

Summaries

Justitiële verkenningen (Judicial explorations) is published four times a year by the Research and Data Centre of the Dutch Ministry of Justice and Security in cooperation with Boom juridisch. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 1, 2025) is *Trauma and the criminal justice chain*.

Essential and urgent: trauma-informed practices in the criminal justice system

Maarten Kunst

This contribution is about trauma-informed working in the criminal justice chain. This is a way of problem-oriented working that is characterized by the awareness that many people experience traumatic events in their lives that can have lasting consequences. It is based on the premise that knowledge of traumatization and the ability to respond adequately to trauma can prevent retraumatization and other unwelcome outcomes. The adoption of this approach by the criminal justice chain is urgently needed, because traumatization among victims, perpetrators and staff often occurs and has great relevance for the criminal proceedings. For example, whether a victim is traumatized can influence the sentencing decision. Numerous measures will have to be taken per chain organization, per organizational layer and per organizational location in order to work in a trauma-informed manner. Before this can start, it will first be necessary to investigate for which parts of the criminal justice chain and the criminal process and for which target group(s) improvements are necessary.

Perpetration and moral injury in the current criminal justice system

Tine Molendijk and Marjan Helmich

What happens to a perpetrator's moral compass in detention? And with what implications? This article examines perpetration within the criminal justice system through the lens of 'moral injury'. This trauma concept refers to the psychosocial impact of moral transgressions, thus shedding light on ethical and relational dimensions of perpetration. Viewed through the lens of moral injury, emotions such as guilt

and shame are considered potentially appropriate responses to the harm caused, rather than irrational symptoms, and thus possibly functional in the recovery process. However, the current structure of criminal justice and detention hinders the experience and processing of feelings of guilt and shame, thereby impeding recovery. This is particularly evident in the case of women convicted of infanticide (the killing of their own child) and admitted to a penitentiary psychiatric centre. This underscores the importance of trauma-informed justice practices, where moral complexity is acknowledged, for genuine recovery of perpetrators, victims, and society.

From kitchen table to courtroom. Preventing secondary victimization and re-traumatization of sexual violence victims in the criminal justice system

Pauline Aarten, Iva Bicanic, Marijke Brouwer and Carlo Contino

Sexual violence often impacts victims, undermining their sense of safety, trust and communion. The criminal justice system, with its focus on evidence and legal procedures, can expose victims to secondary victimization and re-traumatization, which can influence their willingness to report and participate in the legal process. In this article, the authors discuss the meaning and impact of secondary victimization and re-traumatization in victims of sexual violence within criminal law. Furthermore, they explore the possibilities of a trauma-informed approach in criminal law. A trauma-informed legal system recognizes that victims of sexual violence often already suffer significant psychological damage and acknowledges the societal importance of a holistic approach that takes into account the impact of trauma on victims and their participation in the criminal justice process. Such an approach also strengthens the effectiveness of criminal law in detecting, prosecuting and standardizing sexual violence and contributes to a more just and safe society.

A trauma-informed approach in cases of domestic violence: acknowledging violence is the key

Ariane Hendriks and Marscha Mansvelt

This article explores the complex and often problematic interaction between the criminal and family law systems for victims of domestic violence via a case study. The case study illustrates how the systems often fall short in an effective response to domestic violence, leading

to secondary victimization and a lack of recognition of the trauma experienced by victims and their children. The article argues for a trauma-informed approach in both systems, where recognition of the violence and trauma is central. This could reduce the negative experiences of victims and contribute to their recovery.

The role of trauma-related emotions in legal decision-making

Janne van Doorn and Joyce Schot

This article delves into the role that emotions – as an expression of trauma – of victims, defendants, and legal professionals can play in legal decisions. Research indicates that the emotions of victims, suspects, and professionals themselves can influence professionals' judgments and decision-making. This is problematic, as various stereotypical ideas about the appropriateness and sincerity of these emotions exist, which do not correspond to the actual emotional experience. Moreover, there is still limited attention for skills such as emotion regulation and emotional intelligence among legal professionals, which could foster well-considered and trauma-informed decisions by enhancing the understanding of others' and one's own emotions. Legal professionals, victims, and defendants benefit from a legal system that takes posttraumatic emotions into account.