

## INFLUENCE OF TRAUMATISING COURT CASE CHARACTERISTICS ON THE LEVEL OF SECONDARY TRAUMATIC STRESS AMONG JUDICIAL OFFICERS IN RIFT VALLEY REGION, KENYA

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### Abstract

*The Judiciary is responsible for fair and efficient administration of justice. Due to adjudication of cases involving traumatised clients, judges and magistrates may get vicariously traumatised and hence suffer secondary traumatic stress (STS) which may impact negatively on their capacity to execute duties effectively. In this regard, this study was set to find out the degree to which this psychological condition was related to court case characteristics. The study was guided by Constructive Self Development Theory. Using ex-post facto research design, data was collected from 83 judicial officers in Rift Valley Region, Kenya, through a self-administered questionnaire with a PPMCC reliability,  $r = .78$  for the full STS scale and  $r = .68, .73, \text{ and } .75$ , for the STS subscales. Collected data was analysed through mean calculations and percentages with respect to nominal scale data while test for the hypothesis that was germane to this study was carried out using chi-square ( $\chi^2$ ) and Crammer's  $V$  tests. Analysis task was accomplished through the Statistical Package for the Social Sciences (SPSS) programme, version 22.0. Defilement, rape and robbery related cases were associated highly (at least by 20% of respondents) with STS. The association between traumatizing case characteristics and STS, was statistically significant ( $p < .05$ ) and that the association was strong (crammer's  $V = .913$ ). Findings from the study point out to that, The Judiciary in that it can gain understanding on how traumatizing court cases characteristics impacts judicial officers' mental health wellbeing. Hence, the need to sensitize officers on how to identify STS symptoms, in order to take the necessary intervention measures before such symptoms reach a critical stage. Further, the judiciary may consider according more preparation training and counselling to judicial officers adjudicating on defilement, rape and robbery cases in order to reduce the risk of developing STS. Finally, scholars may identify investigation pathways they can follow with a view unearthing other factors that can influence the level of STS among judicial officers within and outside Kenya.*

**Keywords:** arousal, avoidance, court case characteristic, intrusion, judicial officer, secondary traumatic stress

### Introduction

Stress is a challenge of great concern at the workplace today. Although eustress is said to be beneficial for it can motivate and activate an individual towards desirable goals, stress when it gets to distressful levels can be counterproductive if it exceeds the victim's tolerance level (Deshpande & Chopra, 2007). In such a situation, the affected individual's health well-being may be compromised. For instance, excessive stress has been linked to hypertension and cardiovascular diseases (Townsend, 2003). Moreover, extreme stress tends to generate behavioural disorders such

as withdrawing from others and social activities, aggression and temper tantrums (Melgosa, 2006; Varvogli & Darviri, 2011). An organization with a high level of stress among its workers it can therefore be argued, is likely to be characterised by low output, strained inter personal relationship and workers turnover (Statt, 1994, WHO, 2007).

There is a need, however to mention that some occupations are more likely to generate stress than others. For instance, helping professions such as occupational therapy or clinical psychology have the potential for straining the helper if the clients' condition is psychologically demanding upon the helper (Everly & Benson, 1989). Judicial profession too, falls in categories of occupations in which an employee is expected to efficiently deliver services to the satisfaction of his/her client. In the course of service delivery, judicial officers, more often than not encounter a myriad of challenges, chief among them being adjudication of cases involving traumatised clients. Such a judicial delivery environment has the potential to generate stress especially secondary traumatic stress in the affected judicial officer. This psychological condition is commonly found among professionals who deal with victims of trauma (Figley, 1999, Figley, 1995a). A detailed discussion of STS is captured hereafter.

Secondary traumatic stress (STS) denotes the distress and emotional disruption associated with continued contact with traumatised individuals following a traumatic event (Bride, 2007; Peebles-Kleiger, 2000). This form of stress emanates from hearing about traumatic experiences of clients. This psychological condition has been found to affect medical practitioners, sexual abuse counsellors, child protection workers, emergency service workers, judicial officers, social workers and police (Bride, 2007; Bride, Robinson, Yegidis, & Figley, 2003; Siegfried, 2008). This phenomenon emanates from the experience of being exposed to stories of cruel and inhuman acts perpetrated towards the affected individuals and the society at large.

