Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Breaking Barriers

Patient Workbook

Courtroom Knowledge and Understanding

Optimal Symptom Management

Relaxation and Coping Skills

Effective Communication
(with attorneys and others in the courtroom)

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Courtroom Knowledge and Understanding

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# Lesson 1: What Is "Incompetent To Proceed?"

You may find the term *Incompetent to Proceed* confusing. The words have nothing to do with whether you are able to hold a job or take care of your money. The word “incompetent” is used in the courtroom when the judge determines it would deprive a defendant of due process to continue the legal process due to the defendant’s active symptoms of mental illness that interfere with the defendant’s ability to get a fair trial.

"Incompetent to proceed" means that the judge saw evidence that you have symptoms of a mental illness that made it so that you were:

1. Not able to logically understand or participate in the court proceedings, and/or
2. Could not work with your attorney to defend yourself against the accusations in the charges.

You will not go back to court to face your charges until a judge says that you are competent.

In United States, the right to a fair trial is guaranteed by the Constitution and includes not being prosecuted if the court determines that the symptoms of your mental condition impairs your ability to understand the proceedings and/or impairs your ability to help in your defense. If you cannot have a fair trial because you have a mental illness that contributes to an unrealistic view of your charges or the court proceedings, it violates your due process rights.

This issue has been decided by the Supreme Court. The Supreme Court says that you must have "sufficient present ability to consult with your lawyer with a reasonable degree of rational understanding" to have a fair trial. If there is evidence presented to the court that you don’t have this "ability" then the judge’s responsibility is to pause the court proceedings or trial and you are determined to be "incompetent to proceed."

The judge is the person who finds you competent or incompetent to proceed with your court case after considering information about:

1. How you are doing psychiatrically;
2. How you are working with your attorney; and
3. How rationally you are thinking about the legal system and charges.

**In Summary**,

1. You are**incompetent to proceed** if:
	1. You are currently unable to understand something important that you need to know to defend yourself in court;
	2. You are not able to work with your attorney; and/or
	3. You cannot think, speak, or understand rationally about your court case.
2. You have the right to a fair trial and therefore you must be competent to proceed to trial in order for your right for due process to be upheld.
3. Only the judge can find you competent or incompetent.

Self-Test for Lesson 1

Fill in the blank or pick from the multiple-choice options.

**Question 1**: What is Incompetent to Proceed?

**Question 2:**  Incompetent to Stand Trial means (choose one):

1. Your constitutional rights are violated
2. Your lawyer got together with the Prosecuting Attorney to make a deal to get you out of jail
3. You don’t understand what you need to understand to defend yourself in court or cannot think, speak, or understand rationally.

**Question 3:**  You can go to trial on the charges (Choose one):

1. Whenever you want
2. Never
3. After being found competent by the evaluator
4. After being found competent by the judge

Answers to Self-Test for Lesson 1

**Question 1**: You are incompetent to proceed if:

1. You can’t understand something important you need to understand about your legal case to defend yourself in court or
2. If you are not able to work with your attorney, or
3. You cannot think, speak, or understand your court case rationally.

**Question 2:** Incompetent to Stand Trial means (**answer is bolded**):

1. Your constitutional rights are violated
2. Your lawyer got together with the Prosecuting Attorney to make a deal to get you out of jail
3. **You don’t understand what you need to understand to defend yourself in court or cannot think, speak, or understand rationally**.

**Question 3:**  You can go to trial on the charges (**answer is bolded**):

1. Whenever you want
2. Never
3. After being found competent by the forensic examiner
4. **After being found competent by the judge**

Lesson 2: Appreciate the Possible Penalties

To be competent, you must realistically consider the possible penalties if you are found guilty. If you deny that there are penalties, or if you deny that there are charges, you are not competent.

**Self-Test for Lesson 2**

**Question 1:**  What is the least severe sentence if you are found guilty?

**Question 2:** What is the maximum sentence if you are found guilty?

**Answers:**  It depends on how serious the charge is against you.

**Felony:**

Washington divides its crimes into several general categories of misdemeanors and felonies.

**Class C Felonies:** Punishable by up to 5 years in prison and/or $10,000 in fines.

**Class B Felonies:** Punishable by up to 10 years in prison and/or $20,000 in fines.

**Class A Felonies:** Punishable by up to life imprisonment and/or $50,000 in fines.

**Misdemeanors:**

**Misdemeanor:** Any offense which is punishable by not more than 90 days in jail and/or fines of $1,000.

**Gross Misdemeanors:** Any offense, which is not considered a misdemeanor or felony, is punishable by more than 90 days and less than 1 year in jail and/or fines up to $5,000.

Lesson 3: Understanding Roles, Where People Sit

You can’t be competent in baseball if you don’t know the difference between a pitcher and a catcher. You can’t be competent in court if you don’t know the difference between a defense attorney and a prosecutor.

This lesson will concentrate on "who does what" and what some words mean.

Keep in mind that each courtroom is set up a little different, but the courtroom below will give you a head start on understanding how your courtroom is arranged and where people will be sitting.

Self-Test for Lesson 3:

Below is a drawing of a courtroom. On this drawing, show or write:

1. Where does the judge sit?

2. Where does the jury sit?

3. Where will you sit?

4. Where will your lawyer sit?

5. Where willthe prosecutor sit?

6. Where willthe witness sit to testify?

7. Where do the people watching the trial sit?

8. Where does the court clerk sit in the last courtroom you were in?Answers to Self-Test for Lesson 3:

1. Where does the judge sit?

The judge sits at front of the courtroom behind the big table/box.

2. Where does the jury sit?

The jury sits to the side of the courtroom where the 12 chairs/boxes are.

3. Where will you sit?

You will sit at one of the tables in the courtroom.

4. Where will your lawyer sit?

Your defense attorney will sit next to you at your table.

5. Where willthe prosecutor sit?

The prosecutor will sit at the table next to yours.

6. Where willthe witness sit to testify?

The witness will sit in the chair next to the judge.

7. Where do the people watching the trial sit?

The spectators or people watching will sit in the back of the courtroom.

8. Where does the court clerk sit?

The clerk sits near the judge at the front of the courtroom, to assist the judge during trial.

Front of the Courtroom

Back of the Courtroom

Lesson 4: Understanding Roles, What People Do

Here are some jobs that people have:

**Judge** ("Your Honor", “The Court”, “The Bench”) - The “boss” or “referee” of the court. The judge:

* Rules on the law (example: "That evidence is not admissible").
* Issues orders (example: "I order an evaluation for competency").
* Instructs the jury about the law.
* Sets dates for hearings and trials.
* Decides guilt or not guilt in a bench trial (if you choose not to have a jury trial).
* Decides on a penalty or sentence if you are found guilty.

**Lawyer** (attorney, counselor) - A person with a law degree who knows about the law and courtroom rules and how to argue a case in court.

**Defender**  (“defense lawyer,” “defense attorney,” could be a “public defender” aka, "PD")

* A lawyer on your side
* In the case of a Public Defender, hired to defend you at no cost
* Is to advocate for your stated interests
* Is to try to get you off easy
* Is to get you a light penalty if you are found guilty

**Prosecutor** (“prosecuting attorney,” “prosecuting lawyer”, “D.A.,” “state’s attorney”)

* A lawyer against you
* Is paid to prosecute you
* Is to prove that you are guilty
* Is to get you get a hard or heavy penalty if you are found guilty
* Represents the victim’s interests

**Witness** - A person who may know something about the allegations in your case. A witness will testify from the witness stand, answering questions asked by both lawyers.

**Expert Witness** - A person who is accepted by the court as an expert about a particular subject. For example, psychiatrists and psychologists testifying are considered expert witnesses, to talk about certain aspects of your case.

**Bailiff** *-* An employee of the court who keeps order and announces events.

**Clerk** *-* An employee of the court who acts as a secretary for the judge and keeps track of what’s going on, schedules work, and so forth.

**Recorder** (court reporter) - A person who makes a word for word record (a transcript) of every word stated in court.

**Jury**  -A group of people (6 or 12 persons) who sit in the court room, hear the testimony and evidence, and make a decision if you are "guilty" or "not guilty." All have to agree. If they cannot agree, it’s called a hung jury and a mistrial is declared.

Here are some words that you might hear in court and what they mean:

**Court** (courtroom) - Place where the hearings and trials happen.

**Trial**  - An occasion when the prosecutor attempts to convince a judge or jury that you are guilty beyond a reasonable doubt. Reasonable doubt means that the information being presented by the prosecution must be proven to the extent that there could be no “reasonable doubt” in the mind of a “reasonable person” that the defendant is guilty. There can still be a doubt, but only to the extent that it would *not* affect a reasonable person's belief regarding whether or not the defendant is guilty. Here is a sample direction given to jurors regarding reasonable doubt, “**A reasonable doubt is one for which a reason exists and may arise from the evidence or lack of evidence. It is such a doubt as would exist in the mind of a reasonable person after fully, fairly, and carefully considering all of the evidence or lack of evidence.”**

**Hearing**  - An occasion when a judge officially hears testimony and the lawyers' arguments about issues in the case.

Self-Test for Lesson 4

**Question 1:** What does the judge do during the trial?

**Question 2:** What does the jury do?

**Question 3:** What will the prosecutor do?

**Question 4:** What do the witnesses do?

**Question 5:** What do people watching the trial do?

**Question 6:**  What will your lawyer do?

Multiple Choice (Circle One)

1. A place where the hearings and trials happen:
	1. the hospital
	2. the judge
	3. the court (courtroom)
2. A person who knows a lot about laws and courtroom rules and how to argue a case in court:
	1. lawyer
	2. bailiff
	3. recorder
3. An employee of the court who keeps order and announces events:
	1. witness
	2. lawyer
	3. bailiff
4. A person who makes a word for word record called a transcript of everything official that goes on during a hearing or trial:
	1. recorder
	2. clerk
	3. lawyer
5. A lawyer who is hired to defend you:
	1. prosecuting attorney
	2. the D.A.s office
	3. public defender/private attorney
6. A person who may know something about what you did or didn’t do:
	1. lawyer
	2. witness
	3. bailiff
7. An employee of the court who acts as a secretary for the judge and keeps track of what is going on, schedules, and so forth:
	1. recorder
	2. bailiff
	3. clerk
8. A person whose testimony is accepted as evidence in the court:

1. secretary
2. judge
3. expert witness
4. A lawyer who is paid to prosecute you, to prove that you are guilty and get a hard or heavy penalty if you are guilty:
5. prosecutor
6. defense attorney
7. judge
8. An occasion when the judge officially hears witnesses testify and the lawyers arguments about the case:
9. trial
10. hearing

1. court

Answers to Self-Test for Lesson 4

**Question 1:** What does the judge do during the trial?

1. Decides about rules of law (example: "That evidence is not admissible").
2. Issues orders (example: "I order an evaluation for competency").
3. Instructs the jury about the law.
4. Sets dates for hearings and trials.
5. Decides guilt or innocence in a bench trial (if you choose not to have a jury trial).
6. Decides on penalty or sentence if you are found guilty (in most cases).

**Question 2:**  What does the jury do?

Finds the defendant guilty or not guilty

**Question 3:**  What will the prosecutor do?

Try to put you in jail, prison, and/or have you pay a big fine

**Question 4:** What do the witnesses do?

They answer questions about the case

**Question 5:** What do people watching the trial do?

They sit and watch the trial

**Question 6:** What will your lawyer do?

Defend you. Show the charges against you are not true.

Lesson 5: Understanding Court Procedure, Proceedings

There are several things you need to know about court proceedings:

1. You are accused of doing something that violates the law.
2. The prosecutor filed charges with the court based on information that makes the prosecutor reasonably believe that you engaged in unlawful conduct.
3. The "charge" is written on a piece of paper and states what law you are accused of breaking.
4. You are called a "defendant" when you are charged with a crime.
5. Your initial hearing where charges are read is called an arraignment.
6. If you plead "not guilty" at arraignment, the court will set a trial.
7. In a trial, the judge or jury decides if you committed the charged crime.
8. You have a criminal defense lawyer to help you. It is your lawyer’s job to advocate for your stated interests. If you choose to go to trial, (s)he tries to prove you are not guilty. If you decide to plead guilty, your lawyer can attempt to negotiate a favorable plea deal. If you are found guilty, your lawyer tries to get a light or easy penalty or sentence.
9. The state will be represented by a lawyer called a prosecutor. (S)he must prove that you are guilty, beyond a reasonable doubt, and that what you did deserves a punishment.
10. The prosecutor may askwitnesses to testify. The prosecutor will ask questions of witnesses to provide evidence that you committed the crime you are charged with. The defense attorney may or may not question those same witnesses.
11. The defense attorney may askwitnesses to testify. The defense attorney will ask questions of the witness. The prosecutor may ask those witnesses questions to try to prove you DID do the crime with which you are charged.
12. In a trial, the State has the "burden of proof." It is up to the prosecution to prove that you are guilty beyond a reasonable doubt. You don’t have to prove you are innocent. You are considered innocent unless the prosecutor proves that you are guilty beyond a reasonable doubt.
13. When you are found incompetent to proceed, this means that the trial process is put on hold, or paused in order to maintain your due process rights, and you may be sent to the state hospital or a Residential Treatment Facility for mental health and competency restoration treatment until the judge decides that you are competent.

