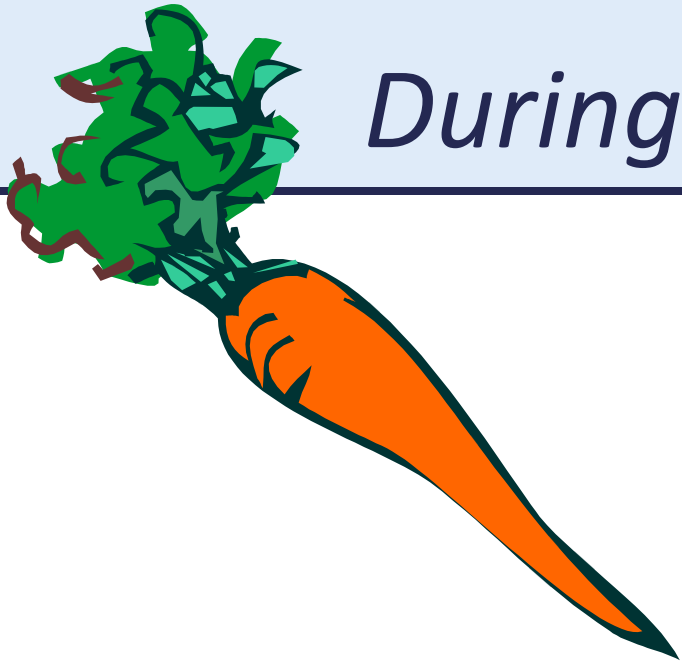


Incentives and Sanctions: Part 1: Effective Responses for Behavior Change

During a Time of Physical Distance



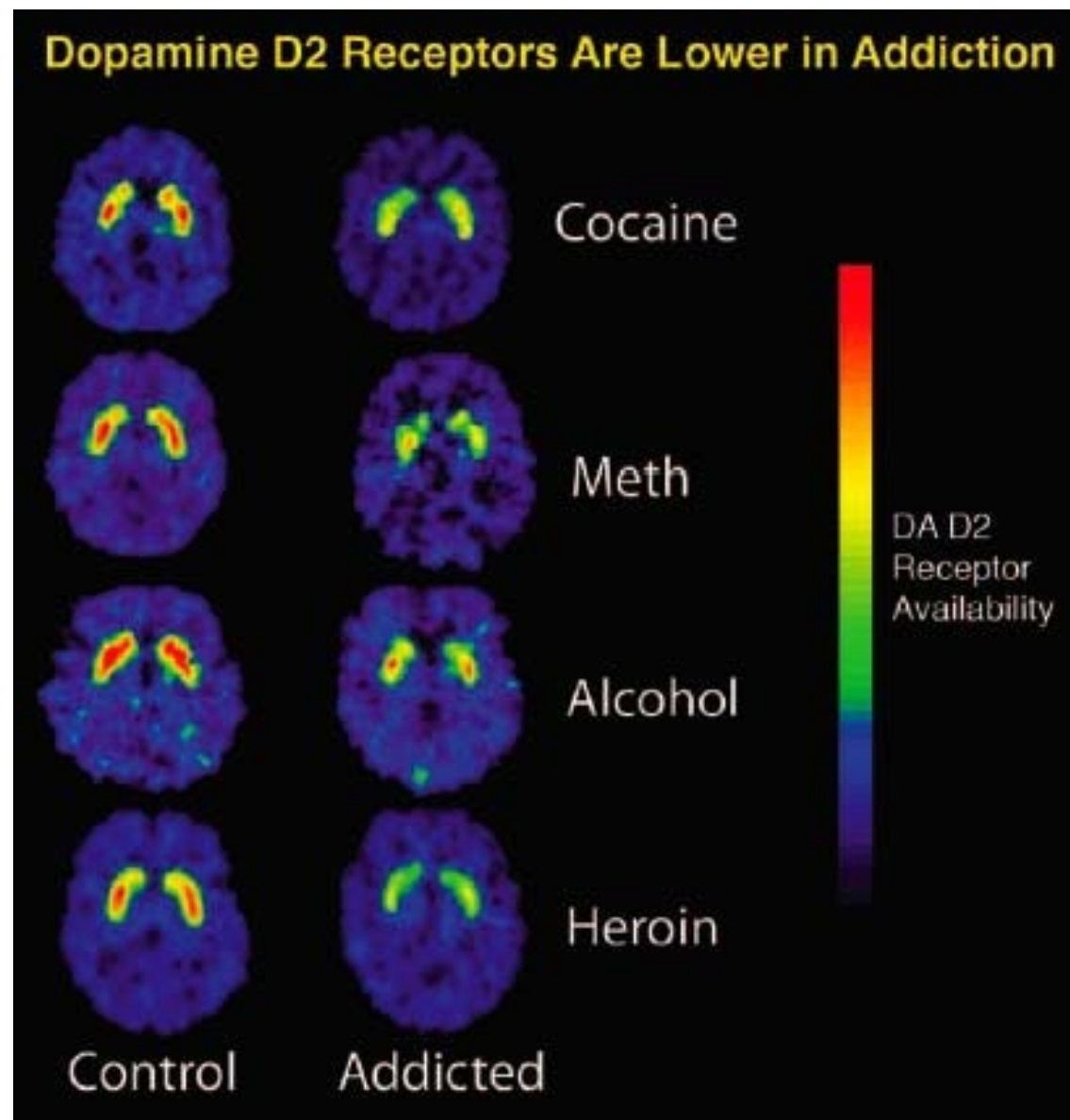
Shannon Carey, Ph.D.

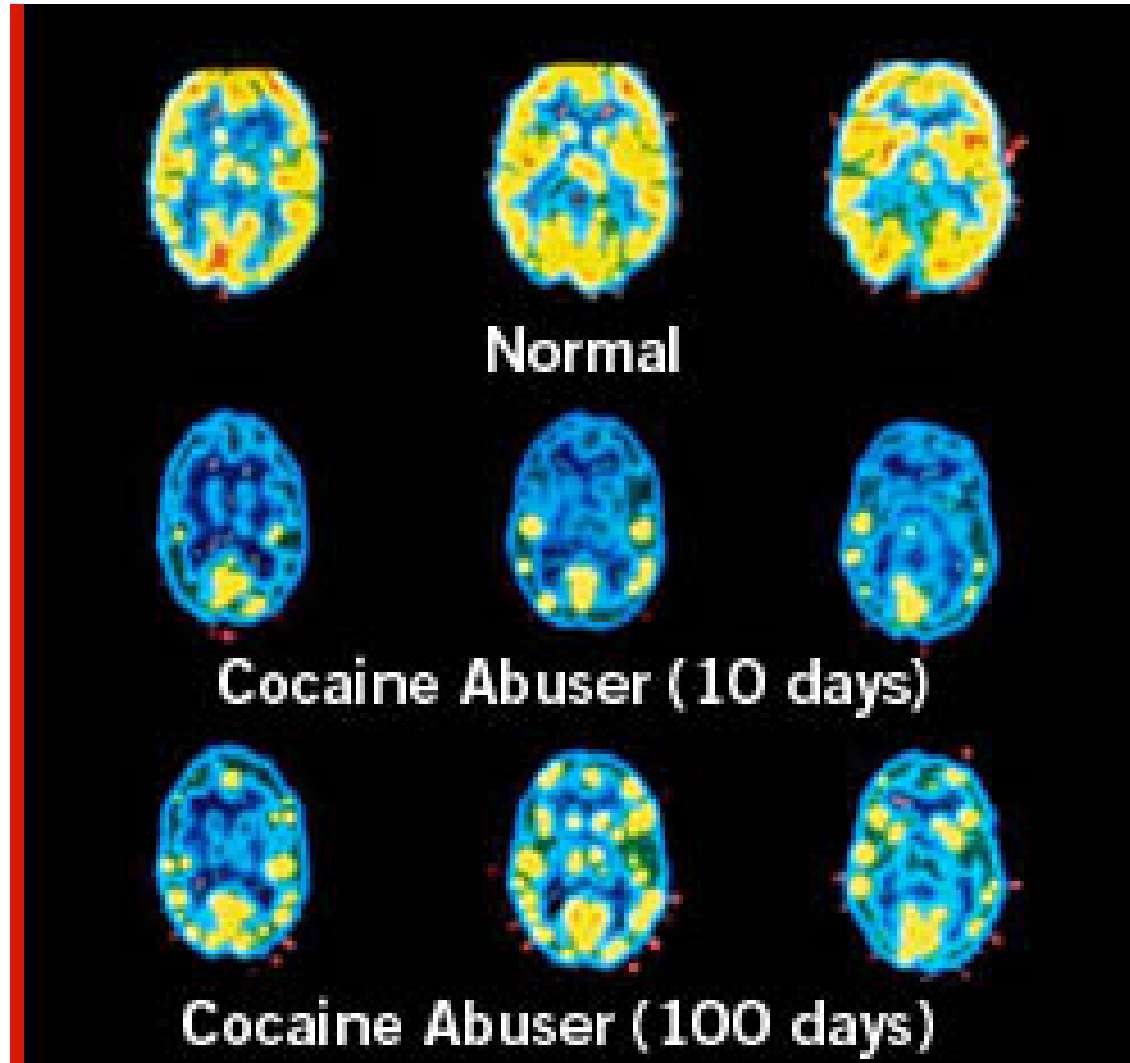
Helen Harberts, J.D.

