to which criminal court judges apply TJ to make sentencing decisions in cases involving vulnerable offenders. In this chapter, I present the methods, including the research design, research questions developed to investigate the research problem, and rationale for the use of a generic qualitative design in the study. A detailed description of the research design, sampling techniques, data collection, and data analysis follows. In the last section, I discuss the ethical protocols and procedures.

Research Design and Rationale

The research design and rationale were appropriate for answering the research questions and guiding the data collection and analysis procedures used in the study. Adhering to ethical procedures and protocols supported the study's trustworthiness, ensuring credibility, transferability, dependability, and confirmability. The following two research questions guided the study:

RQ1: How do judges make sentencing decisions involving mentally ill violent offenders?

RQ2: What are the perspectives of judges on applying TJ in cases involving mentally ill violent offenders?

New York legislators' investments in alternatives to incarceration support vulnerable persons, including individuals with histories of trauma and those who have

committed serious violent felonies. These criminal justice reforms directly impact judges, who administer laws based on principles of justice. Judges have significant discretion and authority in cases involving serious violent felonies and may or may not use TJ principles in their sentencing decisions. This study granted judges an opportunity to share their perspectives on sentencing mentally ill violent offenders and criminal justice policies that support trauma-informed strategies to address the root causes of violent crime. Use of a generic qualitative approach in the study was appropriate to gather diverse perspectives and the extent to which judges value TJ as an approach to justice.

Qualitative researchers seek to understand subjective, meaningful human experiences (Creswell, 2013). According to Ravitch and Carl (2019), qualitative studies with specific topics for exploration should have a limited number of interview questions, often asked in a different order. Qualitative research allows for an in-depth assessment of a phenomenon and the specific context (Patton, 2019); thus, it was the most appropriate method to explore the perspectives of criminal court judges on applying trauma-informed approaches in cases involving mentally ill violent offenders. Qualitative researchers use open-ended questions to investigate and understand the meaning individuals or groups attribute to a social issue (Creswell & Poth, 2016). Qualitative researchers are concerned with the meaning of the data, not a generalized hypothesis of statements, as in quantitative studies (Ravitch & Carl, 2019). Although much scientific research involves quantifying (i.e., counting) and analyzing statistical findings, qualitative research provides a unique opportunity to interview individuals about a topic for depth rather than

breadth (Ravitch & Carl, 2019). A generic qualitative approach is flexible, supporting the collection of rich and thick data on the participants' experiences and knowledge.

Role of the Researcher

In qualitative studies, the researcher is the data collection instrument, conducting interviews and observing the participants (Creswell & Poth, 2016). To mitigate bias, I was transparent about collecting, analyzing, and presenting interview data. A drawback of qualitative research is the risk of the researcher's inclinations or values influencing the study's processes and findings (Patton, 2019). According to Saldaña and Mallette (2017), although researchers cannot eliminate potential bias entirely, they can minimize its occurrence with reflexivity.

As a mental health professional for over 20 years, I have experience interacting with people and can maintain neutrality in voice tone, facial expressions, and body language. These interpersonal communication skills minimized the perception of bias. However, I recognized that my passion for TJ and criminal justice may have influenced how I interpreted and analyzed the data collected from interviews with criminal court judges. Creswell and Poth (2016) suggested using bracketing to minimize bias, acknowledging, and excluding held beliefs that may influence and affect data collection and analysis. I used bracketing to increase my ability to remain objective in my data collection and subsequent analysis.

Methodology

Participant Selection Logic

The population selected for this study was judges in New York who had presided over cases involving mentally ill violent offenders for at least 5 years. Upon receiving Walden University IRB approval, I used purposive snowball sampling to recruit participants. I first scheduled meetings with social workers who connected me to the NYCOURTS Center for Justice Innovation. I then sent recruitment packages to each judicial administrator at the Center for Justice Innovation, including study information, the IRB-approved consent form, and sample interview questions.

The judicial administrators who wished to learn more about the study scheduled virtual meetings with me to review the contents of the recruitment package and ask questions and concerns (e.g., privacy) related to participation. Interested judges contacted me for a screening interview to ensure they met the eligibility criteria. I reviewed the IRB-approved consent form with them, obtained their consent, and scheduled Zoom interviews.

Qualitative studies do not require large samples (V. Clarke & Braun, 2013). However, the sample should be enough to achieve saturation, code data, and extract themes. I achieved saturation with five participants.

Instrumentation

I was the primary data collection instrument (see Creswell & Poth, 2016), gathering data through semi structured interviews. I was responsible for recruiting and screening participants, conducting, and recording interviews, observing, and taking notes

during the interviews, and analyzing the transcripts to code the data. My role was also to remain unbiased during interactions with the participants because bias could have affected the participants' answers to the interview questions (see Saldaña & Mallette, 2017). Bias includes the researcher's unconscious, nonverbal language, such as facial expressions or gestures.

Researchers can collect in-depth qualitative data when participants feel comfortable in their surroundings (Creswell & Poth, 2016). I used Zoom as the communication tool to conduct and record virtual interviews, which may have helped participants feel more comfortable and freely express their perspectives. Before I began the interviews, I reminded each participant that I would record the interview and they could stop at any time for any reason, which contributed to their comfort.

I collected data through semi structured interviews with open-ended questions. Semi structured interviews allow for assessing the participants' opinions, statements, and convictions and eliciting narratives about their subjective experiences (Creswell & Poth, 2016). With open-ended questions, participants may freely voice their experiences and minimize the influence of researcher attitudes (Creswell, 2013). As I listened to the participants' responses, I took descriptive and reflective notes that I used to code and analyze the transcribed data.