STS is characterised by excessive arousal and irritability in the affected individual, avoidance behaviour, emotional numbing of responses, including impaired memory of the original event (American Psychiatric Association, 2000). Other documented effects of STS include burnout, absenteeism, turnover and lower work performance (Parker & Kulik, 1995). Past researchers (e.g., Figley, 1999; Bride, 2007) tended to focus on occupations other than the judicial profession in their studies on STS. Perhaps, judicial officers have in the past been perceived as less prone to STS. However, Richardson (2001) has observed that similar to other workers, judicial officers are

highly likely to be affected by STS due to their exposure to stories with traumatizing content in the course of executing their duties.

### ***Origins and Theoretical Framework of STS***

The study on the *influence of traumatizing court case characteristics on the level of secondary traumatic stress among judicial officers in the Rift Valley Region, Kenya* is anchored on Figley's (1989) Secondary Traumatic Stress theory and the Constructivist Self-Development Theory (CSDT) by McCann & Pearlman (1990). Figley (1989) proposes that professionals who empathically engage with trauma survivors are at risk of developing symptoms analogous to those of primary victims; empathic concern and repeated exposure to traumatic narratives enable emotional contagion and the internalization of victims' distress, producing STS. Judicial officers, exposed repeatedly to harrowing testimonies of violence and human-rights violations, may therefore experience emotional exhaustion and secondary trauma. McCann and Pearlman's (1990) CSDT complements this by explaining how chronic exposure to traumatic material can alter cognitive schemas—fundamental beliefs about safety, trust, and control—leading to worldview changes, intrusive imagery, detachment, and impaired functioning. CSDT also highlights ego resources (the capacities to tolerate affect and regulate self-experience) and the strain caused by controlled empathy—the requirement to suppress visceral emotional responses while maintaining judicial impartiality—which together increase vulnerability to STS when overwhelmed. Together, Figley (1989) and McCann & Pearlman (1990) explain both the mechanism (empathic engagement → emotional contagion) and the cognitive-structural outcomes (schema disruption, depleted ego resources) that account for elevated STS risk among judicial officers.

### ***Variants of STS***

There are said to be three content domains of STS symptoms; a) intrusion, which means re-experiencing the trauma event from primary victims' perspective; b) avoidance, which is withdrawal and/or emotional numbing in relation to reminders of the traumatizing event; and c) persistent arousal. These content domains and their corresponding symptoms are presented in Table 1.

**Table 1**

*Variants of STS by Behavioural Symptoms*

<b>STS Variant</b>	<b>Behavioural Symptoms</b>
<b>Intrusion</b>	Distressing recollections of traumatizing events and psychological reactivity on exposure to cues resembling the traumatizing event.
<b>Avoidance</b>	Persistent avoidance of stimuli associated with trauma events.
<b>Arousal</b>	Persistent difficulty in falling asleep, irritability, anger, inability to concentrate and exaggerated startle responses.

In addition to the behavioural symptoms captured in Table 1, Ting, Jacobson, Sanders, Bride and Harrington, (2005) have also noted that STS may trigger other behavioural disorders such as anxiety, fear and depression, which according to these writers may be deleterious on individual performance in the workplace.

***Influence of Traumatizing Court Case Characteristics on Level of STS***

Court case characteristic is among factors that have been found to contribute to the experience of STS symptoms among workers who interact with traumatised clientele. Documented literature (Jaffe et al., 2003, Figley, 1995c, Freedman, 2003, and Levin et al., 2003) seem to suggest that judicial officers adjudicating on different types of traumatizing cases may experience STS at different levels. A recurring observation in literature is that cases involving criminal activities seem to place judicial officers at a higher risk of STS.

A study by Jaffe et al. (2003), for instance, compared the level of STS for judges adjudicating on criminal, family, civil and juvenile cases. The results of this study showed that judges who presided over criminal, family, civil and juvenile court cases experienced STS differently, with those serving in criminal and family law experiencing higher levels of STS than those adjudicating on civil and juvenile cases. This study thus indicated that there is a possibility that characteristics of a court case may have an influence on the level of STS among judicial officers

In another study, Levin and Greisberg (2003) found that, compared to mental health providers and social service workers, court attorneys who worked with domestic violence and criminal defendants had significantly higher levels of STS and burnout. The study further revealed that

attorneys and judges who worked in the field of criminal or family cases were at a higher risk of developing STS compared to those who dealt with other types of traumatizing cases. Higher levels of STS among criminal and family law practitioners could have been due to the fact that these professionals listened to stories of human induced violence day after day, and also read and re-read detailed documentation of the traumatic material within such cases.

A study regarding indirect exposure to violent crime in a sample of first year South African students in Gauteng by Jacobs (2002), found a significant relationship between the nature and severity of the traumatic event and levels of STS symptom. He observed that, threat to life, severe physical harm or injury, exposure to grotesque and loss and/or injury of a loved one, all correlated with the increased likelihood of developing STS. Hence cases which involve a higher risk to life are likely to lead to higher levels of STS than cases with lesser risk to life.

