

Trauma-Informed Practices for Criminal Courts

A Blueprint for Implementation

Center
for
Justice
Innovation

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Background

TIPS Lab

The Center for Justice Innovation (the Center) is leading the development of the Trauma-Informed Practice Strategy Lab for Criminal Courts (TIPS Lab). The goal of TIPS Lab is to bridge the gap between training and implementation of trauma-informed practices to specifically support criminal court practitioners, who receive less specialized support than their counterparts in specialty courts (i.e., community court, drug treatment court, juvenile court).

TIPS Lab launched in 2023 and has three distinct phases. Phase One of the project focused on conducting a national inventory of both the major challenges and opportunities that criminal courts face when implementing trauma-informed practices, and an in-person Symposium, culminating in the publication: Trauma-Informed Practices for Criminal Courts: Implementation Opportunities. Phase Two included the development of this TIPS Lab Blueprint that includes a variety of tools and frameworks to assist criminal courts to go beyond training to develop and sustain trauma-informed practices. Phase Three will focus on the practical application of the TIPS Lab Blueprint through providing technical assistance to a cohort of diverse criminal court jurisdictions across the United States.

Center for Justice Innovation

The Center for Justice Innovation is a community justice organization that centers safety and racial justice. Since our founding in 1996, the Center has partnered with community members, courts, and the people most impacted to create stronger, healthier, more just communities. Our decades of experience in courts and communities, coupled with our field-leading research and practitioner expertise, help us drive justice nationwide in innovative, powerful, and durable ways.

The Department of National Initiatives spearheads the Center's national and global efforts to provide hands-on, planning and implementation assistance to a wide range of jurisdictions working to reform their legal systems and make their communities safer. By providing training, advice, and collaborating with practitioners, policymakers and other partners in both the system and community, the department aims to assist jurisdictions in finding solutions to their most complex and pressing criminal legal and public safety challenges. As one of the three key departments within the Center's Office of National Initiatives & Research, the Department of National Initiatives also collaborates closely with the departments of National Research and Data Analytics and Applied Research. Together, these departments help to ensure that science informs best practices and drives innovations in communities that advance justice and safety for all.

Defining Key Frameworks

Terms Glossary

TRAUMA

The Substance Abuse and Mental Health Service Administration (SAMHSA) describes individual trauma as an event or circumstance resulting in physical harm, emotional harm, and/or life-threatening harm. The event or circumstance has lasting adverse effects on the individual's mental health, physical health, emotional health, social well-being, and/or spiritual well-being.

COURT USER

The National Center for State Courts defines court users as people who are involved in a court case or legal matter as a party, criminal defendant, friend or family member of someone involved, victim or witness, or member of the public. In some places in this toolkit, “defendant” and “litigant” are also used to describe individuals involved in the criminal court process.

SURVIVORS

According to the National Domestic Violence Hotline, the term survivor often refers to an individual who is going or has gone through the recovery process. We use both the terms survivors and victims throughout this Blueprint.

LITIGANT

The National Center for State Courts defines a litigant as someone who is involved in a lawsuit, whether they are the person suing or being sued.

CULTURAL AWARENESS

Cultural awareness is a major element of cultural competence as defined by the National Center for Cultural Competence. It is the first and foundational element because without it, it is virtually impossible to acquire the attitudes, skills, and knowledge that are essential to cultural competence. The National Center for Cultural Competence defines “cultural awareness” as being cognizant, observant, and conscious of similarities and differences among and between cultural groups.

PROCEDURAL JUSTICE

According to the Department of Justice, procedural justice refers to the idea of fairness in the processes that resolve disputes and allocate resources. It is a concept that, when embraced, promotes positive organizational change and bolsters better relationships. Procedural justice speaks to four principles, often referred to as the four pillars: fairness in the processes, transparency in actions, opportunities for voice, and impartiality in decision making.

PERSON-CENTERED LANGUAGE

The National Association of Community Health Centers defines person-centered language as a style of communication that focuses on the individual and their experience, emphasizing that things happen to a person, not that they have defined or created the situation themselves. It aims to recognize the impact of language on thoughts and actions, and to respect the dignity, worth, and unique qualities of each person.

VICARIOUS TRAUMA

Department of Justice, Office for Victims of Crime, defines vicarious trauma as an occupational challenge for people working and volunteering in the fields of victim services, law enforcement, emergency medical services, fire services, and other allied professions, due to their continuous exposure to victims of trauma and violence. Exposure to the trauma of others has been shown to change the worldview of these responders and can put people and organizations at risk for a range of negative consequences.

The Importance of Addressing Trauma in Criminal Court

TIPS Lab was born out of the need to address trauma in criminal courts—an urgent need shown by statistics on the prevalence of violence and victimization in the United States. For defendants in criminal courts, the prevalence of trauma is estimated at twice the rate as that of the general population,¹ and for female, transgender, and juvenile defendants, experiences of victimization are nearly ubiquitous.² Trauma can lead to justice system involvement through several mechanisms: substance use spurred by trauma, which can lead to arrest and prosecution for drug-related crimes; coercion to engage in criminal activity by an abusive partner or exploiter; trauma symptoms such as emotional dysregulation, hypervigilance to threat, and angry outbursts that increase risk for engaging in violent behavior and arrest; and utilization of violence as a survival strategy and learned behavior.³ Involvement in the system itself, including arrests, arraignments, and jail stays, are also opportunities for re-traumatization.

Individuals who have experienced trauma within the criminal court system may exhibit symptoms such as flashbacks, overwhelming emotional and physiological responses, numbing, and dissociation. These symptoms can impact their well-being and hinder their ability to participate in the legal process. Trauma within the criminal legal system can manifest as attempts to gain a sense of control and safety; difficulty with attention, concentration, and memory; guardedness; and difficulty trusting court practitioners. When trauma is left unaddressed, defendants can cycle through the system, experiencing repeated arrests and prosecutions. Additionally, criminal court practitioners may have had their own traumatic experiences and can also be traumatized, or re-traumatized, which can affect their well-being and effectiveness as a practitioner.⁴ Practitioners can implement the recommendations in this blueprint to address trauma in order to enhance the consistency and effectiveness of criminal court practice, resulting in processes that are less stressful, calmer, and more comfortable for all court users.

Trauma Responses

Trauma, whether one-time, or continuous, affects people differently. A traumatic event affects individuals based on a variety of factors, “including the individual’s characteristics, the type of event, developmental processes, the meaning of the trauma, and sociocultural factors.”⁵ While not everyone may develop post-traumatic stress disorder, or have long term symptoms, many individuals may experience trauma responses when they are re-exposed to distressing circumstances or information. Trauma responses are organic ways to manage emotions, and range in severity.

Behavioral Responses	Easily startled Restlessness Difficulty expressing self Argumentative Withdrawal Avoidant Increased use of alcohol and drugs Engagement in high-risk behaviors	
Emotional Responses	Anger Sadness Anxiety Numbness Guilt Disorientation	Denial Overwhelmed Shame Depression Mood swings
Cognitive Responses	Difficulty concentrating Ruminating Memory problems Intrusive memories or flashback Difficulty making decisions Magical thinking Suicidal thinking	
Physical Responses	Nausea Sweating or shivering Muscle tremors Depersonalization Sleep disturbance	Somatization Persistent fatigue Hyperarousal
Existential Responses	Questioning Hopelessness Loss of purpose	

Trauma-Informed Approach

Substance Abuse and Mental Health Services Administration's (SAMHSA) Concept of *Trauma and Guidance for a Trauma-Informed Approach* provides critical guidance to the field.* SAMHSA defines a trauma-informed approach as containing the following key elements:

1. **Safety:** the physical and interpersonal environment promotes a sense of safety for all.
2. **Trustworthiness and Transparency:** decisions are made transparently to encourage trust.
3. **Peer Support:** mutual self-help to promote collaboration, recovery, and healing.
4. **Collaboration and Mutuality:** emphasis on power-sharing and relationship-building.
5. **Empowerment, Voice, and Choice:** clients are empowered to make choices about their care with staff as facilitators, rather than controllers.
6. **Cultural, Historical, and Gender Issues:** organization offers responsive services tailored to the community it serves.

SAMHSA offers that these key principles are enacted along the following domains within an organization:

1. **Governance and Leadership**
2. **Policy**
3. **Physical Environment**
4. **Engagement and Involvement**
5. **Cross Sector Collaboration**
6. **Screening, Assessment, and Treatment Services**
7. **Training and Workforce Development**
8. **Progress Monitoring and Quality Assurance**
9. **Financing**
10. **Evaluation**

Each of these domains is an opportunity to incorporate trauma-informed practices. Criminal courts can consider how each of these principles applies to their own domains within the court and their home agency.

For More Information

[SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach \(SAMHSA\)](#)

Procedural Justice

It is impossible to discuss trauma-informed best practice standards in the legal system without highlighting the pillars of procedural justice. Procedural justice is an evidence-based approach to improve court users' experiences with the justice system, and its principles closely align with SAMHSA's trauma-informed strategies, including offering transparency, voice, and choice. This Blueprint uses procedural justice as a foundation for many of the recommended practices and initiatives.

What is Procedural Justice?

Procedural justice refers to the perceived fairness of legal procedures, decision-making, and interpersonal treatment of defendants' and other litigants' experience in the courthouse and courtroom. Research indicates that individuals are more inclined to perceive the justice system as fair when the following elements are in place:

- **Voice:** Litigants feel they have an opportunity to be heard.
- **Respect:** Litigants feel they are treated with dignity and respect by judges, attorneys, and court staff.
- **Trust/neutral**ity: Litigants perceive that the decision-making process is unbiased and trustworthy.
- **Understanding:** Litigants understand their rights, the case process, and what is expected of them to comply with court orders.

Why Does Procedural Justice Matter?