Self-Test for Lesson 5

General Questions

**Question 1:** Finish this sentence:

When they say a man or woman is innocent until proven guilty…

Multiple Choice (choose as many as apply)

1. If you have been charged with a crime, this does NOT mean:
	1. you are considered innocent until shown guilty.
	2. the prosecutor wrote to the court stating what law you are accused of breaking.
	3. the judge may review information from witnesses if you go to trial.
	4. you have been found guilty.
2. To keep from being found guilty when charged with a crime, you could:
	1. the prosecutor wrote to the court stating what law you are accused of breaking.
	2. admit you did something wrong.
	3. go to court and defend yourself against the charges.
	4. do nothing.
3. Witnesses can be:
	1. called by the defense to show you didn’t break the law.
	2. called by the prosecutor to show you broke the law.
	3. asked questions by both defense and prosecution.
	4. asked questions only by the person who calls them to the witness stand to talk.
4. The State has the "burden of proof." This means:
	1. the defendant is innocent until proven guilty.
	2. the defendant has to prove his or her innocence.
	3. the defense attorney has to prove that the defendant is innocent.
5. In court it is:
	1. the "state" against the defendant.
	2. you against the judge.
	3. you against the witness.
6. If you are found incompetent to proceed, you may:
	1. be held in a mental hospital for life.
	2. receive mental health treatment that helps you to return to court.
	3. work with your attorney.
	4. leave whenever you want.
7. It is the job of the prosecutor:
	1. to present evidence that you are guilty.
	2. to present evidence that you are not guilty.
	3. to testify in court.
8. It is the job of the defense attorney:
	1. to present evidence that you are guilty.
	2. to present evidence that you are not guilty.
	3. to testify in court.
	4. To zealously advocate for your stated interests.
9. The person charged with a crime is the:
	1. defendant.
	2. prosecution.

* 1. witness.
1. If you have a trial, who decides whether you are not guilty or guilty?
	1. the jury, if you have trial by jury.
	2. the judge, if you have a bench trial.
	3. the witness.
	4. the prosecution.

Answers to Self-Test for Lesson 5

General Questions

**Question 1:** Finish the sentence: When they say a man or woman is innocent until proven guilty........

* The state has the burden of proof. You are innocent until the state proves that you are guilty.
* They have to show you did it. You are not guilty until the judge or the jury decides you are guilty.

Multiple Choice (**Answers are bolded**)

1. If you have been charged with a crime, this does NOT mean:
2. you are considered innocent until shown guilty.
3. the prosecutor wrote to the court stating what law you are accused of breaking.
4. the judge may review information from witnesses if you go to trial.
5. **you have been found guilty.**
6. To keep from being found guilty when charged with a crime, you could (select all that apply):
7. the prosecutor wrote to the court stating what law you are accused of breaking.
8. admit you did something wrong.
9. **go to court and defend yourself against the charges.**
10. **do nothing.**
11. Witnesses can be:
12. **called by the defense to show you didn’t break the law.**
13. **called by the prosecutor to show you broke the law.**
14. **asked questions by both defense and prosecution.**
15. asked questions only by the person who calls them to the witness stand to talk.
16. The State has the "burden of proof." This means:
17. **the defendant is innocent until proven guilty.**
18. the defendant has to prove his or her innocence.
19. the defense attorney has to prove that the defendant is innocent.
20. In court it is:
21. **the "state" against the defendant.**
22. you against the judge.
23. you against the witness.
24. If you are found incompetent to proceed, you may (select all that apply):
25. **be held in a mental hospital for life.**

1. **receive mental health treatment that helps you to return to court.**
2. **work with your attorney.**

1. leave whenever you want.
2. It is the job of the prosecutor:
3. **to present evidence that you are guilty.**
4. to present evidence that you are not guilty.

1. to testify in court.
2. It is the job of the defense attorney:
3. to present evidence that you are guilty.
4. to present evidence that your are not guilty.

1. to testify in court.
2. **To zealously advocate for your stated interests.**
3. The person charged with a crime is the:
	1. **defendant.**
	2. prosecution.

* 1. witness.
1. If you have a trial, who decides whether you are not guilty or guilty (select all that apply)?
2. **the jury, if you have trial by jury.**
3. **the judge, if you have a bench trial.**
4. the witness.
5. the prosecution.

# Lesson 6: Pleas and Plea Bargains

Know about some of the common pleas. You might have to enter a plea if you are Competent to Proceed or you may have entered a plea at the arraignment hearing because your competency was not raised as an issue prior to and during that hearing. Your lawyer’s job is to help you look at the possible outcomes of each plea, and help you decide which plea is best in your case. Below is a list of common pleas.

**Guilty**  – You admit that you **did** what you were accused of doing. If you plead guilty, you give up your right to a trial and the judge sentences you. Usually, you make this plea as part of a plea bargain, based on the advice of your attorney. You lose the ability to face your accuser in court. You lose your right to appeal (appeal is a review of a final decision on the ground that it was based upon an erroneous application of law).

**Alford Plea** – You proclaim you are innocent of the crime, but admit that the prosecution has enough evidence to prove that you are guilty beyond a reasonable doubt. In entering an Alford Plea, you essentially enter a plea of guilty, while maintaining a claim of innocence.

You enter an Alford Plea when you and your attorney have made the calculated decision to plead guilty because the evidence against you is so strong that it will likely lead to conviction. When you enter an Alford Plea, you accept all the consequences of a guilty plea; however, entering an Alford plea often results in a guilty plea of a lesser crime (i.e. second degree burglary rather than first).

The Alford Plea is basically a guilty plea. As such, it can be used as evidence in future cases, can be considered in sentencing for future convictions on other charges, and can count as a strike.

**Not Guilty** – You are saying that you **did not do** what you were accused of doing. If you plead not guilty there may be a trial to determine if you are guilty or not guilty based on evidence and witnesses.

**Not Guilty by Reason of Insanity" (NGI or NGRI)** – You are saying that you did do the act of which you are accused, you are not responsible for it because, at the time of the crime:

* + - 1. You suffered from a mental illness and
			2. You could not tell the difference from right or wrong because of your mental illness.

If you make this plea, you will have mental health evaluations and the evaluator(s) can testify in court about your mental condition. You will have to admit that the crime happened and you have to admit that you have a mental health disorder. If this plea is accepted by the Judge, you can be committed to the state hospital for treatment for up to the statutory maximum of the class of crime you were charged with. You will be expected to participate in long-term treatment aimed at assisting in stabilization of your mental health symptoms and understanding how to be healthy and safe in the community. A judge may ultimately authorize your release back to the community. Self-Test for Lesson 6

Match the Word with the Definition

|  |  |
| --- | --- |
| 1. "Not Guilty by Reason of Insanity” plea | a. You are saying you did not do what you are accused of doing. |
| 2. "Guilty" plea | b. You are saying you did not do what you are accused of, but admit there is enough evidence against you for a conviction. |
| 3. “Not Guilty” plea | c. You are saying, you did the act of which you are accused and you are not responsible for it because of mental illness. |

4. Alford plea d. You admit you did what you are being accused of doing and will be sentenced.

What do the following terms mean:

a. Not Guilty by Reason of Insanity (NGRI):

b. Not Guilty:

c. Guilty:

d. Alford

If you do not know the answers, read the definitions again.

Answers to Self-Test for Lesson 6

Match the Word with the Definition

|  |  |
| --- | --- |
| 1. "Not Guilty by Reason of Insanity” plea | **c.** You are saying, if you did the act of which you are accused, you are not responsible for it because of mental illness. |
| 2. "Guilty" plea | **d.** You admit you did what you are accused of doing and will be sentenced.  |
| 3. "Not Guilty" plea | **a.** You are saying you did not do what you are accused of doing.  |

4. Alford plea **b.** You are saying you did not do what you are accused of, but admit there is enough evidence against you for a conviction.

What do the following terms mean (see definitions above):

a. Not Guilty by reason of Insanity (NGI or NGRI):

b. Not Guilty:

c. Guilty:

d. Alford

Plea Bargains

1. What is a plea bargain?

Plea bargaining is when the defendant (through his or her lawyer) and the prosecutor agree to:

* A specific sentence by entering a guilty or Alford plea to the charged offense,
* A reduced offense by entering a guilty or Alford plea to a lesser charge, or
* If there are several charges, the defendant may plead guilty to only one or some of the charges, and the prosecutor agrees to dismiss or not charge other offenses.
* The judge makes the final ruling of your sentence. The prosecutor agreement may not be followed.

Some cases end with a plea bargain than with a trial. Remember that you have the right to a trial if you want it. You can discuss with your attorney your options for plea bargaining, going to trial, or entering some form of an alternative resolution such as drug court, mental health court, or any other options that may be available and relevant to your case.

1. Who has to agree to it?

To be binding, a plea bargain agreement has to be approved by each of the following:

* Defendant
* Prosecutor
* Judge: the judge does NOT have to follow the plea agreement.

Exactly what sentence you may be offered depends on your legal situation. Don’t forget that if you accept a plea bargain, this will be recorded as a conviction, and it will be in your criminal record (in some circumstances it is possible to vacate a conviction from the record).

1. How can a plea bargain help me?
* You may get a lighter sentence from a plea bargain than from a trial.
* Sometimes a plea bargain settles your legal proceedings more quickly than awaiting a trial.
* The sentence you receive may be equal to the time you have been in jail plus in the hospital as incompetent to stand trial.
1. What do I give up if I accept a plea agreement?
* You give up the right to a jury trial.
* You give up the right to confront your accusers.
* You give up the right to remain silent.
* You may have the same punishment and lose some of the same rights as if you had a trail and were convicted.
* You may choose to plead guilty even though you believe that you are truly not guilty because you have served all of the recommended jail time.
* A plea bargain requires you to enter a guilty or Alford plea (please speak with your attorney about an Alford plea). If you enter a guilty or Alford plea, you lose the right to appeal your conviction and sentence, even if you decide later that you could have gotten a better deal or done better in a trial.
1. Why does the prosecutor bargain?
* To finish a case where the defendant has already been in jail about as long, or longer, than they would get if found guilty in a trial.
* To get a defendant to testify against another defendant in the same or some other case.
* To get a conviction of a lesser offense if the evidence shows the defendant would not be convicted of the charged offense.
1. What are the types of plea bargains?
* Please discuss the plea bargain options that may be relevant to your case. The following are some plea bargain types that you could review with your attorney:
	+ Regular,
	+ Alford, and
	+ In re Barr.
1. What are the steps in a plea bargain?

The following is an example of one potential order of events. In your unique case, the order of the events may be different than this example:

1. You and your lawyer meet to discuss acceptable pleas.
2. The prosecutor and your lawyer meet to discuss about acceptable pleas available to you. Your lawyer is the one who negotiates for you with the prosecutor, but nothing is binding until you sign the plea agreement and the judge accepts the plea.
3. You review with your lawyer everything the prosecutor offers in the plea bargain.
4. If you think the prosecutor’s offer is good for you, you could tell your lawyer you will agree to it. If the offer is not good for you, could tell your lawyer you would like a better offer or else go to trial.
5. When you receive a plea bargain that looks okay, you and your lawyer need to carefully look at the written plea agreement before you sign it.
6. Talk to your lawyer about the plea before you agree to anything. If you have a good case and your lawyer thinks you have a real chance of winning, you might be better off standing trial.
7. After the judge accepts your plea bargain, be careful to do the things the bargain and the judge say you have to do. If you get probation, you may have to do things like go to outpatient mental health, wear an electronic ankle monitor, be at home except when at work or mental health treatment activities, not drink alcohol or use drugs, best tested for alcohol or drug use, go to your probation appointments, pay for your probation supervision, and not leave the county without permission from your probation officer. The judge may tell you to do other things, too. Probation officers from the Department of Corrections may order you to do things even though the judge does not order you to do them.

8. How can I get the best plea bargain possible?

* Consult with your attorney about deciding if the plea bargain is better for you than going to trial.

* By following your competency restoration treatment, you are likely to have a good chance of becoming psychiatrically stable and engage in rational thinking about your case.
* Pay attention in your competency restoration classes. The more you know about plea bargains, the more likely you will be able to speak with your attorney about plea bargains.
* Help your lawyer know as much about the alleged crime as possible so your lawyer can look for weaknesses in the case against you. Weaknesses can be things like the absence of evidence against you or witnesses who contradict each other.

9. If I plea bargain, what should I pay attention to?

* Pay attention to the consequences of all the options available to you considering the specifics of your case.
* The paper you are asked to sign is exactly what you agree to. Read the paper carefully or have someone you trust read it carefully, and talk to your attorney about what it means.
* Be sure you can live with the things that you are required to do or that will happen to you if you sign the agreement. If you don’t do everything you agree to do, the prosecutor can ask the judge to revoke the bargain or impose additional jail time.
* Whether you committed the crime or not, you DO NOT have to take a plea bargain. It is your choice. Only agree to a plea bargain and accept a plea bargain if you are sure this is in your best interest. Be sure to check with your attorney about the plea bargain before signing.
* A guilty plea or Alford plea at your arraignment or at your trial is not the same thing as a plea bargain. If you enter a guilty or Alford plea at an arraignment or at trial, the prosecutor can ask for any sentence the law allows, and your attorney will argue for a lesser sentence, and the judge will ultimately give you any sentence he or she decides is warranted in your case.

Lesson 7: Court Procedure and Outcomes

There are several possible outcomes to your court case. Some are penalties, which are ways that the state or other jurisdictions can punish you. Others are not punishment or penalties, but are ways of forcing you to get treatment or do something else. Below is a list of some outcomes:

**Dismissed** – The prosecutor or judge decides there is not enough evidence or other problem with the case and drops the charges. You are finished with the criminal charges and will be released from jail.