Procedures for Recruitment, Participation, and Data Collection

This study involved a small sample of highly qualified judges recruited through a purposive snowball sampling strategy. To gain access to participants, I emailed a letter of invitation to the Center for Justice Innovation with an overview of the study's purpose

and scope. Two social workers in specialized treatment courts connected me with judges they worked with. I scheduled Zoom meetings to discuss the proposed study and recruitment options, and the judges I met with suggested creating a recruitment package for judicial administrators to review because they are the ones who could provide access to judges. I developed a recruitment package, including a letter of invitation, the abstract of the study, the IRB-approved consent form, and sample interview questions, and emailed it to judicial administrators whose contact information was listed on the NYCOURTS website. One judicial administrator agreed to meet me over Zoom to discuss the contents of the recruitment package. After consulting with her team, the judge advised that there were concerns about confidentiality and privacy. I assured her I would maintain confidentiality by including no names or identifying details in the final write-up.

Once I received approval for engaging judges regarding participation in the current study, court administrators provided information on the current study to judges across New York and my contact information. Several judges contacted me to learn more about the study. Those interested in being screened received a copy of the IRB-approved consent form. After they had the opportunity to review the contents and provide consent, I ensured that each potential participant had at least 5 years of experience presiding over cases involving mentally ill violent offenders.

After completing the screening, I officially enrolled five judges in the study. I scheduled Zoom interviews with each participant at a time and date that was suitable for them. I asked them if they had any questions about the consent form and confirmed their consent to a recording before starting the recorder and beginning the formal interview.

After the interview, I transcribed their responses and sent each participant their interview transcript via secure email for review and feedback. Participants confirmed that the contents of each transcription were accurate and did not include names and identifiable information. Each interview lasted for 30 to 45 minutes.

Data Analysis Plan

Qualitative researchers seek to extract the meaning, experiences, motives, and opinions of participants and see the world from perspectives other than their own (Saldaña & Mallette, 2017). The researcher must become intimately familiar with the data before coding. According to Patton (2019), coding is an iterative process that involves assigning meaning to the collected data. A code represents a unit of meaning, which researchers may combine, split, or discard in the process of theme development (Saldaña & Mallette, 2017). According to V. Clarke and Braun (2013), coding data involves noting repeated words and common phrases to categorize themes and subthemes from each interview and compare the data across all interviews.

After reading and re-reading the transcripts, I sent the interviewees the formatted transcripts for review and feedback, which is a process known as member checking. Upon receiving their confirmation and making any requested edits, I began coding and analyzing the data. In line with the advice of Saldaña and Mallette (2017), I wrote a detailed analysis of each theme and incorporated the participants' responses based on the research questions.

Issues of Trustworthiness

Qualitative researchers take steps to achieve trustworthiness and ensure reliability and validity (V. Clarke & Braun, 2013). Reflexivity, an awareness of how the researcher influences the research process, contributes to trustworthiness (Patton, 2019). The four criteria for trustworthiness are credibility, transferability, dependability, and confirmability (Saldaña & Mallette, 2017).

Credibility

A study has credibility (i.e., internal validity) when the findings are realistic and accurately depict the participants (Saldaña & Mallette, 2017). Credibility in a qualitative study means that the data and findings are believable, and readers can draw meaningful inferences from them (Saldaña & Mallette, 2017). The findings in the current study represent the participants' perspectives, contributing to credibility. In this study, I followed Walden University IRB guidelines to maintain academic standards and ethics. Any study involving human beings requires safeguarding their rights, safety, and well-being through ethical standards. I did not include participants' names or identifying information. Member checking contributed to credibility, ensuring the accuracy and integrity of the data before analysis.

Transferability

Transferability (i.e., external validity) means researchers conducting similar work achieve similar findings (Saldaña & Mallette, 2017). This study's findings could be transferable to similar research at other district circuit county courts in other states. To

improve transferability, I took notes about participants' body posture and nonverbal responses.

Dependability

Dependability refers to whether results follow accepted and standard methods for data collection to produce trustworthy results (V. Clarke & Braun, 2013). I used member checking and data triangulation to improve dependability.

Ethical Procedures

Qualitative research presents a unique ethical issue in protecting participants' identities because they share stories unique to themselves, and such stories may compromise their identity, and data may need cleaning to maintain confidentiality (Saldaña & Mallette, 2017). Researchers must maintain the anonymity of research participants when recording, archiving, and reporting data (Patton, 2019). A primary ethical consideration is obtaining informed consent from all participants. Informed consent requires honestly representing the study's purpose and requirements, participation requirements, data collection and analysis methods, and the use of research findings (V. Clarke & Braun, 2013).

I received IRB approval for the ethical procedures I used to obtain consent from the participants. My approval # is 10-31-23-1043083. Prior to beginning the interview, I reviewed the IRB approved consent form with each participant and provided them with the opportunity to ask questions or raise concerns. I also reminded the participants of their right to withdraw from the study at any time. This study involved no risks other than what the participants would normally experience in daily life.

Summary

The objective of Chapter 3 was to describe the procedures used to collect data for this generic qualitative study. In the chapter, I reviewed the research methodology, research design, sample size, target population, research questions, data collection process, and data analysis plan. A generic qualitative approach was the most flexible and appropriate methodology for meeting the aims and goals of this study. I recruited a sample of five judges with diverse work experiences who had presided over complex cases involving mentally ill violent offenders in New York for at least 5 years. Data collection through semi structured interviews allowed me to capture each participant's tone of voice and nonverbal communication. I ensured trustworthiness by taking steps to maintain credibility, transferability, dependability, and confirmability.

In the following chapter, I will provide an overview of the setting; participant demographics; and processes involved in recruiting participants, collecting data, and applying the data analysis plan to interpret the findings. The chapter will also include a presentation of the findings of the study, based on the transcribed interviews, which were member checked, analyzed, and coded for themes and subthemes.