Research conducted in a variety of courts, such as criminal, family, and small claims, and has found that the court experience is more influential than the actual case outcome. Regardless of whether a litigant “won” or “lost” the case, the fairness of the process can have a greater impact on how litigants perceive their court experience.⁷

Procedural justice can increase compliance with court orders, improve public trust, and reduce recidivism. When litigants perceive the court process to be fair, they are more likely to comply with court orders, view the courts as legitimate, and engage in future law-abiding behavior.⁸

All courtroom participants influence the perception of fairness. The treatment of litigants by everyone involved, including security staff, clerks, defense attorneys, prosecutors, and the judge, contributes to the overall perception of fairness.⁹



TOOLS

Learn more about Procedural Justice from the Center for Justice Innovation:

- [What is Procedural Justice?](#) (video) (Center for Justice Innovation)
 - [Procedural Justice: Practical Tips for Courts](#) (Center for Justice Innovation)
-

Getting Started: Building a Strong Foundation for Your Trauma-Informed Court

TIPS Lab Blueprint Roadmap

Trauma Training

- Conduct a training needs assessment across multiple court roles
- Develop and implement a cohesive training education plan
- Garner leadership support
- Measure the impact of training

Trauma-Informed Guidance for Criminal Court

- Provide clear information about how to access court
- Use diversion options at earliest stages
- Limit the number of times victims recount stories
- Adhere to principles of procedural justice
- Develop and strengthen partnerships with community-based providers
- Treat families, witnesses, and jurors with respect and sensitivity

Trauma-Informed Court Spaces

- Assess space from a court user's perspective
- Update signage and technology to improve wayfinding
- Incorporate naturalistic design elements
- Improve accessibility for individuals with disabilities
- Invite community leaders to provide input

Burnout, Vicarious Trauma, and Moral Injury

- Reflect on work-related stressors and how you manage this stress
- Consider how work-related stress impacts court processes and client engagement
- Create a self-care plan
- Agency leadership can develop organizational care plans

Purpose and Intended Audience of Blueprint

This Blueprint is designed for criminal court practitioners nationwide. It is specifically tailored for judicial officers, attorneys, clerks, security personnel, court administrators, victim service advocates, pre-trial services officers, case managers, and community members. Its purpose is to help these individuals learn and apply trauma-informed practices within their roles in criminal court. The intention of this Blueprint is to bridge the gap between training and implementation by providing practical guidance and usable tools for trauma-informed practices. Recognizing

the interdisciplinary nature of the criminal court system, practitioners are encouraged to convene and collaborate with colleagues to discuss and implement the recommendations outlined in this Blueprint.

As the Blueprint is national in scope, it does not encompass regulations or legislation of specific jurisdictions. Though the authors strive to be inclusive of diverse court types and environments, certain recommendations or tools may not be directly applicable to the reader's particular context.

Promoting Leadership Buy-in

The involvement of leadership representatives from each multi-disciplinary partner group is crucial in the planning and implementation of trauma-informed practices. Securing the commitment of management/leadership is vital for any change-project, but how this looks can vary depending on local political dynamics or attributes of a courthouse. When developing a plan, make sure to include the following roles in discussions about practice-based change:

- Court administrators
- Administrative/presiding judges
- Supervising attorneys (i.e., head prosecutor and leadership of defense agencies)

- Head clerks
- Supervising officers
- Directors of partnering agencies

Offer avenues for these leaders to contribute input and feedback to the plans through the facilitation of cross-agency meetings and distribution of a written plan to keep them informed. While not all roles may initially embrace and support the change, there may be opportunities for future involvement in planning committees or to complete tasks as needed.

Conducting an Assessment

The implementation of trauma-informed practices in criminal court settings holds the potential for improved responses to defendant behavior and the cultivation of a sustainable work environment. Introducing new practices and approaches starts with establishing clear goals and intentions. Every individual harbors motives that can be leveraged to harness change, whether rooted in values, cost-savings, or outcomes. Identifying and understanding these motivations are crucial in effecting change.

As you engage in this change process, it's important to understand the needs of your court through an assessment. Conducting a baseline assessment is crucial for implementing trauma-informed practices. An assessment helps in the following ways:

- Determining areas of strength and areas needing improvement.
- Assessing capacity and pinpointing training needs.
- Helping leadership and staff understand the importance of trauma-informed practices.
- Providing a benchmark for measuring progress and improvements.
- Identifying areas to address and creating a reference for continuous improvement and implementation.

The first step in conducting an assessment involves forming a planning team and designating a point person for the process. Although the team may be small, it should

encompass individuals from various levels and all areas of court operations necessary for effective implementation. The team should collaboratively decide on a set of questions the assessment process will answer. There are many self-administered assessment tools available, and if an assessment tool will be used, the team should select the tool and identify necessary resources for implementation. A baseline assessment can be a simple process that will assist the team in determining next steps and developing an implementation plan.

It is essential to assess staff and leadership motivation to adopt and implement trauma-informed practices, as well as their capacity and level of burnout. Gauging the readiness for change and commitment to implement trauma-informed practices can be achieved through focus groups, surveys, or interviews. It is important to ask questions related to staff capacity, support, and burnout. Data collection and court user feedback can also play an important role in conducting a baseline assessment. This information will inform the team of current trauma knowledge and trauma-informed practices, helping them identify training and staffing needs, address any concerns raised, and pinpoint champions to help collaboration and establish internal buy-in. Additionally, it is important, during this process, to assess how trauma-informed practices differ from current operations, identify any current trauma-informed practices or operations, and determine how to expand and build upon those practices. The courthouse

building itself and operational policies and procedures should be reviewed, including courthouse security.

After completing an assessment and reviewing the results, the team needs to create an action plan. This plan should outline goals, objectives, and timelines for completing those deliverables. The main purpose of an action plan is to specify what resources are needed to reach the goal and establish a timeline for completing specific tasks. The action plan is a helpful tool to keep team members organized and aligned with completing the larger goal.



TOOLS

See below tools from Trauma-Informed Oregon:

- [Roadmap to Trauma-Informed Care](#) (Trauma Informed Oregon)
 - [Agency Environmental Components for Trauma-Informed Care](#) (Trauma Informed Oregon)
 - [Trauma-Informed System Change Instrument](#) (Trauma informed Oregon)
-

Assessing for Racial and Ethnic Disparities

Trauma-informed care involves being culturally responsive to the individuals you serve, as well as to those who work within your spaces. It proactively acknowledges the systemic oppression and racism prevalent in the criminal legal system and how systems have been harmful to individuals and/or their communities. See below for criminal legal specific tools for addressing racial and ethnic disparities.



TOOLS

- [Harvard Implicit Association Test](#) (Harvard)
 - [Justice System Bias Indicator Tool \(JS-BIT\)](#) (Center for Justice Innovation)
 - [An Equity and Inclusion State of Mind: A Statewide Approach to Addressing racial and Ethnic Disparities in Treatment Courts](#) (Center for Justice Innovation)
 - [Racial and Ethnic Disparities in the Justice System](#) (National Conference of State Legislatures)
 - [Mitigating Racial Inequity by Addressing Racism in the Criminal Justice System: A Behavior Analytic Approach](#) (National Library of Medicine)
-



REFLECTION QUESTIONS

Are racial and ethnic disparities, biases, and structural harms acknowledged and/or addressed among the staff in your court?

Are diversity, equity, and inclusion priorities of court leadership?

How can your courthouse incorporate diverse voices in its policies and practices?

What would feel supportive?

Trauma Training

Trauma Training

**Conduct a training
needs assessment
across multiple
court roles**

**Develop and implement
a cohesive training
education plan**

**Garner leadership
support**

**Measure the
impact of training**

An informed judiciary is crucial to integrating trauma-informed and responsive practices throughout the courthouse. However, it is not always clear how to approach and effectuate the educational opportunities afforded to members of the judiciary, including judges, court clerks, court security, and attorneys. The educational programs on trauma are typically topic-specific and informational in nature. Common trauma training topics are Introduction to Trauma; Adverse Childhood Experiences; Neurobiology of Trauma; Vicarious Trauma and Burnout; Trauma and substance use; Polyvagal Theory; and Neurodevelopmental Approach. Often only a few members of the court have access to these educational opportunities, which makes it difficult to share the learned practices with staff and stakeholders throughout the courthouse. Trainings alone are not sufficient to enhance trauma-informed practice, it must be part

of a broader plan of action. A court trauma education plan can serve as a guide map for how to provide intentional and impactful education to courts.

A court trauma education plan is a customized road map of topics that considers all levels of court staff and sequencing of the educational offerings to best support the implementation of knowledge to practice. The education plan for the courthouse would consider professional backgrounds and roles to better curate an education plan. The first step in developing an educational plan is to know your audience and their learning needs. This can be obtained through a training needs assessment. There are myriad methods to help assess training needs such as surveys, focus groups, court users' feedback, data collection and analysis, and court walk-through and observations. It is important to utilize several methods to yield the most comprehensive results.

- **Create a questionnaire** for your court staff on trauma and distribute it in various ways—online and in staff meetings.
- **Convene focus groups** of various professional groups within the courthouse and community groups to discuss training needs on trauma.
- **Elicit feedback** from court users to get a sense of what the court users are experiencing with trauma-responsive court practices.
- **Review court data** to identify training topics for court staff and those assisting litigants.

Institutional support for training requires leadership and funding to make it sustainable. Although much of the focus on sustainability is primarily tied to funding, philosophical alignment and clear plans, and coordinated efforts across multidisciplinary partners are also crucial components to sustainability efforts. A cogent, deliberate education plan may bolster support throughout the ranks of leadership. An education plan that addresses why the court is focused on trauma training (or any other training topic) and lays out a multi-layered comprehensive approach can provide context for new leaders and employees. Additionally, a plan that lays out a multi-layered comprehensive approach will assuage concerns about time, capacity, funds, and relevancy of the training offerings. These pressure points are most heightened when trainings are random without an opportunity to implement what is learned. Adult learners need the education to be relevant and be applicable to their job functions for it to “stick.”

