

Forensic Social Work: An Introduction

S.W. 530 – Section 76918

**Thursdays 12:40 – 3.25
Spring 2004**

Rm. 206 Henson Hall

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Snow Policy

Class will be canceled only if the University is closed because of inclement weather. Use your own judgment concerning class attendance. Assignments due on a snow day will be due the following class session.

Methods to Attain Objectives

The primary learning format will be lectures, classroom exercises, and activities, which involve **all students as active learners**. Class lectures and exercises are based on the understanding that readings assigned for that topic have been completed prior to class.

Readings

All readings for this course are listed in the bibliography below and are available from the Online Reserve at UT Hodges Library. In addition to assigned articles, students are encouraged to read from recommended selections and independently from the professional journals.

Assignments and Evaluation

Attendance and Active Participation	20%
Paper	50%
Final	30%
	100%

Paper

In this paper you are to research an area of forensic social work of interest to you. This is an

opportunity to develop specialized knowledge about a particular area of forensic social work. Topics might include, but are not limited to any of the topics covered in the syllabus. If you have questions about the paper or wish to discuss possible topics, please email one of the instructors.

Students are **required** to submit via email a 1 page prospectus describing and outlining your proposed paper. This is due by class time on **February 5th**.

Criteria for evaluation of the papers will include clarity, organization, synthesis of material, and overall mastery of content. Organization of your paper can enhance your grade. Papers need a beginning, middle, and an end. Introduce your topic and outline what will be covered in the paper. Use subheadings to direct the reader in the body of the paper. Summarize your conclusions at the end.

The paper must be typed and references (12 minimum) must be in APA format. The length should be 12 -20 pages and it must be submitted electronically (via email) no later than class time on April 22nd.

Course Outline - * Required readings - ** Recommended readings - * Resource readings**

January 15, 2004

1. Introduction and Overview

Definition

Purpose, Function, Roles

Social work and judicial proceedings and outcomes

Legal arena

Relevant Policies

Terms and concepts

**Barker, R.L. & Branson, D.M. (1993). *Forensic social work: Legal aspects of professional practice*. New York: The Hawthorne Press.

*Miller, J.G. (1995). Criminal Justice: Social work roles. In R. L. Edwards (Ed.-in-Chief), *Encyclopedia of Social Work* (19th ed., pp. 653-659). Washington, DC: NASW Press.

January 22, 2004

2. Ethical and value issues

Confidentiality

Interface between law and social work

*Saltzman, A. and Furman, D.M. (1999). Law in Social Work Practice. Chicago: Nelson-Hall. Chapter 1.

**Mason, M.A. (1991). The McMartin case revisited: The conflict between social work and criminal justice. *Social Work*, 36(5).

*Regehr, C., & Antle, B. (1997). Coercive influences: Informed consent in court-mandated social work practice. *Social Work*, 42, pp. 300- 301.

*Roberts, A.R. & Brownwell, P. (1999). A century of forensic social work: Bridging the present. *Social Work*, 44, 359-369.

*Rule 1-1.6 Tennessee Rules of Professional Conduct [2003 Edition]

*Rule 1-1.7 Tennessee Rules of Professional Conduct [2003 Edition]

*Rule 1-1.9 Tennessee Rules of Professional Conduct [2003 Edition]

*Rule 5-5.3, Tennessee Rules of Professional Conduct [2003 Edition]

January 29, 2004

3. Theories and models of offender causation

(risk and resiliency)

**Clinard, M. B., & Meier, R. F. (1995). *Sociology of deviant behavior*, (9th ed.). Fort Worth, TX: Harcourt Brace Jovanovich.

*Mark Cunningham, Ph.D., Capital Mitigation: Investigation and Testimony, presented at the Tennessee Association of Criminal Defense Lawyers, "Normal People Don't Commit First Degree Murder" seminar, April 2003. (These materials were prepared and presented in the context of a death penalty seminar as a mitigation topic. They contain a very informative review of Department of Justice study materials regarding "risk factors" and "offender causation" information).

*Samenow, Stanton E. - The Basic Myths about Criminals (Chapter 2). - Inside the Criminal Mind (1984).

