

South Dakota

Emerging research indicates a link between trauma and substance abuse. In the criminal justice system, courts sometimes operate with a lack of understanding of this link. As a result, the courtroom experience often unintentionally serves as a venue to retraumatize defendants. Drug Courts (treatment courts) are afforded the opportunity to adjust operations based on the information surrounding the link between trauma and substance abuse. Ultimately, this adjustment has the potential to increase positive outcomes for the drug court and the participants they serve.

Judge Patricia Riepel has presided over 2nd Circuit Drug Court, located in Sioux Falls, SD, since its inception in 2010. An ongoing theme with the court has been a desire to apply emerging research to operations to better serve the participants. Gender specific dockets are one area emerging as a practice in treatment courts, and the court recently changed their docket to reflect this. Weekly court sessions are now divided by gender, with men and women appearing at separate times. Once the Team made the decision to divide the docket, an implementation plan was developed. It started with the Judge explaining the rationale behind separating the docket to the participants. The Judge explained the Team wanted the participants to feel safe and supported during court hearings and gave participants a chance to voice concerns. A schedule of hearing dates was provided to all the participants to ensure they understood when they were to attend court.

The 2nd Circuit Drug Court is now several months into the gender-specific docket. The court continues to support the change and offers several anecdotal observations. They notice an increase in participant attention during hearings and a decrease in noise and general “scuttle” by the participants within the gallery. The interaction between the judge and the participants appears more meaningful, as the participants appear to be more willing to share information they previously would not have been comfortable sharing. The participants, although skeptical at first, have adapted to the docket, which, in a brief period, has become the norm. Judge Riepel reports she notices a positive difference in her interactions with the participants, stating, “I wish I had started this a long time ago.”

The 2nd Circuit Drug Court has a goal to minimize secondary trauma and maximize positive outcomes by applying emerging information on the role of trauma as it pertains to substance use disorders. For some time now, treatment courts have been striving to incorporate trauma-informed policies into their operations. For the 2nd Circuit Drug Court, this previously included positioning participants to face the gallery as opposed to having their backs to the audience, offering treatment assessments and programming to address trauma, and ending some practices which served to retraumatize clients, such as participants reading a narrative in open court recounting their drug use. By applying trauma-informed practices, they hope to provide an atmosphere where participants feel safe when addressing the court.