Institutional support in the education plan can foster sustainability by incorporating trauma-training into staff onboarding. Institutional leadership can update staff policies and procedures to ensure onboarding protocols incorporate trauma-training. Providing trauma-training at the start for all employees can set the tone and expectation for how to navigate trauma in the court. A one-time training is often not enough, and the education plan should include ongoing training. Many court employees need continuing education credits and leadership can ensure staff have flexibility in their schedule to attend trainings.

Lastly, an education plan should include a process to measure the impact of your training efforts. If evaluation is considered at the beginning, it is easier to implement and stay on track. Measuring impact does not have to be an arduous, complicated task. Evaluating the provided trainings and their impact on job performance should be an ongoing process not a one-time occurrence. For example, it can be built into staff meetings, one-on-one check-ins, observations, or surveys. Check with your administrative office of the courts for assistance with creating an educational plan or on evaluation methods. There are also many other judicial-related organizations that can provide training and technical assistance. At the very least, they can provide resources on these topics at no cost.

When looking to attend trauma trainings, there are many factors to consider.

- **Facilitators.** Training facilitators vary from topic to topic, and trauma trainers are no exception. Look to your

community and see if there are local training facilitators that you can partner with to provide the trainings.

- **Cultural Sensitivity.** Each court is part of a community, and that community has its own unique culture. Consider partnering with local cultural leaders to increase cultural awareness and understanding of how historic trauma impacts individuals.
- **Platform.** Trainings are typically provided either in-person, remote, or a combination of both. An in-person training can be beneficial for engaging participants. Remote trainings can be more cost effective, and easier to schedule the workday around. It is important to consider your court's unique needs and select the appropriate training modality.



TOOLS

See below for resources related to training on trauma-informed practices:

- [Trauma-Informed Care Training Center](#) (Trauma Informed Care Training Center)
 - [Trauma Training for Criminal Justice Professionals](#) (SAMHSA GAINS Center)
 - [Trauma-Informed Care Trainings for Law Enforcement and Legal System Professionals](#) (UMass Chan Medical School)
-

Trauma-Informed Guidance for Criminal Court

Trauma-Informed Guidance for Criminal Courts

Provide clear information about how to access court

Use diversion options at earliest stages

Limit the number of times victims recount stories

Adhere to principles of procedural justice

Develop and strengthen partnerships with community-based providers

Treat families, witnesses, and jurors with respect and sensitivity

Criminal court procedures are diverse and varied across the country according to jurisdiction size, legislation, types of court cases, and population demographics. Despite this wide diversity, several key trauma-informed principles can be applied within criminal court systems nationwide. This section outlines recommended trauma-informed practices for key components of criminal court case processing, recognizing that the criminal court is a multidisciplinary system involving various key roles at each juncture. Law enforcement, court security, defense attorneys, prosecutors, judges, court administrators, court clerks, victims' services, service providers, and community members all play vital roles in the successful functioning of the court. Consistent communication, coordination, and mutual respect among these roles can support the implementation of trauma-informed practices.

Below are key recommendations for implementing trauma-informed practices throughout the court system.

Pre-Court

Key Roles: Law Enforcement, Court Clerk, Court Administrators

Clarity of Information. Individuals who are arrested or ticketed/cited often face challenges in navigating next steps due to various factors. These factors can include the trauma of the arrest, an emotional or trauma response to the arrest, language barriers, cognitive abilities, or a lack of clear guidance or information about how to proceed. Provide clear and concise information about where individuals need to be, when they need to appear, and who they can contact for more information. Ideally, this

information is provided both verbally and in written form. Additionally, automated text message reminders about court appearances, and communication with third party surrogates, such as family, friends, or court navigators can reduce failures to appear in court and help reduce the likelihood of arrest warrants.¹⁰

Court websites should be updated to include easily understandable information that answers common questions, such as “I have a ticket, what should I do?” Court websites should be tested by individuals who do not work in the court to test the usability of the website for the average citizen, and language should strive to be at a sixth grade reading level or below for best readability.



TOOLS

- [Building Public Trust and Confidence Through Model Court Websites](#)
(Center for Justice Innovation)
 - [Marketing a Court Website: Helping the Public Find the Court Online](#)
(National Center for State Courts)
-

Transportation. Appearing in court can activate a person’s trauma response, leading to heightened feelings of fear and anxiety that affect their ability to concentrate and think clearly. Improving transportation access to court, via subsidized bus tickets, or partnerships with local taxi companies can ease this process and reduce the burden for individuals with trauma histories. Outreach to local and county-level transportation authorities and taxi companies to explore developing partnerships for subsidized rides. Coun-

ty-level departments of transportation may be able to allocate funds to support transportation subsidies for court users. Furthermore, courts that are accessible by public transport should clearly provide directions on their website.



SPOTLIGHT

Harris County, Texas developed the RIDES program to offer subsidized rides to court and associated appointments for individuals for whom current transportation options are insufficient. Learn more about the program here:

- [Justice Forward: Ticket to Ride](#)
 - [Harris County RIDES: Program History](#)
-

Charging

Key Roles: Prosecutors, Law Enforcement

Include Context. The individual writing up the case, likely a prosecutor or law enforcement officer, should ensure that the write-up includes any relevant factors related to trauma. This may include the relationships between individuals and any noted history of trauma between or affecting the defendant or the victim. This information can be gleaned from defense attorneys, rap sheets, or internal case management systems.

Diversion. When reading police reports or making charging decisions, it is important to consider diversionary referrals at the earliest possible stage. From arrest to arraignment, there are often many intercept points at which a diversionary referral

to a service provider can be made. Law enforcement and prosecutors should be well-informed about all available deflection/diversion options, including at the point of arrest, through programs like LEAD, Rapid Diversion Program, and HOPE, or at arraignment, or through a post-plea diversion program. Making prompt referrals for treatment or diversion accelerates an individual's access to necessary support and treatment and can prevent them from further court involvement, which may exacerbate existing trauma.



TOOLS

Further resources for developing diversion pathways:

- Institutionalize Alternative Pathways to Treatment and Recovery and Improve Outcomes (National Center for State Courts)
 - Screening and Assessment of Co-Occurring Disorders in the Justice System (Substance Abuse and Mental Health Services Administration)
 - Police, Treatment, and Community Collaborative (Police, Treatment, and Community Collaborative)
-

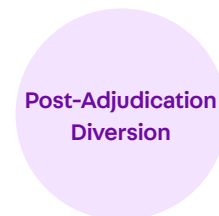
SAMPLE DIVERSION PATHWAYS



Law enforcement can partner with community-based organizations to offer immediate crisis services at the point of arrest



Assigned prosecutors or defense attorneys can identify needs and make referrals to social service providers ahead of further case processing



Judges, prosecutors, and defense attorneys can collaborate to develop specialty courts or other alternative-to-incarceration diversion programs to meet the needs of defendants

Victim Engagement. It is important to note that many people who commit crimes have been victims of reported or unreported crimes, and some victims may also have their own arrest histories. A victim's own history with the criminal justice system may make it difficult for them to meet with prosecutors or participate in the grand jury process. The system is set up in a way that can be inherently traumatizing for victims, as they are participating in a process where they have no control or power over outcomes.

In the course of case processing, victims/survivors are often asked to recount a traumatic event multiple times to different individuals. Law enforcement and prosecutors should implement measures to limit the number of times a survivor needs to share their story. In cases of intimate partner violence and sexual assault, it is important that the interviewing officers and prosecutors have specialized training.

Prosecutors and law enforcement can refer victims to community-based advocacy programs that offer various resources from housing to individual counseling. They can also assist victims in understanding the justice process, including investigation, prosecution, court proceedings, and timelines. Victim resources may also be available within your local prosecutor office or local precinct. Consider contacting their office(s) for information about a "victim advocate" or "victim services" resource. Some states may also offer supportive legal services for victims of crime.



TOOLS

- Avoiding the Second Assault: A Guidebook for Trauma-Informed Prosecutors (Eric M. Werner, Lewis and Clark Law School)
-

Case Assignment

Key Roles: Defense Attorneys, Prosecutors, Social Workers, Case Managers

Smaller Caseloads. Smaller caseloads can allow defense attorneys to form a more significant relationship with their client, enhancing trust and transparency in the legal proceedings. Slowing down client interactions allows for thorough explanations and gives clients the opportunity to share their perspective, ensuring their voices are heard throughout the process.

To reduce caseloads, strategies may include increases in hiring, or off-ramping cases before they are docketed or assigned to a specific court calendar, partnering with social workers to implement diversion options (see "diversion" section above). Consider triaging cases—separating those that require less time from those that take more time and resources will also help reduce caseloads. Time invested upfront may save time and resources in the long run. It may also be beneficial for leadership to approach legislators to advocate for budget increases to support additional hiring. Additional resources may be available through national defense organizations like the National Legal Aid and Defender Association and Office of the State Public Defender.

Specialized Dockets/Calendars. A trauma response may be elicited when individuals hear or witness violent or traumatic material, such as witness statements and plea hearings, especially when traumatic case details or material is shared aloud in court. To mitigate this risk, consider designating specialized or dedicated dockets for cases that contain traumatic content, such as intimate partner violence, sex crimes or violent felonies. This may include scheduling similar cases at the same time or on the same docket. Specialized dockets are specific court sessions that are dedicated to particular offenses and seek to provide community-based treatment or case management for defendants. Within specialized dockets, dedicated staff are trained on specific subject matters, such as substance use disorder, intimate partner violence, human trafficking, or mental health. Short of developing specialized dockets, adjusting time slots does not require changing case practices or process. This approach can help prevent all litigants from being subjected to potential trauma. Additionally, dedicated dockets can also provide litigants with a clearer timeslot for their case to be heard, improving their ability to manage work schedules and/or childcare responsibilities. Having dedicated timeslots for such cases allows advocates and community providers to attend court, offering on-site resources and support.