Bride et al. (2003) on the other hand conducted a study on the level of STS among social workers in relation to the types of cases they handled. The study observed that social workers who dealt with children who have been sexually abused, victims of incest and victims of rape, were more stressed than workers working with disaster victims, and those dealing with people who have experienced the horrors of combat and community violence. The study additionally noted that repeated hearing of stories of incidences involving child abuse can produce thoughts and images of such occurrence in the affected helper who may in turn experience STS which can lead to STS. The author argues that this is especially so due to the fact that, children are vulnerable and have lesser ability to protect themselves from the perpetrators.

Albert (2009) notes that in the courtroom, many traumatic incidents of the world are presented whose indirect effects are seen on attorneys, judges, and jurors. He observes that government attorneys working in criminal or family law are at a higher risk of STS since they daily hear stories of human-induced violence, read traumatic materials over and over again, and in addition to dealing with clients/victims in long term relationships as cases move through the justice system.

Mattison (2012) in a report on vicarious trauma in Californian courts, observed that among other abilities for a person to qualify as a judge, he/she must have the ability to tolerate the effect of exposure to court cases characterised by evidence and testimony that may be disturbing, such as photographs of murder scenes and victims; evidence that may include syringes, drugs, weapons

and blood; including dealing with defendants and witnesses who may potentially be verbally or physically abusive; allergens, such as perfumes and dust, and unpleasant odors, such as unwashed clothing, chemicals offered into evidence and unwashed people. This observation supports the theory that the content of the evidence of a criminal court case that an officer is adjudicating on can influence the way an officer experiences STS.

However, Mattison (2012) observes that criminal courtrooms are not the only venues where disturbing details about incidents involving acts committed against another human being are revealed. Rather, other court categories like dependency courts that hear cases ranging from neglect of minor children to physical and emotional abuse may also be prone to traumatizing cases. The same case, Mattison (2012) points out, applies to family law courts. This is because, some cases, in these court categories may be characterised by detailed traumatizing descriptions of children and spouse abuse respectively by victims or witnesses.

### **Statement of the Problem**

In the recent past, Kenya and the world at large has experienced an upsurge in criminal activities including rape, defilement, child abuse, domestic violence, terrorism, assault, robbery with violence, fatal land and family disputes, and divorce, among others. Victims of such incidents, more often than not, seek justice in courts. This implies that Kenya's judicial officers are more likely to encounter chilling evidence in the course of adjudicating cases involving such victims. A recurring observation in the background to the study is that, judicial officers are likely to experience STS through exposure to cases in which the victims may be distressed, and that, level of STS may be influenced by the characteristic or category of each traumatizing court case. However, there is a paucity of research in Kenya in regard to the extent to which determination of traumatised clients' cases could be generating STS on judicial officers based on its unique characteristic or category. This is the knowledge gap that this study sought to fill.

### **Purpose of the Study**

The overall purpose of the study was to determine the differences in experiencing STS among Kenya's judicial officers dealing with traumatizing court case of different characteristics.

### **Objective of the Study**

This study sought to determine whether traumatising court case characteristics have any influence on the level of STS among judicial officers in Rift Valley region, Kenya.

### **Research Methodology**

This study adopted an *expost facto* research design. Hence, the existing relationship between independent and dependent variables was established retrospectively since the variables had already interacted in a more less natural setting (Kerlinger, 1986, Kathuri & Pals, 1993). The design was therefore deemed ideal in view of the fact that judicial officers had already interacted with victims of trauma in the process of adjudication of court cases. The study was conducted among judicial officers in the Rift Valley region, Kenya. The target population in this study was all judges and magistrates serving in the region. According to the JSC (Kenya) records there were 83 judicial officers serving in the region, at the time of data collection distributed in twenty court stations in the fourteen Counties with 74% of the court stations having less than five judicial officers (Republic of Kenya, 2014). In view of the relatively small population of judicial officers in the study area, the study adopted a census enquiry in which all 83 officers were included in the study. The Region is cosmopolitan nature, and hence prone to human conflicts that may lead to trauma, for example, cattle rustling and conflicts involving land boundaries and water resources. Further, the area is also covered by a greater mileage of The Great North road and could therefore be experiencing more road accidents and road crimes compared to other areas in Kenya. The judicial officers serving in the region, therefore, could be handling a significant number of traumatised litigants and hence may be exposed to court testimonies with traumatising content hence an ideal population to appropriately provide the information sort by items in the questionnaire.

