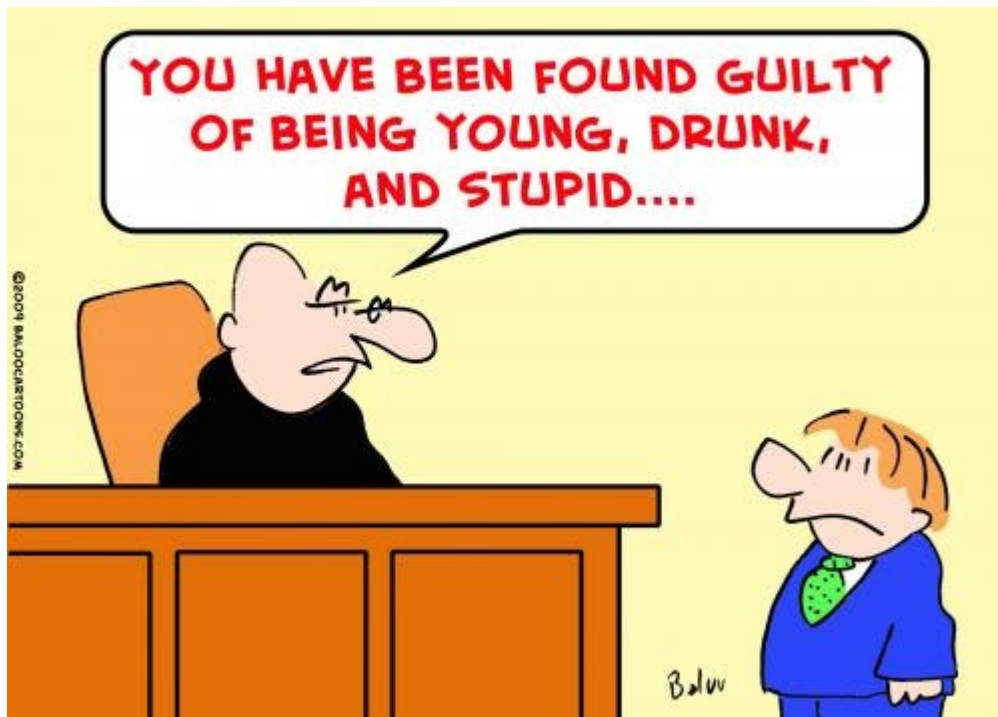
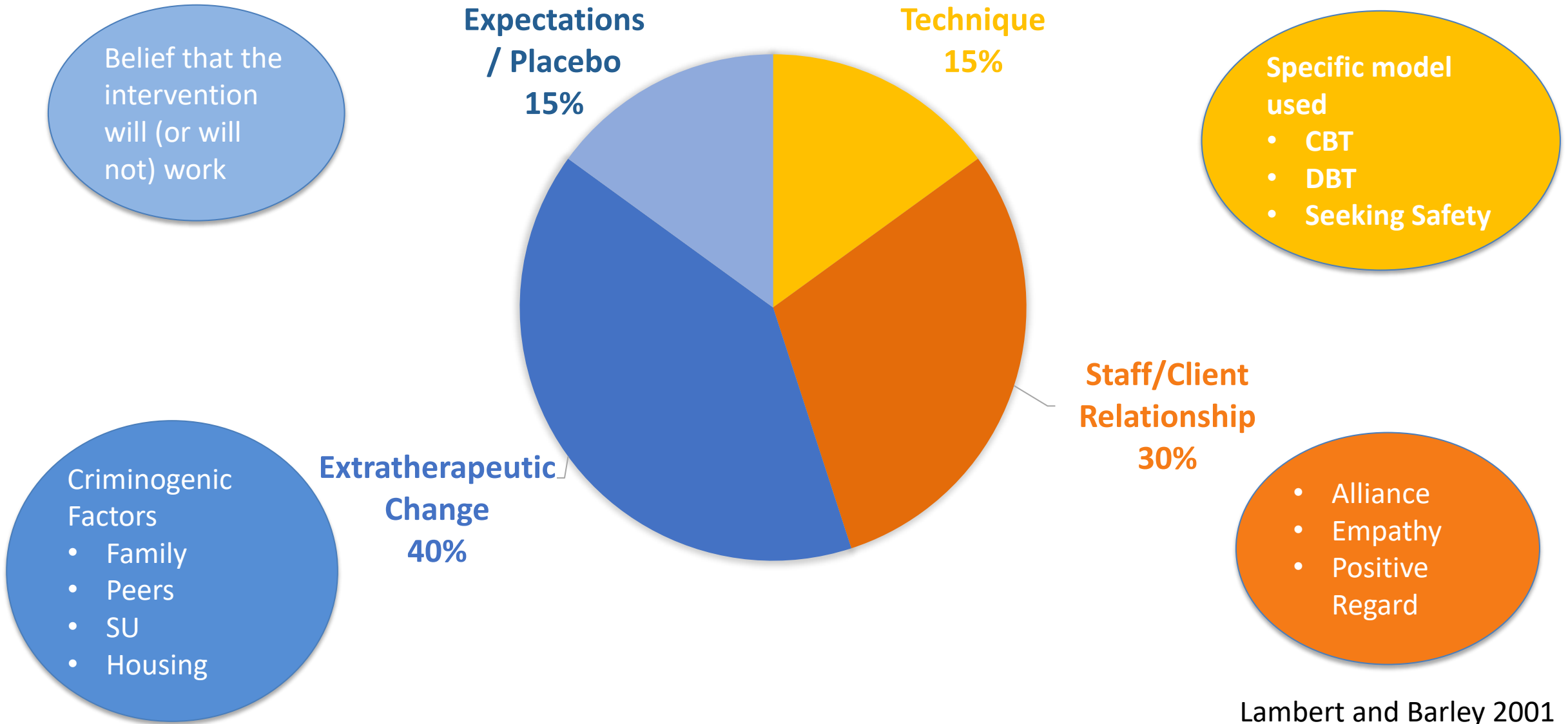


Incentives and Sanctions: Delivery of Effective Responses for Behavior Change

Part 2: Court



What leads to behavior change?