**Acquittal** – You have a trial and are found not guilty. You are finished with the criminal charges and may be free to go.

**Fine**  – An amount of money that you have to pay to the court. There could also be court costs.

**Sentence**  – A length of time that you would have to spend in jail or prison.

**Concurrent** – If you have been convicted of more than one charge, the Judge can decide to have you serve the sentence for each charge **at the same time.**

**Consecutive** – If you have been convicted of more than one charge, the Judge can decide to have you serve the sentence for each charge **one after the other.**

**Probation**  – In addition to jail or prison, the Judge orders that you do some things and do not do others. If put on probation, you may be required to report to a probation officer on a regular basis, take urine or blood tests, and possibly pay fines or restitution. You may be ordered to stay in the area. You cannot commit crimes, use alcohol or non-prescribed drugs, or possess weapons. You may be ordered to go to a hospital or clinic for treatment while on probation. If you do not follow the probation orders of the Judge, you can be sent to jail or prison.

**Hospital Commitment (NGRI)** – You go to mental health treatment, probably in a hospital, until you are psychiatrically well and can live in the community in a safe and effective way without being a public safety risk. This commitment is usually set to the term of the sentence for the crime. However, you can be released fully or with conditions placed on you before the term of the sentence of the crime. In order to be released, your mental illness will need to be stable and you will need to demonstrate that you are not dangerous to yourself or a public safety risk.

**Plead Guilty** – If you enter a guilty or Alford plea to a charge, the prosecutor agrees to recommend a specific penalty. The prosecutor may or may not drop other charges. You, the prosecutor, and the judge must agree.

Self-Test for Lesson 7

Multiple Choice (Circle One)

1. A Plea Bargain is:
	1. You go to trial
	2. The witness says you did what you are charged with

* 1. An attempt to get a specific sentence and/or reduced offense that the judge must agree to
1. A "Guilty" Plea is:
	1. You go to trial
	2. You admit you did what you are charged with

* 1. You don’t admit you did anything wrong
1. A "Not Guilty" plea is:
	1. You admit you did what you are charged with
	2. You tell the judge you didn’t do what you are charged with
	3. You agree to a lesser charge and the others are dropped
2. An "Acquittal" is:
	1. You plead guilty to a lesser charge and others are dropped
	2. You go to trial and are found not guilty
	3. The judge believes you can straighten out and doesn’t sentence you
3. A "Hospital Commitment" is:
	1. The court sends you to the hospital until you are better and not a risk to public safety
	2. You agree to go to the hospital on a voluntary basis
	3. You agree to go to the hospital if you get worse

Answers to Self-Test for Lesson 7

Multiple Choice **(Answers are bolded)**

1. A Plea Bargain is:
	1. You go to trial
	2. The witness says you did what you are charged with
	3. **An attempt to get a specific sentence and/or reduced offense that the judge must agree to**
2. A "Guilty" Plea is:
	1. You go to trial
	2. **You admit you did what you are charged with**
	3. You don’t admit you did anything wrong
3. A "Not Guilty" plea is:
	1. You admit you did what you are charged with
	2. **You tell the judge you didn’t do what you are charged with**
	3. You agree to a lesser charge and the others are dropped
4. An "Acquittal" is:
	1. You plead guilty to a lesser charge and others are dropped
	2. **You go to trial and are found not guilty**
	3. The judge believes you can straighten out and doesn’t sentence you
5. A "Hospital Commitment" is:
	1. **The court sends you to the hospital until you are better and not a risk to public safety**
	2. You agree to go to the hospital on a voluntary basis
	3. You agree to go to the hospital if you get worse

# Lesson 8: Realistically Consider a Legal Defense

To be competent, you must consider how you are going to defend yourself against the charges without the symptoms of your mental illness interfering with this process.

You must:

1. Recognize the name and definition of your charges and possible penalties
2. Consider different pleas
3. Be knowledgeable of the information the prosecutor has against you.
4. Be able to make rational decisions based on all the information available

Here is a situation to think about. It may not be like your situation, but thinking about it and answering questions about it willhelp you to become competent.

**Situation:** Suppose you are charged with a crime. You know you are partly guilty, and the evidence against you seems pretty strong. Your lawyer says the prosecutor has offered a plea bargain. What things should you consider in deciding whether to accept or not?

Right Answer: A reason that has to do with:

1. how good the bargain is.
2. the lawyer’s advice.
3. how the court has handled situations like this in the past.

For example:

"Look at evidence and how good a deal and what the judge did in the past.”

**Situation:** How will you handle preparing to go to court with your lawyer?

Right Answer: Something that shows you are going to cooperate.

For example:

"I willask him what he thinks about the evidence against me."

"We will have long talks"

“I willtell the truth"

Self-Test for Lesson 8

**Question 1:** Suppose you are charged with a crime. You know you are partly guilty, and the evidence against you seems pretty strong. Your lawyer says the prosecuting Attorney has offered a plea bargain. What things should you consider in deciding whether to accept or not?

**Question 2:** Finish the Sentence: When I prepare to go to court with my lawyer….

# Lesson 9: Relating to Your Attorney

To be competent, you should be able to work rationally with your attorney in your defense. This means you have to be able to talk with your attorney to discuss how to defend against the charges. This includes giving your attorney the information you have and listening to his or her ideas and really thinking about them.

Answer the following questions to see if you are able to talk with your attorney.

**Finish the following sentence:** When I prepare to go to court with my lawyer…

A right answer is one that shows you plan to have you and your lawyer talk about how to defend yourself. These are some right answers:

"We will have long talks."

"I willtell my lawyer the truth."

"We will prepare for court."

“I need a lawyer to help me because I do not know the laws as wellas lawyers do.”

“I will tell my lawyer when I don’t understand something.”

Talk about your answer to this question in your competency restoration group.

**Finish the following sentence:** When I interact with my lawyer…

A right answer is one that mentions that you will pay attention to your lawyer, follow direction from your lawyer, and listen carefully when your lawyer speaks to you. Examples of right answers are:

"If my lawyer tells me to do something, I should do it."

"My lawyer is trying to help so I should listen to my lawyer."

"My lawyer listens to me and understands the law."

If you disagree with something your lawyer says you should ask him or her “WHY do you think that?” rather than getting mad, firing them, or arguing.

Lesson 10: Sharing Information with Your Lawyer and Participating in Defense Strategy

To be competent, you must be able to share important facts to your lawyer and help plan your legal defense with your lawyer. This means you and your lawyer:

1. Talk about defense ideas.

2. Work out a solution calmly when you disagree.

3. You tell your lawyer when you don’t understand something.

Answer the following questions to see if you can help your lawyer with legal ideas:

**Question:** How can you help your lawyer defend you?

Right Answer: Something that shows you can give information that helps your case. For example:

"By telling him the whole story of what happened."

"Answer questions."

"Listen and tell him what I think."

“Explain concepts and procedures I don’t understand.”

**Question:**  If you disagree with your lawyer about your defense, what are some things to do?

Right Answer: Something that shows you can talk and cooperate. For example:

 "Calmly explain my point."

"Ask my lawyer more questions."

"Tell my lawyer I want to give it some thought and talk again."

# Lesson 11: Appropriate Courtroom Behavior

To be competent, you have to be able to control yourself enough to understand what is going on. You must be able to be behave appropriately in court.

Answer the following questions.

**Question:** Why do people stand up when the judge comes in or goes out?

Right Answer: Something having to do with showing respect. For example:

"To be nice."

"To show respect."

**Question:** What willyou do during the trial?

Right Answer: Something that shows you will be seated, be quiet, listen, and followwhat your attorney says. For example:

"Be quiet and listen."

"Do what my attorney says."

"Pay attention."

Self-Test for Lesson 11

**Question 1:** Why do people stand up when the judge comes in or goes out?

**Question 2:** What will you do during the trial?

Additional Courtroom Behavior Questions

1. How should you behave in court?
	* You should be polite, quite, and well-mannered in court.
2. How should you dress for court?
	* You should be clean. If you have formal clothing, it would be appropriate to wear.
3. When should you speak in court?
	* During the trial, you should speak only when asked a question directly.
4. What should you do if you need to say something during the trial?
	* If you need to say something during the trial, you should whisper to your lawyer or write your lawyer a note.
5. What should you do if you become angry in court?
	* You should quietly explain to your lawyer what is wrong.
6. What is contempt of court?
	* Contempt of court is when someone misbehaves in court.
7. What is the penalty for contempt of court?
	* The Judge will charge the defendant with contempt of court and sentence him or her up to 90 days in the county jail.
8. What is perjury?
	* Perjury is lying under oath. If a defendant or witness testifies and is caught intentionally giving false information, he or she may be charged with perjury.
9. What is the penalty for perjury?
	* A person convicted of perjury may be sentenced up to five years in prison.
10. What is the 5th Amendment?
	* The 5th Amendment of the Constitution of the United States protects people from incriminating themselves in a court of law. If a defendant or witness is testifying and does not want to answer a question where the answer makes the defendant or witness appear guilty of a crime, he or she can plead the 5th and refuse to answer the question.

# Lesson 12: Be Able to Challenge Witnesses

To be competent, you should be able to (quietly) tell your lawyer about information that isn’t right when someone is on the witness stand.

**Question 1:** Finish the Sentence: If a witness testifying against me gave incorrect evidence in court, I would:

Right Answer: Something showing that you recognized it was wrong and did something appropriate about it. For example:

"Quietly tell my lawyer that the witness was perjuring himself."

"Write a note to my lawyer."

"Quietly get my lawyer’s attention and write him or her a note."

Lesson 13: Testify Relevantly

To be competent, you must be able to testify in court if you need to. This means you must understand what "testify" means. To see if you do, answer the following question:

**Question**: Finish the Sentence: If you are testifying in court and are questioned by your defense lawyer, you will:

Right Answer: Something that shows you will answer questions to the best of your ability. For example:

 "I would try to give a truthful answer to what I am asked."

 "If I do not remember, I will not make anything up. I will just say what I remember or that I cannot remember certain things."

 "I will not lie."

Lesson 14: Staying Free

After you go to court, the following things might happen as a result of a trial or a plea bargain:

**Not guilty.** You can be found not guilty and set free.

**Time served.** You could be found guilty, get a sentence imposed that gives you credit for time served, and set free.

**Probation.** You could be found guilty and get a sentence that includes probation. Probation imposes rules you must follow or risk additional jail time. You have to follow rules created by the judge and report regularly to a probation officer, who can visit you unexpectedly where you live. You might have to do things like wear an electronic device at all times, follow a pre-set schedule of when and where you can go when you leave home, and do community service.

**Jail.** You could be found guilty, be sentenced to up to 12 months in jail, and after release from jail be placed on probation.

**Prison.** You could be found guilty, be sentenced to over 1 year in prison, and if released, be placed on probation.

**What do I have to do if I get probation?**

The judge can order you to do many things if you are on probation. Some things the judge could order are:

* Wear an electronic ankle monitor.
* Be at home except when you’re at:
	+ Work
	+ School
	+ Church
	+ A doctor’s appointment
	+ A mental health appointment
	+ The probation office
* Be tested for alcohol and drug use any time your probation officer says to.
* See your probation officer whenever told.
* Go to mental health and/or substance abuse treatment.
* Get and keep a job.
* Pay restitution (fees that you pay to the court for the victim for injury, loss or damage).
* Pay court costs.
* Pay for your probation supervision.
* Drug / Alcohol treatment.
* Sex offender conditions.

The judge and probation officer may tell you some other things you have to do.

If you are on probation and you don’t do what you’re supposed to do, you may be arrested and go to jail.

**What are things I can’t do if I get probation?**

The judge can order you to not do many things if you’re on probation. Some of the things the judge can order are:

* You can’t drink alcohol.
* You can’t use drugs.
* You can’t touch a gun.
* You can’t go in a bar, even if you’re not drinking.
* You can’t move to another address without permission from your probation officer.
* You can’t leave the county without permission from your probation officer.
* You can’t go near the victim of the crime you were convicted of, or near the victim’s home, or near the victim’s family, or near a certain business, or near a school.
* Sex offender conditions.

The judge and your probation officer may tell you other things that you are not allowed to do.

If you are on probation and you do something you’re not supposed to do, you can be arrested and go to jail.

**Probation or no probation, what do I have to do to stay free?**

Be smart and stay free:

* **Be thoughtful.** Think before you act or say something. If you do unlawful things, you can get in trouble, the police can arrest you, and they can take you to jail. Even the appearance that you are involved in criminal activity could lead to more legal problems. For example, associating with people that are known drug dealers or associating with people in a location where drugs are usually sold, while legal, may result in you being arrested.
* **Have healthy friends.** Hang around people who take care of themselves, are responsible, obey the law, and don’t do drugs. Talk to your responsible family, friends, and advocates.
* **Find somebody who will listen to you.** Talking about your thoughts to somebody you can trust can help you make good decisions.
* **Obey the law.** If the police see you break the law they can arrest you and take you to jail. If a citizen notices you break the law or thinks you are “acting suspicious,” the citizen can tell the police. Then the police can come, arrest you and take you to jail. If you threaten family members, steal from them, or bring drugs home, a family member might tell the police, or tell somebody else who will tell the police. Then the police can arrest you and take you to jail.
* **Take your prescribed medication.** Many people with mental illness can seem suspicious to people or police officers if they are acting unusual. Taking your medications and doing things to make yourself well can decrease symptoms of mental illness and help you control your behavior and stay out of trouble.
* **Meet the conditions of your probation.** Do everything the judge and probation officer say.

