

Note 2: Understanding Trauma

The criminal justice system process has often been reported as traumatic for victims, with some describing it as more distressing than the crime itself. There have also been instances in which victims have felt safe and engaged, which provided an opportunity for post-traumatic growth.

What is trauma?

The term 'trauma' is used variably within the health sector. Physical health professionals often use it to refer to physical injury, while mental health professionals use it to refer both to an event and to psychological injury arising from an event.

In this guide, 'trauma' refers both to potentially traumatic events and possible responses, recognising that:

- An event that is traumatic for one person may not be traumatic for another; and
- Responses to traumatic events vary from mild symptoms that resolve in a short period of time, to severe symptoms that can lead to a mental health diagnosis.

Traumatic events:

- Traumatic events are emotionally overwhelming situations that involve exposure to actual or threatened death, serious injury or sexual violation, where a person's physiologically innate fight-flight-freeze responses are activated.

Reactions to traumatic events:

- Reactions arising from a traumatic event are sometimes called traumatic stress.
- Reactions can vary considerably ranging from mild to severe to debilitating.
- Reactions can be grouped into three categories, and people will generally experience responses from all three categories:



Reactions can be influenced by

Pre-event factors including prior exposure to traumatic events and mental health problems.

Event-related factors around the nature and severity of exposure including the interpersonal nature of the event (i.e. if it was caused by another person, particularly a trusted person), the extent of the threat and suffering, and whether the traumatic events were repeated and prolonged.

Traumatic events include

Serious accidents

Physical assaults

War

Natural disasters

Sexual assault or abuse

Witnessing traumatic events occurring to another person

Learning that a friend or family member has died suddenly, such as by accident or assault, was involved in a life-threatening event, or was seriously injured

Note 2: Understanding Trauma

Repeated traumatic events

People who have experienced repeated traumatic events are often the most vulnerable, have the most complex needs and experience the most significant barriers to effective participation in legal processes, particularly if they have experienced early childhood abuse.

Acute Stress Disorder and PTSD

If reactions to a traumatic event persist, a person may develop Acute Stress Disorder, Post-traumatic Stress Disorder ('PTSD') or another mental health condition associated with traumatic stress.

Mental health conditions include anxiety, affective and substance use disorders which might present alone or together with Acute Stress Disorder or PTSD.

Reminders of traumatic events

Victims can be adversely affected by reminders of traumatic events in court, such as:

- Retelling the story of the traumatic event;
- People standing close to them;
- People in authority who are standing up and questioning them;
- Being isolated in a room;
- Seeing people in authority whispering or having side conversations.

Trauma and participation in the criminal justice process

Witnesses and victims who have been exposed to traumatic events can face barriers to effective participation in legal processes. Examples include:

- **Difficulties discussing or recounting the traumatic event/s** in detail when giving witness statements, evidence and victim impact statements;
- **Impaired recollection** of events due to factors such as fragmented memory and arousal that interferes with encoding and recollection of memory;
- **Historical and/or cultural experiences** of unjust outcomes with police and the legal system;
- **Fear of going to court** and seeing the accused and/or people associated with the accused;
- **Fear of possible credibility issues** if they are unable to present a coherent narrative of events and/or advocate for themselves;
- **Mental health issues**, substance use, self-harm or other risk issues and/or social, economic or other disadvantages;
- **Fear of being blamed** by the community, family members and/or legal professionals;
- **Negative perceptions of their capacity** to cope and others' capacity to help them;
- **Lack of support and access** to and/or engagement with support services;
- **Feeling unable to perform** in court at critical moments due to symptoms of post-traumatic stress such as flashbacks and dissociation;
- **Lack of trust** in, and sense of safety around, authority figures in the legal system.

Key considerations

A judicial officer who is aware of these barriers can reduce the potential for the court experience to re-traumatise a victim by assisting victims and witnesses to understand their role in the proceedings and manage their expectations of the legal system.

Trauma-informed judicial officers are:

- **Informed** about the nature of trauma and its impact on participation in legal processes;
- **Able to manage the impact** of trauma on participation in legal processes to improve outcomes for courts and

victims through identifying responses to trauma and assisting, to the greatest extent possible, with the navigation of difficult processes and events;

- **Equipped to actively manage their own wellbeing** and alert to the impact of vicarious trauma.

These guidance notes focus on what can be done by judicial officers and court staff to limit the potential for the court experience to re-traumatise a victim of crime and, where possible, to enhance engagement and opportunities for post-traumatic growth without compromising the integrity of the criminal justice system.

Note 2: Understanding Trauma

Vicarious trauma

Vicarious trauma is a common term that refers to changes that can occur because of repeated exposure to, and empathic engagement with, traumatised people and traumatic material. Vicarious trauma is not a diagnosable condition but can be a precursor to the development of diagnosable conditions including PTSD.

Judicial officers, lawyers and other professionals working in and around the criminal justice system can experience vicarious trauma through:

- **Interactions with distressed court participants** including victims, witnesses and defendants;
- **Exposure to distressing material** such as witness accounts of traumatic events, photographs and audio-visual evidence.

A person's vulnerability to vicarious trauma varies depending on their individual characteristics and circumstances. Effects are often short-term, lasting a couple of days, but can persist for months or years.

Some effects of vicarious trauma may parallel the reactions of traumatised people. The effects of vicarious trauma are also cumulative.



Common effects of vicarious trauma

Immediate responses

- Feelings of compassion;
- Feelings of horror and/or helplessness;
- Imagining yourself or someone close to you in the same situation.

Short-term effects

- Physical symptoms of anxiety, such as a racing heart;
- Difficulty sleeping and nightmares;
- Feelings of disgust and/or horror;
- Low mood, irritability and/or anger;
- Concentration and memory problems;
- Intrusive images of case material.

Long-term effects

- Feelings of burnout linked to cumulative stress, such as physical and mental exhaustion, a lack of motivation, work-related dissatisfaction, a sense of hopelessness, cynicism and inefficiency;
- Traumatic stress responses, such as symptoms of depression or PTSD like feeling wound up, feeling hopeless and/or experiencing nightmares and intrusive thoughts about cases;
- Changes in beliefs about self and the world, particularly a person's sense of control, safety and trust in other people.

Key resources for judicial officers:

- **Judicial Officers Assistance Program:** A free, confidential counselling service provided by psychologists exclusively for judicial officers. Call 1300 326 941
- **Judicial Wellbeing Resources:** The Judicial College of Victoria and the County Court of Victoria have compiled national and international resources for judicial officers on stress, mental health and wellbeing and support services.