STAFFING CONSIDERATIONS

BEHAVIOR RESPONSES:

- **WHO** are they (risk, need, responsivity)?
- **WHERE** are they in the program (phase)?
- **WHY** did this happen (circumstances)?
- **WHICH** behaviors are we responding to?
 - Proximal or distal?
- **WHAT** is the response choice/ magnitude?
- **HOW** do we deliver and explain response?



TREATMENT / SUPERVISION CHANGES?

New Video: NZ staffing

New Video: NZ court

SETTING THE STAGE FOR EFFECTIVE COMMUNICATION

**Establishing Trust,
Rapport and Safety**



Develop Rapport

(Putting clients at ease increases their ability to listen to you and understand the message)

- **“Never forget how scary you look.”**
- **Bad experiences with authority figures, esp.**
 - Judges, DA’s, Law enforcement, even Probation
 - We have the power to send them to jail
- **Work on connection and demonstrating respect, understanding and positive regard**



Judge Greenlick: Developing Rapport

IT'S ALL IN THE DELIVERY

**“Its not just what we
say, it's HOW we say it.”**



Judge Morris: Sarcasm

Tone matters

- No “Judge Judy”
- No snarky comments
- No shaming or attacking
- Respectful, firm, clear, but not harmful



Your face matters

- **Watch for “leaking” body language**
- **Listen for the positive**
- **Watch your own patterns of thinking**
– including labelling

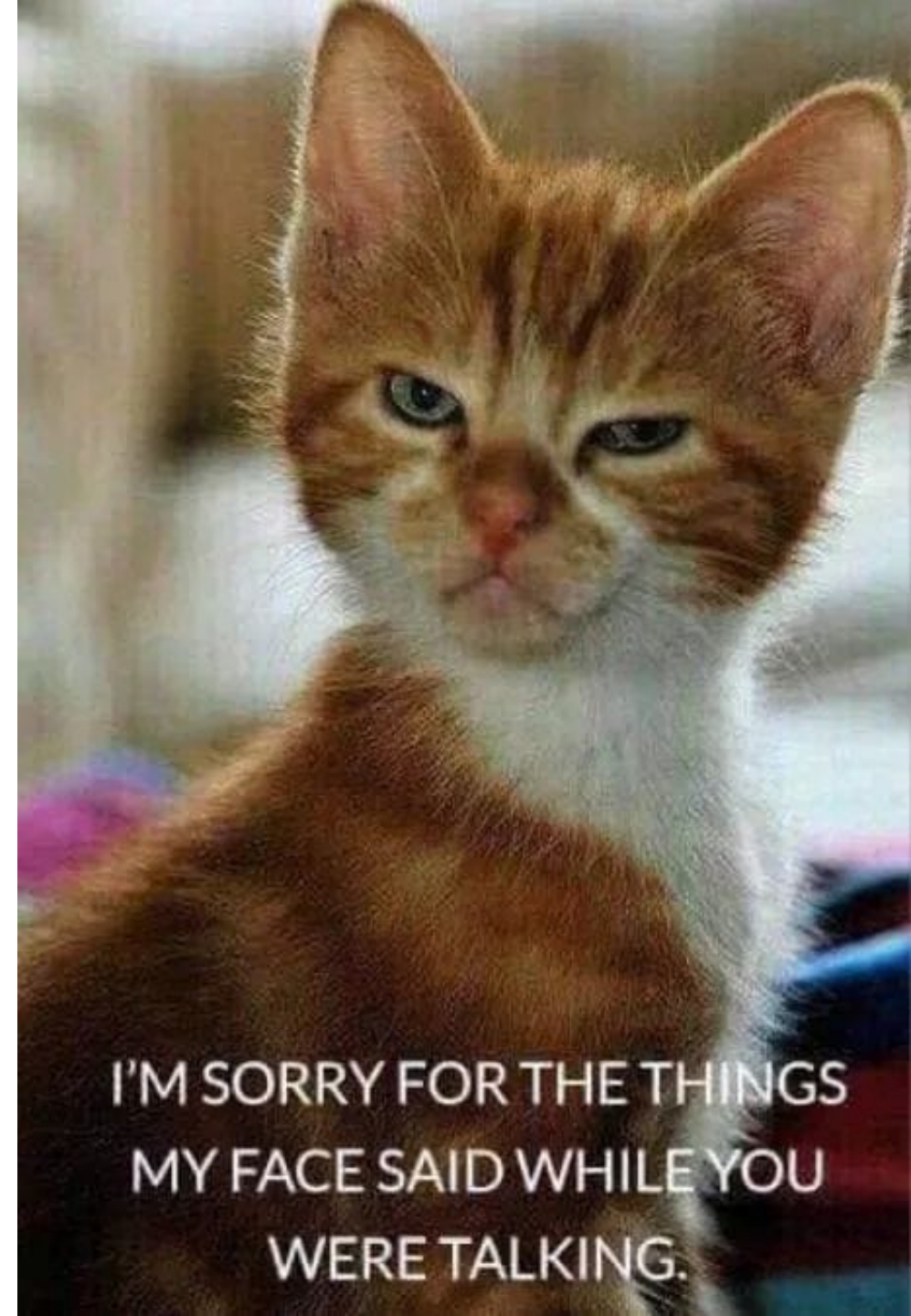
Consider your garden –

If you want a plant destroyed, call it a weed.

If you want a plant to be tended, call it a flower.

