

What Does It Mean To Be A Trauma-Informed Court?

Disclosure

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Objectives

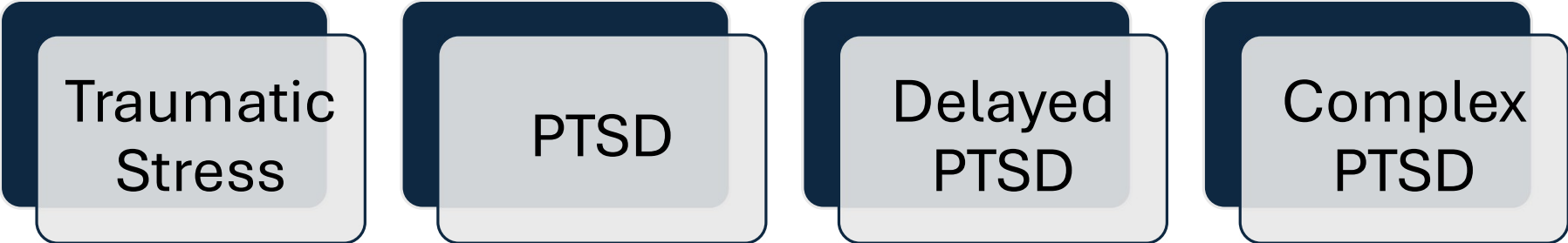
- Attendees will gain competency in addressing court participants to ensure they are feeling and are not at risk of being re-traumatized in the court. (How do you know they have trauma-related issues and what do you do about it?)
 - Attendees in the role of a judges or court teams will increase their verbal repertoire practices- what to say, not say, how to say it
 - Attendees will have guidelines to assess their courtroom environment and provide a safe environment.
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Trauma

- “Individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional, or spiritual well-being.”



Continuum of Trauma



Traumatic
Stress

PTSD

Delayed
PTSD

Complex
PTSD

The Body Responds to Stress

WebMD

<https://www.webmd.com/mental-health/what-does-fight-flight-freeze-fawn-mean>



Fight

Flight

Freeze

Fawn

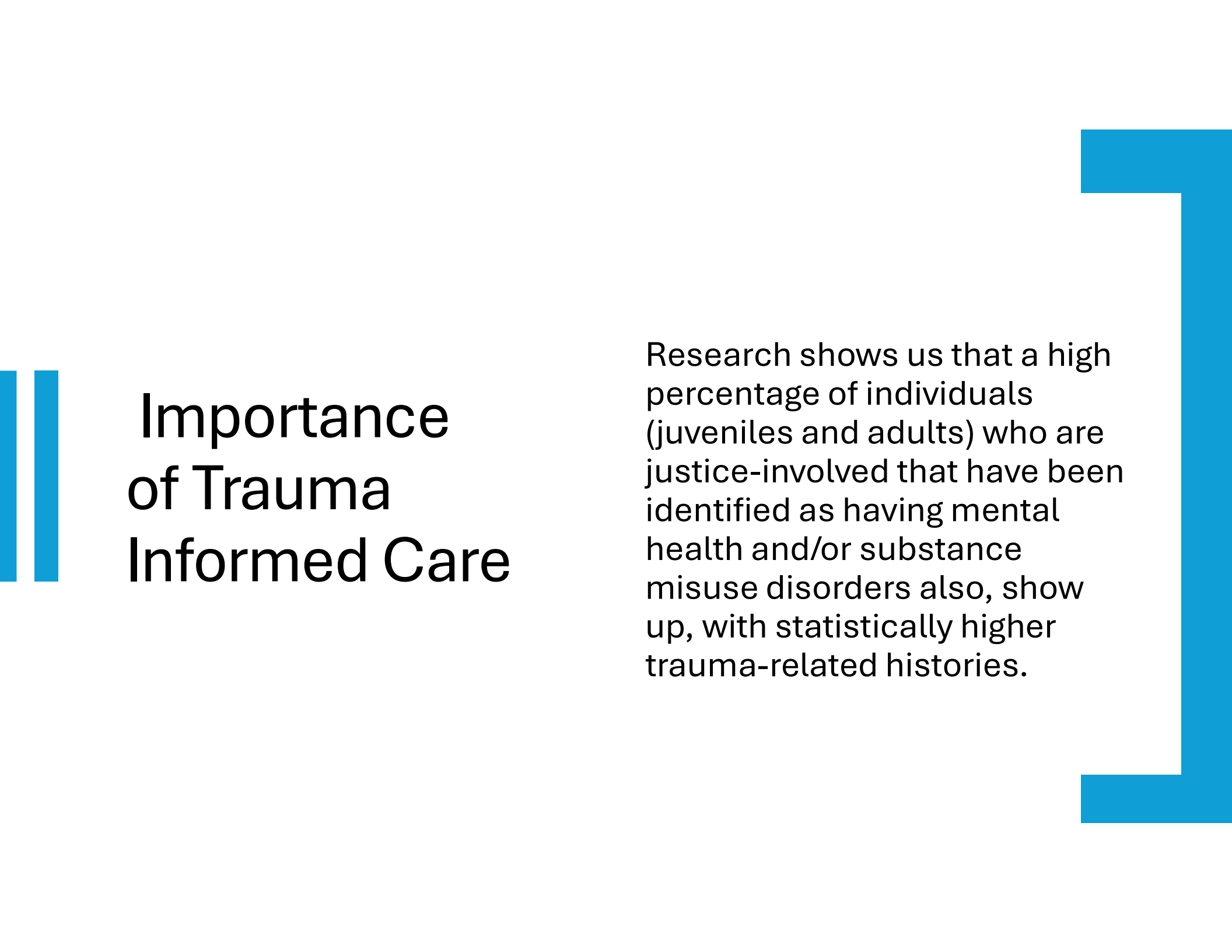
What is the
profile of
someone
trauma
affected?