Chapter 4: Results

The purpose of this qualitative study was to understand how criminal court judges in New York make sentencing decisions in cases involving mentally ill violent offenders. Judges are gatekeepers within the criminal justice system and possess the authority to sentence, sanction, and order vulnerable offenders with specialty needs into rehabilitative treatment (Winick, 2013). Since judges play a critical role in the administration of justice and facilitating positive outcomes for offenders, it was important to know more about their perspectives on trauma-informed sentencing (Marsh, 2019). Few qualitative studies to date have attempted to gather the perspectives of judges on trauma-informed sentencing approaches, especially in cases involving mentally ill offenders who have committed acts of violence (including serious felonies). With this study, I attempted to address this gap in the research literature by exploring (a) how judges make sentencing decisions involving mentally ill violent offenders and (b) understanding their perspectives on applying TJ in cases involving mentally ill violent offenders.

In this chapter, I provide an overview of the setting, participant demographics and processes involved in recruiting participants, process of collecting data, and applying the data analysis plan to interpret the findings. This chapter also includes a discussion of the findings of the study, based on the transcribed interviews, which were member checked, analyzed, and coded for themes and subthemes.

Setting

I collected data using semi structured interviews completed via Zoom with five participants to answer the research questions. Fathom AI software was integrated into

Zoom to transcribe the audio recordings. I selected the Zoom virtual platform because it allowed participants to join the interviews from a private, confidential space of their choice (e.g., a home office). This made the participants feel more comfortable with sharing their perspectives on the subject on a date and time that was convenient for them. I accommodated each participant's busy schedule and joined the calls 10 minutes early to prepare and set up. I used a headset and two computer screens to take notes while interviewing each participant. Prior to recording, I reviewed the Walden University IRB-approved consent form again with each participant and took the time to answer any of their questions or concerns regarding the protocols and procedures. I also advised them about where I was (my home office) and that I would take notes during the session.

Demographics

Inclusion criteria for participation in the current study required all judges to have at least 5 years of experience presiding over cases involving mentally ill violent offenders. The participants also had to complete the IRB Consent Form. Five participants were formally enrolled in the study. Four of the five judges were female, and one was male. All the participants had extensive legal experience, ranging from 21 years or more in New York. Only one of the judges was a person of color. Due to privacy concerns, there will be no further demographic information revealed.

Data Collection

Initially, I contacted the Center for Justice Innovation in New York to assist me with recruiting judges who had experience presiding over cases involving mentally ill violent offenders. I reached out by email using the general email address on the center's

website. I also searched for individuals working at the Center for Justice Innovation on LinkedIn. I sent a contact request to various individuals, including social workers and administrators. Two social workers accepted my contact request and agreed to speak with me further about the current study over Zoom. Subsequently, I arranged meetings to discuss the purpose and scope of the study. The social workers helped me connect with two criminal court judges they worked with in the NYCOURTS and told me that these were high-profile judges who may not be easy to engage with because of their busy schedules and may not be interested in participating in the study. Fortunately, the two judges agreed to meet with me via Zoom to learn more about the study. After each of them had the opportunity to ask questions and clarify their concerns, I was encouraged to reach out to one of the senior judicial administrators connected to the NYCOURTS.

I promptly emailed each senior judicial administrator and attached the IRB-approved consent form to the email. Unfortunately, I did not hear back from most of the senior judicial administrators for 3 months, despite sending follow-up emails. Fortunately, one of them agreed to meet with me via Zoom to further explore the potential for recruiting judges. In my meeting with the senior judicial administrator, I answered their questions regarding maintaining confidentiality and the privacy concerns that were raised. Shortly after my meeting, I was given clearance to recruit participants through NYCOURTS. The senior judicial administrator was extremely helpful and contacted administrative staff at all the courts regarding the study. The court administrators subsequently passed on information about the study to judges. Initially,

only two of these judges agreed to participate after reviewing the IRB-approved consent form and meeting the inclusion criteria.

I scheduled interviews with the judges on the Zoom virtual platform at a time and date that was most convenient for them. At the end of each interview, I requested assistance from the judges to support me in recruiting more judges because I knew it would be challenging. With the help of the initial two judges, I ended up recruiting three more judges. Each participant was carefully screened to ensure they met the inclusion criteria and had diverse work experience in criminal justice and decision making in cases involving mentally ill violent offenders (i.e., the population of interest). In total, five participants met the inclusion criteria and were formally enrolled in the study. I scheduled the remaining three interviews via the Zoom virtual platform at a time and date that best accommodated the participants' busy schedules.

To maintain the privacy and confidentiality of each participant, I refer to everyone by number, such as Interviewee 1, Interviewee 2, Interviewee 3, etc. All participants chose to have their video on during the interview, even though they knew the interviews would be audio recorded only. I conducted all interviews from my home office and used a headset to cancel background noise. All interviews were audio recorded through Zoom, which enabled closed captions. Due to administrative delays and processes, the recruitment and data collection process took over 3 months.

At the beginning of each interview, I reminded the participants of the purpose and scope of the study. Once participants consented to the audio recording, I proceeded with the interviews. Each interview ranged from 30 to 45 minutes in length. I conducted

a total of five semi structured interviews, a number less than the eight to ten interviews I had initially proposed. It was challenging for me to access this population because of the significant administrative and legal barriers. Despite the small sample size, I achieved saturation, as evidenced by the recurring themes across all the interviews. According to Patton (2019), saturation occurs when there is enough collected data, and no additional information is likely to emerge from additional data collection.

As required by Walden University's IRB research ethical guidelines, I maintained the highest academic and ethical research standards by following the protocols and procedures safeguarding participants' rights, safety, and well-being. Moreover, I attained the accuracy and integrity of all data collected through member checking. The member-checking process allows participants to review and reflect upon their responses without the time constraints of the recorded interview (Saldaña & Mallette, 2017).

As the instrument of data collection, I made efforts to mitigate any bias from my data collection process by following the interview guide (see Appendix) consistently. I was aware of the need not to imply agreement with participants' statements either verbally or with gestures. As a mental health professional for over 20 years, I was confident in my ability to interview the participants and probe for a richer and deeper understanding of their views. I tried to maintain neutrality in my vocal tone, facial expressions, and body language. Despite these efforts, I did find that, at times, I would comment positively on comments made about the benefits of trauma-informed approaches to sentencing and TJ. I noticed my excitement and worked to neutralize my

tone of voice and expression. Creswell and Poth (2016) suggested that bracketing is a strategy to acknowledge and exclude previously held beliefs that may influence data collection and analysis. I bracketed my responses to the answers provided by the participants so that I was acutely aware of this.

