

Everyday Suggestions for Addressing Trauma  
in the Courtroom

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There are several contexts in which a judge may encounter a victim of trauma. The following are a few.

Suggestions for the accountability court setting:

\*Consider the courtroom space-will the participant's back be to a large group of people? Can the seating be angled to provide a more secure setting? Is the room too big, too hot, too noisy?

\*Are you comfortable stepping off the bench, presiding without your robe?

\*Are all participants screened for trauma? Is Seeking Safety or another evidence-based curriculum used for those with a history of trauma?

\*Use certified peers when appropriate.

\*Be both accepting and hold participants accountable.

\*Are there alternatives to AA/NA that can be used in your area?

\*Consider a change of perspective from what is wrong with the participant to what happened to the participant.

\*Understand that the majority of your communication is through body movements and tone of voice, not actual words.

\*Smile.

For the domestic relations setting:

- \*Recognize if there is a history of domestic violence and provide safe waiting areas, and deputies available.

- \*Avoid shaming either party, and again recall that your primary communication is through body movements and tone of voice.

- \*Transparency is important and repeating how a case will progress and what the parties can expect procedurally may alleviate undue anxiety.

For the victim and/or witness:

- \*See Ms. Freeman's paper, attached.

- \*Require all to be respectful, use a proper name to address the witness, allow a victim to enter the room without having to physically pass close by the defendant.

- \*Keep antagonistic counsel a reasonable distance from the witness.



**To: Judge Kathlene Gosselin**

### **A few words on trauma**

- Trauma is the residue of a horrific event(s) in which the individual experienced overwhelming powerlessness to protect self or others. Such events trigger the brain to “adapt” to crisis. Those adaptations cause problems when the individual is in a safe, predictable, and “normal” environment. Some of these adaptations are:
  - Hypervigilance (primed to respond to threat)
  - Changes in information processing – Sensory and emotional information becomes the most important information to attend to in a crisis. Logical and time sequenced information is less important and, in fact, can slow down reaction time. Therefore, people who are in a state of trauma are less likely to attend to and remember logical (who, what, when, where) information or time oriented information. They are more likely to attend to and remember emotional and sensory information. Such information is often difficult to verbalize, thus making it difficult for victims to create a narrative of events.
  - Poor judge of danger – People who’ve experienced chronic danger become accustomed to intense emotional and sensory warning signs. Their “fight or flight” responses are basically running in the background constantly, like white noise. Survival becomes the brain’s most automatic function. These individuals are less likely to recognize internal “red flags” when in dangerous situations the way other people would. In fact, when they are in environments that are safe and predictable, the brain is still functioning in survival mode and thus, the individual is in a state of suspense...waiting for the “hidden” danger. They often find peaceful, predictable and safe environments to be unnerving.

### **Effective strategies for interacting with traumatized individuals in a courtroom**

1. Realize that certain behaviors are an adaptive (even if seemingly bizarre) response to the traumatized brain. Substance use, staying in the presence of a dangerous partner, avoiding or resisting intervention, recanting, etc.
  - a. Validate the need beneath the behavior.
  - b. Someone who is resistant to intervention may not feel understood or fears the consequences of upending their lives.
  - c. Someone who stays in dangerous environments may have logistical reasons (that make sense to them) or have experienced a bond with an abuser that other people trivialize.
  - d. People who practice self-harm and addictive behaviors are managing deep psychic pain.
2. Provide safety in a way that’s recognizable by the individual.
  - a. Maintain transparency in the court process.



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- b. Communicate consistently and on the level of the individual. Take the initiative to ask if there are questions or needs that the individual is not vocalizing.
  - c. Avoid overemphasizing power differentials.
  - o Give them choices whenever possible. Build in opportunities for choices, if possible. Giving an individual a simple choice, such as between a Coke or bottle of water, requires the use of the part of the brain that overrides panic. This is a great trick to get people to snap out of a minor dissociative episode.
3. Learn about and promote understanding of the science of trauma whenever appropriate. Don't let commonly misunderstood trauma phenomena undermine the credibility of a victim.
  - a. Keep in mind that memory and recall behaves differently in the traumatized brain.
  - b. Adverse experiences in childhood (complex trauma during brain development) can affect one's ability to recognize abuse, verbalize their story, cooperate with intervention efforts, and advocate for their own benefit.
  - c. Tonic immobility can explain why someone does not resist a sexual assault.
  - d. Dissociation can explain why someone remembers bits and pieces or nothing at all.
  - e. The part of the brain that sequences events and remembers logical information is impaired when a traumatic event is encoded. This means that structuring a narrative of a traumatic event can take time and is like putting a puzzle together. Nobody constructs a puzzle from left to right and top to bottom correctly the first time. There will be changes in details and sequences as a product of trauma.
  - f. The part of the brain that processes sensation and emotion is heightened during a traumatic event. This means that in a courtroom, certain sensations (a brush on the arm) or emotions (feeling powerless) can cause flashbacks, panic attacks, or a complete shut-down in response to anxiety.
4. Recognize shame based language.
  - a. Instead of "Why did you get in the car with him?", ask, "What was going through your mind when you got in the car?"
  - b. Instead of referring to someone as "the witness", refer to them by their name.
  - c. Instead of asking, "Why do you do drugs?", ask, "What caused the pain that you are masking with drugs?"
5. Buy in to community collaboration.
  - a. Mental health professionals can advise on working with difficult individuals who are behaving from a place of trauma.
  - b. Advocates in the courtroom can provide a sense of stability and support for victims.
  - c. Therapists can provide self-calming strategies and education about anxiety before a court proceeding.
  - d. Provide supportive feedback and give resources for therapy and advocacy after a case is completed.