**Samenow, Stanton E. - To Change a Criminal (Chapter 13). - Inside the Criminal Mind (1984).

**Williams III, F.P. & McShane, M.D. (1998). *Criminology theory: Selected classic readings* (2nd ed.). Cincinnati, OH: Anderson.

February 5, 2004

4. Forensic Social Workers in Public Defender Offices

(Special guest lecturer)

Treatment roles

Defense team roles

Community practice roles

*Cait Clarke, Problem-Solving Defender in the Community: Expanding the Conceptual and Institutional Boundaries of Providing Counsel to the Poor, *The Georgetown Journal of Legal Ethics*, Vol. XIV, No. 2, Winter 2001.

Patrick Berrigan & Mary Hudson Goody, Obtaining Records, Follow-up, and Case Organization, presented at the National Legal Aid and Defender Association's, Life in the Balance VIII seminar, March 1996. - **Class handout.

*Mark Stephens J.D., Mining for the Nuggets of Mitigation: Risk Factors for Crime, Before the Prospecting Begins...presented at the Tennessee Association of Criminal Defense Lawyers, "Normal People Don't Commit First Degree Murder" seminar, April 2003.

*Mary Hoban -

**Pierce, C.T., Gleason-Wynn, P. and Miller, M.G. (2001). Social Work and Law: A Model for Implementing Social Services in a Law Office. *Journal of Gerontological Social Work*. 34(3), 61-70.

February 12, 2004

5. Criminal Responsibility

Competency

Insanity

Diminished capacity

*Mark Cunningham, Ph.D., Moral Culpability vs. Responsibility: Explaining the Difference, presented at the Tennessee Association of Criminal Defense Lawyers, "Normal People Don't Commit First Degree Murder" seminar, April 2003. -**Class handout.**

*David Keefe, Competency to Stand Trial, in *The Fight For Life*, a bulletin from the Capital Division of the Tennessee District Public Defenders Conference, Issue 5.

*Robert D. Miller, M.D., Ph.D., Criminal Competence, in *Forensic Evaluation and Treatment in the Criminal Justice System*, a manual. (this article is used by mental health professionals at Middle Tennessee Mental Health Institute, an institution where defendant's are ordered to undergo court ordered mental health evaluations).

*Tennessee Code Annotated §§ 39-11-501 [Insanity]; and, 33-7-301 [Evaluation of Accused Believed to be Incompetent to Stand Trial-Judicial Hospitalizations].

**David Raybin, Tennessee Criminal Practice and Procedure §§ 28.40 [Insanity]; 14.1 [Competency]; and 28.42 [Diminished Capacity].

*Mark Ward, Tennessee Criminal Trial Practice, §§ 23.10 [Insanity]; 23.11 [Diminished Capacity]; and, 14.17 [Competency to Stand Trial]

February 19, 2004

6. Relevant syndromes and mental health issues (create a diagram related to mitigation) ASP -

Personality disorders

Depressive disorders

Psychotic disorders

PTSD

Sexual abuse

Drugs and alcohol

Battered women syndrome

Rape trauma syndrome

Neurological impairment

***Human Rights Watch Study 2003 - Ill-Equipped: U.S. Prisons and Offenders with Mental Illness** (<http://www.hrw.org/reports/2003/usa1003/>)

*Lovell, D. & Jemelka, R. (1998). Coping with mental illness in prisons. *Family and Community Health*, 21(3), 54-66.

*Marlowe, D.B. (2001). Coercive Treatment of Substance Abusing Criminal Offenders. Journal of Forensic Psychology Practice. 1(1), 65-73.

*RachBeisel, J., Scott, J. & Dixson, L. (1999). Co-Occuring Severe Mental Illness and Substance Abuse Disorders: A Review of Recent Research. *Psychiatric Services*, Vol. 50, 1427-1434.

*Schnapp, W.B. and Cannedy, R. (1998). "Offenders with Mental Illness: Mental Health and Criminal Justice Best Practices". *Administration and Policy in Mental Health*. 25(4), 463-466.

**Teplin, L.A., Abram, K.M. & McClelland, G.M. (1997). Mentally disordered women in jail: Who receives services? *American Journal of Public Health*, 87(4), 604-609.