Data Analysis

I downloaded the interview transcripts with closed captions from each Zoom recording. As a first step, I carefully read each transcript and formatted them by taking out all personal and identifiable information of the participants, including their names and titles. Grammar and spelling were also checked, and the responses were organized into paragraphs. Next, I sent a copy of each formatted interview transcript to the participants for their review and feedback. This procedure is known as member checking. According to Ravitch and Carl (2019), member checking can increase the trustworthiness of the study.

Once member checking was complete, I began coding the data from each interview. Saldaña and Mallette (2017) described coding as an iterative process that involves assigning meaning to the data collected. My role as the researcher was to become intimately familiar with the data to analyze its meaning objectively. Coding involves carefully reading and re-reading each word and phrase of the transcript to capture valuable information that may be used to compare data from the sample of participants (V. Clarke & Braun, 2013). According to V. Clarke and Braun (2013), repeated words and common phrases can help the researcher categorize themes and subthemes extracted from the data.

Additionally, I reviewed the notes that I had previously bracketed during the interviews. Creswell and Poth (2016) recommended bracketing to minimize bias in analyzing and interpreting data. Bracketing is a strategy to acknowledge and exclude previously held beliefs that may influence and affect data collection and analysis. I recognized that as a social worker who is passionate about TJ, I do believe in the value of rehabilitative treatment to reduce recidivism risk among mentally ill persons who come into conflict with the law. I am also compassionate toward marginalized groups and communities (e.g., people of color, women, persons with disabilities, the homeless or poor, mentally ill, drug addicted) that may be more vulnerable to interactions with the criminal justice system. However, I was conscientious of my potential bias and bracketed my thoughts and feelings as I read each standardized question from the interview guide. As a result, I was able to code each interview neutrally and objectively by actively reflecting upon my beliefs and biases.

I also used NVivo software as a secondary means to establish clearer patterns with themes and subthemes identified from my initial coding. Saldaña and Mallette (2017) suggested that splitting, collapsing, or discarding data pieces may be necessary to categorize themes and subthemes appropriately. Because there was significant rich, thick data that required coding for analysis, it was helpful to use this software.

The data analysis process in this study allowed me to move systematically from specific coded units to larger representations, including categories and themes, using an inductive approach that ensured the findings aligned with the data collected. The first step involved a detailed review of the interview transcripts using open coding. This initial

phase entailed breaking the text into discrete segments, with each segment being labelled with a concise code that captured its essence. The process was iterative, involving multiple rounds of coding and recoding to refine the codes and ensure their accuracy. This step was a means to identify all significant pieces of information within the transcripts, as per Strauss and Corbin (1998), who argued that open coding allows researchers to fracture data and then categorize them, ensuring a comprehensive understanding of the phenomena under study. This process yielded twenty codes; however, I removed six codes because they appeared less than twice. The final fourteen codes were as follows: accountability, rehabilitation, violence severity, understanding, trauma consideration, fairness, bias awareness, evaluations, problem solving, support needs, community resources, criminal justice reforms, sentencing, research, and professional development.

Following open coding, the analysis progressed to axial coding, where I grouped the codes into categories based on their similarities and relationships. Axial coding involves constant comparison and reevaluation to ensure the categories accurately reflect the underlying data (Creswell, 2013). Four themes emerged from the analysis: criminal responsibility, sentencing approaches, professional development for judges, and benefits of study. I also identified five subthemes related to the research questions: cognitive factors, social factors, applications of TJ, judicial education, and criminal justice reforms. According to Creswell (2013), moving from broader themes to subthemes can be useful for capturing the essence of qualitative data and facilitating data analysis. This process was particularly helpful for connecting participant responses to the research questions.

Ethical Procedures

Researchers are bound by the anonymity of research participants when recording, archiving, and reporting data (Patton, 2019). A primary ethical consideration was obtaining informed consent from all participants in the study. Consent must be based on an honest representation of the purpose and requirements of this study as well as what participation entails, how data will be collected and analyzed, and the future use of research findings (V. Clarke & Braun, 2013). As a result, each participant in this study received the IRB-approved consent form, which outlined the purpose of the study, role of participants, data collection, data analysis, ethical considerations, confidentiality agreements, and implications on future research. Although I had already obtained verbal consent from them, I reminded participants just before the interview began of their right to withdraw from the study at any time.

Creswell and Poth (2016) recommended that the researcher be transparent about all potential risks associated with participating in the study. The interviews did not require participants to disclose any sensitive information and, therefore, did not pose more than minimal risk for them. When the interviews concluded, I transcribed the audio recordings and formatted them using Microsoft Word. I saved the audio recordings and closed captions from Zoom after each interview in a digital, password-protected file on my computer. I emailed each participant a copy of the formatted transcripts for review and feedback. When member checking was complete, I began data analysis.

Results

The purpose of this qualitative study was to understand how criminal court judges in New York make sentencing decisions in cases involving mentally ill violent offenders. I also conducted this study to explore the participants' views on TJ and its application to judicial decision making. I recruited five highly qualified judges from across the NYCOURTS who provided detailed responses to the interview questions. The research questions that guided this study were:

RQ1: How do judges make sentencing decisions involving mentally ill violent offenders?

RQ2: What are the perspectives of judges on applying TJ in cases involving mentally ill violent offenders?

Table 1 presents a summary of the themes and subthemes. According to Creswell (2013), moving from broader themes to subthemes can be useful for capturing the essence of qualitative data to explain the research question(s).