In situations where specialized dockets are not feasible, judicial officers should consider providing a warning to the courtroom, allowing individuals the option to step out if they wish. Additionally, they should take extra time to explain the process and always allow advocates and support persons to be present in the courtroom.

Arraignment

Key Roles: Judges, Court Security, Prosecutors, Defense Attorneys, Service Providers, Victims Advocates, Court Administrators, Pre-trial Services

Procedural Justice. Arraignment hearings can be a stressful, fast-paced, and often confusing experience for court users, including defendants and victims, which can exacerbate trauma responses in individuals with trauma histories. All court partners, and especially judges, can use procedural justice to improve clarity of the process, outcomes, and implications of case processing.

As early as possible, court actors should determine what supportive services are needed for a litigant, victim, or other case participant. This may include translation services, listening devices, vision assistance devices and/or practices.

Court security should be encouraged to convey procedures orally to the courtroom and through signage that uses clear and respectful language. For in-custody litigants appearing from being in-custody, be aware of holding area conditions and acknowledge the effects of detention, such as hunger, stress, and fatigue.

Sample Court Security Script:

“Good [morning/afternoon]. Court will begin momentarily. Please silence your cellphones, [other rules]. Bathrooms are located [directions to bathrooms]. In case of an emergency, the nearest exit outside of the courtroom is [directions to exit building]. Your case will be called [explain order of cases]. If needed, please step into the hallway for a break or for us to assist you.”

Universal Screenings. Court administrators can collaborate with pre-trial services, prosecutors, and defense agencies to develop screening procedures that redirect cases that are better suited for resolution through referrals to service providers or other diversion methods. When developing screening procedures, it’s important to minimize the number of times a litigant has to recount distressing and traumatizing details of their case, and to explain to them what this information will be used for and who has access to it. Conduct screenings in private spaces whenever possible.

Family Engagement. Consider allowing defendants to acknowledge and/or interact with family members in the audience, particularly if they have been in-custody. If

this is not possible, provide an explanation for why contact with family members will not be allowed. While it’s important for defendants to have contact with family members, ensuring the safety and security for victims must take precedence in the courtroom. Courts should arrange seating so that defendants and victims are positioned far apart to avoid eye contact. Security personnel can be stationed near defendants to prevent interaction with victims and to monitor threatening or intimidating body language. Additionally, courts can require defendants to remain in the courtroom after a hearing, allowing victims to leave safely.



TOOLS

- [Supporting Domestic Violence Survivors’ Safety During the Court Process](#) (Center for Justice Innovation)
 - [Applying a Trauma-Informed Care Framework to Courtroom Practice: An Analysis of Judge’s perspectives](#) (National Council of Juvenile and Family Court Judges)
-

Bail

Key Roles: Judges, Prosecutors, Defense Attorneys, Victim Advocates

Promote Understanding. Judges, prosecutors, and defense attorneys have an obligation to ensure defendants and victims understand the defendants’ bail requirements and procedures. All bail decisions should be reviewed with and clearly explained to defendants and victims.

Judges, prosecutors, and defense attorneys should incorporate procedural justice principles to ensure all individuals with trauma histories can effectively engage with legal proceedings. This approach ensures that they can make informed decisions and participate fully.

Assess. Judges, prosecutors, and defense attorneys should consider including a brief trauma assessment to court questionnaires to ensure trauma is a consideration when determining bail outcomes. If local bail statutes allow, legal parties can consider alternatives to detention that have shown efficacy, such as supervised release or community-based service providers, especially for individuals with significant trauma histories. Additionally, the court can request necessary services, like mental health counseling or substance use treatment. These alternative options can help maintain social connections, support established networks, and facilitate access to essential services. Incarceration is inherently traumatic, and there should be serious consideration as to whether it is appropriate, especially pretrial and when the eventual sentence, if convicted, is unlikely to involve jail time.



TOOLS

- [Brief Trauma Questionnaire](#)
(National Center for PTSD)
 - [Trauma History Screen](#)
(National Center for PTSD)
 - [Trauma History Questionnaire](#)
(Georgetown University)
-

Victim Safety. Victims should be informed about bail hearings and provided a copy of the conditions of release when the defendant is granted bail to improve their understanding and safety. Courts must consider the victim's comments and statements into account when determining whether to release the defendant. Victims should also be notified if the defendant is released on bail. Judges, prosecutors, and defense attorneys can refer victims to advocacy agencies and support services.

Discovery

Key Roles: Prosecutors, Defense Attorneys, Victim Advocates, Judges

Transparency. Judges, prosecutors, and defense attorneys are required to share discovery evidence within a specified timeframe set by state law. Unfortunately, there are instances when discovery is not made available to attorneys, or attorneys do not review or discuss discovery materials with the litigant. Additionally, victims involved in the case may not be informed of the evidence or when or how they will have access to that information.

Transparent, well-organized and clearly-stated communication with litigants, victims, and their family members about what information will be shared, with whom, and when during the court proceedings can help reduce traumatic exposure. This approach allows victims to decide when to be present in court. Ultimately, this fosters trust and empowers individuals to engage in the case more effectively.

Sensitivity. Throughout the discovery process, judges and attorneys should encourage litigants and victims to ask questions and share their concerns. It's important to actively listen to these concerns and validate an individual's perspective, as a trauma response may be activated. Attorneys should be mindful of the number of sensitive documents being shared to avoid causing unnecessary distress and should be cognizant to offer to revisit sensitive issues at a later time.

Idea: *Call a break to allow victims time to remove themselves from the courtroom or meeting space.* See also: Vicarious Trauma Chapter

Plea Bargaining

Key Roles: Prosecutors, Defense Attorneys, Judges, Victim Advocates

Promote Understanding. Judges, prosecutors, and defense attorneys engage in plea negotiations every day in the criminal legal system. It is essential for decision-makers to establish policies that ensure litigants and victims alike participate in transparent discussions about plea agreements. This transparency will help ensure a clear understanding of the plea process, including its benefits, limitations, and potential consequences.

Victim Engagement. Plea agreements are commonplace in court proceedings. When possible, victims should be made aware of plea discussions and plea agreements in advance of court proceedings. Prosecutors should ensure that a victim is asked their opinion on what they would like to see happen and provide an explanation for

a different outcome. In some cases, this conversation may be legally required.

If funding and personnel allows, provide clinical support or a victim advocate during discussions of plea agreements or discussions that may result in re-traumatization. Establishing clear communication about legal processes while setting realistic expectations will benefit all parties involved in the case even if a victim isn't in full agreement with the plea outcome.

Idea: *Call a timeout to ensure attorneys have worked collaboratively with victims. Prosecutors with victim advocate colleagues should be encouraged to confer with them regularly throughout the court proceeding to ensure the victim's understanding of the process, decisions, and next steps.*

Entering a Plea

Key Roles: Judges, Prosecutors, Defense Attorneys, Court Security, Victim Advocates

Person-Centered Language. Person-centered language prioritizes the person, focusing on their experiences and unique perspective before their condition. It is essential to use person-centered and non-stigmatizing language when referring and speaking to litigants and survivors. Judges, prosecutors, defense attorneys, and court security can adopt person-centered practices by using the name of litigants during court proceedings and emphasizing the person over their situation or condition (e.g., "John Smith has an alcohol use disorder" instead of "Defendant Smith is an alcoholic")."



TOOLS

- Person-First and Destigmatizing Language (National Institute of Health)
 - The Use of Language in Treatment Courts: Word Choice Matters (Center for Justice Innovation)
-

Warnings. During legal proceedings, traumatizing information is often shared openly in front of all courtroom attendees. To minimize traumatizing individuals in the courtroom, prosecutors can include a “warning label” on the case so that staff are aware that sensitive information is about to be shared. The judge can warn the courtroom and suggest that individuals step outside while sensitive information is shared.¹²

Opportunity for Voice. Creating opportunities for litigants and survivors to express their voice during legal proceedings is important even if their input is not taken into consideration. Example questions judges can ask are, “What would you like to share about your situation?” and, “Is there anything you would like me to know?” Ensure that a victim advocate is available to survivors both before and after they make their statement. This advocate can explain the process and provide necessary resources.

Explaining the Process and Outcomes. It is not uncommon for defendants and victims to leave court without fully understanding the conditions of a plea agreement, what is expected of them, or how to access resources. During court proceedings, the judge can ask defendants to repeat back what they heard and explain the outcomes. This will allow for

clarification and possible further explanation. Additionally, the judge can offer litigants and attorneys the opportunity to speak privately in a separate space to explain the plea agreement and outline what is expected of the litigant. Consider additional guidance for defendants that although some things move simultaneously during a court proceedings, the court process is ultimately one step at a time. A litigant seen speaking with their attorney or a victim seen speaking with the assigned prosecutor or victim advocate is no cause for alarm. All case updates should be communicated as soon as practical.

Plain Language. Create a guidance document that outlines common court processes that can be distributed to litigants and victims, or displayed on signage. These documents can include definitions of common court terms like “plea”, “court order”, “order of protection”, etc. The documents can be translated into other widely spoken languages in the community, to ensure accessibility to all court users.

Post-Plea Alternatives to Incarceration

Key Roles: Judges, Prosecutors, Defense Attorneys, Service Providers, Community Members

Community Partnerships. Post-plea alternatives to incarceration should be considered when appropriate. When making referrals to community-based service providers (e.g., substance use treatment and mental health providers, intimate partner violence programs) legal actors should understand the programs available, the requirements

for participants, and any available outcome data. Some community partners require program fees or health insurance to attend. These associated costs should be considered when referring to community programs. There should be an inquiry into subsidized participation to reduce any barriers to program entry (e.g. transportation resources). Collaborating with community partners, understanding program interventions, and being able to rely on timely reporting will ensure legal actors can appropriately advocate for litigants and victims.