Trauma-Informed Care (TIC)

According to SAMSHA:
Trauma Informed Care promotes a framework for understanding and responding to the widespread impact of trauma.



Importance of Trauma Informed Care

Research shows us that a high percentage of individuals (juveniles and adults) who are justice-involved that have been identified as having mental health and/or substance misuse disorders also, show up, with statistically higher trauma-related histories.

Using the Principles of TIC- SAFETY

- Welcoming environment where individuals feel safe physically and emotionally.
- Embrace individuals' background & experiences
- Give consequences – using supportive, clear and non-confrontational language



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Using the Principles of TIC- Trustworthiness and Transparency

- Provide clear and consistent information about expectations and limits or boundaries.
- Express patience and acceptance



Using the Principles of TIC- Choice

- Inform about choices available where an individual can feel self-autonomy
- Balance between having flexibility and defining parameters
- Reflect options that reflect respect and consideration of gender and culture



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Using the Principles of TIC- Collaboration and Mutuality

- Opportunities to seek ideas and gain feedback
- Explore circumstances based on perspective of others
- Acknowledge the teamwork



Using the TIC Principles- Empowerment

- Build on an individual's strengths
- Provide validation and affirmation
- Notice efforts and accomplishments of an individual





Think About



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Judicial Process

- Expect the presence of trauma to effect court participants:
 - Behavior
 - Feelings
 - Understanding of communication between the judge and participant
 - Buy-in
 - Ultimate success in court interventions (Treatment – Supervision)

Behavioral Health, State Government Leadership Brief, 2022.

Trauma- Informed Judicial Process

- Safety
- Dignity
- Respect
- Court process
- Directions as to behavior and or dress should not be phrased as “DO NOT!”
- Location of participant
- Court responses to behavior taking into consideration audience
- Ensuring conversations with the participant are prepared in advance with consideration of the individual’s needs



Courtroom Logistics

- Balancing judicial decorum and public safety with providing a trauma informed environment
 - Courtroom set up
 - Temperature
 - Courtroom security
 - Taking people into custody
- Bringing people over from jail
 - Observers' behavior

Recommendations for Trauma Informed Courtroom Procedures

- Frightened agitated participant – Waiting increases anxiety
 - Provide information about how docket will proceed
 - See participant first
 - Have trusted team member stand up with them
- Side-bar conversations – Creates suspicion, distrust, fear
 - We are going to discuss if we need to set your case for tomorrow
 - Limit sidebars with attorneys who are on later dockets
- Participant is facing jail and is handcuffed without warning
 - Participant needs to know what is going to happen
 - Bailiff may talk to participant and build a relationship of trust with participant before this event



