

**UNIVERSITY OF TENNESSEE
COLLEGE OF SOCIAL WORK**

**SW530 - Seminar in Clinical Social Work:
Forensic Social Work – An Introduction**
Course Outline
Spring 2007

S.W. 530 – Section 02
Thursdays 3:35-6:35pm
Rm. 317 College of Nursing Building

Instructors:

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** (All questions about the course and assignments should be directed to Dr. Theriot)

The contents of this course outline are subject to change until the first day of class.

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%
Midterm Test	20%
Paper and Presentation	30%
<u>Final</u>	<u>30%</u>
	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 1, 2007.

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) to Dr. Theriot no later than class time on April 19, 2007. Students will present a five-minute synopsis of the critical points of their paper related to a particular domain of forensic social work.

Course Outline

* Required readings -** Recommended readings - *** Resource readings

All readings are subject to change until the first day of class.

January 11, 2007

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 18, 2007

2. Overview (continued)

Forensic Social Work Panel Presentation

*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.

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

January 25, 2007

3. Theories and models of offender causation

*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).

* Levitt, S. (2004) Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six that Do Not, Journal of Economic Perspectives, 18 (1), 163-190. Available on the Online@UT course site under "Documents".

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

February 1, 2007

4. Roles and Functions of Attorneys and Forensic Social Workers

Treatment roles

Defense team roles

Community practice roles

*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.

*Haney, C. The Social Context of Capital Murder: Social Histories and the Logic of Mitigation. Santa Clare Law Review

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

*Mary Hoban article

**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. Prof. Stephens will provide them.

**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 8, 2007

5. Assessment: Interviewing and record collection

Biopsychosocial

Genograms

Identifying, collecting, and assimilating

Identifying experts and interacting with

Culture and diversity

Report preparation

Alternative sentencing

Pridemore, W. A. (2004). Review of the literature on risk and protective factors of offending among Native Americans.

Langstrom, N. (2004). Accuracy of actuarial procedures for assessment of sexual offender recidivism risk may vary across ethnicity.

McCluskey, C. P., & Tovar, S. (2003). Family processes and delinquency: The consistency of relationships by ethnicity and gender.

Sacks, J. Y. (2004). Women with co-occurring substance use and mental disorders (COD) in the criminal justice system: A research review.

*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.

*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.

February 15, 2007

6. Criminal Responsibility

Competency

Insanity

Diminished capacity

Forensic Evaluation - Case Examples

*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. Prof. Stephens will confirm.

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

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

*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]

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

February 22, 2007

7. Relevant syndromes and differential diagnoses.

ASP -Personality disorders

Depressive disorders

Psychotic disorders

PTSD

Sexual abuse

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.

*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.

*Hartwell, S. (2001). Female mentally ill offenders and their community reintegration needs: An initial examination.

*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).

*Freedman, David - Predictions of Future Dangerousness

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

**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.

March 1, 2007

8. Psychological Testing – Guest Speaker
Drug and Alcohol Use, Abuse, and Dependence

Midterm Test Review

*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.

*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.

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

March 8, 2007 (Midterm Due by Start of Class)

9. Mitigation

Theme development and implementation

Cultural and environmental factors

Identifying theories that reduce culpability

Report preparation

*Feather, N. T., & Souter, J. (2002). Reactions to mandatory sentences in relation to the ethnic identity and criminal history of the offender.

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

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

**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)

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

March 15, 2007—SPRING BREAK

March 22, 2007

10. Ethical and Value Issues

Confidentiality

Interface between law and social work

Scenarios and discussion

*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]

March 29, 2007

11. Testifying -

Preparing the expert –

Report preparation

Presenting mitigation

Case Example Video

Break-out Preparation for Class Exercise

*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]

*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.

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

April 5, 2007

12. Class Exercise

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

***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.

April 12, 2007

13. Interventions and venues
Mental health courts
Drug courts (Guest Speaker)

*Hodge, J. Q., & Anderson, K. M. (2005). What do social workers need to know about mental health courts? *Social Work and Mental Health*, 4(2), 17-30

*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.

*Roskes, 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.

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

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

April 19, 2007 PAPER DUE!!

14. Presentations

April 26, 2007 (Final Class)

15. Review and Integration
Community Law office – Final meeting of class at the Comm. Law office

**** Final available online until noon on May 3, 2007 ****

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.
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- 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.
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- 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-Meares, 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.
- Mark Cunningham, Ph.D., Future Dangerousness, presented at the National Legal Aid and Defender Associations - Life in the Balance.
- 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.
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- Feather, N. T., & Souter, J. (2002). Reactions to mandatory sentences in relation to the ethnic identity and criminal history of the offender. *Law and Human Behavior*, 26(4), 417-438.
- 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.
- Hartwell, S. (2001). Female mentally ill offenders and their community reintegration needs: An initial examination. *International Journal of Law and Psychiatry*, 24, 1-11.
- 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).
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- 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.

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- Lie, G. & Inman, A. (1991). The use of anatomical dolls as assessment and evidentiary tools. *Social Work*, 36(5).
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- Lovell, D. & Jemelka, R. (1998). Coping with mental illness in prisons. *Family and Community Health*, 21(3), 54-66.
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- McCord, J., & Tremblay, R.E. (Eds.). (1992). *Preventing antisocial behavior: Interventions from birth through adolescence*. New York: Guilford.
- McCluskey, C. P., & Tovar, S. (2003). Family processes and delinquency: The consistency of relationships by ethnicity and gender. *Journal of Ethnicity and Criminal Justice*, 1(1), 37-61.
- McNeece, C.A. & Roberts, A.R. (Eds.). (1997). *Policy and Practice in the Justice System*. Chicago: Nelson-Hall.
- 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.
- 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.
- 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.

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.

Oates, R.K. (1993). Three do's and three don'ts for expert witnesses. *Child Abuse and Neglect: The International Journal*, 17, 111-172.

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 codisorders* (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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- Roskes, E. and Feldman, R. (1999). "A Collaborative Community Based Treatment Program for Offenders with Mental Illness". *Psychiatric Services*, 30(12), 1614-1619.
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