**Stay free!**

* **Don’t break the law.**
* **Try for a balanced life.** If you are able to, find work and/or volunteer at a local charity. Practice a regular daily routine. Don’t overspend your money or your credit card. Ask for help if you need it. Keep your emergency phone numbers.
* **Do things to help you be healthy and stay healthy.** Go toyourdoctor and mental health appointments. Take your prescribed medication(s). Don’t take other people’s medication. Tell the doctor or the nurse if you have problems. Call the emergency telephone number if you have an emergency. Eat healthy food. Go outside in the daytime. Exercise if you can!!
* **Don’t use drugs.** If you do drugs, you put yourself at greater risk of doing something that is illegal or unsafe such as getting robbed, hurting yourself or others, getting rearrested, or violating probation. Don’t take street drugs or abuse your prescriptions.
* **Stay away from people who sell drugs and abuse drugs.** People who abuse drugs and sell illegal drugs violate the law and can get you in trouble. They might try to cut a deal with the police by telling them you use or sell drugs even if you don’t. If police have seen you with people who use and sell drugs, they will think you use or sell drugs even if nobody says you do.
* **Stay away from weapons.** Don’t carry a gun or knife if it is unlawful for you to do so. Carrying a knife or gun in the open makes it look like you’re ready to hurt, kill or rob somebody.
* **Keep a healthy sleep schedule.** Don’t wander around at night. If a citizen sees you wandering around at night and thinks you are acting suspicious, they may tell the police and you may get arrested. Or the police might see you wandering at night and think you are on your way to rob or attack somebody, get drugs, or sell drugs, and they can arrest you and take you to jail.

**Treat police nice**

* **Remember you have a record.** The police may be skeptical if you say you did nothing wrong.
* **Show the police you respect them.**When they ask you a question or tell you to do something, unless you are told to do something else:
	+ Stand straight.
	+ Face the police when they are talking to you.
	+ Look the police in the eye.
	+ Ask for a lawyer.
* **Obey the police.** Do what the police say when:
	+ They stop you for a reason or no reason.
	+ You have been good, very good, or have violated the law.
	+ They are making you late to do something or not.
	+ The police are nice to you or rude to you.
* **When you see or talk to the police, NEVER do these things:**
	+ Touch the police with your hand, not even a finger.
	+ Grab the police by the arm, hand, or anywhere else.
	+ Put your hand in your pocket or in your shirt like you’re going to pull something out.
	+ Call the police a rude word.
	+ Tell the police they don’t know what they’re talking about.
	+ Tell the police they are not doing their job right.
	+ Walk away from the police when they are talking to you.

Lesson 15: Quick Reference to Competency

(A Review)

The information in this workbook will help you learn what you need to know about the court and what happens to you there. Demonstrating knowledge about competency issues will speed up your return to court and help you have a fair trial. Your understanding of competency issues will be evaluated on an ongoing basis.

Why are you at the State Hospital or Residential Treatment Facility? How did you get here?

1. You have been **charged with a crime.** To be charged means that the prosecutor has a reasonable belief that you committed a crime.
2. The **judge or other legal personnel** (prosecuting attorney, defense attorney) noticed information or evidence that a mental illness might be impacting your ability to understand the legal process and rationally participate in it with your attorney. Because of this, the judge ordered that you participate in a competency evaluation and then found you **Incompetent to Stand Trial.**
3. The judge based his or her decision on information from evaluators (psychologists or psychiatrists) who believed that you have a mental illness that impairs your ability to understand court procedure and/or help your lawyer defend you. Certain symptoms of some mental illnesses can get in the way of you making healthy and appropriate decisions based in reality.
4. At some point in the judicial process, all proceedings were halted/stayed to determine whether you have a mental illness and, if so, whether your mental illness is impairing your ability to participate in your case.
5. The judge **ordered you to competency restoration** at a treatment facilityso that, with treatment and education, you will be competent to stand trial and your charges can be resolved. Remember that it is your right to a fair trial and you have to be competent to proceed to trial in order to preserve your right to a fair trial.

What can I do to be discharged from the hospital or Residential Treatment Facility as soon as possible?

To speed up your discharge, you need to cooperate with treatment staff, take medication if prescribed, participate in your treatment groups, and learn about your charge(s) and the court process.

What are some of the things I need to know to be competent to stand trial?

1. Know and understand what you have been charged with**.**
2. Understand the maximum and minimum penalties you could get if you are

 found guilty.

1. Understand how the court works and the roles of people in the courtroom.
2. Be able to share facts with your attorney.
3. Be able to communicate well so you can help your attorney achieve your stated interest.

Crimes and Penalties

You have been charged with a crime. In order to be competent to proceed, you need to know what your crime is and how much time it carries. A crime is either a Felony or a Misdemeanor.

**Felony:**

Washington divides its crimes into several general categories of felonies.

**Class C Felonies:** Punishable by up to 5 years in prison and/or $10,000 in fines.

**Class B Felonies:** Punishable by up to 10 years in prison and/or $20,000 in fines.

**Class A Felonies:** Punishable by up to life imprisonment and/or $50,000 in fines.

**Misdemeanors:**

Washington divides its crimes into several general categories of misdemeanors.

**Misdemeanor:** Any offense which is punishable by not more than 90 days in jail and/or fines of $1,000.

**Gross Misdemeanors:** Any offense which is not considered a misdemeanor or felony that is punishable by more than 90 days and less than 1 year in jail and/or fines up to $5,000.

**Know the Punishments Other than Prison**

Sometimes, people do not get sentenced to prison, even if they are found guilty. This can happen if the charge is a less serious (misdemeanor) and/or if it is a first offense. You need to know what other things can happen to you besides prison. Some examples are listed below.

**Probation:** You might get probation. This means you are not in jail, but you cannot drink, use non-prescription drugs, or commit any crimes. You may have to stay in Washington and have frequent check ins with a probation officer, pay a fee, and possibly have to take drug tests. Another possibility for probation includes:

**House Arrest:** You have to be in your home at certain times and have to check in with your probation officer. Sometimes, you have to wear an ankle bracelet so that you probation officer can keep track of where you are.

**Community Service:** This involves doing work for the county such as volunteering at homeless shelters, cleaning up highways, etc.

**Crime Quiz**

1. A less serious crime is called a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

2. Misdemeanors are \_\_\_\_\_\_\_\_\_\_\_\_\_serious than felonies.

3. Misdemeanors carry no more than \_\_\_\_\_\_\_\_\_\_\_\_of jail time.

4. Felonies can carry time in \_\_\_\_\_\_\_\_\_\_\_.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Competency Education Word Search

Find and circle the hidden words.

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Probation Public Defender Incompetent Charges IST NGRI

Felony Jury Hospital Crime Conviction Defendant Witness Judge Misdemeanor Guilty Lawyer Treatment Community Service Court

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The People in the Court Room and the Court System

Before you can be found competent, you need to know who works in the Court and what they do.

Judge

1. The judge keeps order in court. (S)he makes rules on the law.
2. The judge can be thought of as a “**referee”** that makes sure everyone follows the rules of the court. Just like a referee, the judge is neutral or impartial, which means he or she is on nobody’s side.
3. Just like a referee can start and stop a game, the judge can start and stop the trial. (S)he also tells people when it’s their turn to talk. Like a referee who settles arguments between opposing teams, the judge settles (rules/renders a decision) arguments between the lawyers. The judge can also expel people from court if they get out of line, just like a referee can throw a player out of the game.
4. The judge has other very important responsibilities:
	* (S)he sentences if there is a guilty verdict.
	* (S)he sets the defendant free if the verdict is not guilty.
	* (S)he decides guilt or innocence when there is no jury (during a bench trial).

Defense Attorney (Public Defender)

1. The defense attorney is the lawyer who is on your side in the trial. (S)he tries to protect you and their goal is to zealously advocate for your stated interests, or if you are found guilty, try to get a reduced sentence for you. Public defenders are defense lawyers who are appointed by the court when you don’t have money to pay for an attorney.
2. The defense attorney is working **for you** and is **on your side**.
3. Before you can be found competent, you must show that you are able to work with your lawyer. While you are at the hospital, your ability to work with your treatment/service team and participate in treatment will be monitored.
4. You need to tell your lawyer your side of the case. Tell him or her what happened in your own words. Your lawyer can’t defend you very well if you don’t trust or talk to him or her.

Prosecuting Attorney (Prosecutor)

1. The prosecuting attorney represents the State in its case against you. The prosecutor’s job is to prove to the judge or jury that you are guilty.
2. The prosecuting attorney is working **against you** and is **not on your side**.

Defendant

1. The defendant is the person who has been charged with a crime. You are the defendant in your criminal case.
2. When you were charged with a crime, the prosecutor believed that you committed it.
3. Your job is to work with your lawyer to either show that you are not guilty, or get the lightest possible sentence if you are found guilty.
4. If you go to trial, you don’t have to testify if you don’t want to. This is a basic right of all citizens in the United States and it is known as the Fifth Amendment. It guarantees that an accused person cannot be forced to testify against himself/herself, and (s)he can choose to remain silent, and (s)he is still believed to be innocent until proven guilty. So if you decide not to talk, you can “Plead the Fifth” and remain silent. No one can make you testify if you choose not to, not even the judge.

Jury

1. The jury is made of 6 or 12 citizens. They are randomly selected from the local community and asked to serve as part of their civic duty.
2. The jury is instructed by the judge to pay attention to everything that goes on in trial.
3. The jury is neutral, impartial, and on nobody’s side. The jury listens to both the prosecuting attorney and your lawyer as they present their cases, including evidence and witnesses.
4. The jury decides the verdict: Guilty, Not Guilty, and Not Guilty By Reason of Insanity.
5. You and your lawyer decide if you want a jury present (also known as a jury trial). Because there are pros and cons to both options, you should discuss this topic with your attorney.
6. You may choose to plead your case only in front of the judge, without a jury present, and then the judge will decide if you are guilty or innocent. This is called a bench trial.

Witnesses

1. A witness is a person who has information that is important to the trial. A witness is supposed to tell the truth, and tell what they saw and heard.
2. A witness can be called by either your lawyer or the prosecuting attorney.

1. If a witness is called by your lawyer, it is usually because your lawyer believes that witness will help show that you are not guilty.
2. If the prosecutor calls a witness, (s)he probably believes that witness will make you look guilty.
3. In court, both sides can question the witnesses, regardless of who called them to the stand. So for example, if the prosecuting attorney calls someone to the stand that makes you look bad, then your lawyer gets a chance to poke holes in their testimony. This is called cross-examination.

Overview of the Court System

The judge is like a referee, and the trial is like a sports event with two sides that are trying to win. This is why our court system is known as an adversarial system, because both lawyers “fight it out” and the judge and jury decide who is right. In order to be effective at winning, you must know who is on your side. Remember that the public defender is on your side and you must be able to work with him or her in order to win.

Judicial Quiz

1. A judge is like a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_is a defense attorney appointed by the court when you have no money.
3. The public defender tries to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_you.
4. The prosecutor tries to prove you are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
5. The jury decides if you are \_\_\_\_\_\_\_\_\_\_\_\_\_\_or \_\_\_\_\_\_\_\_\_\_\_\_\_\_.
6. A witness provides \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that is important to the trial.
7. You have to be able to \_\_\_\_\_\_\_\_\_\_\_\_\_ with your attorney.

How You Should Act in Court

In court, appearances are very important. Dress your best. Wear your best clothes. Be neat and clean. Make sure you take a bath, and have your hair neat and combed.

Be polite and quiet in court. Be seated when everyone else is and rise only when asked to. Do not let your behavior disrupt the trial. Speak in a low voice to your attorney. Listen to what the witnesses for the prosecution are saying. If someone tells a lie about you, don’t yell out or object, lean over and tell your attorney or write him a note about it so he can handle it. Your lawyer is supposed to do all the talking for you!

Things You Positively Do Not Want To Do

Don’t show up looking sloppy, dirty, or under the influence of drugs or alcohol.

Don’t fail to appear – the judge can put a warrant out for your arrest if you fail to appear.

Don’t speak out of turn or interrupt.

Don’t yell out responses.

Never raise your hand and ask if you can talk.

Don’t act like people do on court shows. These people speak out of turn, interrupt, and talk back to the judge – in real life these people could be thrown in jail for how they act!

Don’t lie! If you get caught, you can be charged with Perjury, which means more jail or prison time. It’s better to say nothing (plead the Fifth) than lie.

Remember: If you do not act right in court the judge can find you in contempt of court and can throw you in jail!!!!

Courtroom Quiz

1. You should dress your \_\_\_\_\_\_\_\_\_\_\_\_ when you go to court.
2. Be polite and \_\_\_\_\_\_\_\_\_\_\_\_ in court.
3. If someone lies about you, you should \_\_\_\_\_\_\_\_\_\_\_\_\_\_ the correct answer to your lawyer.

Pleas

Before you can be found competent, you must know your plea options, what happens when you make each plea, and you must know what a plea bargain is. Based on what you tell your lawyer, they will give you advice about how to plead. You should carefully consider and listen to your lawyer’s advice. There are four basic options, but be sure to talk with your attorney about all your options.

**Guilty -** You admit you **did the crime**. You give up trial and your Fifth Amendment right not to incriminate yourself. If you plead guilty, you will be sentenced.

**Not Guilty -** You are saying that you **did not do** what you are charged with. You go to trial in court. If you win at the trial, you go free. If you lose, you get sentenced.

**Not Guilty by Reason of Insanity (NGRI) -** This is a special plea that says you are **not guilty** because you didn’t know the difference between right and wrong at the time of the crime **due to a mental illness**. You may have to go to court to prove this, or it is sometimes part of a plea bargain. If you prove you were NGRI, you will most likely go to a mental hospital for treatment.

