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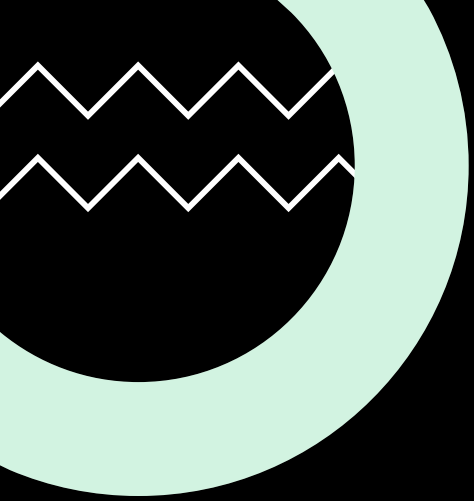
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Disproportionate Representation

- Mental Illness
- Co-occurring disorders “dual diagnosis”
- Developmental Disabilities

- Addressing this requires systemic change (this is not on you).





State-Wide Resources

Funding

- TAM Medicaid- virtually all clients qualify if court-ordered to treatment/on probation with MH/SUD assessment and treatment conditions. Good for one year regardless of income change.
- UHPP [Utah Health Policy Project](#)


Mental Health

- United Way 211 [United Way 211 - Home \(211utah.org\)](#) (not an easy website to navigate, phone call is helpful)
- Map- behavioral health resources by county [Location Map | DSAMH \(utah.gov\)](#)

Substance Use Disorders and Co-Occurring Disorders

- TAM Medicaid Approved Providers [Table XVII Targeted Adult Medicaid \(TAM\) Agencies \(utah.gov\)](#)
- Residential programs may not be available in your area, but TAM is accepted statewide.
- Only co-occurring disorders eligible for residential (“inpatient”) Substance Use Disorder Treatment (rehab). Virtually NO residential programs for MH only...back to the ER.

Division of Services for People with Disabilities (DPSD)

- Apply online- [Intake Process | Services for People with Disabilities \(utah.gov\)](#)
 - Will need school or private records that indicate IQ score (before 18). Often performed by school psychologists for Special Education eligibility and development of IEP. GRAMA DCFS or JJS records.
- 



SPMI/SMI

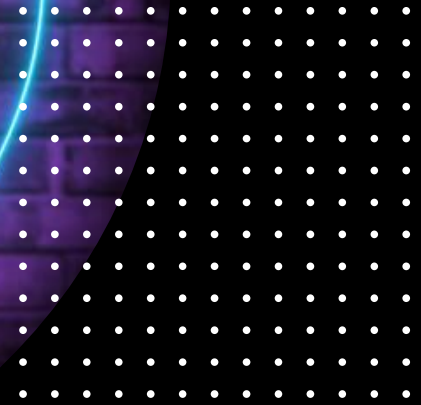
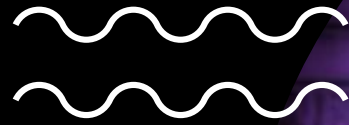
Clients with mental illness, co-occurring disorders, and/or intellectual disability can present as...

- delusional
- paranoid
- guarded
- sleep deprived
- risk-taking
- irritable
- withdrawn
- not anchored in reality

... ALL REALLY DIFFICULT TO MENTAL STATES TO DEAL WITH. These clients can be unlikeable and hard to be around. "Is this guy a jerk or is he mentally ill?" Uh....yes.

“Big 4”
[criminogenic]
risk factors

& personality
traits



Knife Fight!

