

Psychologically Safe Courtrooms

Excerpted from: Substance Abuse and Mental Health Services Administration, SAMHSA's National Center on Trauma-Informed Care and SAMHSA's National GAINS Center for Behavioral Health and Justice: Essential Components of Trauma-Informed Judicial Practice. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2013. <http://bit.ly/1w0Lmev>

COURTROOM COMMUNICATION

Judge's Comment	Perception of Trauma Survivor	Trauma-Informed Approach
"Your drug screen is dirty."	"I'm dirty. There is something wrong with me."	"Your drug screen shows the presence of drugs."
"Did you take your pills today?"	"I'm a failure. I'm a bad person. No one cares how the drugs make me feel."	"Are the medications your doctor prescribed working well for you?"
"You didn't follow the contract, you're going to jail. We're done with you. There is nothing more we can do."	"I'm hopeless. Why should I care how I behave in jail? They expect trouble anyway."	"Maybe what we've been doing isn't the best way for us to support you. I'm going to ask you not to give up on recovery. We're not going to give up on you."
"I'm sending you for a mental health evaluation."	"I must be crazy. There is something wrong with me that can't be fixed."	"I'd like to refer you to a doctor who can help us better understand how to support you."

COURTROOM ENVIRONMENT

Physical Environment	Reaction of Trauma Survivor	Trauma-Informed Approach
The judge sits behind a large, high desk (or "bench"), and participants sit at a table some distance from the bench.	Feeling separate; isolated; unworthy; afraid	In some treatment courts, the judge comes out from behind the bench and sits at a table in the front.
Participants are required to address the court from their place at the defendant's table.	Fear of authority; inability to communicate clearly, especially if an abuser is in the courtroom.	When practical, ask the participant to come close; speak to them beside or right in front of the bench.
Multiple signs instruct participants about what they are not allowed to do.	Feeling intimidated; lack of respect; untrustworthy; treated like a child.	Eliminate all but the most necessary of signs; word those that remain to indicate respect for everyone who reads them.
A court officer jingles handcuffs while standing behind a participant.	Anxiety; inability to pay attention to what the judge is saying; fear.	Eliminate this type of nonverbal intimidation, especially if you have no intention of remanding the individual. Tell court officers not to stand too close. Respect an individual's personal space.
A judge asks a participant to explain her behavior or the impact of abuse without acknowledging the impact of others in the	Intimidation or fear of abusers who may be in the courtroom; reluctance to share information in front of family members or others	Save questions about sensitive issues for when the courtroom is empty or allow the participant to approach the bench. If ongoing

courtroom.	who do not believe them.	abuse or intimidation is suspected, engage those people in activities outside the courtroom while the participant shares her story.
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COURTROOM PROCEDURES

Courtroom Experience	Reaction of Trauma Survivor	Trauma-Informed Approach
A court officer handcuffs a participant without warning to remand him or her to jail because they have not met the requirements of their agreement with the court.	Anxiety about being restrained; fear about what is going to happen.	Tell the court officer and individual you intend to remand them. Explain why. Explain what is going to happen and when. (The court officer will walk behind you; you will be handcuffed, etc.)
A judge remands one individual to jail but not another when they both have done the same things (e.g., had a positive drug screen) and they both are in the courtroom at the same time.	Concern about fairness; feeling that someone else is getting special treatment.	Explain why you are doing this. For example, "Both Sam and Meredith had positive drug screens. Sam is new to drug court and this is the first time he had a positive screen. We are going to try again to see if the approach we're using can be effective. Meredith has had multiple positive drug screens; I'm remanding her to jail because the approach we've been using here hasn't been effective in supporting her recovery. I wish I had a better choice, and I hope she won't give up on her recovery."
Individuals who are frightened and agitated are required to wait before appearing before the judge.	Increased agitations; anxiety; acting out.	Clearly provide scheduling information in the morning so participants know what will be expected of them and when. To the greatest extent possible, prioritize who appears before you and when; those who are especially anxious may have the most trouble waiting and may be most likely to act out.
A judge conducts a sidebar conversation with attorneys.	Suspicion; betrayal; shame; fear.	Tell the participant what is happening and why. For example, "We have to discuss some issues related to your case. We just need a minute to do it on the side."
A participant enters a plea that does not appear to be consistent with the evidence, his or her own description of the event, or his or her own interests.	Memory impairment; confusion about courtroom procedures; inability to process implications of the plea.	Adjourn to allow time for courtroom team to discuss whether and how to accept the plea.

Psychologically Safe Courtrooms: Quotations from Participants

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During every incarceration, every institutionalization, every court-ordered drug treatment program, it was always the same: I was always treated like a hopeless case. All people could see was the way I looked or the way I smelled. It wasn't until I finally entered a recovery-oriented, trauma-informed treatment program, where I felt safe and respected that I could begin to heal...Someone finally asked me, "What happened to you?" instead of "What's wrong with you?"

— *Tonier Cain, Team Leader, SAMHSA's National Center for Trauma-Informed Care*

Someone who's been beaten as a child expects that they're going to get beaten. I saw the provocation all the time, with young men in particular. They provoke the court officers so at least they're controlling when it happens. —*Treatment Court Judge*

I was in the mental health system for 14 years before somebody thought to ask me if I'd been hit, kicked, punched, slapped, or knocked out. When they asked those kinds of questions, I said, "Oh, yeah, sure." But when they asked if I'd been abused, I said, "No." It was just my life.

— *A Trauma Survivor*

I deal with sexually violent persons. These men have at least two convictions each for either adult violent rapes or child molestation. I don't have any problems with security. I don't have one person that has to come into court in shackles, not one, because I give them respect. I call them by their names. It starts there.

— *Criminal Court Judge*

So here I was, in front of this judge, asking for a restraining order against a family member who was also going to show up in that courtroom, and I was actively hearing voices. I was having a very hard time expressing what I needed to say to get the job done. The restraining order was against my grandfather, and the judge was an older man who looked like my grandfather. I couldn't speak. I had to try to articulate something that I was not even able to speak about very well in the first place. And I needed to do it quickly and succinctly.

What the judge did was pretty incredible. He asked me to come forward. It created a sense of privacy. I didn't have to shout across a really busy courtroom. He really helped me in that simple act of asking me to come closer. I was able to do what I needed to do, and he was able to hear what he needed to hear. I had been in the mental health system for 14 years, and this judge changed my life in that one simple act.

— *A Trauma Survivor*