**Alford Plea**  - You proclaim you are innocent of the crime, but admit that the prosecution has enough evidence to prove that you are guilty beyond a reasonable doubt. In entering an Alford Plea, you essentially enter a plea of guilty, while maintaining a claim of innocence.

The Alford Plea is basically a guilty plea. As such, it can be used as evidence in future cases, can be considered in sentencing for future convictions on other charges, and can count as a strike.

Plea Quiz

1. The four common pleas are guilty, not guilty, Alford, and \_­­­\_\_\_\_\_.
2. If I plead \_\_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_\_\_\_\_\_\_ I will be sentenced.
3. If I plead \_\_\_\_\_\_\_\_\_\_\_\_\_\_and the judge or jury agrees, I will probably be sent to the hospital.
4. If I plead \_\_\_\_\_\_\_\_\_\_\_\_\_\_, I will go to trial. If I win, I go free; if I lose, I will be sentenced.
5. I can speak to my \_\_\_\_\_\_\_\_\_\_\_\_\_, about plea options specific to my case.

Overall Review: What Do I Know?

1. What am I charged with?

2. Is it a misdemeanor or felony?

3. How much time could I get if I’m found guilty?

4. Which lawyer is trying to help me?

5. Which lawyer is trying to convince the jury that I am guilty?

6. What does the judge do in court?

7. Who is supposed to decide whether I am guilty, not guilty, or not guilty by reason of insanity?

8. What does a witness do in trial?

9. How can I help my lawyer defend me?

10. If I hear a witness give wrong information, how do I let my lawyer know?

11. How should I act in court?

12. List the three common pleas:

13. Who is the defendant in your case?

Answers to Quizzes

Crime Quiz

1. Misdemeanor
2. Less
3. One year
4. Prison

Judicial Quiz

1. Referee
2. Public Defender
3. Help
4. Guilty
5. Guilty or Innocent
6. Evidence / Testimony
7. Work

Courtroom Quiz

1. Best
2. Quiet
3. Whisper / write down

Plea Quiz

1. Not Guilty by Reason of Insanity
2. Guilty or Alford
3. Not Guilty by Reason of Insanity
4. Not Guilty
5. Lawyer / attorney / public defender

Notes page:

**O**ptimal

Symptom Management

The following Topics are covered in this Module:

1. The Stress-Vulnerability Model of Mental Illness
2. Practical Facts about Mental Illness
3. Using Medication Effectively

|  |
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| Optimal Symptom Management Lessons |
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The Stress-Vulnerability Model of Mental Illness

Lesson 1

The Stress-Vulnerability Model: What causes psychiatric symptoms?

Quote: “For me it’s been vital to be aware of when I am under stress. Because of my illness, I’m extra sensitive to stress. It has also been vital for me to take the lead role in my treatment since I believe that I know best what is going on inside my head.”

David Kime, artist, writer, floral designer, in recovery from bipolar disorder

**Introduction**

This Handout describes a model for understanding the nature of psychiatric disorders, including factors that can influence the course of these disorders. According to the Stress-Vulnerability Model, psychiatric illnesses have a biological basis. This biological basis or vulnerability can be worsened by stress and substance use, but it can be improved by medication and by leading a healthy lifestyle.

The Stress-Vulnerability Model can help you understand what influences your disorder and how you can minimize the effects of the disorder on your life.

**What causes psychiatric symptoms?**

Scientists do not yet understand exactly why some people have symptoms of mental illnesses and others do not. They also cannot predict who will have several episodes of symptoms and who will have one or only a few.

One theory that has received strong support is called the Stress-Vulnerability Model. According to this theory, both stress and biological vulnerability contribute to symptoms. **Both stress and biology contribute to symptoms.**

**What are the biological factors in mental illnesses?**

The term biological vulnerabilityrefers to people who are born with or who, very early in life, acquire a tendency to develop an illness. For example, some people have a biological vulnerability to developing asthma. Others have a biological vulnerability to developing high blood pressure or diabetes. Similarly, it is thought that people can have biological vulnerabilities to develop schizophrenia, bipolar disorder, or depression.

In diabetes, the part of the body that is affected is the pancreas, which keeps the level of insulin in balance. In mental illnesses, the part of the body that is affected is the brain, which is made up of billions of nerve cells (neurons) containing different chemicals (neurotransmitters). Scientists believe that mental illnesses are linked to an imbalance in these neurotransmitters in the brain.

As with other disorders such as diabetes, hypertension, and heart disease, genetic factors play a role in the vulnerability for developing mental illnesses. The chances of a person developing depression, bipolar disorder, or schizophrenia are higher if a close relative also has the disorder. Many scientific studies, including the International Human Genome Project, are researching the genetic factors related to mental illnesses. **Genetic factors play a part in whether someone is vulnerable to developing mental illnesses.**

However, genetic factors do not explain everything about why some people develop mental illnesses. For example, many people with mental illnesses have no history of anyone else in their family experiencing psychiatric symptoms. It is widely believed that non-genetic factors may also contribute to people developing mental illnesses. For example, early biological factors such as exposure to a virus when the baby is in the womb may be important.

**What are stress factors in mental illnesses?**

Scientists believe that stress also plays an important part in psychiatric symptoms. Stress can trigger the onset of symptoms or worsen them. Stress may play a particularly strong role in increasing the biological vulnerability to depression. For example, if people have lost a loved one, been the victim of a sexual or physical assault, witnessed a tragic event, or experienced other examples of extraordinary stressors, they may be more likely to become depressed. How people experience stress is individual. In fact, what is stressful to one person may not be stressful at all to someone else. Here are some examples of situations that people commonly find stressful:

* Having too much to do such as being expected to complete several tasks in a short time;
* Having too little to do such as sitting around all day with no meaningful activities;
* Having tense relationships, where people often argue, express angry feelings, or criticize;
* Experiencing major life changes such as losing a loved one or moving away from home;
* Experiencing financial or legal problems;
* Being sick or fatigued;
* Abusing drugs or alcohol;
* Being the victim of a crime; and
* Living in poverty or having poor living conditions.

**Stress can worsen symptoms or may even trigger the onset of symptoms.** There is no such thing as a stress-free life, so you can’t avoid all stress. In fact, to pursue important goals in your life, it is essential that you be willing to take on new challenges, which can be stressful.

It helps to be aware of times when you’re under stress and to learn effective coping strategies. For more information, see IMR Handout—Topic 8: *Coping with Stress and Common Problems*.

**Question:** Have there been times when you were under stress and experienced more symptoms?

Lesson 2

The Stress-Vulnerability Model: Coping with a Biological Vulnerability

**What are the goals of treatment?** Because both biological vulnerability and stress contribute to symptoms, treatment for psychiatric symptoms must address both factors. The main goals of treatment are to:

* Reduce biological vulnerability;
* Reduce stress; and
* Cope with stress more effectively.

**Reducing biological vulnerability**

Medications help correct chemical imbalance that lead to symptoms. Different medicines treat different types of symptoms. Medications are not perfect — and they have side effects. Medications also help some people more than others. However, using medications is one of the most powerful tools we have to reduce or eliminate psychiatric symptoms and prevent relapses.

Another way to reduce biological vulnerability is to avoid using alcohol and drugs. Alcohol and drug use affect neurotransmitters in the brain, which can aggravate symptoms and lead to relapses. Alcohol and drug use can also lead to legal, financial, and health problems, resulting in stress that can trigger symptoms. In addition, using alcohol and drugs can interfere with the beneficial effects of medication. **Taking medications and avoiding drugs and alcohol use can reduce biological vulnerability.**

**Questions:** Have medications helped you reduce symptoms? Has avoiding or decreasing drug and alcohol use helped you reduce symptoms?

**Reducing stress**

People experience stress in their own way. What is stressful to one person may not be stressful to another. For example, some people feel stressed by going to a large family gathering, while others enjoy it. In general, the following guidelines help reduce common sources of stress:

* Identify situations that caused stress for you in the past. Think of ways to handle the situations so they won’t be as stressful. For example — use relaxation techniques like deep breathing.
* Set reasonable expectations for yourself — try not to do too much or too little.
* Find activities that are meaningful to you — working, volunteering, or hobbies.
* Maintain good health habits. Eat well, get enough sleep, and exercise regularly.
* Seek supportive relationships where you feel comfortable telling people what you feel and think.
* Avoid situations where people argue with you or criticize you.
* Give yourself credit for your talents and strengths. Don’t be hard on yourself.

**Reducing stress can help reduce symptoms.**

**Question**: **What do you do to reduce stress?**

Use the following exercise to record your answer, by placing checkmarks in the answer columns as they relate to your life.

|  |  |  |
| --- | --- | --- |
| **Strategy to reduce sources of stress** | **I use this strategy effectively** | **I would like to use this strategy or improve the way I use this strategy** |
| Be aware of situations that were stressful in the past |  |  |
| Set reasonable expectations for myself |  |  |
| Engage in meaningful activities |  |  |
| Maintain good health habits |  |  |
| Seek supportive relationships |  |  |
| Avoid situations with arguments and criticism |  |  |
| Give myself credit for talents and strengths |  |  |
| Other: |  |  |
| Other: |  |  |

Summary of the Main Points About the Stress-Vulnerability Model:

* Both stress and biology contribute to symptoms.
* Biology plays a part in whether someone is vulnerable to developing mental illnesses.
* Stress can worsen symptoms or may even trigger the onset of symptoms.
* The goals of treatment are to reduce biological vulnerability, reduce stress, and improve the ability to cope with stress.
* Using medications and avoiding using drug and alcohol can reduce biological vulnerability.
* Reducing and coping effectively with stress can help reduce symptoms.
* The more you learn about treatment, the better choices you can make

Practical Facts
About Mental Illness

Lesson 3

Practical Facts About Mental Illness: Understanding the diagnosis, origin, and course of mental illnesses

Quote: “Before I knew about my illness, I was confused and scared by what was happening to me. Nothing made sense. When I heard voices, I used to blame other people or even myself. Now I understand that hearing voices is part of my illness and that there are things that I can do about it”

James, musician, choir director, parent, in recovery from mental illness

**Introduction**

This Handout gives you information about mental illnesses, including facts about how diagnoses are made, what the symptoms are, how common they are, and the possible courses of the disorders.

**How are mental illnesses diagnosed?**

Mental illnesses are diagnosed based on a clinical interview conducted by a specially trained professional, usually a doctor, but sometimes a nurse, psychologist, social worker, or other mental health practitioner. In the interview, the professional asks you questions about symptoms that you have experienced and how you function in different areas of your life such as in relationships and at work.

Currently no blood test, x-ray, or brain scan can diagnose mental illnesses. To make an accurate diagnosis, however, the doctor may also request a physical exam and certain lab tests or blood tests to rule out other medical causes of symptoms such as an injury to the brain.

Mental illnesses are diagnosed by a clinical interview with a mental health professional.

**Question:**  How long did it take for a mental health professional to accurately diagnose the symptoms you experienced?

**What causes mental illnesses?**

The cause of mental illnesses is not known. Biological vulnerability, stress, trauma, alcohol and drug use have been found to contribute to or worsen mental health symptoms.

**Question:** What other explanations have you heard about what causes mental illnesses?

**What is the course of mental illnesses?**

Most people develop mental illnesses as teenagers or as young adults, usually between the ages of 16 and 30. People vary in how often they have symptoms, how severe their symptoms are, and how much the disorders interfere with their lives.

Mental illnesses affect people in different ways. Some people have a mild form of a disorder and have symptoms only a few times in their lives. Other people have a stronger form and have several episodes, some requiring hospitalization. Some people experience symptoms almost constantly, but do not have severe episodes that require hospitalization.

Mental illnesses tend to be episodic, with symptoms varying in intensity over time. When symptoms reappear or worsen, this is called an acute episode or a relapse.

Some relapses can be managed at home, but other relapses may require hospitalization to protect the person or others. With effective treatment, most people with mental illnesses can reduce their symptoms and live productive, meaningful lives.

**Question:**  What is your experience with relapse?

Lesson 4

Practical Facts About Mental Illness: Practical Facts About Schizophrenia

**What is schizophrenia?**

Schizophrenia is a mental illness that affects many people. About one in every 100 people (1%) develops the disorder at some time. It occurs in every country, every culture, every racial group, and every income level.

Schizophrenia causes symptoms that can interfere with many aspects of people’s lives — especially their work and social lives. Some symptoms make it difficult to know what’s real and what’s not real. These symptoms have been described as being similar to “dreaming when you are wide awake.” Other symptoms can cause problems with motivation, concentration, and experiencing enjoyment. It is important to know that there are many reasons to be optimistic about the future:

* An effective treatment for schizophrenia exists.
* People with schizophrenia can learn to manage their illness.
* People with schizophrenia can lead productive lives.
* The more you understand about the illness and take an active role in your treatment, the better you will feel and the more you can accomplish toward your life goals.

**What are the symptoms of schizophrenia?**

Keep in mind that the symptoms of schizophrenia can be found in other mental disorders. A diagnosis of schizophrenia is based on a combination of different symptoms, their severity, and how long they have been present. Symptoms that occur only when a person has used alcohol or drugs are not included.