Disclosure

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- Points of views or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

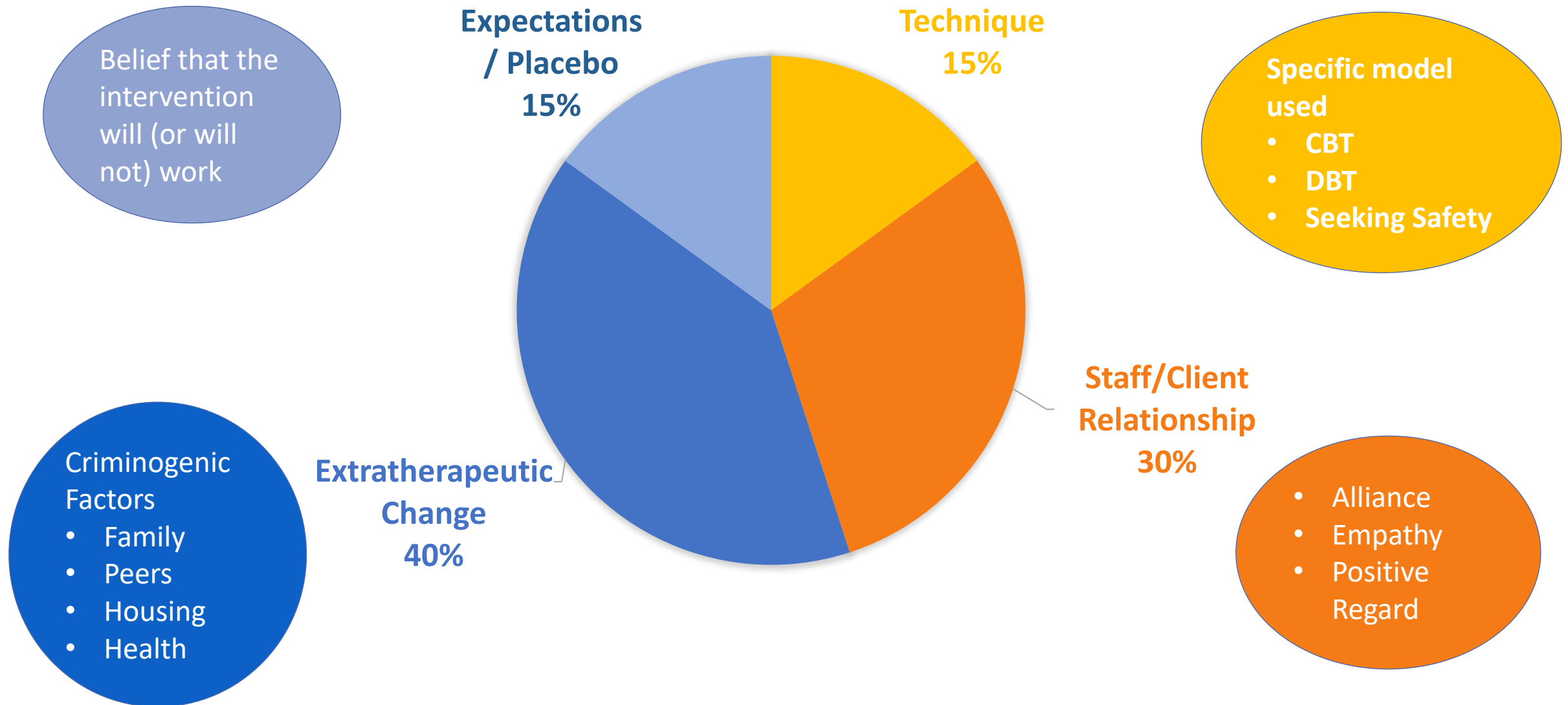
First: Remember what we're dealing with





The enemy (addiction) is a difficult opponent. Brains take time to heal. Change is hard.

What leads to behavior change?



The Beginning

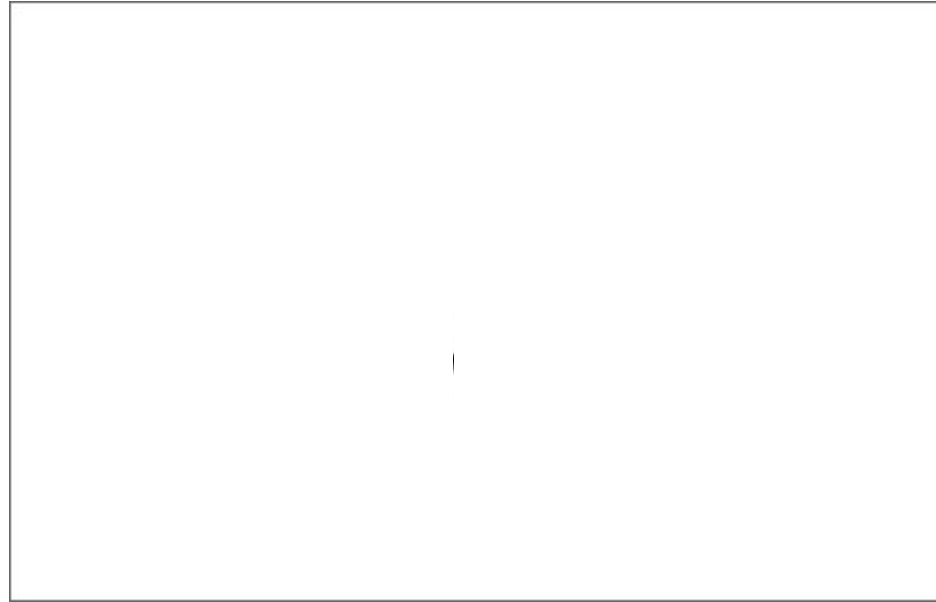


“All Behavior is followed by a consequence, and the nature of that consequence modifies the organisms tendency to repeat the behavior in the future”

• *B.F. Skinner*

(Applies to humans as well as rats! But people need a sense of fairness)

CRISIS



CRISIS

A large, bold, black calligraphic Japanese character (kanji) for 'Danger' (危). The character is written in a dynamic, expressive style with thick strokes and a curved, sweeping tail.

Danger

CRISIS



A crisis is a terrible thing to waste

POLL: **DANGER** - WHAT HAVE YOU CHANGED THAT YOU ARE MOST CONCERNED WILL **HARM** PARTICIPANTS?

- Virtual court sessions
- Virtual treatment
- Virtual support groups/peer support
- Virtual/phone supervision
- New drug test method(s)
- Stopped drug testing
- Stopped jail sanctions



POLL: **OPPORTUNITY** - WHAT HAVE YOU CHANGED THAT YOU THINK IS MOST **MOST BENEFICIAL** PARTICIPANTS?

- Virtual court sessions
- Virtual treatment
- Virtual support groups/peer support
- Virtual/phone supervision
- New drug test method(s)
- Stopped drug testing
- Stopped jail sanctions



Keeping participants engaged

Focus on the connection

- Building Trust
- Building positive relationships
- Showing support
- Alliance
- Empathy
- Positive regard



Video: Kyle and the importance of support and the human connection

Keeping participants engaged

Focus on the connection

- Virtual Court sessions
- START Court Recovery Challenge form (gift cards and reductions in probation time for staying engaged)
- Letters to participants from the team
- Court provided phones (Corrisoft)
- Probation “fairy” probation officer drives by to bring needed goods or incentives to home
- Rapid Incentive videos from PO, team, or Judge. [and disappointment with encouragement videos as needed]* (watch your record if Judge)



START Court Recovery Challenge

Below is a list of incentivized activities you can participate in while START Court is impacted by COVID-19. We want to encourage and support you while you continue working on your recovery. Please ask your PO for details. Stay in contact with your PO to track owed incentive cards:

Probation:

- | | |
|--|--|
| <input type="checkbox"/> Check-in as directed by probation officer for one week | \$5 incentive card |
| <input type="checkbox"/> Complete two assignments with probation officer | \$5 incentive card (for each assignment) |
| <input type="checkbox"/> Complete more than two assignments from probation officer | \$5 of supervision fees waived per additional assignment |
| <input type="checkbox"/> Call the UA line and text the color code to your PO each day for one week | \$5 off supervision fee coupon |

Community:

- | | |
|---|---------------------|
| <input type="checkbox"/> Join the START/STOP Each One Teach One Facebook group | Fastpass |
| <input type="checkbox"/> Attend first online recovery support meeting and write to counselor or PO about the experience | \$5 incentive card |
| <input type="checkbox"/> Attend the START/STOP Each One Teach One Facebook Group virtual alumni group | Fastpass |
| <input type="checkbox"/> Attend daily online recovery support meetings for one week with documentation per PO | \$5 incentive cards |
| <input type="checkbox"/> Reach out to a fellow START client and complete an online meeting with them. Documentation per PO. | \$5 incentive card |

Treatment:

- | | |
|--|--|
| <input type="checkbox"/> Daily phone (voice) contact with recovery mentor for one week | \$5 incentive card |
| <input type="checkbox"/> Daily check-in with treatment counselor for one week | \$5 incentive card |
| <input type="checkbox"/> Complete two elective treatment assignments | \$5 incentive card |
| <input type="checkbox"/> Complete more than two elective treatment assignments | \$5 of supervision fees waived per additional assignment |

If the court determines at the conclusion of the COVID-modified START operations that the START participant has been in “very substantial compliance” with the START program during the period of modified operations, the court will reward the participant with a reduction in the probation term of up to 6 months.

Keeping participants engaged

Focus on the connection

- Short encouragement videos, good morning videos
- Quick “what did you learn” video chats, etc.
- More praise and small incentives to make the long days go by.
- “Look for the Helpers”-life help
- Connecting participants to distance learning options at local community college
- Writing to nursing homes
- Homework chats



The 3 Major Types of Behavioral Learning

Classical Conditioning



Operant Conditioning



Observational Learning



The basic tenets of behavior modification still apply

A neutral stimulus
is associated with

A response is increased
or decreased due to

Learning occurs through
observation and

Certainty

Consistency (Responsive)

Behavior will generate a Response – every time (not about severity)

Reliable detection

Detection allows the gathering of information needed by judge and team to determine appropriate response

(Speeding ex.)

Supervision



Form 1040 U.S. Individual Income Tax Return 2002

Department of the Treasury—Internal Revenue Service (99) IRS Use Only—Do not write or staple in this space

OMB No. 1545-0074

Label (See instructions on page 21.)
Use the IRS label. Otherwise, please print or type.

Presidential Election Campaign (See page 21.)

Filing Status
 Check only one box.

Exemptions
 If more than five dependents, see page 22.

Income
 Attach Forms W-2 and W-2G here. Also attach Form(s) 1099-R.

7 Wages, salaries, tips, etc. Attach Form(s) W-2 **7**

8a Taxable interest. Attach Schedule B if required **8a**

b Tax-exempt interest. Do not include on line 8a **8b**

9 Ordinary dividends. Attach Schedule B if required **9**

10 Taxable refunds, credits, or offsets of state and local income taxes (see page 24) **10**

11 Alimony received **11**

12 Business income or (loss). Attach Schedule C or C-EZ **12**

13 Capital gain or (loss). Attach Schedule D if required. If not required, check here **13**

14 Other gains or (losses). Attach Form 4797 **14**

15a IRA distributions **15a** **b** Taxable amount (see page 25) **15b**

16a Pensions and annuities **16a** **b** Taxable amount (see page 25) **16b**

17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E **17**

18 Farm income or (loss). Attach Schedule F **18**

19 Unemployment compensation **19**

20a Social security benefits **20a** **b** Taxable amount (see page 27) **20b**

21 Other income. List type and amount (see page 29) **21**

22 Add the amounts in the far right column for lines 7 through 21. This is your **total income** **22**

23 Educator expenses (see page 29) **23**

24 IRA deduction (see page 29) **24**

25 Student loan interest deduction (see page 31) **25**

26 Tuition and fees deduction (see page 32) **26**

27 Archer MSA deduction. Attach Form 8853 **27**

28 Moving expenses. Attach Form 3903 **28**

29 One-half of self-employment tax. Attach Schedule SE **29**

30 Self-employed health insurance deduction (see page 33) **30**

31 Self-employed SEP, SIMPLE, and qualified plans **31**

32 Penalty on early withdrawal of savings **32**

33a Alimony paid **b** Recipient's SSN **33a**

34 Add lines 23 through 33a **34**

35 Subtract line 34 from line 22. This is your **adjusted gross income** **35**

Form 1040 (2002)

Certainty is about Community Supervision:



- Home visits out in front (from a proper 6' distance)
- Ensure you and your participants have access to technology that allow you to stay in touch with each other (phones/computers/tablets)
- Provide masks and life skill assistance for participant and family.
- GPS
- Increase remote contacts
 - ✓ Facetime and Duo provide the ability to check in, while looking around a room.
 - ✓ Zoom meetings, and text chats help with outreach
 - ✓ Zoom CBT can be very effective.
 - ✓ This disease is isolating...physical distancing has made it worse. Peer mentors.