Community partners can support the court, court litigants, and victims in the following ways:

1. Provide proof of participation without burdening court clerks
2. Identify appropriate community resources and inform the court and attorneys of the services
3. Understand and support prosocial engagements
4. Promote and provide trauma-specific services and interventions
5. Focus on client-centered approaches

Trials

Key Roles: Judges, Prosecutors, Defense Attorneys, Court Security

Warnings. During criminal trials, traumatizing information is often shared openly in front of all courtroom attendees. To minimize traumatization in the courtroom, prosecutors can include a “warning label” on case files and during sensitive statements so that

courtroom attendees are aware that sensitive information will be shared. The judge can also offer warnings to the courtroom, suggesting that individuals who may be affected step outside while this sensitive information is shared.

Both the prosecution and defense can also prepare the defendant and/or the survivor’s family for potentially upsetting content. Attorneys can notify the family ahead of time, advising them that they may prefer to leave the courtroom during the proceedings.

Witnesses. Another important actor in the criminal legal system are witnesses. Witnesses are sometimes the firsthand observer of a traumatic crime. Although all witness experiences may not be considered traumatic events, witnesses with trauma histories can be affected by their involvement in court proceedings.

Testifying can be overwhelming and anxiety provoking, especially for people with a history of trauma. The need to recount a traumatic experience or undergo questioning about one’s experience can induce a trauma response. Consider the following practices to reduce witnesses’ exposure to trauma and to elicit better testimony:¹³

[] Consider the setting.

Show witnesses the courtroom before they testify so they can be familiar with the space. Ask witnesses what they would need to feel safe, like offering to testify virtually, having a support member sit in direct eyeline, etc.

[] **Vulnerable populations.**

Consider witnesses' personal experiences and how testifying may pose a possible threat.

- *If a witness is an undocumented citizen, consider ways they can safely and potentially, confidentially, testify.*
- *If a witnesses' physical safety is at risk when testifying, have court security assigned to walk with them to and from the courtroom.*

[] **Ask grounding questions.**

Start the testifying process by asking easy, grounding questions like would you like a water?

[] **Breaks.**

Offer witnesses breaks when providing testimony.

[] **Be up-front about expectations.**

Create a one-pager including pictographs for what the expectations are of someone testifying. Include information about location and time for arrival, confidentiality, maneuvering through the courthouse, common terms used during trial process, and any other pertinent information.

[] **Explain everything.**

Meet with witnesses before testifying to explain exactly what questions will be asked and what information will need to be shared. Explain the need for the questions. Witnesses should be prepared for the questions and style of question that they will be subjected to on cross-examination. The prosecution or defense should prepare witnesses ahead of time for potentially traumatizing information they may hear or see on the stand while testifying.

[] **Connect to services.**

Offer community-based counseling services for witnesses after testifying. Witnesses may be exposed to graphic information they are not used to seeing. Partnering with local counseling organizations to provide follow-up services can help reduce secondary trauma.

[] **Follow-up.**

Many witnesses do not know what happens with a case after they have testified. Attorneys can follow-up with witnesses and update them on the outcome of the trial.

Jurors. Jurors play a vital role in the adjudication of cases in the criminal legal system. Individuals who perform this civic responsibility do so in place of their responsibilities at home and work. To ensure individuals continue to participate in this fundamental legal process, some jurisdictions have made jury duty easier by: using automated call-in systems for potential jurors and improved juror experience by providing a clear explanation of the juror voir dire process, outlining juror expectations, detailing court processes, including jury instructions, and clarifying expected behavior during jury service. Many jurisdictions offer video instructions explaining the jury and court processes, while judges go to great lengths to simplify court jargon for jurors and ensure that jurors fully understand the court processes and court instructions. Additionally, most jurors are compensated for their time from either the government or their employer, which helps remove financial barriers to participation. Although the establishment of these best practices may vary by jurisdiction, the practices improve juror engagement and experience. While there is a substantial body of work regarding juror engagement from the court's perspective, there are fewer resources that address the jurors experience from a trauma-informed lens.

Jury service can sometimes lead to an emotional or physical reaction, called “juror stress”. This stress leads to feelings of a loss of control and predictability. To mitigate juror stress, the court can implement measures to restore control and predictability throughout the jury trial.

- Create a one-page document with necessary information like date, time,

and location of appearance. Be sure the document is readable, and information can be easily distilled.

- Provide break times and lunch schedule at the beginning of the day and establish a mechanism for jurors to signal when additional breaks are needed.
- Develop a simple guide explaining common terminology jurors will encounter throughout the jury process.
- Offer community-based counseling services for jurors during and after the trial.
- In trials with emotional intensity or heightened expression of feelings by people in the courtroom, the court could implement responsive practices such as allowing jurors to exit the courtroom through alternative methods or requesting additional support from the courthouse law enforcement team.

Sentencing

Key Roles: Judges, Prosecutors, Defense Attorneys, Probation Officer, Victim Advocate

Understanding. It is important for litigants and survivors to fully understand their rights and the criminal procedures at sentencing. Here are some ways to enhance their understanding:

- Judges can ask litigants to explain the criminal procedure in their own words to ensure comprehension.
- Develop and provide a brief one-page document that details what sentencing is and outlines the sentencing process.

- Provide interpreters in an individual's native language, even if they are capable of communicating in English.

Opportunity for Voice. It is important to create opportunities for litigants and survivors to express their voice during legal proceedings. Ways to encourage voice in sentencing:

- Judges can offer an opportunity for litigants and survivors to make statements on the record. Example questions judges can ask are, “What would you like to share about your situation?” and “Is there anything you would like me to know?”.
- If a survivor is unable to provide an oral statement, a written statement, in some jurisdictions referred to as a victim’s statement, can be shared with the legal actors and read in court

Support for Survivors. It is essential for survivors to work with victim advocates during and after sentencing.

- Victim advocates can work with survivors to write statements together, or to be a support throughout the process.
- Advocates can educate survivors on how to register for litigant release notifications and can assist in this process.
- Victim advocates, or prosecutors, can explain the terms of the sentencing, and provide contact information if they have questions or concerns in the future.
- Advocates can help process feelings related to the sentencing and refer the victim to community resources, such as counseling or other support services.

Post-Sentencing. After the judge has determined the sentencing, the atmosphere in the courtroom can become emotionally charged. Both the litigants and the survivors may have strong emotional reactions to the outcome.

- If the litigant is immediately sentenced to incarceration, allow them a moment to speak with family before being removed.
- A jury room or other unused courtroom can be made available for survivors and their family members, providing them with a private space to gather and discuss the sentencing.

Trauma-Informed Court Spaces

Trauma-Informed Court Spaces

**Assess space from
a court user's
perspective**

**Update signage
and technology to
improve wayfinding**

**Incorporate
naturalistic design
elements**

**Improve
accessibility for
individuals with
disabilities**

**Invite community
leaders to provide
input**

The physical design of many courthouses across the country are often imposing, or historic, but are not always welcoming or user-friendly for the public. Physical spaces can impact our mood and perspective on our experience, both negatively and positively. Confusion navigating a space, poor lighting, or small closed-off spaces can activate a person's stress or a trauma response. Courthouses have security requirements like metal detectors, security officers with weapons, and restrictive requirements that limit what court users can bring into the space. The courtroom design is divided into isolating zones—the judge's zone, elevated and distant, the litigators' zone for attorneys and the litigant, and the public zone, which is separated by a railing or barrier. Security practices and divisive zones often overlook trauma-informed, court user-friendly design and spaces. Trauma-informed spaces center safety, empowerment, community,

and dignity, in line with SAMHSA's guiding principles. For courthouses, trauma-informed design incorporates clear and respectful security procedures, effective wayfinding through clear signage, warm and inviting spaces, clean restrooms, and accessible spaces for court users with disabilities.

Updates and enhancements to the courthouse's built environment can also improve procedural justice through welcoming, accessible, and community-responsive physical design.¹⁵ Creating an environment that is considerate of people's experiences and minimizes stress can enhance perceptions of legitimacy and trust in the system. When looking to enhance court design, consider these questions:

- How does someone navigate the courthouse?
- What do they see and feel upon arriving in the space?

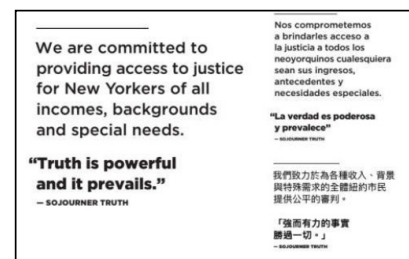
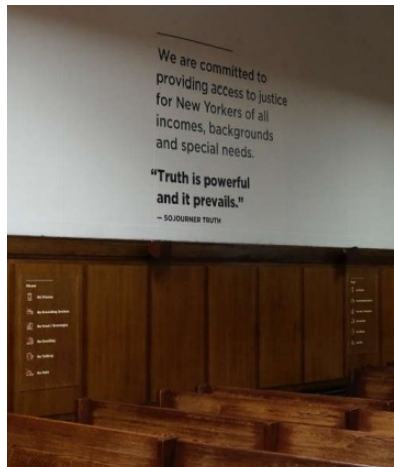
- Is the security process clear and respectful?
- Is there anywhere for people to decompress?
- Is the space disability accessible?
- What is the available technology?

This section outlines strategies to improve and enhance courtrooms and courthouses to be trauma-informed. Each recommendation prioritizes limiting retraumatizing individuals and fostering a safe and calming environment. The recommendations consider how the built environment, like lighting, technology, and signage can help to reduce trauma symptoms people typically feel while in a courthouse. Making changes to the court space will not only improve the experience of court users, but staff that work in the courthouse as well. These suggested practices include free, or low-cost initiatives, as well as multi-year projects.