*Lizabeth Roemer & Leslie Lebowitz, Understanding Severe Traumatization, Vol. 20, No. 1, Kentucky DPA's The Advocate, pg. 7, January 1989.

*Donald Dutton, Witnessing Parental Violence as a Traumatic Experience Shaping the Abusive Personality, in CHILDREN EXPOSED TO DOMESTIC VIOLENCE, at 59-84, (Haworth Press, Inc., 2000).

*Wayland, Katherine - Mental Health Issues

*Freedman, David - Predictions of Future Dangerousness

**Mark Cunningham, Ph.D., Jeannie Sternberg, J.D., & Kathleen Wayland, Ph.D., Psychologist, A Closer Look at Anti-Social Personality Disorder, presented at the National Legal Aid and Defender Association's, Life in the Balance IX seminar, March 1997.

**Mark Cunningham, Ph.D., & Kathleen Wayland, Ph.D., Psychologist, Understanding and Explaining Psychological Trauma, presented at the National Legal Aid and Defender Association's, Life in the Balance IX seminar, March 1997.

*Douglas D. Ruth M.D., Post-Traumatic Stress Disorder (PTSD) in the Forensic Setting

March 4, 2004

7. Assessment: interviewing and record collection

Biopsychosocial

Genograms

Identifying, collecting, and assimilating

Identifying experts and interacting with

Culture and diversity

Psychological testing

Report preparation

Alternative sentencing

*Keefe, David - Mental Health Issues and the Defense of Capital Case

*Converse, K. (2003). Social History Investigations. National Legal Aid and Defenders Association – Life in the Balance – March 15-18, 2003. Austin, Texas.

**Madden, R.G. and Parody, M. (1997). Between a legal rock and a practice hard place: Legal issues in “recovered memory” cases. *Clinical Social Work Journal*, 25, 223-247.

*Niland, J. (2003). IQ, Psychological and Personality Tests: What They Mean & When to Use Them. National Legal Aid and Defenders Association – Life in the Balance – March 15-18, 2003. Austin, Texas.

*Robert Weimer, Fundamentals of Biopsychosocial Evaluation in Forensic Cases, Vol. 18, No.6, Kentucky’s DPA’s, The Advocate, pg. 11, November 1996.

*Frank H. Einstein, Document Checklist for Mitigation Analysis, presented at the National Legal Aid and Defender’s Life in the Balance X, March 1993.

**Dale Watson, Ph.D., & Kathy Wayland, Ph.D., Neuropsychological and Other Testing, presented at the National Legal Aid and Defender

March 11, 2004 – Spring Break!

March 18, 2004

8. Mitigation

Theme development and implementation

Cultural and environmental factors

Identifying theories that reduce culpability

Report preparation

* Stetler, Russell - Why capital cases require mitigation specialists.

*Keefe, David - Growing Need For Early and Comprehensive Competency Investigations - Fight for Life - Issue 6.

*Miller, Jill - Expanding the Spheres of Mitigation Evidence - Fight for Life - Issue 7.

**A collection of materials by Jill Miller, MSW, Lee Norton, Ph.D., and Kathy Wayland, Ph.D., presented at Life in the Balance VIII, St. Louis, MO, March 1996.

**Frank H. Einstein, Document Checklist for Mitigation Analysis, presented at the National Legal Aid and Defender's Life in the Balance X, March 1993.

*Katy C. O'Donnell J.D., Presenting Mitigation Evidence in the Guilt Phase, presented at the National Legal Aid and Defender's Life in the Balance.VIII, March 1996.

*Craig Haney, The Social Context of Capital Murder: Social Histories and the Logic of Mitigation. 35 Santa Clara L. Rev.547 (1995)

*Mark Cunningham, Ph.D., Future Dangerousness, presented at the National Legal Aid and Defender Associations - Life in the Balance.

*Andrews, A.B. (1991). Social work expert testimony regarding mitigation in capital sentencing proceedings. *Social Work*, 36(5).

*Guin, Noble, and Merrill – From Misery to Mission: Forensic social workers on multidisciplinary mitigation teams

*Madden and Wayne – Social work and the law: A therapeutic jurisprudence perspective.