Certainty is about Drug Testing:

- Remote alcohol sensors
- Universal precautions with urine testing
 - Broad panel plus EtG, EtS
- Oral fluids have known limits and can be viral loaded
- Hair tests are limited and violate basic rules of response swiftness.
- Skin patches are slightly better than hair as they are weekly.
- Transportation concerns may impact outreach, partner with community groups?



Reliable Detection of Behavior – Best Practices

- Urine drug testing at least twice per week
- Random testing – equal chance all 7 days
- Continuous detection methods (patches, bracelet)
- Electronic monitoring
- Home visits (Extend supervision into natural social environment - work, home, school, street, cell phones)
- Include law enforcement on the team
- Case manager, supervision, treatment

Proximal? Distal? What the heck is that?

Proximal = Proximate/Close



- Show up
- Try hard
- Tell the truth

Proximal \neq Easy

- Proximal should be based on what the individual participant is capable of, and has the tools available to do, at the time
- Proximal at program start is what we need them to do **first**
- **Telling the truth comes with trust, and they do not trust us right away**
- Behaviors and thoughts that are distal should become proximal over time as the brain heals and tools are learned, if we provide appropriate treatment and services that help participants internalize their change

Proximal? Distal? What the heck is that?

Proximal = Proximate/Close



- Show up
- Try hard
- Tell the truth

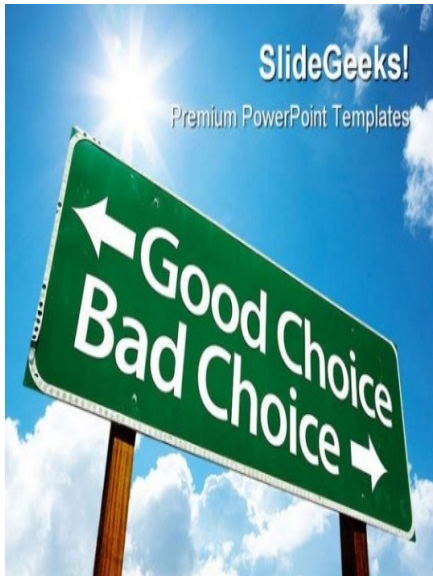
Distal = Distant



- Abstain from use
- Accept disease
- Work recovery

Video: Greenlick on honesty

Tools for Behavior Change: Basic Terminology



SANCTIONS

Decrease or STOP behavior

INCENTIVES

Increase or START behavior

Therapeutic
Adjustments

Treat behavior due to illness

Supervision/Drug tests

Monitors behavior

Focus on Incentives

Number one incentive is
acknowledgment from the judge



Kyle: "Priceless" - Judge was light of the room

INCENTIVES



- Incentives help participants understand what positive behaviors look like (what you want them to do in place of the negative behaviors)
- Incentives promote engagement in the program and in treatment
- Bring up those who are doing well first and spend time with them – people learn new behaviors from watching others.

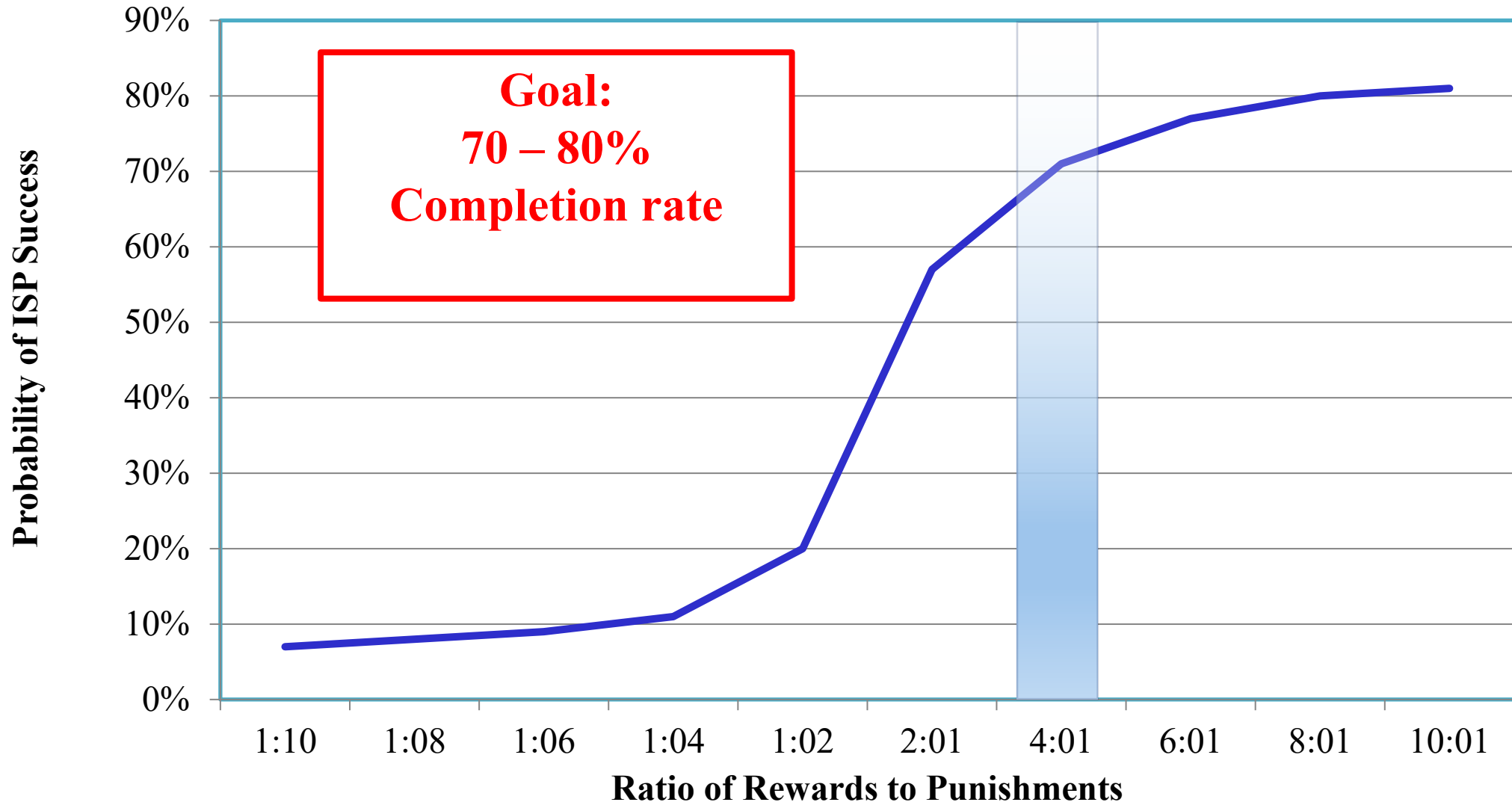
Do you want participants to learn new positive behaviors, or learn more poor behaviors?

INCENTIVES

- Reinforcers for positive behaviors should far outnumber punishers for poor behaviors
- **Tracking incentives increases use.**



Ratio of Rewards to Punishments and Probability of Success on Intensive Supervision



Widahl, E. J., Garland, B. Culhane, S. E., and McCarty, W.P. (2011). Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections. Criminal Justice and Behavior, 38 (4).

What if we have no budget for incentives?

- You don't need gift cards! (See handouts!)
- Some of the most powerful are **free**.
- The best , most long-lasting incentives are **“natural”**: paycheck from a job, diploma, regaining custody, repairing relationships, feeling better, etc.
- **Natural reinforcers** are the byproduct of good treatment, and will help clients long after probation ends.
- Our responses keep clients engaged until natural reinforcers kick in.



**YOU'RE DOING
GREAT!
YOU EARNED A
"LEAVE COURT
EARLY" PASS!**

**Congrats!
You have
earned a
Report by**

zoom

Pass!

**SKIP TO
THE HEAD
OF THE
LINE!
GO **FIRST**
AT YOUR
NEXT UA**

**YOU'RE #1 !
GO 1ST AT COURT
REVIEW !**

**You've got it made
in the shade!!
Subtract 8 HOURS of
community service.**

Papack Dentist

Keeping participants **engaged** (Incentives!)

- START Court Recovery Challenge form (gift cards and reductions in probation time for staying engaged)
- Letters
- “C-fairy” bring needed goods or incentives to home
- Rapid Incentive videos from PO, team, or Judge.
- Short encouragement videos, good morning videos

Incentives keep people engaged!



How Do We Know What Rewards Work?

ASK THEM!

13. What are your favorite incentives? (Circle all that apply)

Fish Bowl

Spin the Wheel

Praise, positive feedback

Gift Card

Bus Passes

CSR Voucher

Skype report

Candy, treats

Certificate (Sobriety, etc.)