Funding. Transforming or updating court spaces can be overwhelming and financially daunting. These projects involve multiple key partners, including court administrators and

local officials, working in coordination on a shared vision to improve and update court spaces to better serve their communities. If your courthouse is in need of physical updates, consider working with agency leadership to seek grant-based or legislative funding to support this work. Criminal courts also have options for upgrades without major expenditures. Though size, layout, funding, and infrastructure may vary, updated signage, greenery, and lighting, described further below, are low, or no-cost improvements courts can make to create trauma-informed spaces.

Signage. Clear, professional signage is a key design tool that can help convey the principles of procedural justice, increasing court users’ understanding of and trust in the system. Improving court users’ wayfinding ability, through directional signage to clean bathrooms, and visible directories to navigate courtrooms, can help reduce stress that is exacerbated by trauma. Consider whether court rules are displayed visibly and convey a tone of respect. Design signage that is jargon-free, placed at eye-level, and uses simplistic language—avoid



Examples of Improved Courtroom Signage

“legalese.” Ensure court signage reflects the diverse cultures and communities served and are offered in multiple languages, besides English. Before beginning a signage project, solicit court user feedback and engage cross-agency partners.



TOOLS

Check out the Center for Justice Innovation’s guides to updating courthouse signage:

- [If Walls Could Talk: Can Better Court Signs Help Build Public Trust?](#)
 - [Improving Courthouse Signage: Procedural Justice through Design](#)
-

Biophilic Design. Trauma can result in individuals feeling dissociated from their bodies and disconnected from nature. Exposure to nature, such as air, water, light, and greenery offers a unique ability to feel grounded and reconnect. Courts can incorporate biophilic, or natural, design elements into their built environment to soothe trauma survivors, like more natural light, blues and greens, easy access to outdoor spaces, views of nature through windows, additions of plants, or images/artwork of nature. Biophilic design can reduce stress, enhance emotional regulation, improve air quality, increase feelings of connectedness. Plants can be used within the courthouse and courtroom to create a calming environment, and having greenery outside near entrances can create a more welcoming environment when entering the building.



TOOL

- [Biophilia and Design, U.S. General Services Administration Office of High-Performance Buildings](#) (Sustainable Facilities Tool)
-

Lighting. Florescent overhead lighting can be harsh and negatively affect people with sensory conditions.¹⁶ Florescent lights tend to flicker and hum, which can be distracting or overwhelming for individuals. This lighting can even lead to fatigue, agitation, migraines, or seizures.¹⁷ Incorporate softer and warmer lighting by changing out florescent bulbs with incandescent lights.

- Using accent lighting in certain spaces, like floor and table lamps, can also create a warmer effect.

Accessibility. It is essential that the courthouse is accessible to all community members and court users. Here are some suggestions for improving accessibility:

- Include wheelchair spaces in courtroom seating.
- Expect that anyone who participates in or attends a court proceeding may ask for an Americans with Disabilities Act (ADA) accommodation.
- Ensure court entrances are ADA accessible.



TOOLS

- Accessible Justice: Ensuring Equal Access to Courthouses for People with Disabilities (New York Lawyers for the Public Interest)
 - The Courthouse: A Guide to Planning and Design (New York Lawyers for the Public Interest)
-

Community Collaboration. Community members can serve as a strong partner in creating a more trauma-informed environment. Here are ways community partners can collaborate with the court:

- Invite culturally-specific organizations to review court-developed materials.
- Incorporate culturally relevant and community inspired artwork around the courthouse.
- Develop and implement a court user survey for community members to provide feedback about their experience in court. It is important to consider the feedback and opinion of the community in their perception of the court, especially because court professionals may not use the same entrances or facilities as the general public. Surveying community organizations is a great way for court users to feel like they have voice in judicial proceedings.



TOOL

- Measuring Perceptions of Fairness: An Evaluation Toolkit (Center for Justice Innovation)
-

Technology. There are many ways courts can use technology to create a trauma-informed court. Courts can use technology to offer virtual court sessions, virtual victim impact statements, provide real-time closed captions to court proceedings, and connect with translation services.

A technology needs assessment can help identify what technology is available and what service gaps can be filled. Partner input is imperative to a technology initiative, and the planning process should include representatives from court administration and technology staff. Once a plan has been created, policies and procedures that address state and local regulations, the Health Insurance Portability and Accountability Act requirements, and information sharing should be developed.¹⁸

The following are principles for designing and implementing new systems that support human dignity and advance best practices:

1. Technology should be humane first.
2. Technology should be inclusive.
3. Technology should be implemented with true consent.
4. Problems should drive technology.
5. Less is more.
6. Technology should be sustainable.
7. Work with vendors with a common vision.

8. Courts should start small.
9. Practitioners should know what technology does and doesn't do.
10. Courts should be prepared to pivot.

Larger Scale Initiatives. Improving court spaces requires buy-in and collaboration across multiple agencies, require a time commitment, and funding. The following planning, drafting, and finalizing steps will organize court practitioners as they take on updating and enhancing court space. Although planning committees are typically used for large scale projects, this process can also be used for smaller changes as well.

- [] **Planning.** The first step to improve courthouse design is assembling a team of courthouse staff and partner organizations to help guide the project.

- [] **Identify needs.** Speak with court actors including judges, attorneys, court personnel, and community members to inquire about areas for improvement. Survey court staff and court users about their experience in and outside the building.

- [] **Choose a design partner.** Select a design partner to help create new courtroom designs.

- [] **Setting goals.** Based on identified needs, determine priority goals for the design project.

- [] **Develop a budget.** With the help of the planning team, create a budget to accomplish the determined goals.

- [] **Define parameters.** Improving courtroom space is often a lofty project, and it is important to recognize the obstacles that may hinder success.

- [] **Divide the work into phases.** Dividing the project into smaller phases creates achievable, realistic wins at the onset. Starting small and building on that success can help maintain momentum as you move through the larger project goals.

- [] **Drafting.** After completing the planning process, the project moves into drafting. At this stage, the court will work with the planning team to test out project designs.

- [] **Consult partners.** Bring community and design partners onboard to consult and provide input. These partners can assist with tasks like translating signage, developing courtroom blueprints, or abiding by the ADA.

- [] **Revise along the way.** Over the course of the project, plans will change. It is important to stay flexible and revise the project along the way.

- [] **Finalizing.** After working through the many iterations of the plan, the project can be finalized and agreed upon by partners. Team members will delegate next steps to bring the project to fruition.

Not all the practices and changes we hope to make to our courtrooms and court buildings are cost-effective or quick. Some projects involve larger-scale investments and working with professional design firms over the course of multiple years. The following are more ambitious trauma-informed improvements courts can make if they have the funding, partners, and capacity to do so.

Decompression room. Repurpose unused spaces and rooms for individuals to decompress before and after court proceedings. This space should have warm lighting and ambient sounds to create a calming environment.

Private meeting spaces. Similar to decompression rooms, unused rooms can be repurposed into private meeting spaces. Individuals can meet with attorneys or victim advocates in private without having to worry about the conversation being overheard.

Security. Security is the first contact people have with the courthouse. With the goal of keeping staff and visitors safe, there are ways the environment can adopt trauma informed practices while still prioritizing security.

- Incorporate a navigator or information desk at security to greet and direct individuals around the courthouse, creating an inviting experience for court users.
- Having a visible sightline to outside the courthouse while navigating security can

provide a sense of safety for those with a trauma history. Being able to see who is outside and entering the building is also beneficial for security staff.

- Those that commit intimate partner violence may use court proceedings as a way to further threaten and/or intimidate their victims. Safety and security practices are paramount in court cases involving intimate partner violence.
 - Have a separate waiting space for survivors so they are not in contact with litigants.
 - Create safety and security practices for intimate partner violence cases.

Jury rooms. Juror facilities can be designed to enhance the juror experience—the space should have comfortable seating, and easy access to restrooms and water fountains.

Courtroom layout.

- Lower the judge's bench so they are at equal eye-level to everyone in the courtroom. Being at the same level of all court parties shows respect and that no one person is "above" anyone else. Lowering the judge's bench allows for better eye-contact, which is perceived as a sign of respect.
- Offer sensory objects for people to use while waiting or when speaking to the judge (e.g., crayons, stickers, fidget spinner).

Courthouse layout.

- Install adequate lighting throughout the court parking lot so individuals feel safe walking to and from their car.

- Use plants and trees as natural barriers at the courtroom entrance instead of cement pillars and barricades.
- Install windows to increase natural light.

Childcare. The court should exhaust all alternatives to avoid a child witnessing a family member's court proceedings, sentencing, and/or arrest, whenever possible. Additionally, not having access to safe childcare can be a barrier for people to attend court as it is costly to pay for childcare for an unknown length of time. Consider developing private spaces for caretakers and families that include family friendly design and activities.



SPOTLIGHT: DLR GROUP

The DLR Group is a design firm that aims to elevate the human experience through design. DLR group is a leader in the field of public safety design and were subject matter experts at the aforementioned TIPS Symposium. Their justice-focused work has included large scale projects updating courthouses across the country. These projects involve multi-year planning phases, multi-disciplinary coordination, and large-scale investments. One of DLR Group's notable justice-focused project was the Pinellas County Family Court Annex.

The Pinellas County Family Court Annex allowed the County to consolidate court operations at their central campus, create a new public entrance, and develop a unique identity for Family Courts. The interior public spaces focus on comfort and convenience for the visiting public and are activated by providing natural daylight and a variety of colors to create an inviting and calming environment. The courthouse also promotes a trauma-informed workplace, guaranteeing areas for staff to rejuvenate and focus on wellness.