March 25, 2004

9. Class Exercise

April 1, 2004

10. Testifying - Consider Moot Court Day where social workers have to testify

Preparing the expert –

Direct and cross

Report preparation

***Barsky, A.E. and Gould, S.W. (2002). Clinicians In Court: A Guide to Subpoenas, Depositions, Testifying and Everything Else You Need to Know. New York: Guilford Press.

*Gothard, S. (1989a). Power in the court: The social worker as an expert witness. *Social Work*, 34, 65.

*Saltzman, A. and Furman, D.M. (1999). Law in Social Work Practice. Chicago: Nelson-Hall. Chapters 2 and 3

*Jodie English, Presenting Effects of Psychological Trauma to the Jury, presented at the National Legal Aid and Defender Association's, Life in the Balance XII seminar, March 2000.

April 8, 2004

11. Clinical models - Pre and post adjudication

Understanding individual, familial, and community dynamics

Substance abuse

Mental illness

*Cait Clarke, Problem-Solving Defender in the Community: Expanding the Conceptual and Institutional Boundaries of Providing Counsel to the Poor, *The Georgetown Journal of Legal Ethics*, Vol. XIV, No. 2, Winter 2001.
[See: week 4]

**Jenkins, L.A. (1995). Pre-trial diversion strategies for drug involved offenders: Focus on social work involvement. *Journal of Offender Rehabilitation*, 22, 129-140

*Lamb, R.H., Weinberger, L.E., & Gross, B.H. (1999). Community Treatment of Severely Mentally Ill Offenders Under the Jurisdiction of the Criminal Justice System: A Review. *Psychiatric Services*, Vol. 50, 907 - 913.

**Lindhorst, D.M. (1999). Treatment of Forensic Patients: An Expanding Role for Public Psychiatric Hospitals. *Health and Social Work*. 24(1), 18-27.

*Rosekes, E., Feldman, R., Arrington, S., & Leisher, M. (1999). A Model Program for the treatment of Mentally Ill Offenders in the Community. *Community Mental Health Journal*, Vol. 35, 461-472.

*Steadman, H.J., Morris, S.M. & Dennis, D.L. (1995). The diversion of mentally ill persons from jails to community-based services: A profile of programs. *American Journal of Public Health*, 85(12), 1630-1635.

*Talbot, Margaret - The Executioner's I.Q. Test - *The New York Times Magazine* - June 29, 2003.
(<http://web.utk.edu/~dap/exiqtest.txt>)

April 15, 2004

12. Interventions and venues

Mental health courts

Drug courts

Jail and Prisons

Programs and problems

Community Law office – Final meeting of class at the Comm. Law office

April 22, 2004

13. Review and Integration

April 29, 2004

14. Final Available Online until May 4, 2004

Bibliography

Alexander, R. (1997a). Social workers and privileged communication in the federal legal system. *Social Work, 42*, 313-408.

Alexander, R. (1993). The legal ability of social workers after DeShaney. *Social Work, 38*(1).

Alexander, R. (1995). Social workers and immunity from civil lawsuits. *Social Work, 40*, 648-654.

Alexander, R. (1989). The right to treatment in mental and correctional institutions. *Social Work, 34*, 109.

Alexander, R. (1993). The legal liability of social workers after DeShaney. *Social Work, 38*, 64-68.

Andrews, A.B. (1991). Social work expert testimony regarding mitigation in capital sentencing proceedings. *Social Work, 36*(5).

Arrigo, B.A. (2001). Reviewing Graduate Training Models in Forensic Psychology: Implications for Practice. *Journal of Forensic Psychology Practice, 1*(1), 9-31.

Barker, R.L. & Branson, D.M. (1993). *Forensic social work: Legal aspects of professional practice*. New York: The Hawthorne Press.

Barsky, A.E. and Gould, S.W. (2002). Clinicians In Court: A Guide to Subpoenas, Depositions, Testifying and Everything Else You Need to Know. New York: Guilford Press.

Barton, W. H. (1995). Juvenile corrections. In R.L. Edwards (Ed.-in-Chief), *Encyclopedia of Social Work*. (19th ed., pp. 1563-1577). Washington D.C.: NASW Press.

Barton, W. H. (1997). Resisting limits on discretion: Implementation issues of juvenile guidelines. *Criminal Justice Policy Review*, 8, 169-200.