Praise, positive feedback

Other: (Specify) _____

14. What are some fun things you do that help you stay sober? _____



Therapeutic/ Teaching Responses

Therapeutic/teaching responses

- Making masks for others –learn a skill, help others
- Essays and an oral presentation still easy for us, hard for them.
- Short encouragement videos, good morning videos
- Quick “what did you learn” video chats, etc.
- “Look for the Helpers”-life help
- Connecting participants to a distance learning options at local community college Writing to nursing homes
- Homework chats online
- Conversations in virtual court about goals, strengths, successes and actions participants can take to become successful



Effective Punishment

**“4:1” Only Works if
the “1” is Occurring**



**Punishment is NOT the goal
of imposing of Sanctions**

**Holding participants Accountable to
CHANGE BEHAVIOR
is the goal**

**“What will they
learn from the
sanction?”**

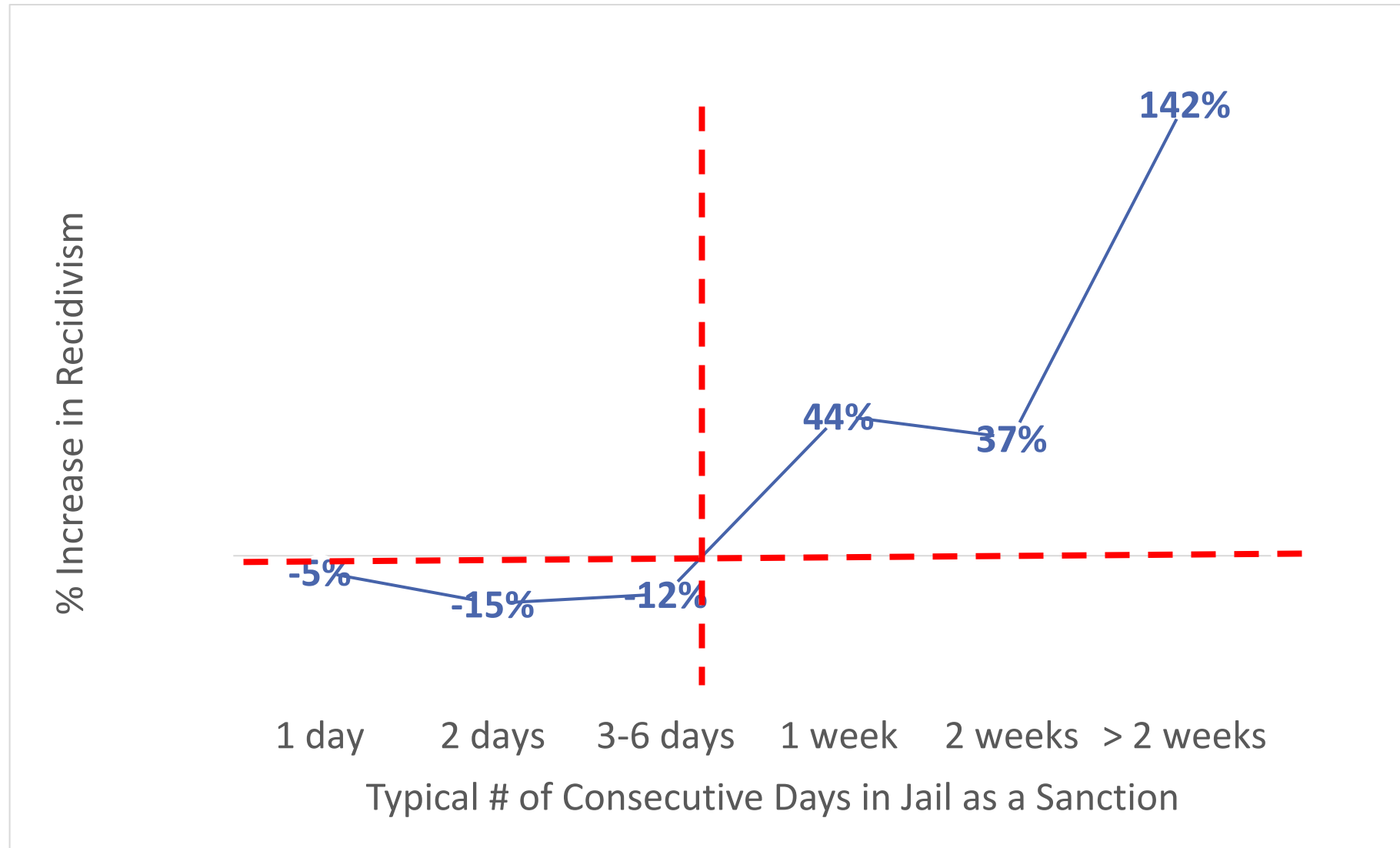


Jail

- Generally not teaching what you want them to learn
- Can make client's situation worse
- Hang out with the wrong people
- Should be reserved for serious infractions
 - **Public Safety**
 - **Illegal activity**



Courts that typically impose jail longer than 6 days have higher recidivism



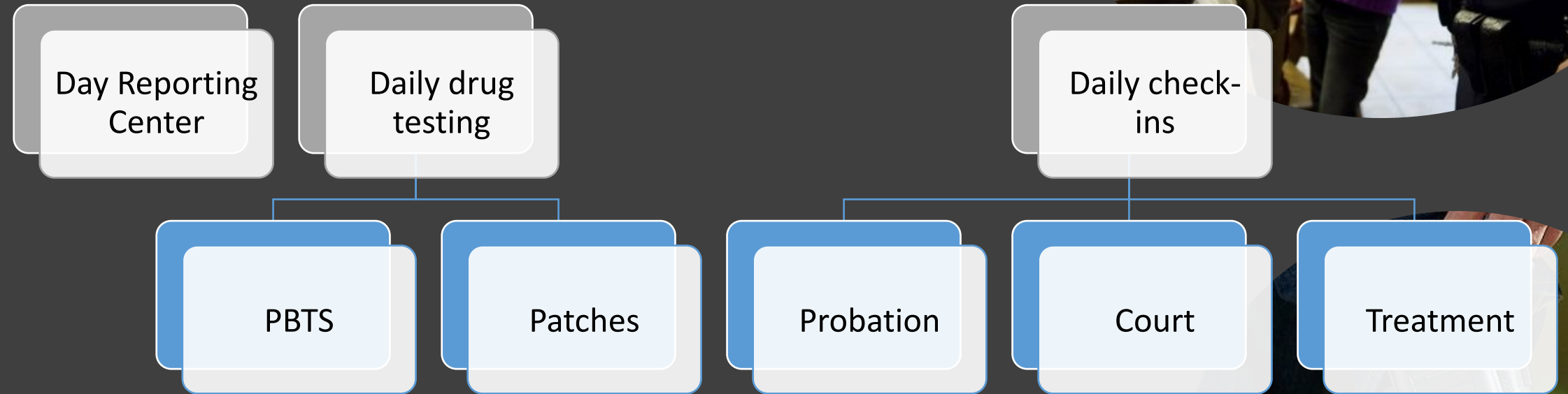
Kyle: TV Vacation

Jail Considerations



- **Is the behavior dangerous to others? (Or impact the safety and integrity of the court?)**
- **What behavior do you want to stop? What is the intended impact of jail?**
- **What will the impact of jail be on others (employer, family, etc.)?**
- **What behavior do you want the participant to do instead?**
- **Are there other responses that might incentivize them to do the behavior you want them to do instead?**

Alternative: Increase Monitoring



* May need to develop new resources for some alternatives

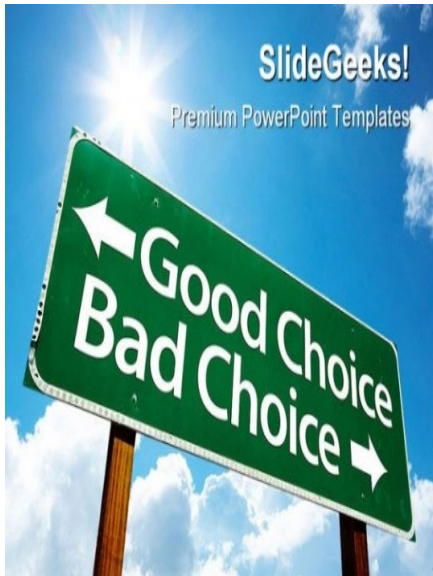
Alternative: Increase Monitoring

- **Increase supervision**
 - House arrest/GPS
 - Increase supervision appointments
 - Increased home visits
 - Increase court hearings
 - Curfew
- **Other options (Therapeutic - Focus on Learning)**
 - Community service
 - Attend/watch court
 - Thought papers

* May need to develop new resources for some alternatives



Tools for Behavior Change



SANCTIONS

Decrease or STOP behavior

INCENTIVES

(Reinforce) Increase or
START behavior

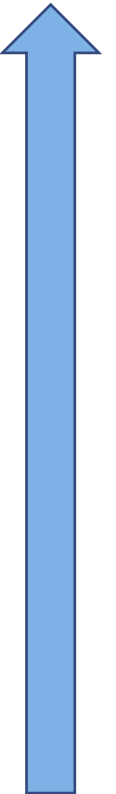
Therapeutic
Responses

Treat behavior due to
illness/Teaching responses

Supervision/Drug tests

Monitors behavior

REVIEWING RESPONSE OPTIONS (With Examples)



Monitoring – Specific examples

Supervision/Drug testing Monitor behavior

Provides key information needed by the team to make informed decision on responses to behavior

Increase/decrease (as appropriate)

- Check-ins with case manager/supervision
- Home visits
- Drug testing
- Type of drug testing (continuous, oral swabs)
- Electronic monitoring/GPS
- Court appearances



Therapeutic Responses – Specific Examples



Therapeutic Responses

Treat behaviors due to illness/
Teaching responses

Responses designed to help participants understand the need to change, how to change, and learn new behaviors

THIS IS NOT THERAPY – Treatment is only provided by a licensed treatment provider

Judge and team delivery of therapeutic responses

- Explaining/confirming need for re-assessment
- Explaining/confirming plan for LOC change
- Behavior chain/ Cost-benefit discussion
- Thinking report/essay
- Homework/practice
- Volunteering (service in community)

Behavior Chain

SITUATION

An old buddy that I hadn't seen in a long time showed up at my house. We started talking about old times. One thing led to another and we ended up going to the club. We saw some people we knew. Though I planned not to use, I drank 3 or 4 bourbons and we ended up smoking weed in the car later.

Name: _____

Date: _____

THOUGHTS

I missed the good times we used to have. I planned to just drink a Coke at the club, but I didn't want my friend to think I was an asshole. I've been good for so long, I thought I deserved a break. I didn't think I would get caught because I'd just been called in to test that day.



FEELINGS

At first, I felt like, "I got this." Then, I felt pressured, embarrassed, a little pissed and trapped. This was a bad idea but there was no way out of the situation now, so I just went with it. I thought, "Why not?"

ACTIONS

I could've suggested we do something that didn't involve using or made up a story why I couldn't go out. Or I could've just told him I'm on probation.

CONSEQUENCES

+

It was good to be with my buddy again, remembering the good times and feeling "normal" again. We ran into some people we knew. It was fun to be at the club.

—

I had over 90 days of sobriety. I've never been sober that long. I blew it. I risked jail, even termination. Now I'm getting a sanction and must restart my sober time

Therapeutic/teaching responses

- Making masks for others –learn a skill, help others
- Essays and an oral presentation still easy for us, hard for them.
- Short encouragement videos, good morning videos
- Quick “what did you learn” video chats, etc.
- “Look for the Helpers”-life help
- Connecting participants to a distance learning options at local community college Writing to nursing homes
- Homework chats online
- Conversations in virtual court about goals, strengths, successes and actions participants can take to become successful



Incentives – Specific Examples



INCENTIVES

Increase or **START** behavior

Rewards - Work best if the positive feelings are associated with the specific behavior you want to start or continue

- **Acknowledgment from judge and team members (free!)**
- Decrease on probation sentence time or lower fees (free!)
- The A Team (free!)
- Inspiration cards – “You did it!” (free!)
- Fish bowl
- Gift cards (their choice)
- Decision Dollars (collect over time)
- Certificates and coins
- Be held up as an example (free!)
- Become a mentor (free!)