Family Court Annex: Children and Family Waiting Room

Burnout, Vicarious Trauma, and Moral Injury: Identification, Understanding and Prevention

Burnout, Vicarious Trauma, and Moral Injury: Identification, Understanding and Prevention

Reflect on work-related stressors and how you manage this stress

Consider how work-related stress impacts court processes and client engagement

Create a self-care plan

Agency leadership can develop organizational care plans

Criminal court practitioners are regularly exposed to distressing and traumatic material and events as part of their jobs.²³ If left unaddressed, this exposure can lead to demoralization, compassion fatigue, and hinder their ability to consistently deliver procedural justice. It may also result in burnout, vicarious trauma, and moral injury. The following section will define commonly used terms around burnout, present tools and strategies to help court practitioners understand how trauma impacts them, and offer recommendations for prevention.

Intersection of Burnout, Vicarious Trauma, and Moral Injury

Burnout: Burnout is a condition characterized by physical, emotional, and mental exhaustion due to prolonged and chronic workplace stress.²⁴

- Causes: High workloads, long hours, lack of control over schedule and job duties, and insufficient support.
- Symptoms: Chronic fatigue, disinterest or lack of motivation for job duties, irritability, detachment, decreased job performance, physical health and mental health issues.

Vicarious Trauma: Also known as secondary trauma, occurs when individuals are exposed to traumatic material, negatively impacting their emotional well-being and mental health. This can result in changes in worldview, leaving individuals uncertain and unsettled in situations where they previously felt secure.

- Exposure to traumatic content and regularly hearing stories of human suffering and abuse.
- Symptoms: Emotional numbness or hypervigilance, intrusive thoughts, difficulty maintaining professional boundaries, feeling unsafe physically, emotionally, and psychologically, as well as anxiety, depression, and Post-Traumatic Stress Disorder (PTSD) symptoms.

Moral Injury: Moral injury refers to the psychological, social, and spiritual impact of events that involve the betrayal of one's morals or values.²⁵

- Causes: Acts of commission (doing something that should not have been done), omission (failing to do something), and/or betrayal (feeling betrayed by a larger system).
- Symptoms: Guilt, shame, frustration, and a sense of helplessness. These symptoms may overlap with those of other mental health conditions, such as PTSD.

The intersection of burnout, vicarious trauma, and moral injury can lead to cumulative stress, impaired coping skills, and negative impacts on physical and emotional well-being. Personal history, life stressors, and previous trauma can exacerbate these effects, impacting decision-making, judgment, personal and professional relationships, and overall quality of life. The accompanying

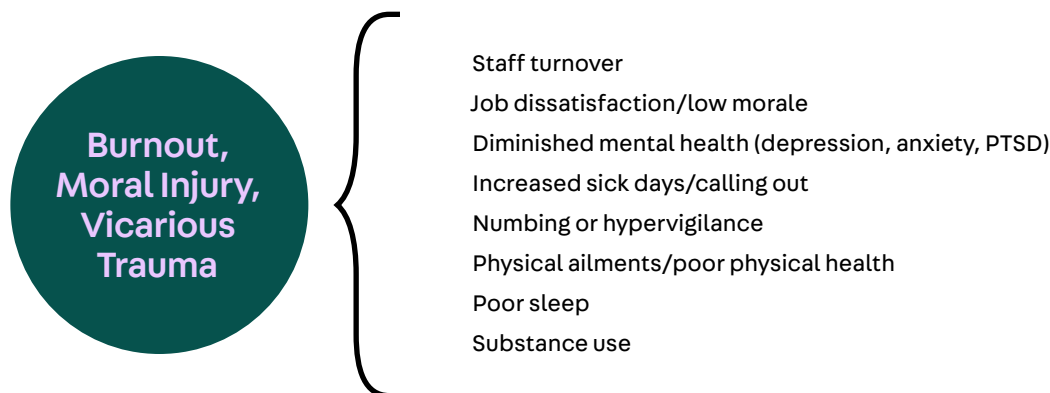


chart identifies the impact on criminal courts and its practitioners.

Role-Based Reflections

Criminal court practitioner roles and duties may vary; however, they are equally at risk of experiencing burnout, vicarious trauma, and moral injury. Let's take a look at how burnout affects individual roles. Reflect on the following prompts:

Judges must consider public safety, justice, individual rights, and community perception when making decisions, which can result in external pressures and lead to internal conflict and stress. Consider the weight of a judge's ruling, knowing its impact on the litigant, victim or survivor, and community. How does this level of responsibility and authority affect their emotional well-being and decision-making?

Court Clerks, Reporters, and Interpreters attend court and document or interpret court proceedings without an active role to influence the outcome of the proceedings. This lack of power can impact an individual's worldview and contribute to burnout. Con-

sider the experience of being deeply affected by what you hear or witness in a case but are unable to speak up and/or influence its direction or outcome.

Court Security are responsible for maintaining security in the courthouse. Court security personnel (i.e., bailiffs, court officers) can encounter conflict with court users, attorneys, and court staff. Have you ever witnessed a confrontation where a court security officer was being yelled at by a frustrated or angry individual? How do you think this situation could have been handled in a more trauma-informed manner?

Attorneys, Treatment Staff, and Peer Supports manage large caseloads and often hear tragic material without time for debriefing or breaks. They must meet their professional obligations while clients, who are often stressed and traumatized, wait to speak with them. Think about times when you wanted to spend more time with a client but couldn't. Or consider when something happened in a court case that negatively impacted your client or a victim, and you felt helpless, angry, or even ashamed.



REFLECTION QUESTIONS

Have you experienced feelings, symptoms, or related stressors associated with burnout, moral injury, or vicarious trauma?

How did you manage these feelings?

What would feel supportive?

Resilience

Criminal court practitioners often express satisfaction in supporting others and serving as advocates for justice and healing even when exposed to trauma. Their sense of purpose can be fueled by a commitment to public safety, addressing systemic harms, and achieving fair and equitable outcomes. Assisting and supporting others can bring about positive feelings of compassion and satisfaction. When we see survivors' resilience in the face of trauma and victimization, we may become vicariously inspired, motivating our own sense of fortitude and strength. We can learn from the ways in which survivors transform and adapt to develop our own sense of resilience. The vicarious trauma toolkit model shows the spectrum of vicarious trauma exposure and the responses, that can be negative, neutral, and/or positive.

HOW DOES THE INTERPLAY OF BURNOUT, VICARIOUS TRAUMA, AND MORAL INJURY IMPACT COURT PROCESSES, CLIENT ENGAGEMENT, AND CASE OUTCOMES?

- Impacts judgment and behavior
- Potential for personal reactions to affect case outcomes
- Impedes ability to deliver procedural justice
- May lead to apathy
- May result in more aggressive physical responses and restraints
- May lead to harsher legal consequences



REFLECTION QUESTIONS

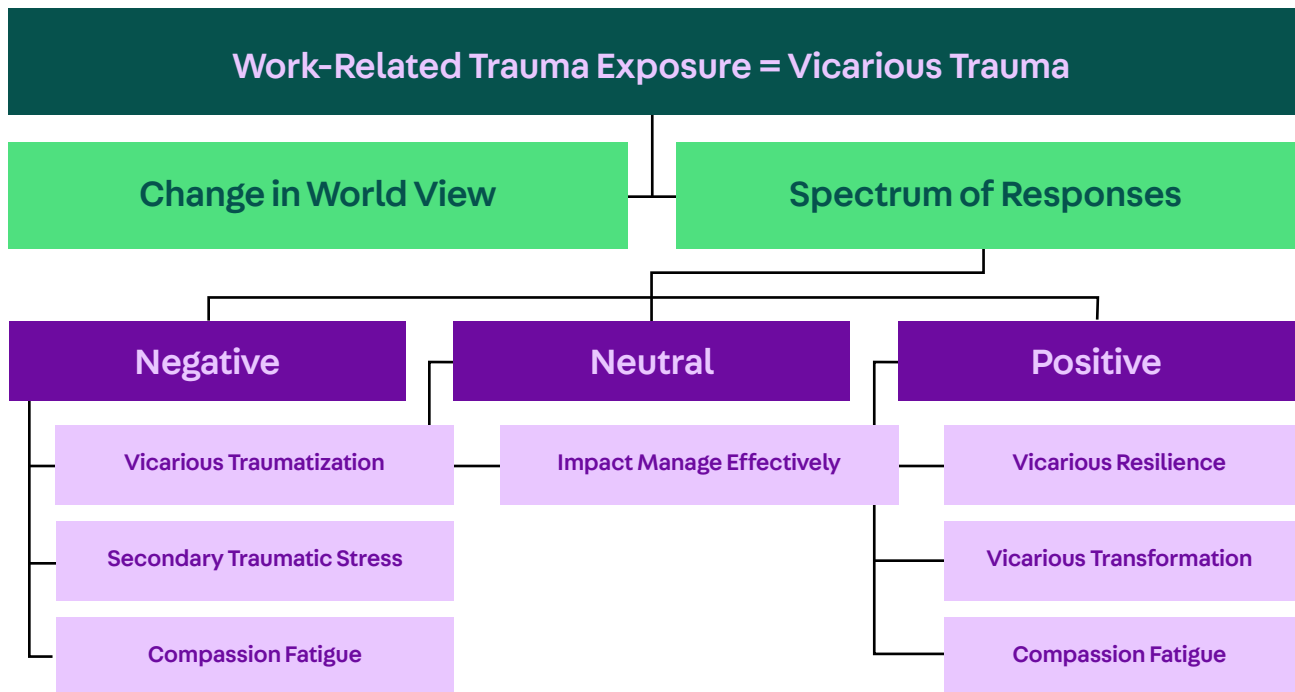
What keeps you engaged in your work?

What do you like about your job?

What don't you like?

What changes would you like to see?

VICARIOUS TRAUMA TOOLKIT MODEL



Source: Office for Victims of Crime: <https://ovc.ojp.gov/program/vtt/what-is-vicarious-trauma>



TOOLS

Here are self-assessment tools and resources. These tools can be self-administered and used to track work-related stress, satisfaction, and the impact of your job on your overall quality of life.