Table 1*Research Questions, Themes, and Subthemes*

Research questions	Themes	Subthemes
RQ1: How do judges make sentencing decisions involving mentally ill violent offenders?	Criminal responsibility	Cognitive factors Social factors
	Sentencing approaches	Applications of therapeutic jurisprudence
	Professional development for judges	Cognitive factors Social factors
	Benefits of study	Judicial education Criminal justice reforms
RQ2: What are the perspectives of judges on applying therapeutic jurisprudence in cases involving mentally ill violent offenders?	Sentencing methodologies	Cognitive factors Social factors Applications of TJ in sentencing

Theme 1: Criminal Responsibility

The participants expressed varied opinions on the complex balancing act between ensuring accountability and understanding the nuances introduced by mental illness and trauma. One judge (Interviewee 1) underscored the importance of holding offenders accountable, saying, “Accountability for one’s actions is important. We must protect the victims from further harm, and the public needs some assurance.”

This sentiment was shared by three other judges, highlighting a general agreement on the necessity of objectively assessing and evaluating mitigating and aggravating factors that may influence sentencing decisions. Judges have a responsibility to consider the needs of the offender and weigh out the degree of harm committed to victims. One judge (Interviewee 5) noted, “Prisons are terrible places to be on every level and do little

to increase an offender's self-awareness of the harm committed, but rehabilitation opportunities may increase criminal responsibility and prevent future harm." This view suggests that while accountability is crucial, the traditional punitive approach may not be the most effective in achieving it, especially for mentally ill offenders.

The concept of retribution also surfaced in the discussions, with one judge (Interviewee 4) acknowledging, "There's retribution that still does exist in our law, but there's also rehabilitation and still does exist in our law...we may have different ways of interpreting evidence based on our beliefs about justice." Another judge (Interviewee 3) noted, "But given the nature of the violence, sometimes we're not able to weigh that as strongly as you might." This comment shows that the severity and context of the violence can affect the extent to which trauma-informed practices are considered.

Furthermore, some judges expressed doubts about the offenders' understanding of the harm they caused, particularly if they suffer from severe mental illness. One judge (Interviewee 4) questioned this idea, stating,

Some judges may question whether the defendant fully understands the degree of harm caused to the victim and their family. ... If a person has a severe mental illness, can they really understand what they are agreeing to, and can they truly volunteer for a specialized court?

Theme 2: Sentencing Approaches

All the judges interviewed said they were knowledgeable about trauma-informed research and applied TJ to sentencing. It was a consensus that objective sentencing requires a psychosocial understanding of the factors contributing to antisocial behaviors.

One judge described his approach to sentencing by saying, “I use a lens of the impact of trauma on those who are witnesses, those who are victims, those who are accused, those who come into every courthouse where they are dealing with the essentials of life” (Interviewee 3).

This perspective underscores the importance of recognizing the pervasive impact of trauma on all participants in the judicial process. TJ is a sentencing approach that applies a holistic framework, which involves consideration of cognitive and social factors that may influence the types of crimes committed. However, it is important to note that it is difficult to be sensitive to the needs of offenders when the crimes committed against victims are severe.

One judge highlighted this challenge by saying, “It depends on the seriousness of the harm committed to the victim as well ... violent crimes can range in severity ... it’s easier to apply trauma-informed approaches for misdemeanour, lower-level offenses than serious violent crimes” (Interviewee 1).

Theme 3: Professional Development for Judges

Most judges interviewed (i.e., four) highlighted the importance of professional development education for judges on mental illness. The participants suggested that the more aware judges are of the “root causes of crime,” the better they will assess and evaluate criminal responsibility and make sentencing decisions.

One judge explained the benefits of engaging in ongoing professional development on mental illness and addictions by stating, “We should be cautiously aware

of our own biases and beliefs. Ongoing professional development training is essential to do this” (Interviewee 2). One judge reflected,

But one thing that I have learned over all these years is that any law or rule, when it is strictly enforced, does not achieve justice. So, unless you can temper that with, I will use the term mercy for lack of a better word that all you have is tyranny, but it does not achieve justice, that’s all. (Interviewee 2)

Judges underscored the critical importance of learning about mental health issues among offenders. One judge emphasized, “I believe education is key. Many judges could receive help from training in trauma-informed practices to better understand the impact of mental health on offenders” (Interviewee 5). This sentiment reflects a broad consensus on the importance of equipping judges with the knowledge and skills needed to recognize and address the effects of trauma on behavior. Such training can foster a deeper understanding of how past trauma can influence an offender’s actions, leading to more informed and empathetic sentencing decisions.

Another critical aspect of judicial education is training on implicit bias. Judges recognized that biases, whether conscious or unconscious, could affect their decision-making processes. One judge pointed out, “It would be a shame and certainly unjust for a judge to allow blinding preferences based on stereotypes. They have truths to inform what they’re doing. Training on implicit bias is critical” (Interviewee 2). This statement underscores the need for judges to be aware of their potential biases and take active steps to mitigate them through comprehensive training programs. Addressing implicit bias is

crucial for ensuring that all defendants receive fair and unbiased treatment in the courtroom.

Increasing awareness about trauma-informed research among judges was also highlighted as a vital part of judicial education. A judge noted, “Increasing awareness about trauma-informed research among judges could lead to more compassionate and effective sentencing outcomes” (Interviewee 4). By staying informed about the latest research and developments in trauma-informed practices, judges can enhance their understanding of the complex interplay between trauma, mental health, and criminal behavior. This knowledge can guide them in making more compassionate and effective sentencing decisions that consider the full context of an offender’s life and experiences.

Understanding the roots of violent behavior is another area where judicial education is crucial. One judge remarked, “We need a collective understanding that people do not wake up one day and decide, I’m going to be terribly violent today, right? Mandatory judicial education in this area is essential” (Interviewee 3).

This perspective highlights the importance of educating judges about a range of factors that can lead to violent behavior, including environmental, psychological, and social influences. Such education can help judges to appreciate the complexities of violent behavior and to consider these factors when determining sentences.