### **Instrumentation**

The study utilised a self-delivered questionnaire. The questionnaire captured information on officers' personal profile including gender, global level of STS and the levels of intrusive (items, 2, 3, 6, 10 & 13), avoidance (items, 1, 5, 7, 9, 12, 14 & 17) and arousal (items, 4, 8, 11, 15 & 16) symptoms (Bride *et al.*, 2004). Level of STS was measured using the STSS instrument by Bride

*et al.* (2004). Three elements of ethical considerations were deemed critical in this study. These were respondents' consent, anonymity and confidentiality. These were made clear to the respondents at the introductory part of the questionnaire. Permission to collect data was sought from The Chief Registrar of The Judiciary and The National Council for Science, Technology and Innovation, Kenya (NACOSTI). Thereafter, the instrument was self-administered to the respondents who were given a two-week deadline. After expiry of the two weeks deadline, the instrument was self-collected.

Respondents mean scores were utilised in generating level of STS (LSTS) index whose average score was expected to range from a maximum mean score of 5 to a minimum mean score of 1, representing very high LSTS and very low LSTS respectively. The mean scores were grouped into four quotas, which represented the expected different levels of STS as shown in Table 3.

**Table 2**

*Expected STS Mean Score Ranges by Level of STS*

<b>Mean Score</b>	<b>LSTS</b>
4 – 5	Very High
3 – 3.99	High
2 – 2.99	Low
1 – 1.99	Very Low

### **Reliability of Research Instrument**

The term reliability, when used in the context of a research instrument, denotes the degree to which the instrument generates consistent or comparable results when used more than once to gather data from a given sample under similar conditions (Bordens & Abbott, 2011). This aspect of reliability is referred to as the instrument's external reliability. It was estimated through test-retest technique whereby the instrument was administered to five judicial officers in Nakuru court in Nakuru County, and subsequently administered to the same subjects after two weeks. Scores from the two instrument administration conditions were in turn correlated using Pearson's product moment correlation coefficient. This computation generated correlation coefficients of,  $r = .78$  (78%) for the full STS scale and  $r = .68$ ,  $.73$ , and  $.75$ , with regard to intrusion, avoidance and arousal STS

subscales respectively. This correlation had the implication that the instruments external reliability was high.

The other reliability domain is internal reliability. This is a measure of the extent to which the instrument is measuring a single idea (or construct for that matter) and hence whether or not the items in the instrument are internally consistent. This reliability domain was determined using Cronbach's alpha. The objective was to assess whether items in the instrument were really measuring the level of STS among judicial officers in the study area. The alpha coefficients obtained for the STS scale was 0.88, while that for intrusion, avoidance and arousal STS subscales were 0.72, 0.76, and 0.71 respectively. This was an indication that the instruments' internal reliability was high (Marczyk, Dematteo, & Festinger, 2005).

### **Data Analysis Procedures**

Data analysis was accomplished by use of Statistical Package for the Social Science (SPSS) computer programme, version 22.0. The analysis involved the use of descriptive statistics, specifically percentages calculations. This aspect of data analysis was carried out in regard to nominal scale data on respondents' personal characteristics that is, age, gender, rank and professional qualifications. Test for the hypothesis that was germane to this study was carried out using chi-square ( $\chi^2$ ) and Crammer's V tests.

### **Findings and Discussion**

The study sought to determine the effect of traumatizing court cases on STS levels among judicial officers in relation to the characteristics of traumatizing court cases the officers adjudicate upon among judges and magistrates in Kenya. This section presents the findings generated by the study and discussions relating to the findings. Out of the 83 copies of the questionnaire administered to the respondents, 64 duly filled copies of the questionnaire were received back. This represented 77% response rate which according to Dillman (2000) is acceptable in social science research.

### **Respondents Biodata**

A summary of findings on respondents' gender, age, level of formal education, professional rank and work experience is presented herein below.

- i) Over half of respondents (53%) were female while 47% were male.
- ii) Majority of respondents (45%) were in the 31-35 years of age bracket while the least proportion of respondents (9%) were over 51 years of age.
- iii) Over three-quarter of respondents (77%) had only a first degree in law while those with masters and PhD law degrees constituted 22% and 1% of the 64 respondents who participated in the study.
- iv) The highest proportion of respondents (39%) were resident magistrates followed by principal magistrates (16%), senior principal magistrates (14%), senior resident magistrates (14%) and chief magistrates (11%). Only four respondents, (6%) had attained the status of a judge.