Sanctions – Specific Examples



SANCTIONS

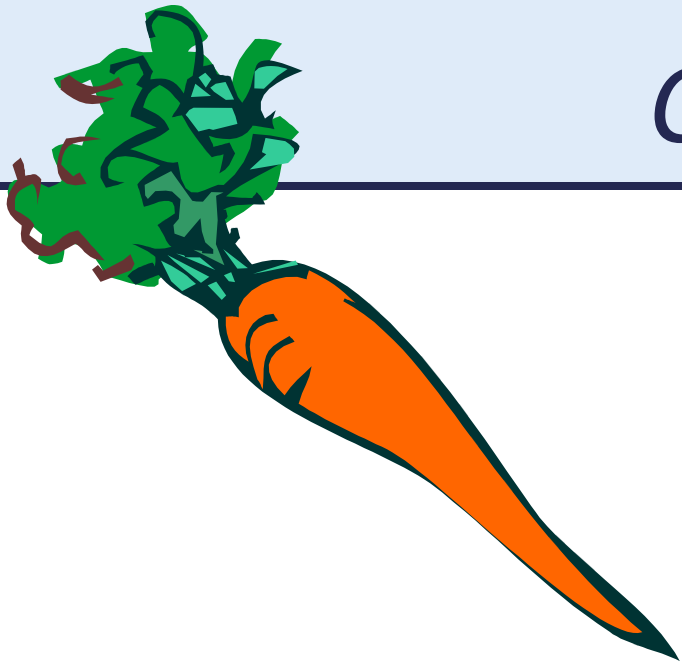
Decrease or **STOP** behavior

Punishment - only works if the consequence is associated with the specific behavior you want to stop

- Pick them up and bring them to court
- Unpleasant community service
 - Day at the dump
 - Cleaning the jail
 - Picking up trash on the highway in orange vests
- Curfews
- House arrest
- Jail (only for dangerous or disruptive behavior)



Incentives and Sanctions: Part 2: Effective Responses for Behavior Change *CRAFTING RESPONSES*



Shannon Carey, Ph.D.

Staffing is a Team Activity

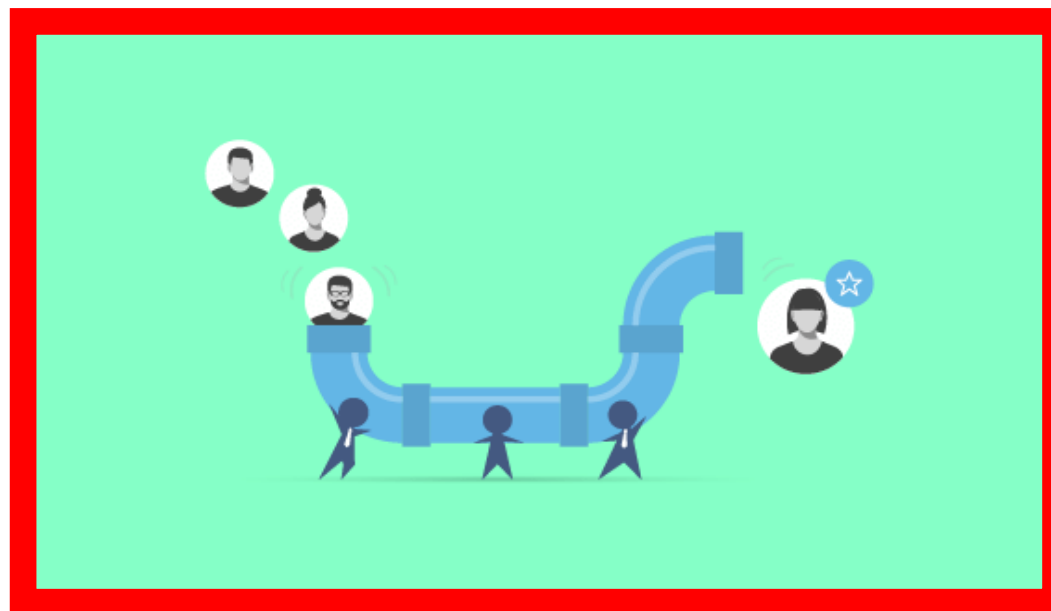
*Put your heads
together to
come up with
the best ideas*




WHAT THE TEAM BRINGS

Changing Behavior Requires Information

S.O.B.E.R. COURT CASE STAFFING SUMMARY					
Client: [REDACTED]	Date: 1/8/2018				
SPN/Case #: [REDACTED]	Officer: Vincent				
Phase: 3	CSR Hours: 48/60	Events: 2/2	Sobriety Date: 12/14/2016		
Intake Date: 7/17/2017	Referral method: new case				
ODI/TDL Status: has ODL	Suspension dates:				
Current Risk: Moderate	Current Needs: Moderate	Rating: 2			
Blow Protocol	Removed for Phase IV				
Treatment progress	The Client successfully completed Treatment on 11/14/2017 with a total of 40/40 sessions completed.				
Stage of Change / Question	3. Maintenance; Displaying ongoing practice of new, healthier behaviors "Does the change seem permanent now?" and "What makes you believe this?"				
Benchmarks accomplished towards phase advancement	The Client has completed all required Phase I, II, and III Benchmarks.				
Barriers to services					
Interventions/Plan					
Infraction					
Recommended response	Phase IV Promotion Review. The Client continues to go above and beyond in this program as well as in her personal life. The Client is actively participating in 12 Step AA Groups and just recently celebrated 1 YEAR OF SOBRIETY!				
Incentives	12 Hour CSR Voucher for Phase Promotion and AA Attendance. Blow Protocol will be removed from interlock device as well. Sobriety Milestone & Wheel Spin				
Prior Court Reviews	12/04/2017: SOBER Court Graduation Attendance, Rating 2/2; 11/27/2017: No issues reports, Sobriety Milestone, Rating 2/2; 11/13/2017: Sobriety Milestone; almost 1 year!! 8 Hour CSR Voucher for Sobriety Milestone.				
Progress/Infractions to address with Client	The Client continually helps out other Clients within SOBER Court and also provided words of wisdom to New SOBER Court Clients during Orientation!				
Completion Date	Drug Test/Device				
Phase 1 10/16/17	Current Device	vehicle interlock	Date Ordered:	8/15/17	
Phase 2 11/27/17	Current Device		Date Ordered:		
Phase 3	Positive UA's				
Phase 4	Dilute UA's				
Residential	NA	IOP/SOP	11/14/17	Boosters	NA DWI Edu/RO NA



S.O.B.E.R. COURT CASE STAFFING SUMMARY					
Client: [REDACTED]	Date: 1/8/2018				
SPN/Case #: [REDACTED]	Officer: Vincent				
Phase: 1	CSR Hours: 20/60	Events: 0/2	Sobriety Date: 5/15/2017		
Intake Date: 11/2/2017	Referral method: new case				
ODI/TDL Status: ODL eligible	Suspension dates:				
Current Risk: Moderate	Current Needs: Moderate	Rating: 2			
Blow Protocol	5-8am, 11-1pm, 3-5pm, 7-8pm, & 10-12am				
Treatment progress	The Client has successfully completed 18/17 Treatment Sessions. Ms. Mills continues to willingly participate and demonstrate pro-social thinking by the feedback given to Counselor and other groupmates.				
Stage of Change / Question	3. Preparation - Planning for Change "How will you know you have been successful in making this change?"				
Benchmarks accomplished towards phase advancement	The Client has successfully completed all Phase I Benchmarks				
Barriers to services					
Interventions/Plan					
Infraction					
Recommended response	Since SOBER Court Intake, the Client has never had a violation and has been a strong groupmate to others during treatment with her great feedback/input. The Client's sobriety is at the forefront of her priorities while in this program.				
Incentive(s)	Skype Review and 8 Hour CSR Voucher for being sanction free since starting the program.				
Prior Court Reviews:	12/18/2017: Phase II Promo, 12 Hour CSR Voucher, Rating 2/2; 12/04/2017: Sober Court Graduation Attendance, Rating 2/2; 11/27/2017: Helping Hand Award, Sobriety Milestone, 8 Hour CSR Voucher, Rating 2/2; 11/13/2017: No Issues Reported, Rating 2/2				
Additional items to address with Client	The Client has yet to attend a SOBER Event				
Completion Date	Drug Test/Device				
Phase 1 12/18/17	Current Device	at home device	Date Ordered:	11/20/17	
Phase 2	Current Device		Date Ordered:		
Phase 3	Positive UA's				
Phase 4	Dilute UA's				
Residential	NA	IOP/SOP		Boosters	DWI Edu/RO

A group of five diverse individuals are seated around a round wooden table in a modern meeting room. They are engaged in a discussion, with some looking at documents and others gesturing. The room features large windows in the background, a potted plant, and a patterned rug. A semi-transparent dark banner is overlaid across the center of the image, containing white text.

Understand each other's roles and what you bring to the staffing table

Video: Hernandez on the info
his team brings

The Bench

- Cannot delegate decisions
- Should be the predominant voice in the room in Court.
- Should spend three minutes with each person...good or bad.
- Should focus on teachable moments.
- **MUST HAVE GOOD INFORMATION**

Attorneys

- Lawyers are there for legal reasons. Protect the record. Protect the Constitution. Motivate positively.
- Prosecutor's are there to assert public safety concerns (with probation, Court and LE) and ensure due process is followed
 - ✓ Share new criminal activity, or old activity just coming in
 - ✓ Associates
 - ✓ Share public safety perspective
- Defense attorneys are there to monitor and protect the interests of their client (be an advocate) and ensure due process - may have the hardest job
 - ✓ Share any legal complications
 - ✓ Must negotiate difficult ethical issues
 - ✓ Has a duty to the client that is different than all others



Attorneys

- Prep for the Staffing! Reports matter
- Work together to address legal issues up front

Counsel's job is to make the law meet the needs of the treatment team.





Supervision and Case Management

- Is responsible for knowing what is happening outside the court and treatment arenas.
- Home visits are paramount
- Report to team on
 - ✓ Assessments,
 - ✓ Testing results, and working with treatment
 - ✓ Information from case management
- Is in constant communication with treatment

Get your work done up front, meet with treatment, and form consensus, distribute information for rest of team in advance

Treatment

At a minimum, the following data elements should be shared:

- ✓ Assessment results pertaining to a participant's program eligibility, treatment and supervision needs (Provide a diagnosis)
- ✓ Attendance at scheduled appointments
- ✓ Drug and alcohol test results, including efforts to defraud or invalidate said tests
- ✓ Case management, treatment plan and attainment of goals, such as completion of a required counseling regimen
- ✓ Homework assignments completed or currently working on
- ✓ Current level in treatment (and what they need to do to move forward)
- ✓ Any barriers to progress
- ✓ Evidence of symptom resolution, such as reductions in drug cravings or withdrawal symptoms
- ✓ Evidence of treatment-related attitudinal improvements (insights or motivation for change)
- ✓ Adherence to legally prescribed and authorized medically assisted treatments
- ✓ Procurement of unauthorized prescriptions for addictive or intoxicating medications
- ✓ Threatening, or disruptive behavior directed at staff members, participants or other persons



Treatment

- Must follow confidentiality standards (see NADCP's BP standards for more info), but provide sufficient information to help with the message.