“Druggie, dopehead, perp, offender”

HUMAN



**I'M SORRY FOR THE THINGS
MY FACE SAID WHILE YOU
WERE TALKING.**

Things that shouldn't have to be said

State v. Lemke, 434 P. 3d 551 (Wash. Court of Appeals, 1st Div. 2018) **No judge wielding the power of the State in any courtroom has any good reason to call a litigant a "fucking addict" and "just a criminal."** The judge's manifestation of personal animosity toward Lemke is not something we can write off as a byproduct of the informal and confrontational culture of drug court. A "fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 99 L.Ed. 942 (1955). The sentence must be reversed.

Deliver Responses With Care

- Be patient and explain
- Be consistent
 - When clients are treated differently, explain WHY
- Model respect
 - Speak respectfully, and expect respect in return
 - No blindsides
 - Listen, give opportunity to explain, even when clients are difficult



Be patient, explain and ensure the participant understands your language

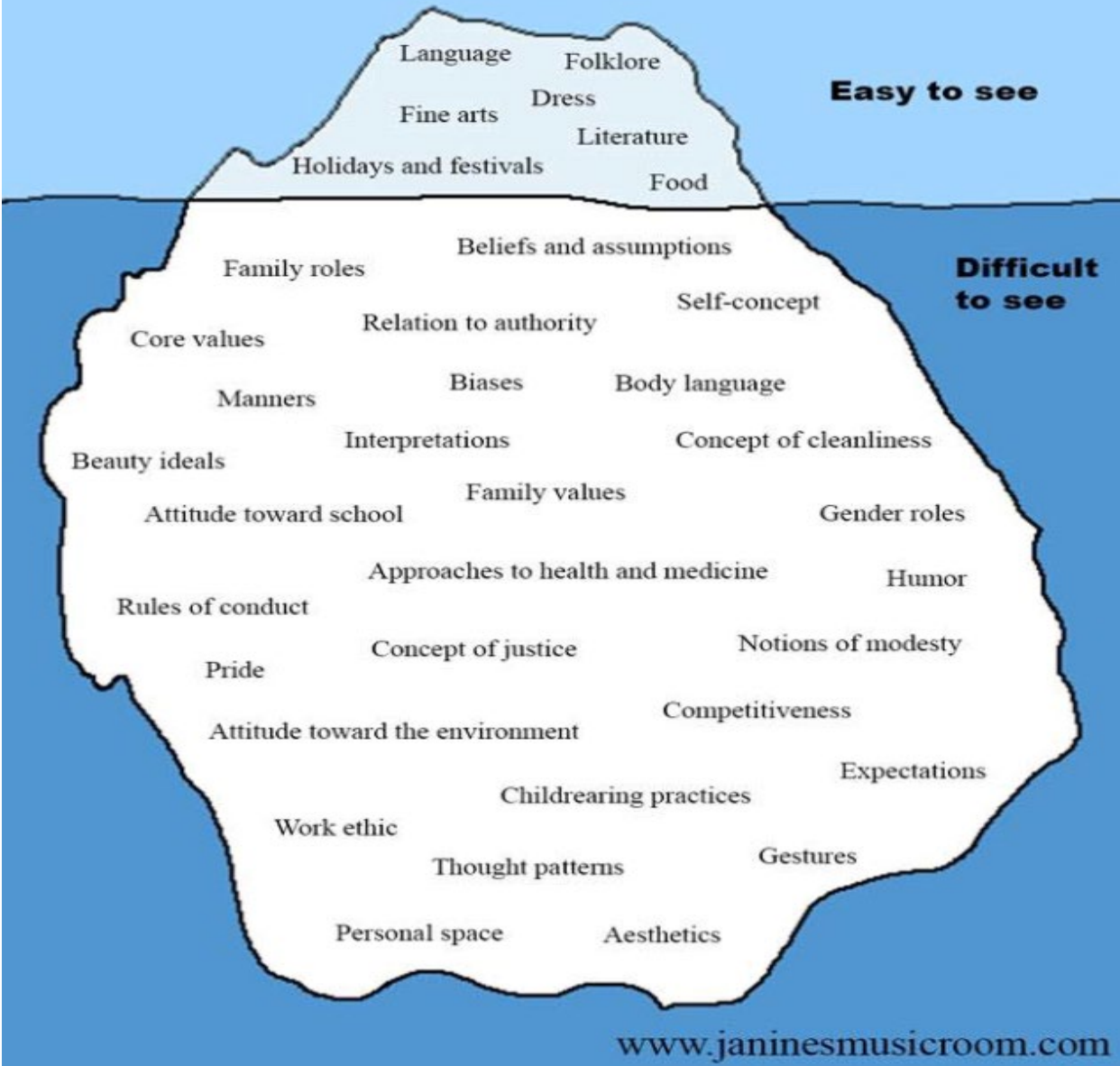
<https://youtu.be/lcPXk6NPoRY>

Sensitivity to Differences



- **Our participants are diverse!**
 - **Social, economic, education**
 - **Ethnic, religious, cultural differences**
 - **Physical, medical, mental health factors, too**
- **People from different backgrounds may have a different frame of reference, different norms and expectations**
- **They may misinterpret our words / intentions.**