Behroozi, C. S. (1992). A model for social work with involuntary applicants in groups. *Social Work with Groups*, 13, 223-237.

Berger, S.H. (1997). *Principles and Practice of Forensic Psychiatry: A Practical Guide*. New York: W.W. Norton.

Brieland, D. & Lemmon, J.A. (Eds.). (1985). *Social work and the law*. Los Angeles: West Publishing Company.

Burman, S., & Allen-Meaures, P. (1994). Neglected victims of murder: Children's witness to parental homicides. *Social Work*, 39(1).

Clinard, M. B., & Meier, R. F. (1995). *Sociology of deviant behavior*, (9th ed.). Fort Worth, TX: Harcourt Brace Jovanovich.

Criminal Justice Accommodation Services: A Review and Consultation Paper. Retrieved September 24, 2003 from <http://www.scotland.gov.uk/consultations/justice/cjar-15.asp>

Criminal Justice Distance Learning Consortium. (1999). The definite guide to criminal justice and criminology on the World Wide Web. [Online]. Available at <http://talkjustice.com>. Upper Saddle River, NJ: Prentice Hall.

Currie, E. (1998). *Crime and punishment in America: Why the solutions to America's most stubborn social crisis have not worked - and what will*. New York: Metropolitan Books.

Draine, J., Salzer, M.S., Culhane, D.P., Hadley, T.R. (2002). "Role of Social Disadvantage in Crime, Joblessness, and Homelessness Among Persons with Serious Mental Illness." *Psychiatric Services*, 33(5), 565-573.

Ezell, M. (1995). Juvenile and family courts. In R.L. Edwards (Ed.-in-Chief), *Encyclopedia of social work* (19th ed., pp. 1553-1562). Washington DC: NASW Press.

Fraser, M.W. (1997). *Risk and resilience in childhood: An ecological perspective*. Washington, DC: NASW Press.

Gothard, S. (1989a). Power in the court: The social worker as an expert witness. *Social Work*, 34, 65.

Gothard, S. (1989). Rules of testimony and evidence for social workers. *Journal of Independent Social Work*, 3(3).

Hall, G.C.N. (1995). Sexual offender recidivism revisited: A meta-analysis of recent treatment studies. *Journal of Consulting and Clinical Psychology*, 63, 802-808.

- Hawkins, J.D. (Ed.) (1996). *Delinquency and crime: Current theories*. New York: Cambridge University Press.
- Henggeler, S.W. , Schoenwald, S.K., Borduin, C.M., Rowland, M.D., & Cunningham, P.B. (1998). *Multisystemic treatment of antisocial behavior in children and adolescents*. New York: Guilford.
- Howell, J.C., Krisberg, B., Hawkins, J.D., & Wilson, J.J. (1995). *Serious, violent, and chronic juvenile offenders: A sourcebook*. Thousand Oaks, CA: Sage.
- Howing, P.T., & Wodarski, J.S. (1992). Legal requisites for social workers in child abuse and neglect situations. *Social Work*, 37(4).
- Hutchinson, E.D. (1993). Mandatory reporting laws: Child protective case finding gone awry? *Social Work*, 38(1).
- Hutchinson, E.D. Use of authority in direct social work practice with mandated clients. *Social Work Review*, 61, 580-597.
- Huxtable, M. (1994). Child protection: With liberty and justice for all. *Social Work*, 39(1).
- Ivanoff, A., Blythe, B.J. & Tripodi, T. (1994). *Involuntary Clients in Social Work Practice: A Research-Based Approach*. New York: Aldine De Gruyter.
- Jenkins, L.A. (1995). Pre-trial diversion strategies for drug involved offenders: Focus on social work involvement. *Journal of Offender Rehabilitation*, 22, 129-140.
- Johnson, P. and Cahn, K. (1995). Improving child welfare practice through improvements in attorney-social worker relationships. *Child Welfare*, 74, 383-394.
- Kazdin, A.E. (1995). *Conduct disorders in childhood and adolescence* (2nd ed.). Thousand Oakes: Sage.
- Lamb, R.H., Weinberger, L.E., & Gross, B.H. (1999). Community Treatment of Severely Mentally Ill Offenders Under the Jurisdiction of the Criminal Justice System: A Review. *Psychiatric Services*, Vol. 50, 907 - 913.
- Leonard, K.K., Pope, C.E., & Feyerherm, W. (Eds.). (1995). *Minorities in juvenile justice*. Thousand Oaks, CA: Sage.
- Levy, P.A. (1991). *Social work roles in law reform litigation*. *Social Work*, 36(5).
- Lie, G. & Inman, A. (1991). The use of anatomical dolls as assessment and evidentiary tools. *Social Work*, 36(5).
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successful interventions. Thousand Oaks, CA: Sage.