No one has the same symptoms or is affected to the same degree. You may, however, recognize having experienced some of the symptoms mentioned on the following pages. **People can learn to manage the symptoms of schizophrenia and lead productive lives.**

**The Major Symptoms of Schizophrenia:**

* **Hallucinations:**  Hallucinationsare false perceptions — people hear, see, feel, or smell something that is not actually there. Hearing voices is the most common type of hallucination. Some voices might be pleasant, but often they are unpleasant, saying insulting things or calling people names.
* **Delusions**: Delusionsare false beliefs — people have strong beliefs that are firmly held and unshakeable, even when the evidence contradicts them. These beliefs are individual and are not shared by others in their culture or religion. Delusions seem very real to the person experiencing them, but they seem impossible and untrue to others.
* **Thought disorders**: A thought disorderis confused thinking. This symptom makes it difficult to stay on the topic, use the correct words, form complete sentences, or talk in an organized way that other people can understand.
* **Disorganized or catatonic behavior:** Disorganized or catatonic behaviorrefers to two different extremes of behavior—both relatively rare. Disorganized behavioris behavior that appears random or purposeless to others. Catatonic behaviorrefers to when a person stops almost all movement and is immobile (or almost completely immobile) for long periods of time.

**No one has the same symptoms or is affected to the same degree.**

**Negative symptoms:** Negative symptomsare the lack of energy, motivation, pleasure, and expressiveness. Negative symptoms lead to people having problems with initiating and following through with plans, being interested in and enjoying things they used to like, and expressing their emotions to others with their facial expression and tone of voice. While these symptoms may be accompanied by feelings of sadness, often they are not. Some people may consider these symptoms a sign of laziness, but this is not the case.

**Cognitive difficulties**: People with schizophrenia may also experience cognitive difficulties, likeproblems with concentration, memory, and abstract reasoning. This means that people might have problems with paying attention, remembering things, and understanding concepts.

**Schizophrenia is a mental illness that affects many aspects of a person’s life.**

Examples of people who have schizophrenia:

* **John Nash** (1928 – 2015) is an American mathematician who made discoveries that had very important applications in the field of Economics. He won the Nobel Prize for Economics in 1994. His story is told in A Beautiful Mind, a book that has also been made into a movie.
* **William Chester Minor** (1834 – 1920) was an American Army surgeon who also had vast knowledge of the English language and literature. He made major contributions to the Oxford English Dictionary, the most comprehensive dictionary in the world.
* **Vaslav Nijinski** (1890 – 1950) was a Russian dancer who is legendary because of his physical strength, light movements, and expressive body language. He is especially remembered for a dance piece called *Afternoon of a Faun*.

**Countless positive examples show that people with schizophrenia have contributed to society.**

Lesson 5

Practical Facts About Mental Illness: Practical Facts About Mood Disorders

**What are mood disorders?**

Mood disorders include several different diagnoses — the most common are bipolar disorder and major depression. A diagnosis of a mood disorder is based on a combination of different symptoms, their severity, and how long they have been present. Symptoms that occur only when a person has used alcohol or drugs are not included.

Bipolar disorder causes symptoms that can interfere with many aspects of life. Some symptoms cause severe mood swings, from the highest of highs (mania) to the lowest of the lows (depression). Other symptoms of bipolar disorder can make it difficult to know what’s real and what’s not real (psychotic symptoms).

About one in every 100 people (1 %) develops the disorder at some time. It occurs in every country, every culture, every racial group, and every income level.

Depression is one of the most common psychiatric disorders — 15 to 20 of every 100 people (15% to 20%) will experience a period of serious depression at some time in their lives.

Depression causes people to have extremely low moods when they feel very sad or “blue.” It can also cause problems with appetite, sleeping, and energy levels. For some people, depression can seriously interfere with their work and social lives.

Extremely high moods are called mania. People who have had periods of mania have reported:

* Feeling extremely happy or excited
* Feeling irritable
* Feeling unrealistically self-confident
* Sleeping less
* Talking a lot
* Having racing thoughts
* Being easily distracted
* Being extremely active
* Having faulty judgment

Extremely low moods are called depression. Depressionis defined as including the following experiences:

* Being in a sad mood
* Eating too little or too much
* Sleeping too little or too much
* Feeling tired and having low energy
* Feeling helpless, hopeless, or worthless
* Feeling guilty for things that aren’t your fault
* Having suicidal thoughts or actions
* Having trouble concentrating and making decisions

**No one has the same symptoms or is affected to the same degree.**

Symptoms that make it hard to know what’s real are called psychotic symptoms. Some people with bipolar disorder have psychotic symptoms:

* Hearing, seeing, feeling, or smelling something that is not actually present (hallucinations)
* Having very unusual or unrealistic beliefs that are not shared by others in your culture or religion (delusions)
* Having confused thinking (thought disorder)

Examples of people who have bipolar disorder or depression:

* **Patty Duke** is an Oscar award-winning, American actress who had her own television series and has starred in movies, including The Miracle Worker. She also had a singing and writing career.
* **Robert Boorstin** was a special assistant to President Clinton. His work was highly valued in the White House.
* **Vincent Van Gogh** was one of the most famous painters who ever lived.
* **Kay Redfield Jamison** is a psychologist, researcher, and writer. In 2001, she won a MacArthur Fellowship, sometimes referred to as the genius award.
* **Winston Churchill** was the Prime Minister of England during World War II and led his country to victory.
* **Mike Wallace** is an American television journalist, well known for conducting interviews on the show 60 Minutes.

Lesson 6

Practical Facts About Mental Illness: Strategies for Coping with Problems

A variety of strategies can help you cope with problems and persistent symptoms. It’s important to choose the ones that you think will help you most. The following information will help you select strategies to cope with the problems you identified in the previous exercise.

Remember that if any problem begins to worsen or interferes significantly with your life, it may be a sign of an impending relapse. In such situations, contact your doctor to decide what to do.

**Thinking problems**: Sometimes people have problems concentrating on conversations or activities. The following strategies may help.

* Minimize distractions so that you concentrate on only one thing. For example, if you’re trying to concentrate on a phone conversation, turn off the radio and TV and make sure that other people aren’t talking nearby.
* Ask the person with whom you are speaking to slow down or repeat things, when needed.
* Check to make sure you understand what was said. Summarize what you heard. For example, say, “Let me see if I understand. Are you saying \_\_\_\_\_\_\_\_\_\_?”

**Mood problems**

**Anxiety:** When people are anxious, they usually feel worried, nervous, or afraid. Often they feel physical signs of anxiety such as muscle tension, headaches, racing heart, or shortness of breath. People may feel anxious about certain situations and go to extremes to avoid them. Some strategies for coping with anxiety are:

* Talk with someone in your support system, like staff member, to let them know how you feel.
* Use relaxation techniques such as deep breathing or progressive muscle relaxation to stay calm.
* Work with your mental health practitioner on a plan for gradually exposing yourself to situations that make you feel anxious.

**Depression:** If you get severely depressed or if you start thinking of hurting yourself or ending your life, contact your practitioner or a staff member right away, or if you are in the community you can seek emergency services. However, if you are not having severe symptoms of depression, try the following coping strategies to help improve your mood.

* Talk to someone in your support system to let that person know how you’re feeling. Sometimes others have good ideas you can try.
* Deal with loss of appetite by eating small portions of food that you like. Take your time.
* Practice relaxation exercises regularly.
* Remind yourself of the steps you have accomplished. Don’t focus on setbacks.

**Anger:** Some people find that they feel angry or irritable much of the time and get outraged about situations that would ordinarily seem minor. Because this is a common problem, programs for anger management exist, and many people have found them helpful. Some of the techniques taught in anger management classes are listed below.

* Recognize the early signs that you are starting to feel angry (for example, heart pounding, jaw clenching, perspiring).
* Identify situations that commonly make you feel angry. Learn how to handle these situations more effectively.
* Develop strategies for staying calm when you’re angry such as counting to 10 before responding, distracting yourself, temporarily leaving the situation, or politely changing the subject.
* Learn how to express angry feelings briefly and constructively. The following steps are helpful:
* Speak firmly but calmly.
* Tell the person what he or she did to upset you. Be brief.
* Suggest how to avoid the situation in the future.

**Sleeping difficulties:** Sleeping too much or too little can be disruptive. It’s hard to accomplish things without enough sleep. Try some of the following strategies:

* Go to sleep and get up at the same time every day.
* Avoid caffeine after 6 p.m.
* Exercise during the day so you feel tired at night.
* Do something relaxing before going to bed such as practicing relaxation exercises.
* Avoid having discussions about upsetting topics just before going to bed.
* Do not nap during the day.

**Psychotic symptoms**

**Delusions**

Sometimes people develop beliefs that are firmly held despite contradictory evidence. For some people, having this kind of belief (called a delusion) is an early sign that they are starting to experience a relapse of their mental illness. In this instance, call your doctor to decide on your next steps.

For some people, these kinds of beliefs do not go away. If these symptoms worsen it may be an early warning sign of relapse. But if the symptoms stay about the same, try one or more of the following coping strategies:

* Distract yourself by focusing on an activity such as:
	+ doing a puzzle, or
	+ physical activity, if you can. For example, if it is time to go out to the yard, you can do some exercises.
	+ Can you think of other healthy activities you can do?
* Check out your beliefs by talking to someone you trust. For example, share the belief with your mental health practitioner, family member, or other supporter and ask for their point of view.

If you try the strategies listed above but still feel distressed, it may help to mention it to someone in your support system. Let your doctor or another staff member know if you become so convinced of your belief that you are thinking of acting on it. For example, if you become convinced that someone means you harm, you might start thinking of defending yourself, which could possibly lead you to harm someone else. If you are in the community and you can’t reach your doctor or mental health practitioner, seek emergency services.

**Hallucinations**

Sometimes people hear voices or see things when nothing is there. They might even feel, taste, or smell something when nothing is there. These experiences are called hallucinations. For some people, when this happens it is an early warning sign of relapse and they should contact their doctor to decide on next steps. For other people, however, hallucinations do not go away. If they worsen, it may be an early warning sign of relapse. If the symptoms stay the same, try one or more of the following coping strategies:

* Distract yourself. Focus on an activity such as reading or taking a walk. Some people who hear voices hum to themselves or listen to music to drown out voices.
* Check out your experiences with someone you trust. For example, one person who thought he heard voices outside his window asked his brother to listen and give an opinion.
* Use positive self-talk. Some people tell themselves things like, “I’m not going to listen to these voices,” or “I’m not going to let these voices get to me,” or “I’m just going to stay cool and it will pass.”
* Ignore the hallucinations as much as possible. Some people say that it helps to focus on other things instead.
* Put the hallucinations “in the background.” Some people say they acknowledge what they are hearing or seeing, but don’t pay any attention to it. For example, they might tell themselves, “There’s that critical voice again. I’m not going to let it bother me or affect what I’m doing.”
* If your voices or hallucinations worsen when you are under stress, try relaxation techniques such as deep breathing or muscle relaxation. They may reduce the intensity of the hallucination. (See the IMR Handout—Topic 8a: *Relaxation Techniques*.)

If the voices start to tell you to do something to hurt yourself or someone else and you think you might act on this, let your doctor or another staff member know, or if you are in the community and cannot reach them, contact emergency services.

Questions: Which strategies did you identify that you would like to try? How could you put the strategies into practice?

Use the following exercise to record your answer.

|  |  |  |
| --- | --- | --- |
| Strategy I would like to try | When I would like to try it | Steps I will take |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Using Medication Effectively

Lesson 7

Using Medication Effectively: The Role of Medication in Managing Symptoms

**Introduction**

This Handout discusses medications for psychiatric disorders. It gives you information about the effects of medications, including advantages and disadvantages, as well as strategies for getting the most out of medication.

**Why is medication recommended as part of the treatment for mental illnesses?**

Medications are some of the most powerful tools available for reducing symptoms and decreasing the risk of relapses. When people take medications regularly as part of their treatment, they are less affected by symptoms and less likely to have relapses.

Medications reduce biological vulnerability to mental illness by helping correct the chemical imbalance in the brain, which leads to symptoms. When people take medications as part of their treatment, they usually do the following:

* Experience symptoms less often or less intensely;
* Concentrate better and think more clearly;
* Fall asleep more easily and sleep more restfully; and
* Accomplish more of their goals.

**Medications are some of the most powerful tools available for reducing symptoms and preventing relapses.**

**What are your personal beliefs about medication?** People have different beliefs about medication, based on their culture, family background, and individual experiences. Does one of these quotations reflect your beliefs?

* “My uncle is diabetic and takes insulin. He leads a normal life. I have a mental illness and take medication for it. It’s the same thing to me.”
* “My medicine helps get rid of the symptoms I was having. It’s made a world of difference to my peace of mind.”
* “I tried everything I could on my own — exercise, relaxation techniques, counseling. I was still miserable and depressed until I tried some medicine.”
* “In my culture, we don’t believe in Western medicines. I only want to use herbal remedies.”
* “I’m afraid of the long-term effects on my body of using medications.”
* “It’s a matter of will power. I shouldn’t need a drug to make me feel better.”

**People may have strong beliefs about medications that can interfere with their ability to make an informed decision.**

It helps to be aware of your own beliefs about medications because they can interfere with your objectivity. For example, if you have strong positive beliefs about medication, you might not ask enough questions about side effects. If you have strong negative beliefs, you may not find out enough about how the medicine could help you.

**What are the benefits of taking medication?** Medication has been found to help in important ways:

* Reducing symptoms during and after an acute episode of the illness; and
* Reducing the chances of having episodes in the future.

When the symptoms of mental illnesses are most severe and troublesome, the condition is usually described as a relapseor an acute episode. The experience of having relapses varies widely from person to person. Some people have only one or a few acute episodes, while others have more.