The Cultural Iceberg



Ask questions
and
LISTEN

Judge Greenlick: Now it's my turn



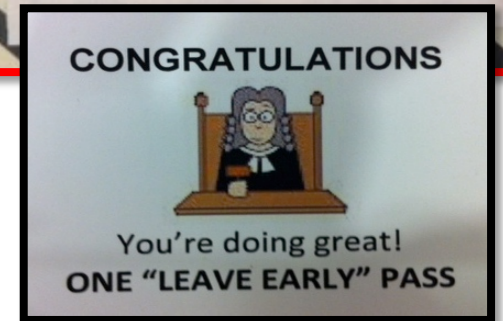
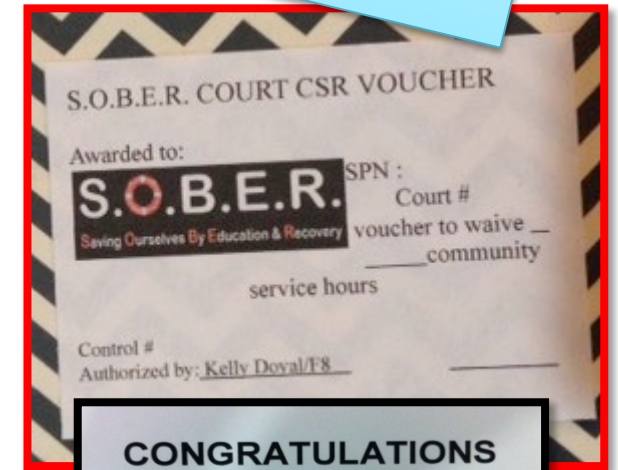
Welcome to the Psychiatric Hotline:
If you are obsessive-compulsive,

please press 1 repeatedly.
If you are co-dependent, please ask
someone to press 2.
If you have multiple personalities,
please press 3, 4, 5 and 6.
If you are schizophrenic, listen care-
fully and a little voice will tell you which
number to press.
If you are manic-depressive, it
doesn't matter which number you
press. No one will answer.

If you are paranoid, we know who you
are and what you want. Just stay on the
line so we can trace the call.

Understand Who You are Speaking to

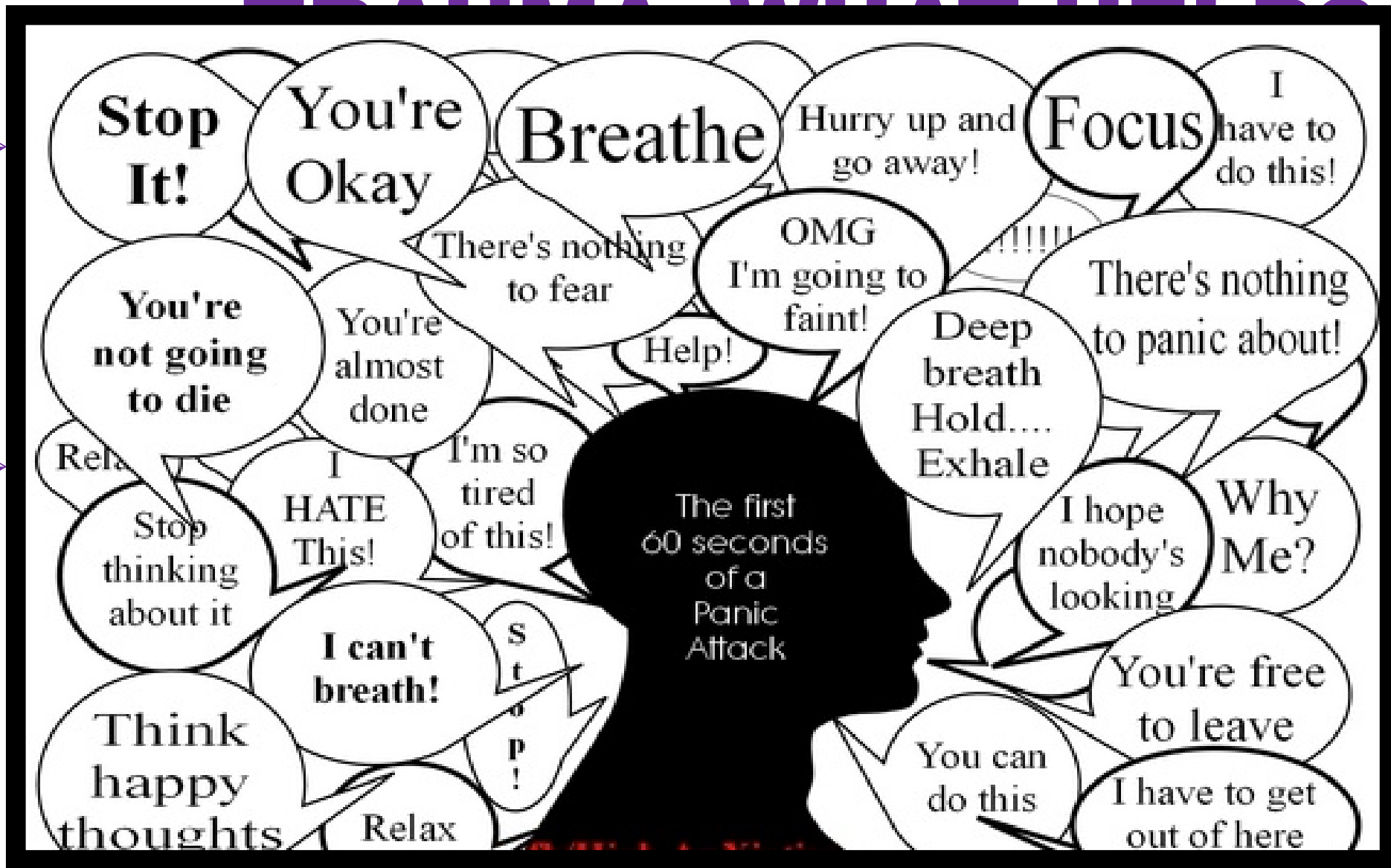
- Addicted and traumatized brains hear, retain, and interpret differently.
- This is a group that yearns for validation.
- What does, “You’re doing great” mean?
- We must be specific.
- They may not yet understand the value of prosocial behavior.
- Clients don’t know what “normal” is.