Lastly, judges emphasized the need for mandatory professional development training focused on mental health and trauma. One judge stated, “Professional development training for judges is required. Some courses are mandatory, and some are

optional. Mental health-related topics should be mandatory given the current climate” (Interviewee 5).

This recommendation reflects the growing recognition of the importance of mental health issues in the criminal justice system and the need for judges to be well-versed in these topics. Making such training mandatory ensures that all judges receive the necessary education to manage cases involving mentally ill offenders effectively and compassionately. There was a broad consensus on the need to integrate sensitivity into objective decision-making processes. One judge remarked, “We must consider what is fair for all parties involved, including the defendant” (Interviewee 5).

This perspective highlights the inherent tension between the desire for retribution from victims and the necessity of delivering a just and balanced verdict. The judges all agreed that it was useful to have opportunities to discuss case scenarios and learn from one another through educational sessions.

Theme 4: Benefits of Study

A few judges (i.e., three) shared that this study would hopefully give an opportunity for law and policymakers to understand their views and perspectives. Judges are the ones who can facilitate access to treatment and resources. However, they may not be able to consider practical options because each community may differ in its resources and capacity to support mentally ill violent offenders in the community.

One judge explained that “Alternatives to incarceration do not make sense if there are not adequate social supports like housing and psychiatric treatment in the community” (Interviewee 1).

The participants all shared that they agreed to take part in this study because they believed it was valuable to share their experiences. Two judges said that they were involved with developing a curriculum for professional development courses on trauma-informed sentencing. They believed that it was “healthy” and “useful” to learn from mental health experts and exchange ideas with one another.

As one judge pointed out, “Complex cases require continuous learning and reflection. This is why it is useful to share our views and perspectives and learn from one another” (Interviewee 4). Participants acknowledged the importance of the study in increasing awareness and promoting the need for professional development training for legal professionals dealing with mentally ill violent offenders.

Summary

In Chapter 4, I provided an overview of the study’s setting, participant demographics, and the data collection and analysis processes. I presented the findings from transcribed and member-checked interviews, which were analyzed and coded for themes. The recruitment of participants and the methods of data collection and analysis were described to contextualize the findings.

The study addressed two research questions: How judges make sentencing decisions involving mentally ill violent offenders and their views on applying TJ in these cases. Data from interviews revealed themes related to both questions. Four themes emerged: criminal responsibility, sentencing approaches, professional development for judges, and benefits of study. Further dividing these themes resulted in five subthemes: cognitive factors, social factors, applications of TJ, judicial education, and criminal

justice reforms. According to Creswell (2013), moving from broader themes to subthemes can be useful for capturing the essence of qualitative data and facilitating data analysis. This was particularly helpful for connecting participant responses to the research questions.

The study offers insights into judges' issues related to sentencing mentally ill offenders and their perspectives on current criminal justice policy reforms in New York. The judges had the opportunity to discuss their approaches to sentencing and views on TJ as it applies to mentally ill violent offenders. Although this study focused on New York, it provides a general understanding of judicial considerations regarding criminal responsibility and recidivism risk. Judges emphasized the importance of considering cognitive and social factors for sentencing and agreed that prison was a last resort. Overall, judges were positive about the investments made by New York State to expand problem-solving courts and invest in alternatives to incarceration. Professional development training and education on areas pertaining to mental health and trauma-informed sentencing were recommended. The following chapter will include my conclusions and recommendations based on the results provided in Chapter 4.

Chapter 5: Discussion, Conclusions, and Recommendations

There is a relationship between trauma, offending, and mental illness (NAMI, 2020). Individuals adopting a trauma-informed perspective acknowledge the complex influences of past trauma on offenders (and victims) and respond in a way that avoids traumatization and reduces harm (Randall & Haskell, 2013). Fundamental to the concept is the explicit recognition of trauma and understanding of its salience. In the context of sentencing, this requires legal representation that adequately explores, acknowledges, and represents the individualized presence and relevance of trauma to offending (Gohara, 2018; Kezelman & Stavropoulos, 2012). The role of the defense counsel is to obtain the least punitive sanction available for their client in the circumstances, and they are required to draw to the judge's attention any disposition not ordinarily considered and any factors that may be particularly pertinent in the circumstances that may weigh in the accused's favor, such as medical, psychological, or psychiatric history. This information can be supported by reports from the district attorney, who may preliminarily screen cases for their eligibility into problem-solving courts. If a community-based order is in contemplation, a presentence report may be required from correctional services, who will be supervising the offender in the community. Relevant specialist recommendations for evidence-based interventions may be provided to the courts, emphasizing strategies to develop resilience and strengths-based approaches (Gohara, 2018; Kezelman & Stavropoulos, 2012; Randall & Haskell, 2013). A trauma-informed approach seeks to "better address the fullness of the diffused effects of a traumatic incident" (Randall &

Haskell, 2013, p. 505), recognizing harm to offenders, their dependents, victims, and professionals working in environments where trauma is prevalent.

The purpose of this qualitative study was to understand how criminal court judges in New York make sentencing decisions in cases involving mentally ill violent offenders. By exploring judges' knowledge, attitudes, and experiences, I aimed to understand (a) how judges make sentencing decisions involving mentally ill violent offenders and (b) their perspectives on applying TJ in cases involving mentally ill violent offenders. Semi structured interviews with five judges across New York occurred via Zoom, and their audio-recorded interview transcripts underwent member checking prior to data analysis. Data analysis revealed four themes: criminal responsibility, sentencing approaches, professional development for judges, and benefits of study. I divided these themes into five subthemes: cognitive factors, social factors, applications of TJ, judicial education, and criminal justice reforms. According to Creswell (2013), moving from broader themes to subthemes can be useful for capturing the essence of qualitative data and facilitating data analysis. This was particularly helpful for connecting participant responses to the research questions.