Get your work done up front, meet with supervision and form consensus, distribute information for rest of team in advance

- The people who are doing direct services are the ones who know what is going on. **Their recommendations are paramount.**

Unless public safety or due process is compromised, follow their lead.

- If you can live with the consensus, do so.
- Fighting does not occur in open court.
- The worst possible thing? The team is wrong and in two weeks, you can fix it.



In a drug court model, rather than abandoning their roles, the involved disciplines expand them. The disciplines collaborate on a single mission to create a more effective and efficient system.

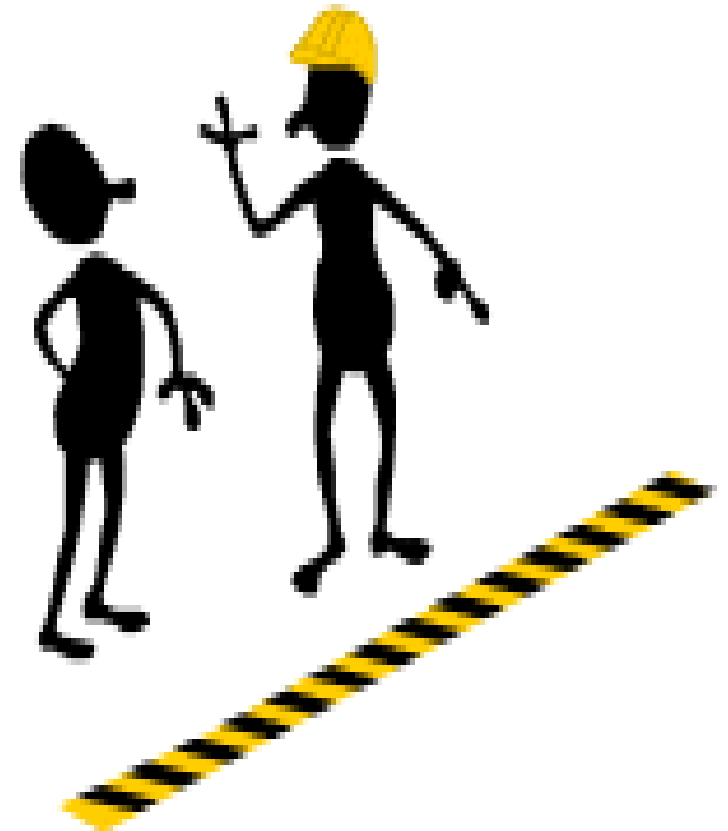
But you never abandon your role, or your ethics.



WWYD

Information for the Team

- Each team member has a specific role
- Disagreement is healthy and needed.
- We all share common goals:
 - Public safety
 - Program completion
- Many of our team members face ethical dilemmas



Breakout Room: WWYD

Scenario
Discussion

Activity Time!
Pull out your cell phones

How to Vote:
Send Text to Phone Number: 22333

Text: shannoncarey897

TEAM DEFENSE ATTORNEY: SANDRA

- One of her clients, Amy, has confessed to her that she smoked “K-2/ Spice,” a substance that Sandra knows is not routinely tested for.
- Amy deeply regrets the decision and wants to know if she should be honest and tell the judge.
- The team judge routinely sanctions this type of behavior with 3 days of jail.
- Without Amy’s confession, no one would ever know.



What would you do?

D/ALL

- A. Encourage honesty. Warn her jail is likely. Don't mention the truth about K-2 testing. Seek permission to disclose to team/advocate.
- B. Tell all to Amy: K-2 won't show up on a drug test. If she's silent, no one will know. Don't tell team.
- C. Encourage honesty. Don't tell her about testing and the jail. Ask permission to disclose to team. Advocate hard for lesser sanction.
- D. Disclose the K-2 use even if client objects. Advocate for sanction reduction.

What would you do? DEFENSE ATTORNEY

- A. Encourage honesty. Warn her jail is likely. Don't mention the truth about K-2 testing. Seek permission to disclose to team/advocate.
- B. Tell all to Amy: K-2 won't show up on a drug test. If she's silent, no one will know. Don't tell team.
- C. Encourage honesty. Don't tell her about testing and the jail. Ask permission to disclose to team. Advocate hard for lesser sanction.
- D. Disclose the K-2 use even if client objects. Advocate for sanction reduction.

Total Results: 0

COUNSELOR: CHERYL

- Cheryl's client, Rob, is in trouble yet again after many alcohol and drug violations.
- He has severe anxiety issues, along with a terrible attitude and resistance to treatment.
- Deputy Jones (Sheriff) saw Rob drinking a beer at the rodeo. Rob shot him the bird and chugged it.
- The team unanimously calls for termination.



Cheryl Gets Rob to Open Up

- Cheryl met with Rob. One of Rob's few redeeming factors is that he is an extremely proud, devoted father who shares custody of his 13-year-old son, Rob, Jr.
- Rob confided days before the incident, he was served with papers, where his son's mother was seeking full custody.
- It gets worse...



Rob's Bad Week

- After a quarrel, his son told him he was a “dope-head loser,” a “horrible father” and he wanted to live with mom.
- Rob's new girlfriend gave him gonorrhea.
- All of this happened a week after he had finally weaned himself off of his anxiety meds.
- **Rob insisted she must not tell the judge and team.**
- Rob expects termination and doesn't really want to fight it.

**PLEASE
DON'T
TELL.**

Rob Gives Up. Cheryl Doesn't.

- Cheryl firmly believes Rob needs to remain in the program to get him through this rough patch.
- These troubling events could be the catalyst for a long-awaited breakthrough for Rob.
- Though clients sign confidentiality waivers, Cheryl is not sure how much she should share.



What would you do?

- A. Tell the team everything; advocate for treatment.**
- B. Tell the team about everything except the STD. The team doesn't need to know that. Advocate for treatment.**
- C. Don't disclose any info. Say, "There are some big issues that I'm not at liberty to disclose, but please trust me on this one." Advocate for treatment.**
- D. Urge the client to be honest with the team and not give up. Say little at staffing, but urge all to reconsider termination and advocate for treatment.**

What would you do? TREATMENT

Tell the team everything; advocate for treatment

Tell the team about everything except the STD. The team doesn't need to know that.

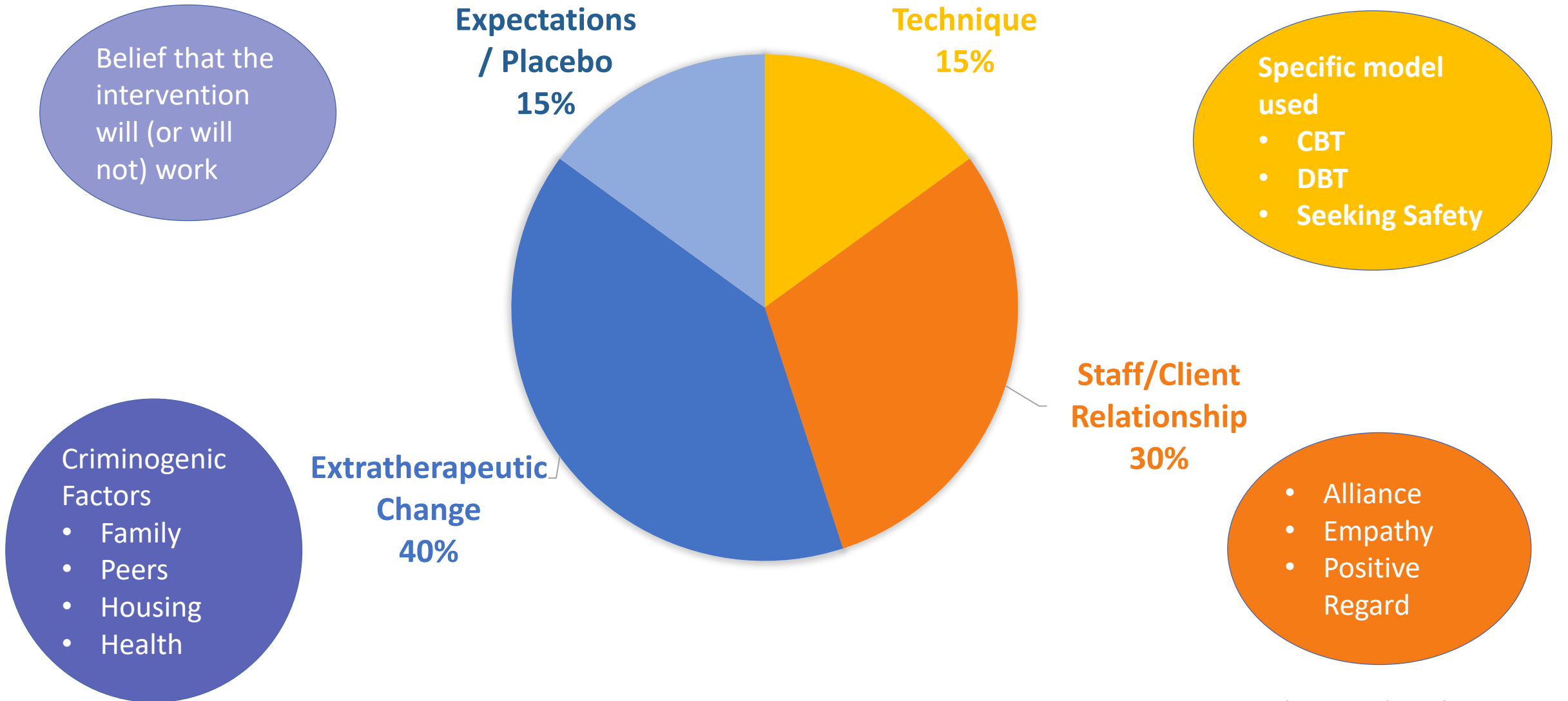
Don't disclose any confidential info. Say, "There are some big issues that I'm not at liberty to disclose, but please trust me on this one."

Urge the client to be honest with the team and not give up. Say little at staffing, but urge all to reconsider termination.

Behavior Change Tools



What leads to behavior change?



What to focus on

Central 8 Risk Factors

1. History of antisocial behavior
(Criminal History)

2. Antisocial Attitudes
3. Peer Associations
4. Antisocial Personality
5. School/Employment
6. Substance Abuse
7. Living Situation
8. Family/Marital

Important,
but **STATIC**

Clients have a variety of
Criminogenic needs:

- Subset of risk factors
- Dynamic, live and changeable

DYNAMIC
Criminogenic
Needs

Addressing Risk Factors (Need) in staffing and court Source: Andrews (2006)

Dynamic risk factors are Criminogenic Needs that can change!