Medications can help reduce the severity of the symptoms during and after an acute episode. Sometimes medication helps people quite rapidly, and they are able to relax, think more clearly, and feel less depressed in a few days. Other times it may take a few weeks before the symptoms are reduced significantly.

**Reducing the likelihood of relapse**

Taking medication regularly helps prevent relapses of severe symptoms. One person described his medication as a “protective layer between me and the symptoms.” Another person said medication “is my insurance policy for staying well.”

Taking medication does not completely cure mental illnesses and it does not guarantee that you will never have an acute episode again. However, for most people, taking medication regularly significantly reduces their risk of relapses and hospitalizations. **Taking medication can help reduce symptoms during an acute episode.**

**When taken regularly, medication can reduce the risk of relapse.**

**Question:** Have you had an experience where stopping medication worsened your symptoms or caused a relapse?

**Which medications are used to improve psychiatric symptoms?**

Different kinds of medications help different types of psychiatric symptoms. More than one medication may be required to treat those symptoms.

Four major categories of medications are commonly used to treat mental illnesses. The medications and their benefits are summarized on the following chart:

|  |  |
| --- | --- |
| **Medication category** | **Possible benefits** |
| **Antidepressants** | Can reduce the symptoms of depression, including the following:* Low mood
* Poor appetite
* Sleep problems
* Low energy
* Difficulty concentrating
 |
| **Mood stabilizers** | Can help reduce extremes of moods, including the following:* Mania
* Depression
 |
| **Antipsychotic medications** | Can reduce the symptoms of psychosis, including the following:* Hallucinations
* Delusions
* Disorganized speech or behavior
 |
| **Antianxiety and sedative medications** | Can reduce the following:* Anxiety
* Feeling overstimulated
* Difficulty sleeping
 |

Lesson 8

Using Medication Effectively: Identifying and Responding to Side Effects

**What are the side effects of medication?**

Like drugs for treating other illnesses, medication for mental illnesses can cause undesired side effects. It is important that you are informed about both the potential benefits and side effects of the specific medications that have been prescribed for you.

Also, medication affects people in different ways. Some people may have only a few side effects or they may have none at all. Others who take the same medication may have significant side effects. Your reaction to medication depends on many factors, including your age, weight, sex, metabolic rate, and other medicines you might be taking.

In most cases, side effects are temporary and improve over time as your body adjusts to the medication. Some types of side effects, which are much less common, can be long lasting and even permanent. Newer medications tend to have fewer and less severe side effects than older ones.

If you recognize that you are experiencing side effects, contact your doctor as soon as possible. Your doctor needs to help you evaluate how serious the side effects are and what can be done about them. It is up to you to decide which side effects you can tolerate and which potential health risks you are willing to accept. When you have side effects, your doctor might:

* Reduce the dose of the medication;
* Add another medication for the side effect; or
* Switch to another medication.

Coping strategies for dealing with side effects may help reduce the discomfort or counteract the side effects.

**Question:** What side effects from medications have you experienced?

**Side effects of antipsychotic medications:** People have very different reactions to medications. Some people who take antipsychotic medications experience only a few side effects or none at all, while others experience several. It’s also important to keep in mind that each medication has its own side effects, so you need to talk to your doctor about the specific side effects that are associated with the medication that has been recommended for you.

The main advantage of the newer generation of medications is that they cause very few of the muscle movement side effects such as muscle stiffness, mild tremors, restlessness, and muscle spasms that the older generation medications caused. They also cause significantly fewer problems related to sexual difficulties and irregular menstrual periods. However, both the older and newer antipsychotic medications can cause weight gain and some newer ones do so even more. Tardive dyskenesia, associated with long-term use of the older antipsychotic medications, is an undesirable neurological side effect. It causes abnormal muscle movements, primarily in the face, mouth, tongue, and hands. It ranges from mild to severe. Let your doctor know if you notice any abnormal muscle movements so that he or she can evaluate you.

Some side effects of antipsychotic medications are rare, but can be very serious if they occur, like having problems fighting infections. However, if blood tests are performed regularly to monitor blood levels, these medications can be very safe. You doctor will know if this is recommended.

**Side effects of antidepressants:** Not everyone has side effects when they take antidepressants, but be aware of them in case you do. They can include things like nausea, excitement or agitation, dizziness, weight gain, constipation, cardiac problems, insomnia, or memory problems.

Sometimes a small percentage of people who take antidepressants develop symptoms of hypomania or mania over the course of a few weeks. These symptoms can include: irritability, argumentativeness, agitation, decreased need for sleep, excessive talking, grandiosity, euphoria, hostility, extreme goal-directed behavior, and engagement in activities that are potentially harmful. If you experience these symptoms, notify your doctor immediately.

Also, with a few of the older antidepressants, you may need to avoid certain types of food or drink.You should find out from your doctor if this applies to you, and get a complete list of drugs and foods to avoid.

**Side effects of antianxiety and sedative medications:** Not everyone has side effects when they take antianxiety or sedative medications. However, be aware of side effects in case you do have them. Talk to your doctor right away if you experience any. The most common side effects are:

* Over-sedation;
* Fatigue; and
* Problems with memory or other cognitive abilities.

Long-term use of some of these medications can lead to dependency.

**Why is medication so complicated?**

People respond to medication differently. It can take time for you and your doctor to find the medication that helps you the most and has the fewest side effects.

Medications for mental illnesses usually take time to work. They are not like painkillers, for example, which have an effect within hours. It may take several weeks before you notice a difference in the way you feel.

Talk with your doctor regularly about how you are feeling so that you can work together to find the best medicine for you. **It can take time for you and your doctor to find the medication that is most effective for you.**

**Exercise:** The Pros and Cons of Taking Medication

|  |  |  |
| --- | --- | --- |
| **Pros of taking medication** | **Cons of taking medication** | **Coping with Side Effects** |
|  |  |  |

The following chart lists some common side effects of different categories of medications and some suggestions for coping with them or counteracting them. These are just a few examples. Use the blank spaces to fill in additional strategies that you find useful.

Some side effects are more serious than others. Talk with your doctor and others in your support network if you experience medication side effects.

|  |  |
| --- | --- |
| **Side Effect** | **Strategy** |
| Blurry vision | For mildly blurry vision, talk to your instructor about getting reading glasses. Sometimes people buy these inexpensively without a prescription at a local drug store. |
| Constipation | Drink 6 to 8 glasses of water daily. Eat high-fiber foods such as bran cereals, whole grain breads, fruits, and vegetables. Do light exercise daily. |
| Dizziness | Avoid getting up quickly from a sitting or lying position. |
| Drowsiness | Schedule a brief nap during the day.Get some mild, outdoor exercise such as walking. Ask your doctor about taking medication in the evening. |
| Extreme restlessness | Find a vigorous activity that you enjoy such as gardening, jogging, skating, aerobics, sports, swimming, or bicycling. |
| Increased appetite and weight gain | Emphasize healthy foods in your diet such as fruits, vegetables, and grains. Cut down on sodas, desserts, and fast foods. Exercise regularly. Go on a diet with a friend or join a weight reduction program. |
| Muscle stiffness | Try doing regular muscle-stretching exercises, yoga, or isometrics exercises. |
| Sensitivity to the sun | Stay in the shade, use sunscreen, and wear protective clothing. Avoid going out at the sunniest time of day. |
| Shakiness or tremors | Avoid filling cups and glasses to the brim. |

**R**elaxation and Coping Skills\*

\* These materials were adapted from the Illness Management and Recovery program prepared for the Substance Abuse and Mental Health Services Administration by the New Hampshire - Dartmouth Psychiatric Research Center. We gratefully acknowledge the persons and institutions whose materials were used as resources.

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| --- |
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Lesson 1

Recognizing Stress

**Introduction**

To cope effectively, it is first important to know what experiencing stress is like for you. We will then review coping skills to help manage stress in-the-moment. The more you know about your own signs of stress, the more effective you will be at using coping skills to manage that stress. Although there are many ways to cope with stress, this focuses especially on using relaxation techniques, as this can be a very powerful coping skill that you can use to manage stress levels when dealing with legal issues.

**What is stress?**

Stress is a term that people often use to describe a feeling of pressure, strain, or tension. People often say that they are “under stress” or feel “stressed out” when they are dealing with challenging situations or events.

Everyone encounters stressful situations. Sometimes stress comes from something positive (such as a new job, new apartment, or new relationship) and sometimes it comes from something negative (such as being involved in a legal case, having an argument with someone, being the victim of crime, or even being bored).

**Stress is the feeling of pressure, strain, or tension that comes from dealing with challenging situations.** According to the Stress-Vulnerability Model, stress is an important factor in mental illnesses because it can worsen symptoms and lead to relapses. If you can decrease stress, you can decrease symptoms.

Nobody has a stress-free life and probably nobody would want one. Stress is a natural part of life. In fact, to pursue important personal goals, you must be willing to take on new challenges, which can be stressful. Being able to cope effectively with stressful situations can minimize the effects of stress on you and your symptoms, enabling you to continue pursuing your goals and enjoying life.

**Coping effectively with stress can help you reduce symptoms and pursue your goals.**

**What are the signs that you are under stress?**

Stress affects people physically and emotionally. It also affects their thinking, mood, and behavior. Some people show only physical signs of stress such as muscular tension, headaches, or sleep problems. Others have trouble concentrating or become irritable, anxious, or depressed. Still others may pace or bite their nails. Each person’s response to stress is individual.

Being aware of your own signs of stress can help because once you realize that you’re under stress, you can start to do something about it. Use the following exercise to identify your own signs of being under stress.

|  |
| --- |
| **Exercise: Identifying Signs of Stress**  |
| **Signs of stress** | **I experienced this sign** |
| Headaches |  |
| Sweating |  |
| Increased heart rate |  |
| Back pain |  |
| Change in appetite |  |
| Difficulty falling asleep |  |
| Increased need for sleep |  |
| Trembling or shaking |  |
| Digestion problems |  |
| Stomach aches |  |
| Dry mouth |  |
| Problems concentrating |  |
| Anger over relatively minor things |  |
| Irritability |  |
| Anxiety |  |
| Feeling restless or “keyed up” |  |
| Tearfulness |  |
| Forgetfulness |  |
| Being prone to accidents |  |
| Using alcohol or drugs (or wanting to) |  |
| Other:  |  |
| Other:  |  |

Lesson 2

Coping with Stress: Relaxation Techniques

**How can you cope effectively with stress?**

Coping effectively with stress is a key to living a successful and rewarding life and being able to pursue your personal goals. Some examples of strategies for coping with stress include the following:

* Talk to someone about the stress you are experiencing.
* Use positive self-talk. For example, “This is hard, but I can do it,” or “If I take this one step at a time, I’ll be able to handle it.”
* Maintain your sense of humor.
* Participate in a religious or spiritual activity.
* Exercise.
* Write in a journal.
* Make or listen to music.
* Create art. For example, sketching or drawing.
* Use relaxation techniques. In this section, we will focus on this strategy, as it can be one of the most powerful in-the-moment techniques to reduce stress levels.

Relaxation Techniques

Three types of relaxation techniques are described below:

* Deep breathing techniques;

* Muscle relaxation; and
* Imagining a peaceful scene.

Relaxation techniques are most effective when you practice them regularly. When you are first learning a technique, you usually concentrate on doing the steps according to the instructions. As you become familiar with the instructions, you will be able to concentrate more on the relaxation you are experiencing.

We will practice these techniques together as a group. You can also choose one of the following techniques and try practicing it daily on your own. After a week, evaluate whether you think the technique works for you. Is there one that you like best? Mark it in your workbook (for example, you can circle it or draw a star next to it).

Deep Breathing Techniques

Relaxed breathing

The goal of this exercise is to slow down your breathing, especially your exhaling.

1. Choose a word that you associate with relaxation such as CALM, RELAX, or PEACEFUL.
2. Inhale through your nose and exhale slowly through your mouth. Take normal breaths, not deep ones.
3. While you exhale, say the relaxing word you have chosen. Say it very slowly, like this:

“C-A-A-A-A-A-A-L-M” or

“R-E-E-E-L-A-A-A-X.”

1. Pause after exhaling before you take your next breath. If it’s not too distracting, count to four before inhaling each new breath.
2. Repeat the entire sequence 10 to 15 times.

Mastering Mindful Breathing

As we go about our days, we often breathe in a quick, shallow way without being conscious we are doing so. Daily stresses distract us from being mindful of the way we are breathing. Deep breathing will help you be more mindful of your body.