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Madden, R.G. and Parody, M. (1997). Between a legal rock and a practice hard place: Legal issues in “recovered memory” cases. *Clinical Social Work Journal*, 25, 223-247.

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Marlowe, D.B. (2001). Coercive Treatment of Substance Abusing Criminal Offenders. *Journal of Forensic Psychology Practice*. 1(1), 65-73.

Mason, M.A. (1991). The McMartin case revisited: The conflict between social work and criminal justice. *Social Work*, 36(5).

McCord, J., & Tremblay, R.E. (Eds.). (1992). *Preventing antisocial behavior: Interventions from birth through adolescence*. New York: Guilford.

McNeece, C.A. & Roberts, A.R. (Eds.). (1997). *Policy and Practice in the Justice System*. Chicago: Nelson-Hall. (Recommended - six chapters of this book are required reading).

Melton, G.B., Petrila, J., Poythress, N.G. & Slobogin, C. (1997). *Psychological evaluations for courts: A handbook for mental health professionals and lawyers*. (2nd ed.). New York: Guilford.

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Mitchell, E.W. (1999). Does psychiatric disorder affect the likelihood of violent offending? A review and critique of the major findings. *Medicine, Science and the Law*, 39(1), pp. 23-30. Available at <http://www.critpsynet.freeuk.com/pscdis.htm>

Muraskin, R. & Roberts, A.R. (1999). *Visions for Change: Crime and Justice in the 21st Century*. Englewood Cliffs, NJ: Prentice Hall, 2nd edition.

O’Hare, T. (1997). Court-ordered versus voluntary clients: Problem differences and readiness for change. *Social Work*, 42, 417- 422.

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Pepper, B. & Hendrickson, E. (1996, March). Working with seriously mentally ill substance abusers. In A.J. Lurigio (Ed.), *Community corrections in America: New directions and sounder investments for persons with mental illness and disorders* (Chapter 5, pp. 77-93). (Available from the National Institute of Corrections Information Center. 800-877-1461).

- Perlin, M.L. (2001). Hidden Agendas and Ripple Effects: Implications of Four Recent Supreme Court Decisions for Forensic Mental Health Professionals. Journal of Forensic Psychology Practice. 1(1), 33-64.
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- Quam, J.K. (1995b). Sophonisba Preston Breckinridge (1866-1948). In R.L. Edwards, J.G. Hopps and others (Eds.). *Encyclopedia of Social Work*, Nineteenth Edition, (pp. 2575 - 2576). Washington DC: NASW Press.
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- Rooney, R.H. (1992). *Strategies for Work with Involuntary Clients*. New York: Columbia University Press.
- Rose, S.M., Peabody, C.G., & Stratigias, B. (1991). Responding to hidden abuse: A role for social work in reforming mental health systems. *Social Work*, 36(5).
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and other macro aggressions. New York: New York University Press.

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Szasz, T. (1998). *Cruel Compassion: Psychiatric Control of Society's Unwanted*. New York: John Wiley and Sons.

Teplin, L.A., Abram, K.M. & McClelland, G.M. (1997). Mentally disordered women in jail: Who receives services? *American Journal of Public Health*, 87(4), 604-609.

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Ucko, L.G. (1991). Who's afraid of the big bad wolf? *Social Work*, 36(5).

Umbreit, M.S. (1993). Crime victims and offenders in mediation: An emerging area of social work practice. *Social Work*, 38(1).

Van Soest, D. & Bryant, S. (1995). Violence reconceptualized for social work: The urban dilemma. *Social Work, 40*(4).

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