Most of your difficult clients, aren't *actually* mentally ill

Best personal interest vs. Best legal interest

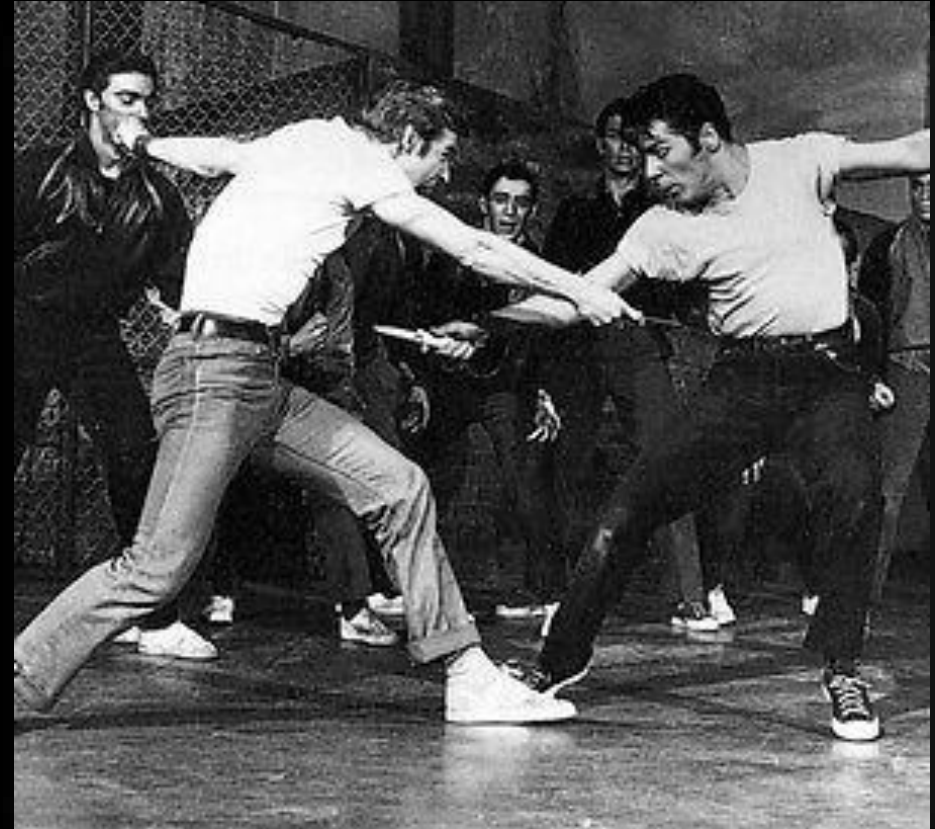
- Emotional content/ realities
- Counterintuitive behavior may be your lack of grasping

Interaction patterns (Interpersonal Psychotherapy)

- Entrenched ways of managing people/ situations (personality disorders/ issues)

Maybe they just don't get it, yet

- Gravity/ "givens" of their current situation
- Adaptive denial (normative to grief)





MOTIVATIONAL INTERVIEWING (MI)





What is MI?

- “A person-centered communication method of fostering change by helping a person explore and resolve ambivalence”
- Effective use of **relationship**
 - Evidence-based
 - Researched application in healthcare, mental health, education, human services, **and criminal justice**



MI is particularly helpful in situations when



Ambivalence is high

When people are stuck in mixed feelings about change



Confidence is low

When people doubt their ability to change



Desire is low

When people are uncertain about whether they want to make a change



Importance is low

When the benefits of change and the disadvantages of the current situation are unclear



YOU MAY BE THINKING...

- But I'm not here to help them change, I'm here to resolve their case
- **Psychologically speaking,**
 - The “change” process occurs whenever we are confronted with major decisions (including case resolution)
 - All the more applicable when being forced to accept ugly options
- Thus, like it or not, **you are here to shepherd them through a change process**





The “spirit” of MI

PARTNERSHIP

- Collaborative (You are the legal expert; they are the expert of their life)

EVOCATIVE

- Draws out the client’s values, priorities, and reasons for change/acceptance

ACCEPTANCE OF AUTONOMY

- The options are the options, but the client gets to choose

COMPASSION

- Meet the client where they are, leave judgement at the door

Often comes naturally,
until...





THE RIGHTING - REFLEX

Assumption: If you have the **right** information,
you will make the “**right**” choice...

- “You’re wrong, and I’ll tell you why”

Reality: Knowing does NOT equal doing.