1. Take a slow, deep breath in. Let the air completely fill your lungs, and resist the urge to exhale quickly before you've fully inhaled. It definitely takes some practice, since most of us are in the habit of taking quicker, shallower breaths instead of long, deep ones. Focus on breathing in as much as you can through your nose, which has tiny hairs that filter out dust and toxins so they can't reach your lungs.
* Feel the air enter your lungs and fill them up. When you're concentrating on taking a deep breath, your worries are pushed aside for the time being.
1. Let your stomach expand. As you draw in a deep breath, let your stomach expand by an inch or two. The air should travel all the way to your diaphragm, causing your belly to round out as it fills. If you watch a baby sleep, you'll see that babies naturally belly-breathe; their stomachs, not their chests, rise and fall with each breath. As adults, we get conditioned to take shallow breaths instead of belly breaths. We tend to hold in our emotions and suck in our stomachs, tensing up rather than relaxing when we breathe. When you learn how to breathe properly, the tension goes away.
* Lay down, stand, or sit upright as you breathe. It's more difficult to draw in a full breath if you're in a slouched position.
* Place a hand on your belly, and the other on your chest, as you inhale. You can tell you're breathing deeply and properly if the hand on your belly rises out further than the one on your chest as you inhale.
1. Exhale fully. Let out your breath through either your mouth or your nose. As you breathe out, pull in your belly toward your spine and exhale all of the breath in your lungs. After you exhale, take in another deep breath through your nose and continue breathing deeply. Try to exhale for twice as long as you inhale, and fully expel the air.
2. Try breathing deeply five times in a row. This immediately calms you down by slowing your heart rate and blood pressure, as well as distracting your mind from stressful thoughts. Get in a comfortable position and practice deep breathing correctly 5 times in a row.
* Remember that your stomach should expand an inch or so from your body, further than your chest expands.
* When you get the hang of deep breathing, try doing it 10 or 20 times in a row. Notice how your body and mind begin to feel as you get flooded with oxygen.
1. Do it anytime, anywhere. Now that you know how to breathe deeply, use the technique as an immediate stress reducer any time you're feeling uptight or worried. You can find a place to be alone, but you can just as easily take five deep breaths while sitting at your desk, riding the subway or even talking on the phone. Use it as a tool to calm yourself down whenever you need to.
* Each time you notice yourself taking short, shallow breaths, switch to deep ones. You'll immediately start feeling less frenzied.
* The more you practice deep breathing, the more natural it will feel. After all, as a baby you breathed deeply with each breath you took.

Using Deep Breathing to Calm Down

Whenever you're feeling particularly stressed out or in need a quick way to calm down, find a quiet place to practice breathing to the count of 4. This breathing exercise acts as a kind of sedative. You can also use this breathing exercise to help you fall asleep.

1. Count to four as you inhale slowly. As you take in air through your nose, count from one to four, making sure not to rush. This counting exercise will help you regulate your breaths and concentrate on breathing deeply. Remember to let your belly move outward and breathe from your diaphragm.
2. Hold your breath for four seconds. Relax and hold it, not breathing in or out, as you wait for seven seconds. You can count in your head.
3. Exhale for four counts. Slowly let the air out through your mouth as you count to four. As you exhale, pull your stomach in to help expel as much air as you can.
4. Continue to exhale (or simply wait to breathe in once you’ve pushed out all the air you can) for another four seconds. It’s best if your exhale is twice as long as the inhale.
5. Repeat four a total of four breaths. After four breaths, you should feel a sense of calm. Repeat the exercise for several more breaths if needed.

Muscle Relaxation

The goal of this technique is to gently stretch your muscles to reduce stiffness and tension. The exercises start at your head and work down to your feet. You can do these exercises while sitting in a chair.

**Neck rolls**

1. Drop your head to one side.
2. Gently roll it around in a wide circle. Repeat 3-5 times.
3. Reverse directions and gently roll your head in a wide circle the other way. Repeat 3-5 times.

**Shoulder shrugs**

1. Lift both shoulders in a shrugging motion.
2. Try to touch your ears with your shoulders.
3. Let your shoulders drop down after each shrug. Repeat 3-5 times.

**Overhead arm stretches**

1. Raise both arms straight above your head.
2. Interlace your fingers, like you’re making a basket, with your palms facing down (toward the floor). If it is uncomfortable to do arm stretches with your arms overhead, try it with your arms reaching out in front of you.
3. Stretch your arms toward the ceiling.
4. Then, keeping your fingers interlaced, rotate your palms upward toward the ceiling.
5. Stretch toward the ceiling. Repeat three to five times.

**Knee raises**

1. Reach down and grab your right knee with one or both hands.
2. Pull your knee up toward your chest (as close to your chest as is comfortable).
3. Hold your knee there for a few seconds, before returning your foot to the floor.
4. Reach down and grab your left knee with one or both hands and bring it up toward your chest.
5. Hold it there for a few seconds.
6. Repeat the sequence three to five times.

**Foot and ankle rolls**

1. Lift your feet and stretch your legs out.
2. Rotate your ankles and feet, 3-5 times in one direction, then 3-5 the other way.

Imagining a Peaceful Scene

The goal of this technique is to “take yourself away” from stress and picture yourself in a more relaxed, calm situation.

1. Choose a scene that you find peaceful, calm, and restful. If you have trouble thinking of a scene, choose one of the following:
* At the beach;
* On a walk in the woods;
* On a park bench;
* On a mountain path;
* In a canoe or sailboat;
* In a meadow;
* Traveling on a train;
* In a cabin;
* Beside a river next to a waterfall;
* In a high-rise apartment overlooking a large city;
* Riding a bicycle; or
* On a farm.
1. After choosing a peaceful scene, imagine as many details as possible using all your senses.
2. What does the scene look like? What are the colors? Is it light or dark? What shapes are in the scene? If it’s a nature scene, what kinds of trees or flowers do you see? What animals? If it’s a city scene, what kind of buildings do you see? What kind of vehicles?
3. What sounds are in your peaceful scene? Can you hear water or the sounds of waves? Are there sounds from animals or birds? From people?
4. What could you feel with your sense of touch? Are there textures? Is it cool or warm?
5. What smells are in your peaceful scene? The smell of the ocean? The smell of food cooking?
6. Disregard any stressful thoughts and keep your attention on the peaceful scene.

Allow at least 5 minutes for this relaxation technique.

**E**ffective

Communication

(with Attorneys and Others
in the Court System)\*

\* These materials were adapted from Bellack, Meuser, Gingerich, & Agresta’s (2004) *Social Skills Training for Schizophrenia, 2nd ed*. We gratefully acknowledge the persons whose materials were used as resources.

Effective Communication Skills

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Skill: Listening to Others

Rationale: Whenever you are in a conversation, it is important to show the other person that you are listening and paying attention. When the other person can tell you are listening, he or she is more likely to want to continue talking to you. There are some specific things you can do to show your interest to the other person.

Steps of the Skill:

1. look at the person.
2. Let him or her know that you are listening by either nodding your head OR saying something like “Uh-huh” or “I see.”
3. Repeat back what you heard the other person saying.

Skill: Making Requests

Rationale: In anyone’s life, situations come up where it is necessary to ask another person to do something or change his or her behavior. A request that is heard as a demand or as nagging usually does not make the other person want to follow through with the request. Making a request in a positive way, however, is usually less stressful and is more likely to lead to the request being met. There are no guarantees, of course, and the other person may not be able to do what you want right away, but a request usually goes better if you keep in mind the following points.

Steps of the Skill:

1. look at the person.
2. Say exactly what you would like the person to do.
3. Tell the person how it would make you feel. In making your request, use phrases like:

“I would like you to \_\_\_\_\_\_\_."

“I would really appreciate it if you would do \_\_\_\_.”

“It’s very important to me that you help me with \_\_\_\_.”

Skill: Expressing Positive Feelings

Rationale: When people have encountered a series of difficulties, they tend to focus on the problems around them and forget to notice the positive things that other people do. Noticing positive things helps to increase a person’s sense of belonging and sense of being able to do things well. Moreover, a person who knows he or she is doing something well is more likely to repeat what he or she has done to please others.

Steps of the Skill:

1. look at the person.
2. Tell the person exactly what it was that pleased you.
3. Tell the person how it made you feel.

Skill: Expressing Unpleasant Feelings

Rationale: Even when people do their best to please each other, there will be times when things are displeasing or unpleasant. It is only natural in the course of living with other people and going to programs with other people that unpleasant feelings arise. Examples of unpleasant feelings are anger, sadness, anxiety, concern, and worry. How people express their feelings can help to prevent arguments and more bad feelings. It is helpful to keep certain things in mind when expressing an unpleasant feeling.

Steps of the Skill:

1. Find a safe person to talk to about your feelings.
2. Speak calmly and firmly.
3. Say exactly what upset you.
4. Tell the person how it made you feel.

Skill: Staying on the Topic Set by Another Person

Rationale: Whenever you are in a conversation with another person, it is important to show that you are paying attention to what is being said. Being able to stay focused on the topic being discussed demonstrates to the person that you are listening and are interested in what is being said.

Steps of the Skill:

1. Decide what the topic is by listening to the person who is speaking.
2. If you do not understand what the topic is after listening, ask the person.
3. Say things related to the topic.

Skill: Getting Your Point Across

Rationale: There are times when we all have something we want to talk about or explain to others. Being able to get your point across in a clear and concise manner is an important component of effective communication. It makes it easier for others to understand and respond to what you are saying.

Steps of the Skill:

1. Decide on the main point you want to get across.
2. Speak in short sentences and stay on the topic.
3. Pause to let the other person speak or ask questions.
4. Answer any questions.

Skill: What to Do When You Do Not Understand What a Person Is Saying

Rationale: Situations often come up in which we do not understand what someone has said to us. Maybe the person was speaking too quickly, or used words that we didn't understand, or even said too many things at once. There are also other times when we may be distracted and find it hard to concentrate on what the person is saying. Whatever the reason, it is better not to pretend that we understand when we really don't understand. Using the steps of the skill will help you to clear up any misunderstanding that you may have about what has been said.

Steps of the Skill:

1. Tell the person that you are confused or that you did not understand what was said.
2. Ask the person to repeat or explain what was just said.
3. Ask further questions if you still do not understand.

Skill: Asking for Information

Rationale: There are many times when people need to ask others for information. People ask for information about directions, how do you do certain tasks, to explain something that they just read. The list of things to inquire about is endless. Often people feel awkward or apologetic about asking for information and therefore choose not to ask. It has been our experience that things go much better when we have all the information we need and that in most cases people are more than happy to share with you what they know.

Steps of the Skill:

1. Use a calm and clear voice.
2. Ask the person for the information you need. Be specific.
3. Listen carefully to what the person says.
4. Repeat back what he or she says so that you understand what has been said.

Skill: Responding to Unwanted Advice

Rationale: There are times when we find ourselves in uncomfortable positions of receiving unwanted advice. This advice usually comes from a person who knows you well, who believes he or she has your best interest at heart. Unwanted advice can also come from a person you don't know very well, such as another patient at the hospital or even a stranger. These people may be especially problematic sources of information for important issues, like what to do in your legal case. Remember — your attorney is the appropriate person to provide you with legal advice. Many people are uncomfortable with responding to this type of advice, especially when it comes from a friend or family member. We have found that there are some specific steps you can keep in mind that can be helpful when you are faced with unwanted advice.

Steps of the Skill:

1. Politely acknowledge the advice given.
2. Express appreciation for the person's concern.
3. Tell the person that you will think about it, and then change the subject.
4. If the person persists, let him or her know that you are not interested in the advice.

Skill: Checking Out Your Beliefs

Rationale: Sometimes we think something may be true, but others disagree. It helps to check out our beliefs by talking to someone we trust. Hearing that person’s point of view can be helpful. We may not change our minds, but at least we know that there is another way people might see the situation.

Steps of the Skill:

1. Choose a person you trust to talk to.
2. Tell the person what your belief is.
3. Ask the person what his or her opinion is.
4. Repeat back the opinion, and thank the person for his or her point of view.

Skill: Solving Problems

Rationale: All of us experience problems at one time or another. Problems can be big or small and can occur in any setting. Learning a systematic way of dealing with problems is an important skill needed to function in the world, as well as to maintain and excel in our daily routine.

Steps of the Skill:

1. Define the problem.
2. Use brainstorming to generate a list of possible solutions.
3. Identify the advantages and disadvantages of each solution.
4. Select the best solution or combination of solutions.
5. Plan how to carry out the best solution.
6. Follow up the plan at a later time.

Skill: Following Verbal Instructions

Rationale: Being able to follow instructions is a skill that is required in almost all settings, such as school, at home, or on the job. It is especially important to be able to follow instructions related to your legal case, and understand what is expected of you.

Steps of the Skill:

1. Listen carefully to the person giving instructions.
2. If you are confused about what was said, ask the person to repeat the instructions.
3. Repeat back the instructions to the person.
4. Ask more questions if you still do not understand.

Skill: Asking Questions about Your Court Case

Rationale: It is important to understand what is happening in your court case so that you can make decisions and help your attorney prepare your defense. It can also be helpful to understand why an attorney has recommended a certain action in your case. When people have questions about their court case, they need to speak to their attorney to discuss their concerns.

Steps of the Skill:

1. When you are able to speak with your attorney, speak in a calm manner.
2. Ask your attorney your question. Be specific.
3. If you do not understand the person’s answer, ask more questions.
4. Thank the person for his or her help.

Skill: Speaking to Your Attorney on the Phone

Rationale: From time to time during your court case, you may need to call your attorney to ask a question over the phone. This process may go more smoothly if people follow the steps presented here.

Steps of the Skill:

1. Give your name and ask to speak with your attorney by name. Speak slowly and clearly.
2. When your attorney can come to the phone, give your name again to your attorney.
3. Ask your question, or give your attorney the information. Be very specific.
4. Allow your attorney to respond to the question. Listen to the response.
5. Ask follow-up questions if you do not understand the answer.
6. Thank your attorney for his or her help.

Skill: Leaving a Message Your Attorney on the Phone

Rationale: From time to time during your court case, you may need to call your attorney to ask a question over the phone. However, attorneys are usually very busy and he or she may not be available to talk on the phone when you call. So, you will need to leave a message. This process may go more smoothly if people follow the steps presented here.

Steps of the Skill:

1. When it is time for you to leave the message, give your name and any other information you have that might be helpful (like your court case number). Speak slowly and clearly.
2. Ask your question. Be very specific.
3. Repeat your name, and leave a phone number where your attorney can call you back.
4. Thank your attorney for his or her help.