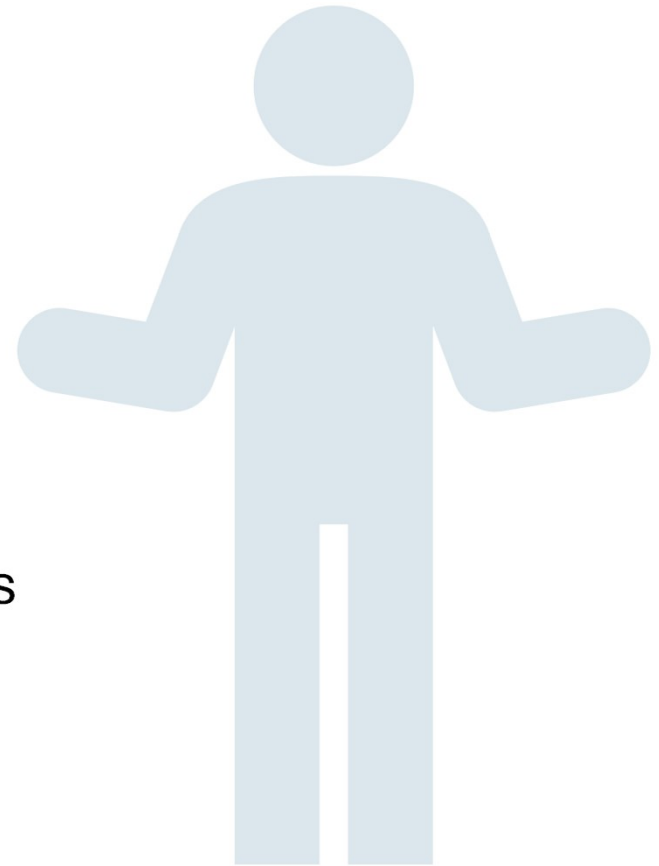
Dockets Should be Trauma Informed

- Docket Specific
 - Addressing participant
 - Avoid labeling
 - Calling case: State v. Joe Smith, Case Number 444444444
 - What is participant's preference? First name – Nick name -
 - Order of cases
 - Consider being able to adjust to unanticipated needs
 - Participant is under the influence
 - Participant is experiencing a panic attack
 - Observers may create stress
-



Things That Cannot Be Changed

- Acknowledge what the person is experiencing
- Empathy





How We Communicate Matters

- Verbal
 - Tone of voice
 - Speaking slowly and clearly
 - Be specific
 - Avoid shaming labels
 - Ask: How can the team help you get started on this goal?
(Did participant understand?)
 - Prepare before you engage: How will this comment be received?
-



How We Communicate Matters

Essential Elements of Trauma Informed
Judicial Practice, SAMHSA

https://ntcrc.org/wp-content/uploads/2021/10/Essential_Components_of_Trauma_Informed_Judicial_Practice.pdf

- Statement:

I am going to send you for a mental evaluation.

- Heard:

I must be crazy. There is something wrong with me.


- Rephrase:

I am referring you to a doctor so we can figure out how to better help you.



How We Communicate Matters

- Nonverbal
 - Reading computer while participant is approaching the bench
 - Eye contact? (Maybe)
 - Looking over participant's head
 - Allowing interruptions from court staff
 - Sitting up, leaning forward, engagement
 - Allowing anger or boredom to show in your demeanor
-



Preparing for Court Interactions that Are Trauma Informed



Power of the Team

The purpose of staffing is to present a coordinated response to participant behavior

Trauma informed means being prepared

What information is shared

How are decisions made



Take time to
consider how
each team
member can
contribute
and/or support
the participant
during the
status hearing

Stand by participant?

Contribute general information?

Help ensure participant understands
discussion?

While staying in your lane.

Vignette

- Joe has a hearing set for termination
 - He has not complied with court directives – drug screens – not attending treatment or reporting to probation officer – inadequate home plan -
- Joe's mother and father are in the courtroom with Joe's three-year-old daughter, who they are raising
- Before the case is called, Joe is holding daughter who is clearly getting upset, his mother is crying, and his father is angry
- What do you think?
- Manipulation on Joe's part?
- Trauma response on Joe's part? (Safety)
- Trauma-informed response?

Have a plan for situations that are driven by trauma

Unable to provide urine samples time after time

Participant overshares

Participant is impaired or acts out

Parents bringing children to court

Challenge

The status hearing provides a learning opportunity for the participant and the audience

What other benefits do you see?

Are there any down sides considering the trauma participants have experienced and may be reminded of by seemingly innocent conversations?

Example: Parent brings new baby to court. Another participant may have lost custody of their child last month.



Exercise (slido)

What would you like to change in your particular courtroom practices and its environment?

Ex: where the team seats in the courtroom

Summary



Resources

- Trauma-Informed Care in Behavioral Health Services, TIP 57, SAMHSA <https://www.ncbi.nlm.nih.gov/books/NBK207201/>
- Essential Elements of Trauma Informed Judicial Practices, SAMHSA, https://ntcrc.org/wpcontent/uploads/2021/10/Essential_Components_of_Trauma_Informed_Judicial_Practice.pdf
- SAMHSA's Concept of Trauma and Guidance for a Trauma Informed Approach <https://library.samhsa.gov/sites/default/files/sma14-4884.pdf>
- Trauma Informed Judicial Practice: From a Judge's Perspective <https://judicature.duke.edu/articles/trauma-informed-judicial-practice-from-the-judges-perspective/>
- Best Practice Standards 2nd Edition, All Rise <https://allrise.org/publications/standards/>



Questions