### **Respondents' Gender Profile**

Distribution of respondents according to gender is summarized in Table 4.

**Table 3**

*Distribution of Respondents by Gender*

<b>Gender</b>	<b>F</b>	<b>%</b>	<b>Cumulative %</b>
Female	34	53	53
Male	30	47	100
<b>Total</b>	<b>64</b>	<b>100</b>	

A look at the data presented in Table 4 shows that the proportion of female respondents (53%) was higher than that of male respondents which stood at 47%. Although respondents' gender profile suggests near gender parity in regard to appointment of judicial officers in the study area, it is noticeable that the distribution was skewed in favour of women. This scenario may be attributed to the fact that, according to the new constitutional dispensation, none of the gender should be more than two thirds in civil service appointments (Kenya Law Reports, 2010). In this regard, it can be argued that the judicial arm of the Kenyan government has been progressively increasing the number of female officers so as to fulfill this legal requirement (Republic of Kenya, 2014).

***Traumatizing Court Case Characteristics and Respondents' STS Level***

The results herein are discussed in line with the research objectives:

The study sought to determine whether level of STS among judicial officers was contingent upon characteristics of traumatizing court cases they had adjudicated. To achieve this objective, respondents were asked to indicate in the instrument, court cases they had dealt with which in their opinion had made them feel traumatised. This question generated a variety of responses which were aggregated into 12 case categories (or case characteristics). Respondents' frequencies in each case category were computed. Chi-square ( $\chi^2$ ) test was in turn run on the frequencies with a view to determining whether there was any significant association between the identified traumatizing case categories and level of STS. The objective of this statistical analysis was to ascertain the truth of the hypothesis which was stated thus;

**H<sub>01</sub>: Traumatizing court case characteristics have no statistically significant influence on the level of STS among judicial officers in Rift Valley region, Kenya.**

The result of this analysis is captured in Table 4.

**Table 4**

*Chi-Square Statistic Summary on Traumatizing Court Cases by Level of STS*

<b>Case Category</b>	<b>Observed frequency (O)</b>	<b>Expected frequency (O)</b>	<b>Residual</b>
Defilement	34 (53)	9.9	24.1
Sexual offences	25 (33)	9.9	15.1
Robbery with violence	13 (20)	9.9	3.1
Murder	10 (16)	9.9	.1
Assault	9 (14)	9.9	-.9
Other cases involving children	7 (11)	9.9	-2.9
Divorce cases	6 (9)	9.9	-3.9
Domestic violence	5 (8)	9.9	-4.9
Accident cases	4 (6)	9.9	-5.9
Incest	3 (5)	9.9	-6.9
Matrimonial	2 (3)	9.9	-7.9
Injustices by police on litigants	1 (2)	9.9	-8.9
<b>Total</b>	<b>119</b>		

*(Figures in parenthesis represent percentages)*

$\chi^2 = 110.008$ ;  $df = 11$ ;  $p < .05$ ; (Cramer's  $V = 0.913$ )

A close examination of the resultant  $\chi^2$  data in Table 4 above shows that traumatizing court cases that were rated highly by respondents as far as generating stress were, defilement and rape which were cited by 53% and 33% of the respondents respectively. The least cited cases (at most by 5% of respondents) were incest (5%) matrimonial related cases (3%) and police injustices on litigants (2%).

It is also notable from the table that the association between case category and level of STS was significant ( $p < .05$ ) and that the association was strong (Cramer's  $V = .913$ ). This indicates that respondents' self-rating of STS as a result of adjudicating traumatizing court cases was positively linked to the traumatizing case categories/ case characteristics, they had dealt with. In this regard, the hypothesis was rejected and conclusion made that level of STS and characteristics of traumatizing court cases were statistically not independent.

### **Conclusion of the Study**

The objective of the study was to ascertain the truth of the hypothesis which was stated thus;

**Ho Traumatizing court case characteristics has no statistically significant influence on the level of STS among judicial officers in Rift Valley region, Kenya.**

The hypothesis was tested through  $\chi^2$  statistics whose results showed that;

- i) Defilement, rape and robbery related cases were associated highly (at least by 20% of respondents) with STS.
- ii) The association between traumatizing case characteristics and STS, was statistically significant ( $p < .05$ ) and that the association was strong (Cramer's  $V = .913$ ).

### **Recommendations**

The study revealed that defilement, rape and robbery related cases were associated highly (at least by 20% of respondents) with STS. The study in this regard recommends that judicial officers adjudicating on such cases should be accorded more preparation training and counselling in order to reduce the risk of developing STS through adjudication of such traumatizing court cases.

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