Participants in this study had varied approaches to sentencing but agreed that it was important to consider each defendant's social and cognitive factors to determine criminal responsibility. Sentencing determinations could also be influenced by community-based resources (e.g., housing, employment, mental health facilities) and the capacity to support case management services in the community for offenders with complex needs. Professional development on mental illness and sharing knowledge with

other legal professionals emerged as important. TJ was recognized as a useful approach to sentencing because it provides a holistic framework for criminal justice for vulnerable defendants in conflict with the law. The expansion of problem-solving courts based on the TJ model was viewed favorably; however, alternatives to incarceration could not be considered without sustainable funding for housing, employment, health care, and other wrap-around support.

The participants in this study expressed gratitude for the opportunity to share their perspectives because it is rare for them to be involved in research studies (due to privacy issues). Although the sample of this qualitative study was small, the participants were professionally qualified and provided descriptive data to support data analysis. In this chapter, I provide a summary of my interpretation of the key findings as well as the study limitations, my recommendations, implications for positive social change, and my conclusions for this study.

Interpretation of the Findings

In this section, I interpret the findings of the data collected through interviews with five criminal court judges in New York. To guide my interpretation and analysis of the data, I reflected upon the research questions that guided this qualitative study. The goal of the first question was to explore judges' sentencing approaches in cases involving mentally ill violent offenders (to varying degrees). State and federal criminal statutes often set maximum penalties based on the offense classification, with felonies having the most serious punishments; however, judges also have some discretion in allowing prosecutors and defendants to present evidence for the court to consider (Smith, 2020).

For instance, a prior record of similar convictions may justify imposing a harsher sentence. Judges who are trauma informed may also consider the situational contexts of the offense, such as provocation, stress, or emotional dysregulation due to mental illness. However, as noted in the literature and by research participants in the current study, judges may not be trauma informed, and this may lead to judicial bias. Whether conscious or unconscious, judicial biases can affect sentencing decisions and processes (Smith, 2020).

When asked about their approaches to sentencing in cases involving mentally ill violent offenders, the participants shared the importance of objectivity in sentencing, which involves not only the recognition of the harm done to the victims but also the mental state of the offender. As per the research literature, objective sentencing requires judges to make a conscientious effort to remain fair and unbiased by balancing empathy with fairness (Casaleiro et al., 2021; Nir & Liu, 2022). One approach is to rely on psychosocial and psychiatric evaluations to account for cognitive factors that may have influenced the violent behavior of the offender. Judges may rely on presentence memorandums from the defense perspective to deliver a more nuanced and fairer verdict. Another approach to sentencing may be to focus on the seriousness of the harm perpetrated and the overall outcomes associated with violent behavior. Many of the participants recognized that judicial discretion in sentencing can be a threat to justice unless the judge makes efforts to be objective and unbiased. As per the literature, objective and fair sentencing requires taking active steps to mitigate bias, and

professional development training may be a way to prevent bias in judicial sentencing (Marsh, 2019). This was also a theme identified by the participants in the current study.

Professional development training was identified by the current study participants as a strategy to prevent judicial bias and promote objective sentencing in cases involving violent offenders. The literature also suggested that judges with a greater understanding of the defendant's history are more likely to be objective in their sentencing decisions (Mustafa, 2021). According to TJ, objective sentencing involves a holistic assessment of the cognitive and social factors that may contribute to the offender's antisocial behaviors (Perlin, 2018). It is important to recognize that not all judges are inclined to apply TJ in cases involving mentally ill violent offenders.

The second research question focused on the extent to which judges apply TJ to support their sentencing decisions in cases involving mentally ill violent offenders. Most of the judges (i.e., four) expressed that their values aligned with TJ. As per TJ, judges are "therapeutic agents" because they can use their knowledge and skills to identify cognitive (e.g., exposure to trauma) and social factors (lack of social resources), which may increase criminogenic risk (Wexler & Winick, 1996). TJ is a theory to support developing and implementing specialty problem-solving courts (Perlin, 2018). Typically, the district attorney's office screens cases that may be appropriate for referral to these courts (Perlin, 2021). In the past, violent offenders (especially those who committed serious felonies) were ineligible to participate in these courts. However, New York state has expanded its eligibility criteria and has piloted innovative programs (e.g., gun

violence) to reduce incarceration rates and promote rehabilitation goals within the criminal justice system (Centre for Justice Innovation, 2019).

Research literature has also supported the use of specialty courts based on TJ (NAMI, 2020). Most of the participants believed that TJ was a helpful approach to sentencing in cases involving mentally ill violent offenders; however, some judges (i.e., two) acknowledged that problem-solving courts may not necessarily lead to positive outcomes for the defendant or increase public safety. As one of the participants pointed out, each community is unique, and some may or may not have access to resources that can adequately serve the needs of offenders in the community upon release (e.g., lack of housing, psychiatric facilities, wrap-around supports, etc.). Judges need to consider the viability of sentencing orders to make decisions. The literature suggested that outcomes associated with the application of TJ may or may not be therapeutic (Wexler & Winick, 1996).

Overall, the participants in this study supported the application of TJ as an approach to sentencing. Professional development training and education on trauma-informed practices and the application of TJ principles emerged as vital for sentencing in cases involving mentally ill violent offenders.

Limitations

My greatest challenge in this study was recruiting judges. Casaleiro et al. (2021) stated that judges are a challenging population to study due to ethical issues and privacy concerns. The recruitment of judges, especially for qualitative research, can be difficult because judges are often reluctant to share their personal views (Nir & Liu, 2022) and

perceived biases (Mustafa, 2021). Recruiting participants for this study was especially difficult because the focus was on violent offenders, which is a controversial and political issue, and many judges were uncomfortable sharing their perspectives.

Another limitation of qualitative research is the risk of researcher bias (Creswell & Poth, 2016). As a social worker who has worked in the field of criminal justice, I knew that I have a bias toward trauma-informed practice and the application of TJ in cases involving vulnerable offenders that come into conflict with the law. To prevent showing personal bias in the interviews and prescreening process, I regularly reflected on my thoughts and feelings about the subject matter. I also bracketed my impressions during the interview and data analysis processes.