MI is about making the client **want** your guidance



- Get yourself to **curious!**
- **Roll** with resistance
(acknowledge and move forward)



Transtheoretical Model of Change



Precontemplation

- No change because no problem

Contemplation

- Aware of problem, action is needed, balancing pros/cons

Preparation

- Plan of action, concrete, SMART

Action

- Behavioral steps (meeting w/counsel, plea, PSI, post-release arrangements)

Maintenance/Termination

- Post release stuff



RULEs of MI



Resist the Righting Reflex

- **Don't** “right”
- **Do** roll with resistance

Understand the client: motivation & world

- Avoid the question-answer trap (by reflecting)
- Avoid the premature-focus trap (more reflecting)

Listen empathically

- Asking questions is not listening
- Also, this is basically constant reflection!

Empower with facts

- Reflect their own motives/ values



● The MI 1-2 Punch!

Listen

Minimal encouragers

- “That must have been hard?”
- “Tell me more”
- “Sounds like that guys was a real @^\$ hat?”

Reflect!

- Say what they said, but in your words
 - Resistance (rolling with resistance)
 - Change Talk (amplify!)

Ask

Be skillful about questions

- Open, closed, focused, etc.
- Never ask more than 1 closed question in a row
 - Reflect
- Be curious about the whole person

Agenda setting (let the client do it!)

- “How would you like to resolve this?”
- “I think it would be helpful to review discovery today, is that okay?”



Change talk (DARN)

Desire

- What a client wants
- “wish” “want” “like”

Ability

- A client's capacity
- “can” “could” “able”

Reason

- Why change
- Stories and life events

Need

- Imperatives
- “must” “got” “need”



Empower with Facts

Informing <1/3 of interaction

1. Keep the Righting Reflex in check
2. Provide clear, concise information
3. Elicit responses from the client
4. Ask for **permission** before giving advice **AND**, root your advice in their **DARN**
5. If client regresses, **retreat** to asking and listening



● Moving Through Change

“STAGES” OF CHANGE

- Precontemplation
- Contemplation
- Preparation
- Action
- Maintenance/ Termination

Translation

- No
- Maybe
- Planning
- Action
- Integration

Build relationship; set expectations
Get to know your client (their goals)
Review discovery

Empower w/facts

- Avoid Premature Focus trap
- Avoid Question-Answer trap

Connect to services



“the heavy”

Let everyone and everything else be it!

Things that suck and are bad news for clients

- Discovery, prosecutor, jail...
- Probably their life before all this went down
- More stuff that isn't on this list

Your role: how to not be “the heavy”

1. Provide compassionate listening

- Early jail meeting goes a loooong way
- Quality not quantity (15 min)

2. Set expectations

- What you will/ won't do
- What constraints “the heavy” has placed on their options

3. Psychological jujutsu

- Use their own motives to support your legal advice





Signs of Regression

You are making all the arguments “for”

- E.g., Repeating yourself a lot

Client is making all the arguments “against”

Drop the rope



How to drop the rope

Remember the 1-2 punch?!

Listening Skills

- Reflect, reflect, reflect
“I hear your frustration and I share it!”
- Let the facts be the heavy
“I like your idea, but discovery ...”

Skillful Question

- Place problem-solving back on them
“It sounds like you understand your situation, so how do you want to proceed?”

I don't know, you're the attorney!

(aka: I'm trapped and overwhelmed, and I want you to do any amount of work to make this go away)





Modifications to MI

- Intellectual disability
 - Age-appropriate explanation
- Active psychosis
 - File competency
 - Reach out to jail MH staff
- Delusional beliefs
 - File competency IF delusions directly impact case
 - Otherwise: roll with delusions

Some places to study more!

- <https://positivepsychology.com/motivational-interviewing/>
- <https://motivationalinterviewing.org/understanding-motivational-interviewing>
- <https://www.racgp.org.au/afp/2012/september/motivational-interviewing-techniques/>