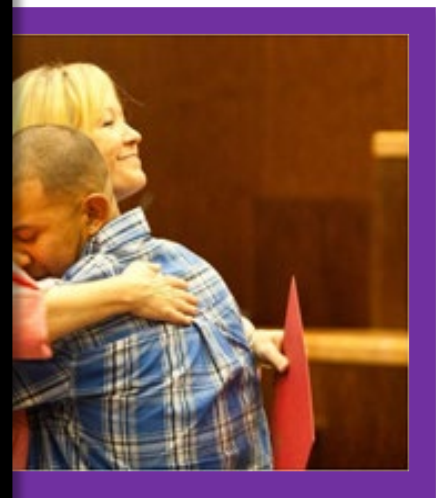
UNDERSTAND TRAUMA

- Almost all our clients (veterans and non-veterans, combat or no-combat) have experienced significant trauma– but some may not realize it.
- Traumatized individuals process information differently
- Face significant hurdles and may need “more”.
- Screen at Orientation and design a treatment plan that meets individual needs.





ch?



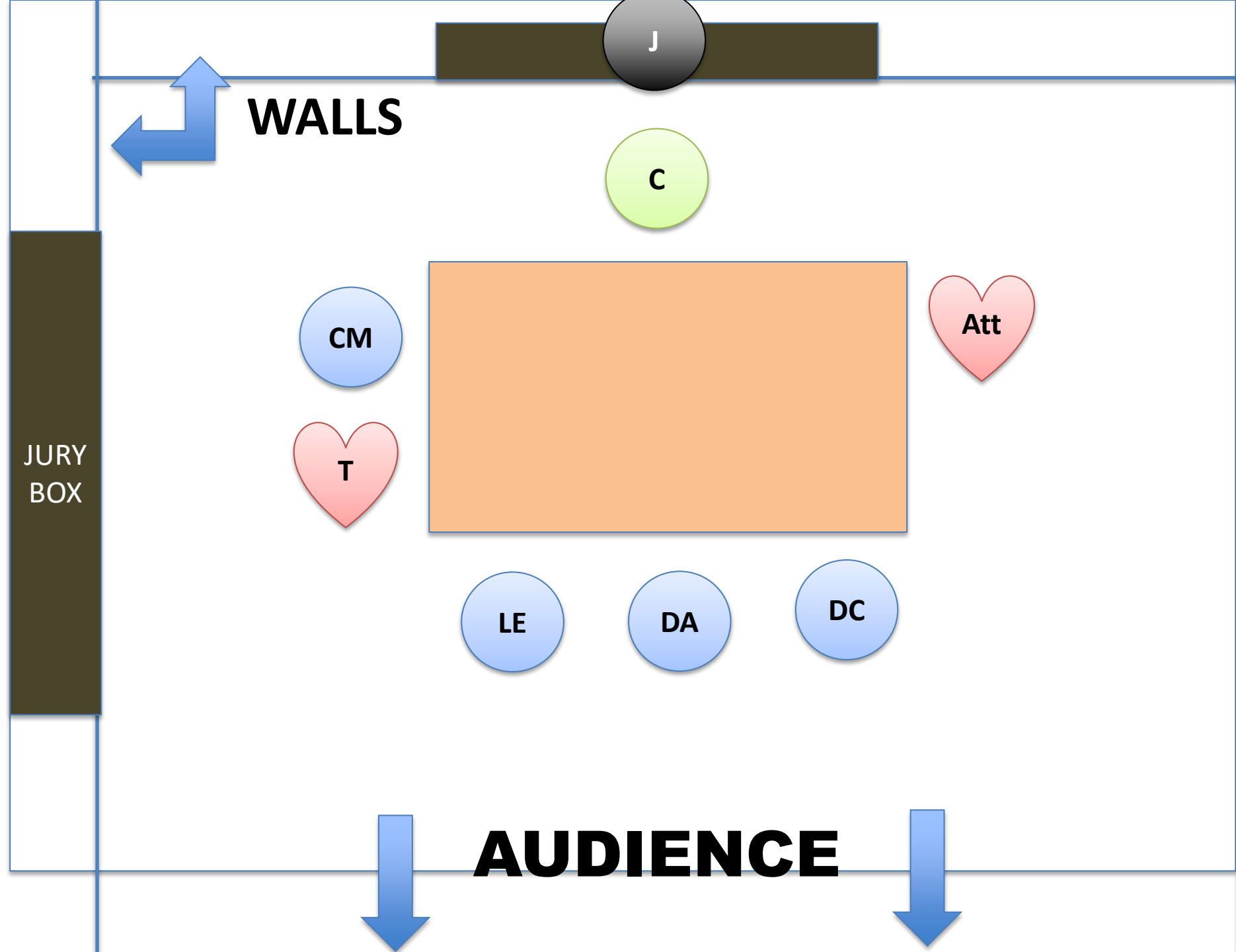
- instill hope

personally

PUTTING PARTICIPANTS AT EASE

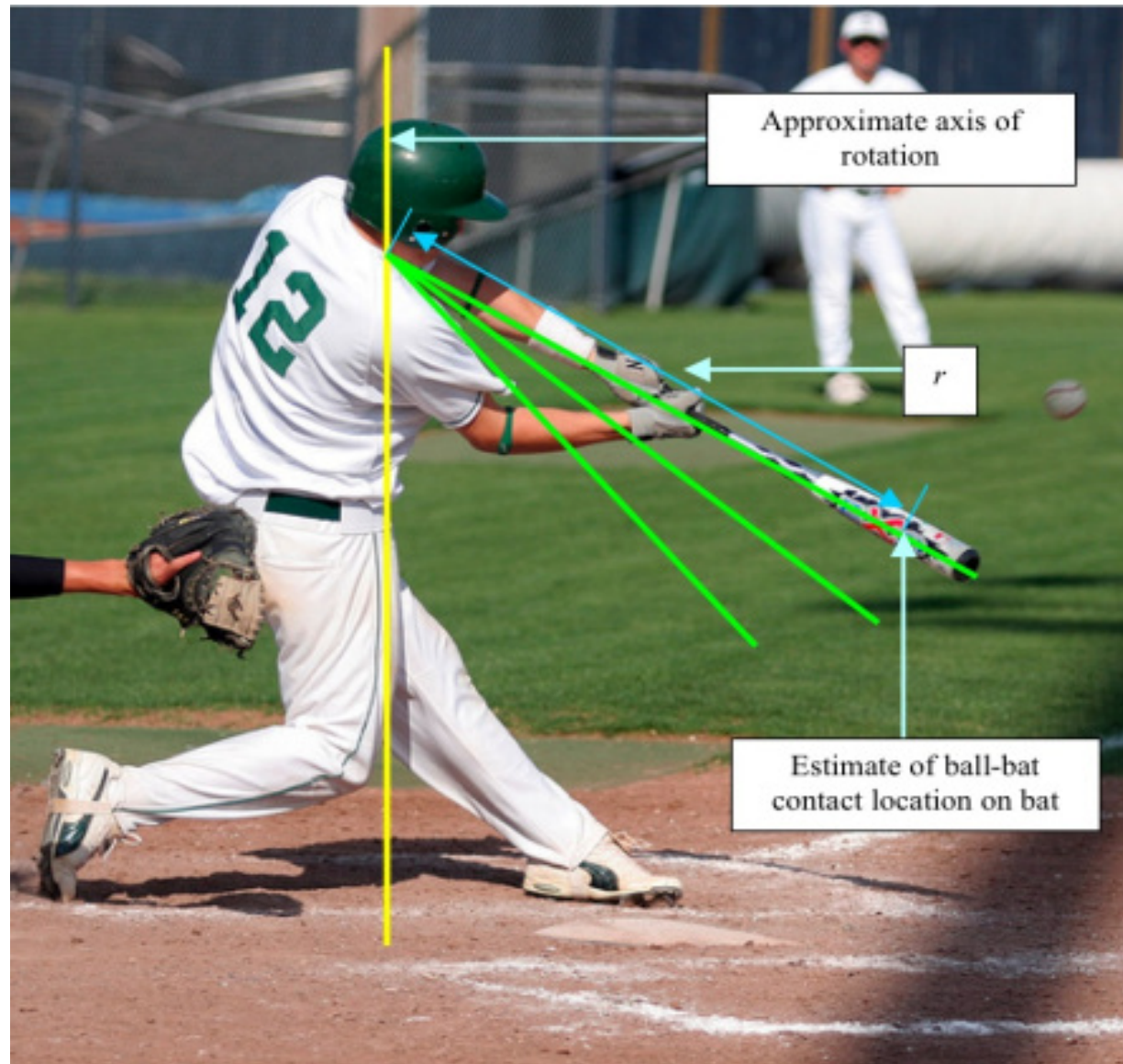
- **One Solution: Re-orient the courtroom.**
- **When clients feel safe, they will open up.**
- **Caveat: This will extend your Court Review!**







Targeting



Targeting

- **Define behavior clearly for team and participant (both bad and good)**
- **Point direction (describe positive behavior you are looking for)**
- **Target the behavior not the person**

Do Due Process



(Procedural Fairness)

- **Allow participants to explain**
- **Explain judge/team decision**
- **Be respectful (and expect respect)**
- **Have written incentive/sanction guidelines for team and list for participant**
- **Allow reasonable discretion**

Skill Steps to Effective Responses

A Magic Formula for Meaningful Conversations:

- Identify behavior to be reinforced/ punished.
- Immediately tell person **WHAT** behavior you liked/ disliked.
- Tell the person **WHY** you liked/ disliked it.
- Discuss short and long term costs/ benefits of the behavior? **(Effect on her goals?)**
- Pair the approval* / disapproval with an incentive / sanction.



**YOUR FEEDBACK
MATTERS**

WHY WE DO IT

This method helps clients internalize:

- “I’m not just doing this to get off probation.”
- There are more intrinsic reasons for this change: boss, spouse, teacher, etc.

We must change the internal tape from:

**“I need to be on time to treatment
so I don’t get in trouble” to:**

“I NEED TO LEARN SO I CAN GET BETTER.”

Judge Bloch: Airplane Mask Video

Sanction Script

- It was not appropriate that you fell asleep in treatment because it's disrespectful and you missed important information that could help you succeed.
- Right now, how do you think this behavior has or could hurt you?
- Can you see where continuing the behavior might cause any problems for you down the road?
- Let's discuss what you could've done instead, and how that would've looked (thoughts/ behavior).
- I'm going to give you a 8:00 p.m. curfew for 5 days. I recommend an early bedtime so this doesn't happen again.”