Based on the literature review, I understood that the findings of this study may not be generalizable to other populations or contexts because the sample size was small. I knew recruitment would be challenging, but I was determined to pursue the aims of the study. I made efforts to reach out to various individuals who were connected or affiliated with NYCOURTS and who could support me with recruitment. I found a key administrator who provided access and helped recruit highly qualified individuals. Despite the small sample, the perspectives of these judges gathered in the current study were valuable.

Recommendations

Policymakers and communities have begun to address treatment issues with mentally ill defendants, including those who have committed serious acts of violence. Alternatives to incarceration merit exploration because the experience of

institutionalization can be traumatic and worsen psychological symptoms. More systematic and comparative research across other states and urban centers is necessary to explore the perspectives of judges on trauma-informed sentencing and TJ applications in cases involving mentally ill violent offenders. Judicial education and training may help judges become aware of cognitive issues that may impair a defendant's decision-making ability. Despite the promising integration of TJ and trauma-informed approaches, several challenges remain, such as:

- Resource limitations: Implementing comprehensive trauma-informed and therapeutic programs requires significant resources, including funding, trained personnel, and access to mental health services.
- Inconsistent application: The extent to which TJ and trauma-informed practices are applied can vary widely across districts and facilities.
- Balancing safety and rehabilitation: Ensuring public safety while prioritizing rehabilitation and treatment for mentally ill violent offenders is a complex and ongoing challenge.

The integration of TJ and trauma-informed research into the criminal justice system in New York represents a significant step toward more humane and effective treatment of mentally ill violent offenders. Although challenges remain, the positive outcomes of these approaches underscore their potential to improve individual and systemic outcomes. Continued efforts to standardize practices, enhance training, and evaluate programs will be essential in realizing the full benefits of these innovative frameworks.

Implications

Judges should recognize the underlying issues that may contribute to offending behaviors when administering sentences. Smith (2020) argued that judges have considered all relevant matters about offender risk and mental culpability. Judicial education on trauma-informed research may help judges appreciate the root causes of antisocial behaviors to determine sentences that may facilitate positive health outcomes for the defendant (Gohara, 2018). All research participants agreed that ongoing professional development training on trauma-informed research would help judges make sentencing decisions. Two participants in the current study enthusiastically discussed upcoming training for judges in the summer of 2024.

All participants agreed that this study was beneficial because it provided an opportunity for judges to share their perspectives. It was suggested that rigorous evaluations on the effectiveness of trauma-informed programs and services would support consistent and sustainable funding for treatment and support. It was further noted that more research on the benefits of TJ in the context of mentally ill violent offenders may convince criminal court judges who are skeptical about applying TJ in their decision making.

Conclusion

Few qualitative studies to date have attempted to gather the perspectives of judges on sentencing in cases involving mentally ill persons. Mentally ill persons who have experienced serious trauma are more vulnerable to engaging in violent behaviors (Bonfine et al., 2020). Traditional sentencing approaches to address violent offending

have focused on punishment rather than rehabilitation (Smith, 2020); however, criminological research has shown that harsh sentences do little to reduce recidivism (Bhuller et. al., 2020). As a result, law and policymakers across the United States and many other countries around the world are applying trauma-informed research to develop criminal justice policies that focus on rehabilitation.

Judges play a key role in facilitating access to rehabilitation programs and services; however, not all judges are trauma informed and may not consider the unique circumstances of each defendant in the same way. I conducted this study to gather the perspectives of judges on sentencing in cases involving mentally ill violent offenders. The findings showed that the participants felt it was important for all judges to receive ongoing professional development training on mental illness and its relationship to crime. They also felt that a greater awareness of cognitive and social factors could mitigate judicial bias and promote fairer sentencing outcomes.

Law and policymakers can benefit from learning about judges' views on TJ and its applications to criminal justice policy reforms. In their role, judges can set precedence and develop case law (Perlin, 2018). Case law can directly and indirectly impact the lives of individuals that come into conflict with the law, including victims and defendants. Law and policymakers can strengthen and/or adapt sentencing guidelines to support judicial sentencing and promote equitable outcomes for defendants before the law.

Future research in this area could examine the long-term impact of sentencing decisions on broader criminal justice policies related to mental health, substance abuse, homelessness, and vulnerable populations. Comparative studies across different districts

could also raise awareness of the variations in sentencing practices for mentally ill violent offenders. This knowledge could lead to more effective and compassionate approaches supporting public safety and individual rehabilitation.

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Appendix: Interview Guide

Thank you for your participation in this study. The purpose of this research study is to gather the perspectives of judges in New York on sentencing mentally ill violent offenders. The interview questions are designed to explore your understanding of trauma-informed sentencing and the application of therapeutic jurisprudence. All the responses you provide during the interview will be kept strictly confidential, which means that your interview responses will only be shared with me and my Dissertation Committee Members. Your participation in the study is completely voluntary, and you may choose to stop the interview at any time.

The interview is expected to take no more than 45 minutes to one hour. Do you have any questions before we proceed? Are you willing to participate in this interview?

Interview Questions

1. How long have you been working as a criminal court judge in New York?
2. How often have you encountered cases involving mentally ill violent offenders?
3. What is your understanding of trauma-informed sentencing approaches?

Prompt: How would you apply your understanding in cases involving mentally ill offenders? On violently mentally ill offenders?

4. What is your perspective on applying therapeutic jurisprudence in cases involving violent offenders?

Prompt: Do you have some pros and cons regarding using TJ methods for addressing the needs of mentally ill violent offenders?

5. What do you think about the current legislative reforms underway in New York to reduce incarceration rates?

Prompt: Why do you think changes should be made or that changes are not needed?

Can you elaborate on your perspective?

Prompt: How effective do you think these approaches are in cases involving mentally ill offenders? Mentally ill violent offenders?

6. Do you believe that the perspectives of criminal court judges on criminal justice policy reforms can support law and policymakers in promoting social change?

Prompt: How so?