- Professional Quality of Life Measure (Center for Victims of Torture)
- Self-Care Tools (Center for Victims of Torture)
- Moral Injury and Distress Scale (National Center for PTSD)
- The Vicarious Trauma Toolkit (Office for Victims of Crime)

Building a Trauma-Informed Workplace: Self-Care, Team Care, and Organizational Strategies

A trauma-informed work culture prioritizes compassion, satisfaction, and vicarious resilience, and ensures that staff feel supported and appreciated. It also acknowledges the emotional well-being of staff and the impact of trauma on the staff's well-being by implementing systems to promote self-care and team care. Prioritizing self-care and team care practices during cross team collaborations can improve workplace unity and compassion for both staff and court users.



Self-Care



REFLECTION QUESTIONS

What are your self-care practices?

What can be used in the moment?

How can your work environment help you sustain these practices?

Individual/ Self-Care Practices

Boundaries: block off time for lunch, breaks, and administrative duties

Ongoing self-assessment for work-life balance, burnout, and vicarious trauma

Seek support when needed (Employee Assistance Program, therapy, supportive colleague)

Use mindfulness (apps, breathing exercises) that you can use in the moment, even if it's for a few minutes

Engage in hobbies and activities that are pleasurable

Sleep

Professional development



REFLECTION QUESTIONS

How does your team support you in the workplace?

How do you support your colleagues in the workplace?

What more can be done to foster a culture of team care?

TEAM CARE STRATEGIES

- Promote boundaries—encourage a co-worker or supervisee to take lunch and take time off.
- Create an environment where staff can share their concerns about workload and the work culture. Honor staff's limit-setting and be curious about why they are setting limits, rather than making assumptions about their commitment and ability to do the work.
- Communicate often.
- Celebrate successes and support each other.
- If possible, help a co-worker if they need assistance in their duties.
- Consider what a colleague might be dealing with outside of work or how work is impacting their emotional and physical well-being.
- Fellowship meetings and building in support for staff.

Team Care

Team care and self-care are interconnected. In the criminal court system, individuals may work on their own, as individual attorneys, judges, clerks, or security staff. Each individual has a supervisor and colleagues both within and outside of the courthouse. A supportive team environment is crucial for staff to feel supported. Despite having different duties and roles, court personnel all interact with the same clients, environment, and concerns. They all strive to perform their job to the best of their ability, in accordance with their professional responsibilities and training.

Trauma-Informed Leadership

Creating a trauma-informed culture begins with trauma-informed leadership. Trauma-informed leaders acknowledge the stressors of the job, encourages staff to seek supports, and provides resources and opportunities for staff in real time. Many court professionals may feel ashamed, stigmatized, or fear being perceived as incapable of handling their responsibilities if they ask for help or admit to feeling stressed or unhappy. Trauma-informed leaders aim to build trust, enabling staff to seek support without fear of judgment or shame. Trauma-informed leaders normalize the feelings staff experience in the workplace and understand it is essential to maintain staff well-being and enhance their sense of pride and effectiveness in their roles.

Trauma-Informed Leadership Strategies

- Prioritize staff well-being by balancing workloads and encouraging staff to take time off or use company wellness resources.
- Acknowledge work-related stress and job satisfaction.
- Conduct regular supervision and staff meetings.
- Establish debriefing protocols for high-stress events (See Appendix).
- Provide resources and opportunities for trainings, education, and team building
- Show appreciation and recognition for staff.

Strategies for Becoming a Trauma-Informed Leader

In criminal court, managers and supervisors include attorneys, judges, security personnel, treatment staff, and/or administrators. How can we ensure that managers and supervisors, who are also exposed to traumatic and distressing material, are taking care of themselves? Managers often absorb their staff's distress and take on additional work to mitigate supervisees' work stressors and prevent staff turnover. So, how does leadership care for them? The following strategies can help managers and supervisors maintain work-life balance and job satisfaction while managing their own stress and trauma exposure.

- Peer support: Organize regular meetings for managers to connect with one each other, without supervisees or their managers present, to share their concerns, uncertainties, and ideas
- Training and development: Provide ongoing training opportunities for managers on leadership, self-care, and boundaries. Create a growth-oriented environment for professional development and leadership

Barriers to Implementation

It is crucial to recognize the possible barriers to implementing the practices outlined here. The court environment is action-oriented, with constraints on time and funding that limit opportunities for reflection, self-processing, or trauma-informed team engagement. Additional meetings can be taxing, and coordinating multi-disciplinary meetings, especially across adversarial roles, can be emotionally charged. Institutional change requires time, and organizational and financial investment. Here are common barriers to consider as you move forward.

- No time for regular supervision or staff meetings
- Challenges for debriefing in real time
- Lack of staffing with high workloads and demands
- Siloed staff (separate buildings, separate employers, or different supervisors)

- Lack of interest by staff
- Money
- Culture

Moving Forward

By understanding and addressing moral injury, vicarious trauma, and burnout, the court system can create a healthier, more resilient environment for legal professionals. When staff feel supported and acknowledged, they are better equipped to provide the same level of care to clients.

Strategies to Create a Trauma-Informed Workplace Culture

- Each agency's leadership should incorporate trauma-informed practices for staff in onboarding, policies, and procedures
- Equitable and livable salaries can improve staff well-being and job satisfaction
- Encourage staff to take time off (vacation days, sick days)
- Convene ongoing trainings, formal and informal check-ins and surveys on burn out, moral injury, vicarious trauma, and work satisfaction
- Develop and maintain formalized debriefing response and safety protocols
- Consider offering wellness days/hours and hybrid work options if possible
- Convene multi-disciplinary gatherings to increase communication and understanding of each staff person's role

- Acknowledge cultural, historical, and gender issues and proactively work towards equity and anti-racist and oppressive practices within the workplace and court system

Trauma-Informed Leadership Preparation

There are number of trauma-informed exercises individuals and teams can participate in without overburdening the team's time or resources. A debriefing is a structured activity that helps staff understand and process a threatening or upsetting event, address immediate needs, allow staff to make plans and deal with future incidents, confirm roles and duties, and encourage team unity when dealing with a crisis. This debrief blueprint can help guide your team through a debriefing process that is thorough, supportive, and effective.

TRAUMA-INFORMED DEBRIEF EXERCISE

Be ready! Prepare a debrief plan. Use the following questions to structure the process prior to an incident occurring:

How quickly can a debrief be scheduled, can a debrief happen in real time? Should the debrief be documented?

- Why or why not? Will the document be submitted to anyone? Where will the documentation be stored?
- Share this process with staff.

Should it be mandatory?

- Make sure all relevant team members are invited and include the entire team/staff if appropriate.
- Everyone processes information and events differently and may not feel comfortable in a group debrief. When inviting team members to a debrief use invitational language that encourages attendance and informs participants that they can participate as much or as little as they wish.

Will debrief information be confidential or shared out to the organization as needed?

- Inform attendees of the organization's confidential rules

Are supports/resources for staff ready and actionable?

- Have any Employee Assistance Program resources available. Are there support/referral numbers? Is time off an option? How, or is, coverage coordinated to step-in when colleagues need a quick break to decompress?
- *Establish a facilitator.* Should it be a neutral party? Is there a trusted leader or colleague that participants would feel comfortable sharing with? Should the facilitator have specific training, e.g. clinical, legal, security? It's helpful to establish point people ahead of time so the organization is ready when an incident occurs.

Individual or Team Debrief Process

Conduct the debrief in an environment that is private with enough time and space for all staff to participate. Make debriefing a priority not an after-thought. Reassure staff that no one is in trouble. The purpose is to support each other, learn, and see what, if anything, could be done differently.

Define objectives of the debrief with a focus on processing, learning and supporting each other, not assigning blame.

Share limits of confidentiality and/or how or if information share in the debrief will be shared.

Debriefing Questions

Ask each staff person what happened from their perspective.

- Review the event(s) chronologically.
- Discuss how staff responded procedurally, emotionally, and physically.
- How did it go? Listen to and consider the overall response to the incident.

What went well? You can ask this directly.

- Identify positive actions and outcomes.

What could have been done differently (if anything)?

- Explore any areas for change or improvement.
- Consider co-workers' feelings and reactions. Don't make assumptions. Acknowledge how this incident may impact team members differently. For example: "We all process and handle things differently. I want to acknowledge what happened today and appreciate your participation, openness, and feedback."

Safety/crisis response protocols (ongoing)

- Assess if current protocols are effective or need amending.
- If there are no protocols, develop them and review regularly.
- Make sure all staff have access to updated safety and crisis response protocols and that they updated regularly. Include front line staff when developing or amending protocols.

Provide support and resources. Ensure that staff have access to supports, such as:

- Employee Assistance Programs (EAP)
- Referral numbers for additional help
- Options for time off
- Coordination of coverage for staff needing a break
- Encourage team care

POST-DEBRIEF FOLLOW UP**Next Steps After Debriefing**

Schedule additional debriefing sessions if needed. Ask the staff involved if they would like to meet again.

Keep an open line of communication after incident and post-debrief. Some people may want to follow-up.

Share out with staff next steps, if any, and continue to provide follow-up information as appropriate. If there is going to be a change in policy or protocol, keep staff updated and informed and explain why!

Get feedback from staff about the process and structure of the debrief. An anonymous survey is an option if there are concerns about who has access to the information.

Conclusion

Conclusion

Criminal courts, like trauma experiences and responses, should not be viewed through a one size fits all lens. Each criminal court will have to identify how the domains presented in this Blueprint—trauma training for court staff, trauma care for court users, trauma informed spaces and practices, and vicarious trauma and burnout prevention for staff—will be addressed in daily court operations. This Blueprint provides strategies that can be readily implemented by one individual, while other strategies require a long-term, multi-disciplinary collaborative approach. Begin with one focus area and progress through to incorporate the others. Trauma-informed engagement is a cultural shift and requires intentional change management, so deliberate efforts should be applauded and built upon.

Be well!

Notes

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