Greenlick: Kratom Defense Vid

Things to Talk About

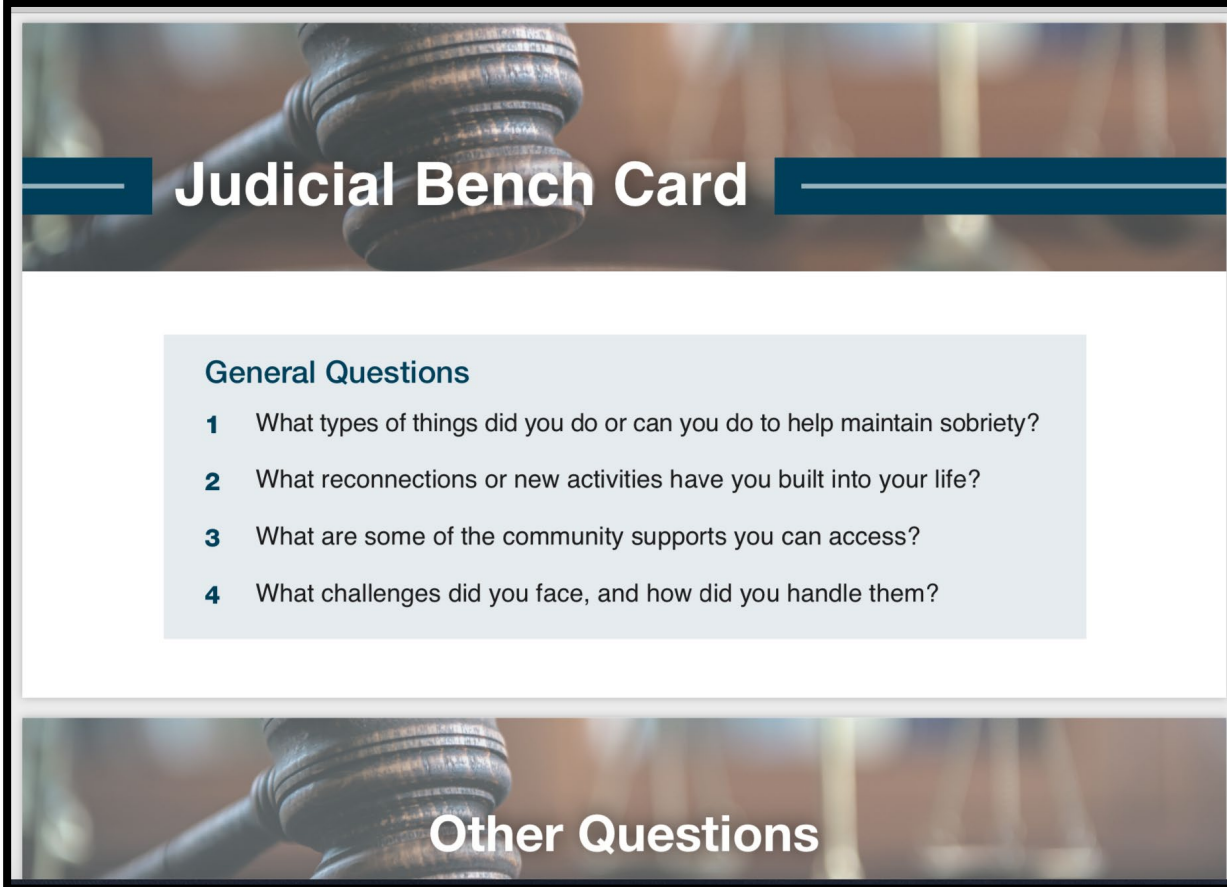
Excellent resource: NADCP Judicial Bench Card

<https://www.ndci.org/wp-content/uploads/2019/02/Judicial-Bench-Card.pdf>

TRAUMA

RELAPSE

M.I. TIPS



Judicial Bench Card

General Questions

- 1 What types of things did you do or can you do to help maintain sobriety?
- 2 What reconnections or new activities have you built into your life?
- 3 What are some of the community supports you can access?
- 4 What challenges did you face, and how did you handle them?