Dynamic Risk Factor (Central 8)	Need/Case management/Services
History of antisocial behavior (Criminal History)	Build and practice positive/healthy behaviors by addressing the dynamic risk/needs below
Antisocial personality pattern (Check trauma history)	Learn problem solving skills, practice anger management
Antisocial cognition	Develop more pro-social thinking
Antisocial associates	Reduce association with criminal others (learn refusal skills)/increase association with positive peers
Family and/or marital discord	Reduce conflict, build positive relationships
Poor school and/or work performance	Work on good employee/study/performance skills
Poor living situation	Find appropriate housing
Substance abuse	Reduce use through integrated treatment

Staffing Sheets

- Staffing takes time
- CM should have up to the minute info
- Should address Central 8 risk factors/criminogenic needs
- CM recommended responses based on response matrix
- CM/Treatment should have recommended questions/topics for the judge to ask participant





TREATMENT COURT CASE STAFFING SUMMARY

Client:	Doe, Jane	DOB: 08/31/1982	Date:	4/1/2019
SPN/Case #:	12345678 / 12345671010		Officer:	Vincent
Phase: 2	CSR Hours: 60/60		Sobriety Date:	9/15/2018 (last pos)
Intake Date:	8/17/2018	Class A/B Misd.	Referral method:	ACOCS- violations
ODL/TDL Status: TDL eligible			Suspension dates:	N/A
Current Risk: Moderate		Current Needs: Moderate		

Risk/Criminogenic Need	Status/Progress/Plan *Focus on Goals for Top 3
1. History of antisocial behavior (Criminal History)	Presenting charge: Forgery, possession, paraphernalia
2. Antisocial personality patterns (Consider Trauma History)	No indication of anti-social personality
3. Antisocial Cognition (Criminal Thinking)	On Step 2 of MRT
4. Antisocial Associates	Jane has been spending time with some old associates from high school who are currently using and who live near mom. Jane has also participated with peer mentors at bowling night. 1. Current Goal - focus on more peer mentor activities.
5. Family/Marital Situation	Accomplished goal! Jane moved out of her (using) boyfriend's house last weekend and is living with her mother who is supportive of treatment
6. School/Work Performance	Making progress on her GED 2. Current Goal: Schedule math test by 3/16/2019
7. Living Situation	Accomplished sober housing goal! Jane moved out of her (using) boyfriend's house last weekend and is living with her mother who is supportive of Jane's treatment plan.
8. Substance Use Disorder/Treatment progress *(ASAM: 6 dimensions of clinical assessment)	Client has diagnosed severe substance use disorder (Heroin). Client is on Vivitrol and is tolerating it well. Client is in CBT and was late for last treatment session, but has attended all required sessions. 3. Current Goal: Client is engaged with treatment and is currently working through plans for responding to specific triggers.

READINESS MATTERS



STAGE OF CHANGE ON FOCUS AREAS	Jane is in the action stage on the majority of her goals and appears to have internalized the desire to make changes in her life. She is struggling with the wish to spend time with old friends, although she knows they are not good for her.
Benchmarks accomplished towards phase advancement	Jane has completed all required Phase 2 Benchmarks and is filling out application for Phase 3
Barriers to services and intervention/plan	Client's mother is ill and may need to move into assisted living. If this happens, client will need new housing. Will monitor mother's condition. Continue with current treatment plan.
Summary of Successes	Jane moved away from unhealthy relationship with boyfriend and moved in with supportive mother. Accomplished sober housing goal! Completed all requirements since last court session.
Summary of Infractions	Client is doing very well. No issues with non-adherence.
Recommended Court Responses	<p>Incentive: Judge acknowledgment of progress, made good decision and important progress in moving out of boyfriend's house and in with mother - 12 Hour CSR Voucher, fish bowl for completing all requirements in last two weeks. Acknowledge she is filling out application for Phase 3.</p>
	<p>Other responses: Reinforce message that Jane should avoid her high school friends and focus on more peer mentor activities. Ask Jane to talk about activities she could do instead of spending time with old high school friends. Ask Jane to list her other current goals and plan for completing (see goals above and prompt her if she does not remember).</p>

Phase Completion Date		Drug Test/Device						
Phase 1	10/15/18	Current Device	drug patch			Date Ordered:		10/15/18
Phase 2	1/15/19	Current Device				Date Ordered:		
Phase 3		Positive UA's						
Phase 4		Dilute UA's						
Residential	NA	IOP/SOP	11/14/17	Boosters		NA	DWI Edu/RO	NA
Prior Court Reviews								
Date	Incentive			Other response/sanction				
8/17/2018	Judge welcome to program							
9/1/2018	Applause and recognition of showing up			Disapproval from judge for lateness to several appointments				
9/14/2018	Applause - good decision dollars for making all appointments							
9/30/2018	Special recognition from the judge for being on time							
10/14/2018	Recognition from team and choice of gift card for accomplishing first three goals							
10/30/2018	Judge acknowledgement of attendance at all appointments, engagement in treatment plan			Behavior chain for use				

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

Meet participants where they are

Take context into account

CRAFTING RESPONSES

- Response matrix should have options keyed to clients current level of competence and motivation
- Matrices should have several options– No “one size fits all.”
- 10-20% of the time matrix may not work
- FOCUS ON THE BIG PICTURE AND LOOK FOR PATTERNS
- Consider: **“What do you want the participant learn?”**



CRAFTING RESPONSES - Scenario

- **Carol is in Phase 2**
- **Positive EtG for Alcohol – 3rd positive**
- **Perfect attendance at treatment and engaged in treatment**



Inappropriate Behavior

Sanction Matrix: “What do we want the participant to learn from this?”

Step 1. Identify the **Behavior**

Low (Less Immediate)	Moderate	High (More Immediate)	Very High
<ul style="list-style-type: none"> Late for Scheduled Event Missed payment 	<ul style="list-style-type: none"> Missed UA Failure to Complete Assignments 	<ul style="list-style-type: none"> Unexcused Absence tx Alcohol Use Drug Use Tamper w/ UA or device Dishonesty 	<ul style="list-style-type: none"> Criminal behavior (new crimes, drinking and driving) Arrest

Step 2. Determine the **Response Level**

		Low	Moderate	High	Very High
Distal ↓ Prox	Phase 1	Level 1	Level 2	Level 2	Level 4
	Phase 2	Level 1	Level 3	Level 3	Level 4
	Phase 3	Level 2	Level 3	Level 4	Level 5
	Phase 4	Level 3	Level 4	Level 5	Level 5
	Phase 5	Level 3	Level 4	Level 5	Level 5

Step 3. Choose the Responses (paired with Judicial Verbal Disapproval and Explanation)

3a. Therapeutic Responses

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"> • Behavior Chain • Cost/Benefit Analysis • Skill Development • Thought Restructuring • Homework/Practice • Thinking Report 	<p><i>Level 1 plus:</i></p> <ul style="list-style-type: none"> • LOC Review 	<p><i>Level 1, 2, plus:</i></p> <ul style="list-style-type: none"> • Referral Medication Eval • Treatment Team Review/Round Table 	<p><i>Level 1, 2, 3, plus:</i></p> <ul style="list-style-type: none"> • Re-Assessment 	

3b. Supervision Responses

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"> • ≤ 1 additional report days/week • Official Letter in File 	<ul style="list-style-type: none"> • ≤ 2 additional report days/week • Home Visit 	<ul style="list-style-type: none"> • Continuous Testing • GPS/Electronic Monitoring • ≤ 3 additional report days/week • Home Visit • Increase frequency UA Test • Contingency Contract • Additional Court Report • Case Conference 	<ul style="list-style-type: none"> • ≤ 4 additional report days/week • Contingency Contract • Electronic Monitor Device • Case Conference • Curfew 	

3c Sanction/Punishment Responses (Judicial Disapproval)

	Level 1	Level 2	Level 3	Level 4	Level 5
Community Service	≤ 4 hrs	≤ 8 hrs	≤ 16 hrs	≤ 32 hrs	≤ 32 hrs
Curfew	≤ 3 days	≤ 5 days	≤ 7 days	≤ 15 days	≤ 15 days
House Arrest	≤ 24 hrs	≤ 72 hrs	≤ 5 days	≤ 15 days	≤ 15 days
Jail			≤ 24 hours	≤ 3 days	≤ 5 days
Other				Review Placement	Termination


Positive Behavior

Incentive Matrix: "what do we want the participant to learn from this?"

Step 1: Identify the Behavior

Proximal (Expect Sooner)	Moderate	Distal (Expect Later)
<ul style="list-style-type: none">Attendance at treatmentAttendance at other appointmentsHome for home visitsReport to UATimelinessPayment	<ul style="list-style-type: none">HonestyTesting NegativeParticipating in Prosocial ActivitiesEmploymentProgress toward Tx GoalsProgress in Tx	<ul style="list-style-type: none">Complete Tx LOCExtended Abstinence/Neg. TestsTreatment Goals CompletedPhase Goals CompletedProgram Goals Completed

*Step 2. Determine the **Response Level***

		Easier/Proximal	Moderate	Difficult/Distal
Distal  Prox	Phase 1	Small	Medium	Large
	Phase 2	Small	Medium	Large
	Phase 3		Small	Large
	Phase 4		Small	Large
	Phase 5		Small	Medium

Step 3. Choose the Responses (Paired with Judicial Approval/Verbal Praise)

3a. Therapeutic Response

	Phase 1	Phase 2	Phase 3	Phase 4
Single Event	<ul style="list-style-type: none"> • Behavior Chain • Cost/Benefit Analysis 	<ul style="list-style-type: none"> • Behavior Chain • Cost/Benefit Analysis 	<ul style="list-style-type: none"> • Behavior Chain 	<ul style="list-style-type: none"> • Behavior Chain
Continued Progress		<ul style="list-style-type: none"> • Change in LOC 	<ul style="list-style-type: none"> • Aftercare Fqcy • Re-evaluate Pharmacological Interventions 	<ul style="list-style-type: none"> • Aftercare Fqcy • Re-evaluate Pharmacological Interventions

3b. Supervision Responses

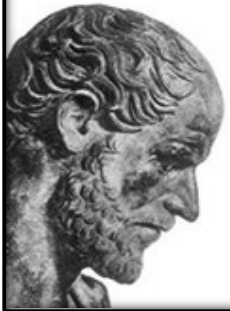
Phase 1	Phase 2	Phase 3	Phase 4
<ul style="list-style-type: none"> • Change in Curfew Status 	<ul style="list-style-type: none"> • Reduced Contacts • Reduction in Home Visits 	<ul style="list-style-type: none"> • Reduced Contacts • Reduce Home Visits • Reduce in External Monitoring Devices 	<ul style="list-style-type: none"> • Reduced Contacts • Decreased Drug Testing

3c. Incentive Response

Small	Medium	Large
<ul style="list-style-type: none"> • Judicial approval (always) • Fish Bowl • Decision Dollars • Example for other participants in court • Handshake • Candy • ≤ 1 day reduction of curfew 	<p>Any small and/or:</p> <ul style="list-style-type: none"> • ≤ 3 day reduction of curfew • Choice of Gift Certificate • Supervisor Praise • Written Praise • Positive Peer Board • Certificate • Reduction in CS hours • Reduction in program fees 	<p>Any small, medium or:</p> <ul style="list-style-type: none"> • Framed Certificate • Travel Pass • Larger Gift Certificate • Position as Mentor to New Participants • Reduction of Curfew

PRACTICE

WE ARE WHAT
WE REPEATEDLY DO
EXCELLENCE, THEN
IS NOT AN ACT
BUT A HABIT



Aristotle

celebquote.com

You become what
you consistently
practice.

