



Accessible Court Participation with a Brain Injury

Brain Injury is often over-represented and under-identified in the courts and criminal justice system. Research shows brain injury in as much as 60% of adult offender populations, and of those individuals identified, many also experience homelessness, substance use, mental health, complications, and domestic violence. Through education and awareness, we hope to reduce risk of recidivism and negative long-term outcomes while increasing receptivity to treatment.

WHAT IS A BRAIN INJURY?

An acquired brain injury (ABI) occurs when the brain is injured after birth, often resulting in changes to how a person thinks, acts, and feels. Non-traumatic brain injury is caused by changes occurring inside of the body such as a stroke or an overdose. Traumatic Brain Injury (or TBI) is the result of forces outside the body - a bump, jolt, or blow to the head. Because of changes to how the brain communicates with the rest of the body, certain tasks may be more challenging after injury. Repetitive training and strategies to compensate or adapt for change in function can form new brain pathways, assisting with rehabilitation.



MOVEMENT - FUNCTION

- challenges with fatigue, pain, sleep
- overstimulation
- paralysis or weakness, disrupting movement or speech
- changes in senses (vision, hearing, touch, etc.)
- seizures could disrupt access to transportation



THINKING - PROCESSING

- trouble remembering events or appointments
- difficulty learning new information
- inattention & lack of initiation
- hard time multi-tasking or with steps of a task together
- impaired safety awareness, impulsivity, problem-solving & decision-making



FEELINGS - BEHAVIOR

- difficulty with regulation (emotions or actions)
- re-learning social skills or disruption in appropriateness
- irritability or restlessness
- personality changes
- lethargy or slowness
- psychological conditions (depression, anxiety, etc.)

Any qualified person with a disability in court proceedings, including attorneys, litigants, defendants, probationers, witnesses, jurors, and public observers of court services may request reasonable accommodation by contacting the local Disability Access Coordinator or Clerk of Court's Office. See below for possible accommodation suggestions.

LISTEN



- Ability to access recordings of proceedings
- Assistance preparing written documents in advance
- Appointment of counsel

AWARENESS



- Adjust proceeding time/schedule to a certain time of day (related to medical needs, alertness, medications, fatigue)
- Present information in a different manner (i.e. written or recorded format, real-time transcription, sound amplifier)
- Eliminate distractions - clear, reduce, or reposition (noise, lights, movement, patterns, etc.)

PATIENCE



- More frequent breaks (every 30-50 minutes)
- Have the court and witnesses talk slowly or write things down
- Repeat information using different wording or a different approach
- Allow time for comprehension and for response (5-10 seconds)

SIMPLICITY



- Large print, captioning, adjust contrast, lighting, or have recorded on audio tape
- Provide assistance filling out necessary paperwork
- Have written materials read out loud - speaking slowly and distinctly
- Present information in a clear, concise, concrete and simple manner
- Present tasks in a step-by-step manner (let perform each step after explanation)

ENGAGEMENT



- Change interaction procedures with witnesses and court staff (i.e. avoid aggressive cross-examination, shorter questions, use of electronics or communication aids)
- Have support person sit at counsel table, help organize, or take notes
- Adjust seating (i.e. sitting closer, back to the wall, limit individuals)
- Allow videotaped testimony or use of video conferencing (virtual hearing)