Other Questions

**FINAL
PHASE**

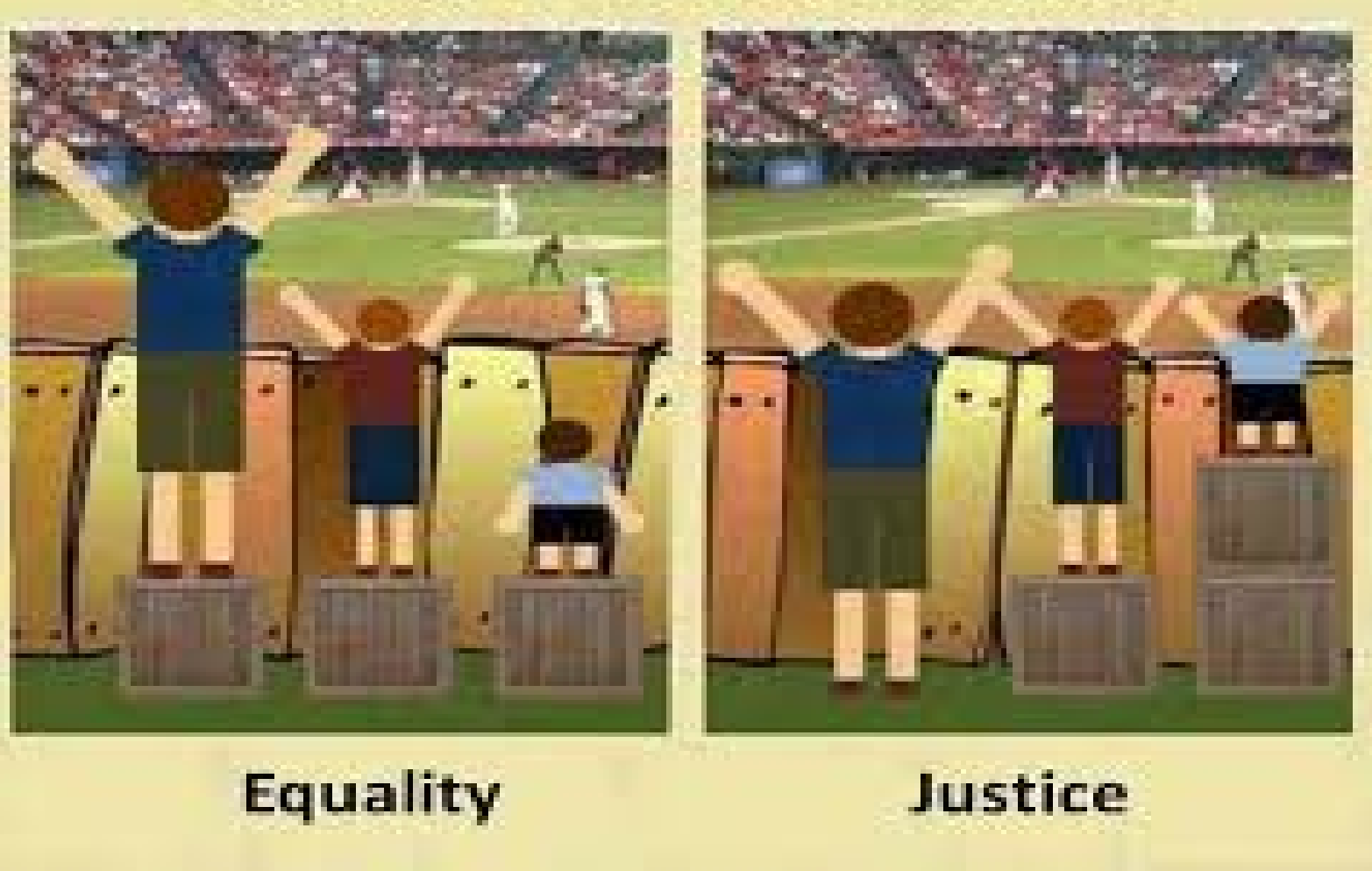
C.B.T

A Word About Fairness

- **Behavior Modification Principle: Humans Need /Expect Fairness**
- **Commitment** increases when the process is perceived as fair.
 - If not, clients disengage.
- **Young clients and those with MH issues require special attention**
- **Take the time to explain.**



Fair doesn't mean the same.



**How deep
is the mud?**

**Depends on
who you ask.**

**We all go through the
same stuff differently.**

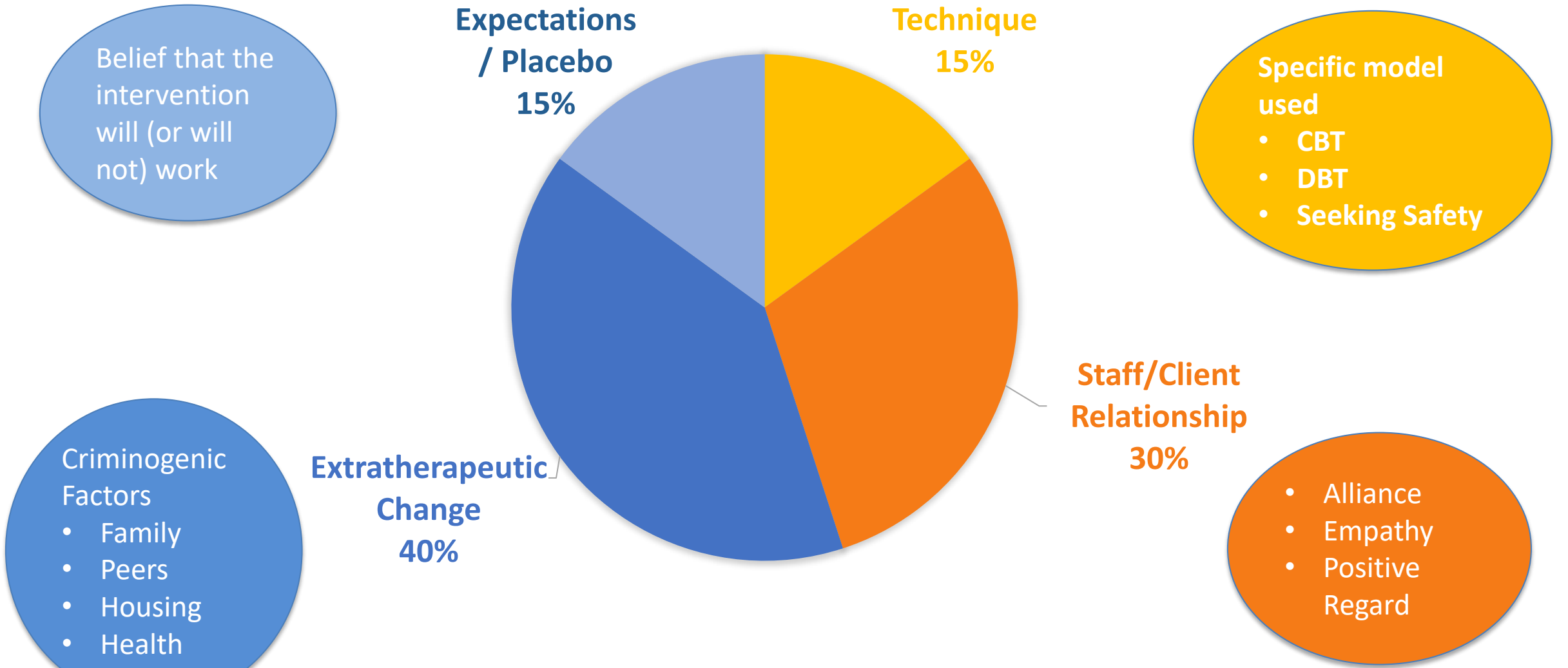


**My paws
are frozen!**

**Man, I wish
that was my
only problem!**

Finlay: Wayne Everybody's Different Video

What leads to behavior change?



Capitalizing on Hope at Court Review

- **Seeing is believing: New clients need to see it all.**
- **Take later phases first so new clients will see and hear of the other client's successes every week.**
- **Take incentives first– unless a “teachable moment.”**
- **Utilize mentors or your alumni group.**
- **Generously use incentives until “natural” reinforcers kick in.**



Judge Papack: Hope from team



Review (Final Quiz)

What is the purpose of Sanctions?

What is the purpose of Incentives?

What other tools do you have?

- **Therapeutic responses**
- **Supervision/Monitoring**

The Long Run

- We want all team members to
 - Be professional
 - Be consistent
 - Be positive
- Find the good and reinforce it!
Incentives promote engagement!
- Be vigilant - monitor and let clients know you see what they're doing (good and bad)!
- Be patient. Healing an addicted brain takes time.



THIS STUFF WORKS!!

Questions, Training, TA?

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