So practice
consistently what
you want to
become.

Scenario - Shawana

- Shawana is in Phase 2
- She scores as high risk on a validated and standardized risk assessment
- She also meets the clinical criteria for moderate to severe substance use disorder (She is high need)
- “Shawana” suffers from depression and PTSD (including childhood trauma)
- At 27, she has been in and out of the criminal justice system her entire adult life
- She has been to prison and returned to the community, only to return to the same issues of substance use and criminality

Scenario – Shawana (cont.)

- “Shawana” has never before been able to stay consistently involved in treatment
- She has never held a full time job
- “Shawana” just returned to the community after successfully completing ninety days residential treatment
- She just started working full time at the local dry cleaners
- She has three children who are now living with her (since she returned from treatment)
- She has been compliant with all other conditions of the court and treatment since returning home

Judge Davis: Shawana Part 1

First: What Happens when Information Doesn't Get Shared at Staffing?

What do you do when your team doesn't give you the information you need in staffing?

Best practices on the fly...

- A. Delay until next court session
- B. Delay and call team to bench/chambers to discuss
- C. Decide on the fly - Go with your standard response to missing a drug test
- D. Decide on the fly - Acknowledge Shawana's mistake and encourage her to work on compliance

ACTIVITY:

Crafting Responses using the matrix

- Think about what Shawana has done prior to this court session - Consider both positive/compliant and non-compliant behaviors

Step 1: Identify the behaviors

Step 2: Consider where she is in the program (Prox vs Distal, how much time has she had to develop skills) (*Phase 2*)

Step 3: a. Therapeutic Response

b. Monitoring Response

c. Incentives/Sanctions

- **Discuss – or Type your response into the chat/Q&A**

Judge Davis: Shawana Part 2

Meet participants where they are

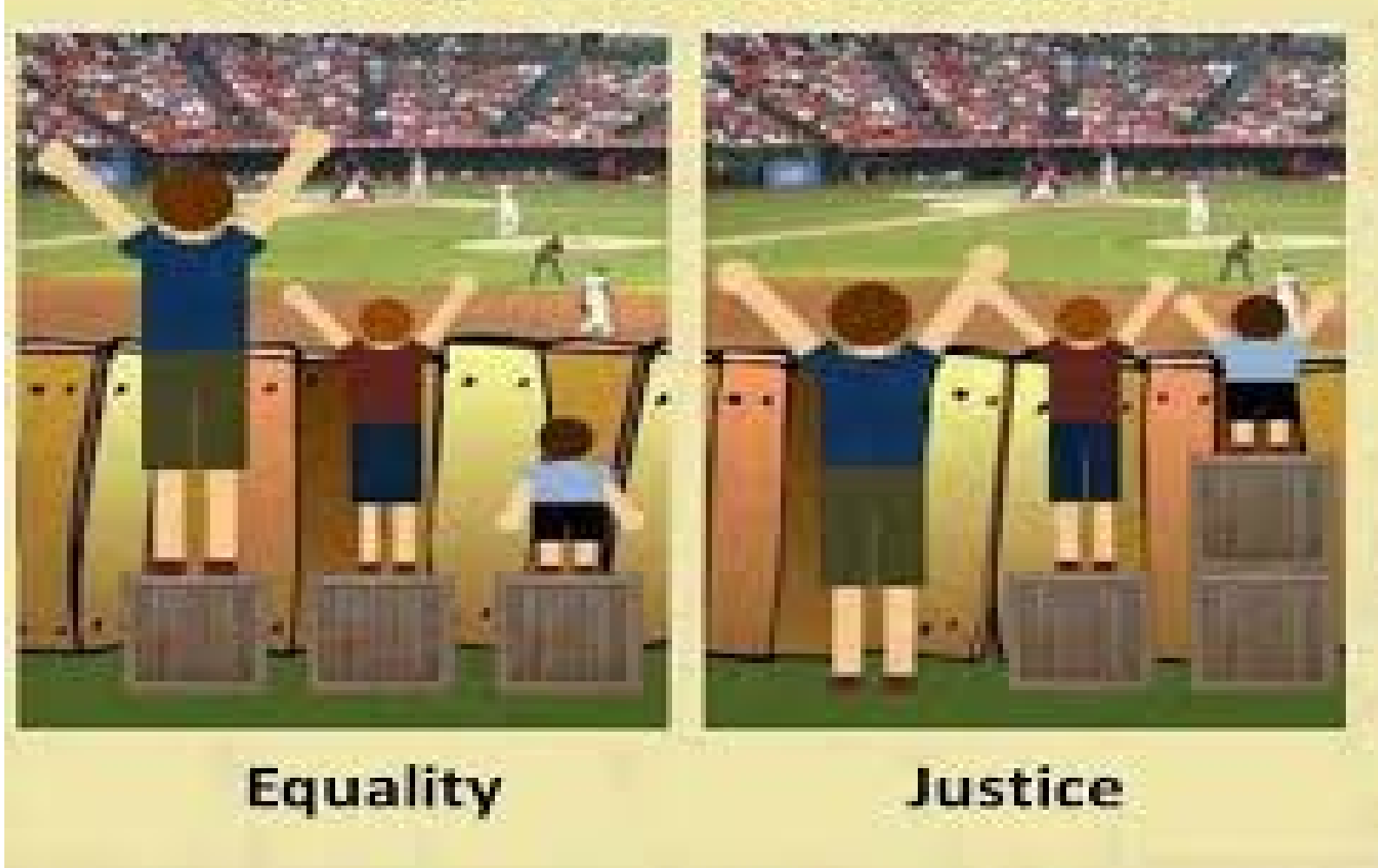
Take context into account

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.



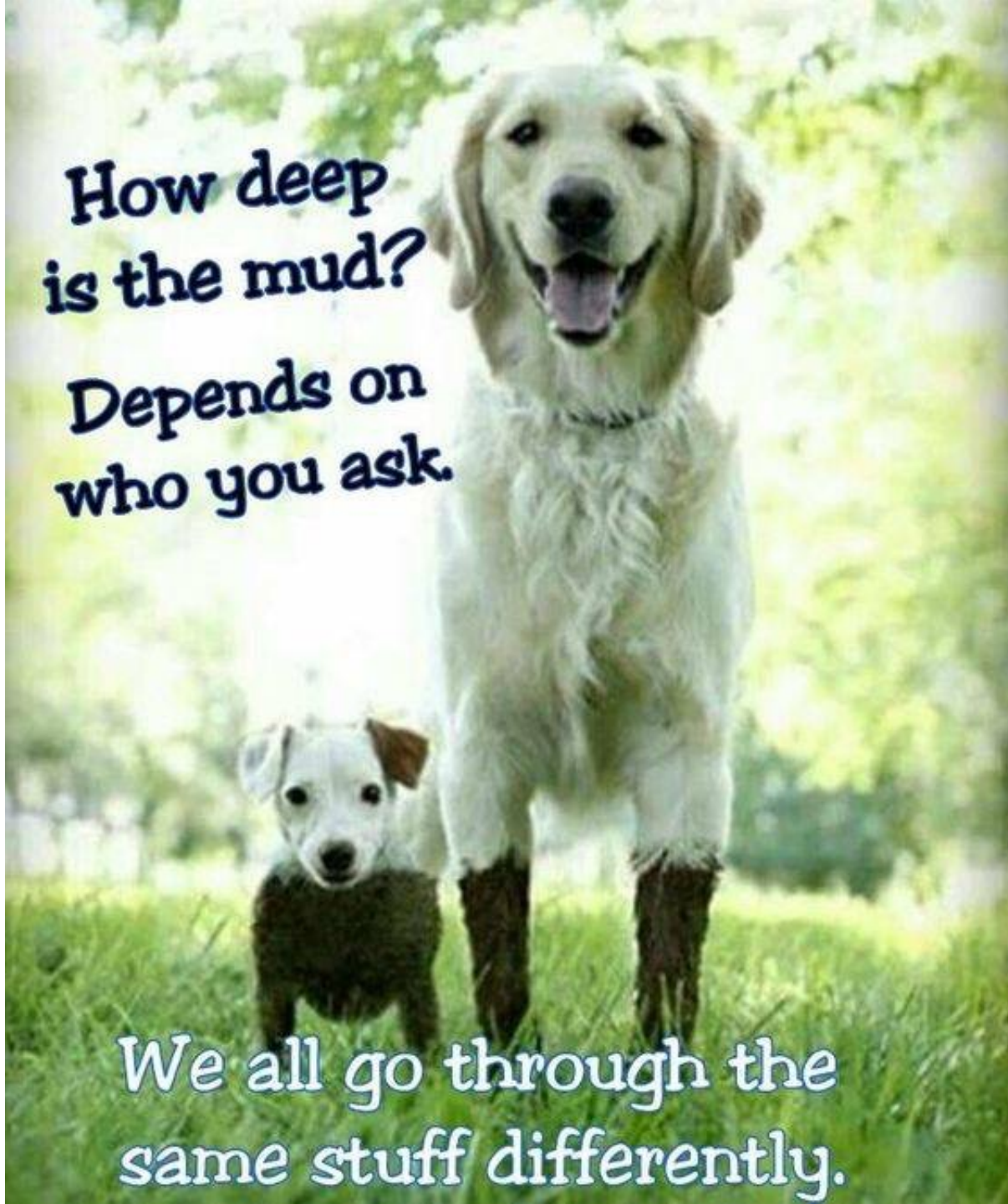
Equality

Justice

**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!**

Another Word About Incentives



P

- Incentives delivered correctly promote engagement.
- Our goal is RECOVERY, not “compliance.”

“Pay attention to whether the participant is doing time or doing change.”

-David Mee-Lee

Questions, Training, TA?

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