



ACCOUNTABILITY COURT WORKFLOW PART II: PHASING UP, INCENTIVES, AND SANCTIONS SEPTEMBER 11, 2023

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OVERVIEW

- Intro: What is workflow?
- Incentives
- Phasing up
- Sanctions



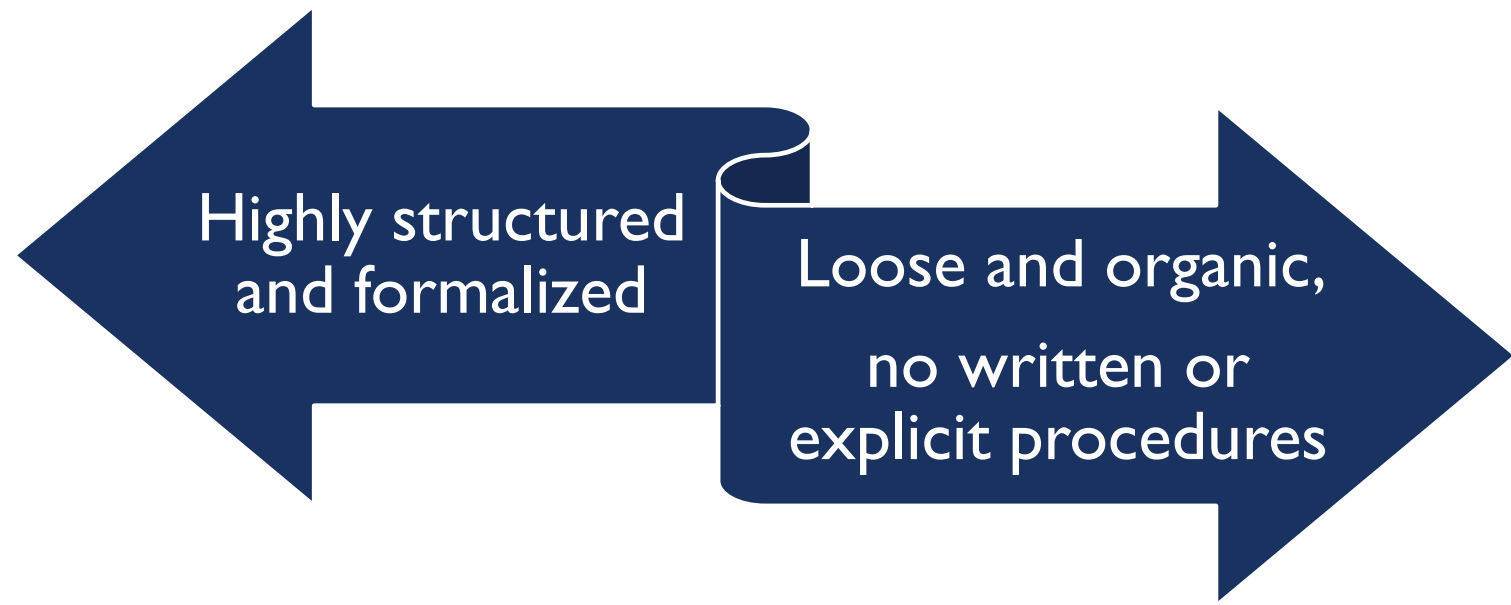
WHAT IS WORKFLOW?

- The sequence of industrial, administrative, or other processes through which a piece of work passes from initiation to completion.
- An organization's workflow is comprised of the set of processes it needs to accomplish, the set of people or other resources available to perform those processes, and the interactions among them.





Workflow processes exist on a spectrum of formality:



Highly structured
and formalized

Loose and organic,
no written or
explicit procedures

PHASING UP

How do programs track phase up progress?

What procedures take place for a participant to phase up?



HOW IS PHASING UP TRACKED BY THE PROGRAM?

- All courts interviewed used the case management system
- Most courts supplemented with another, informal tracking system, such as an excel spreadsheet or even a post-it note of the phase up dates coming up
- One court had this info on an info sheet handed out at every court appearance (in your materials)
- Case manager (or coordinator if no CM) will actively discuss phase up progress with participant, help them identify barriers and develop solutions



HOW IS PHASING UP TRACKED BY THE PROGRAM?

The participants will let you know!





POLL

Question:
How do you track phase ups
dates?

PHASE UP LOGISTICS

- Courts with a case manager usually assign logistics to the CM
 - CM tracks phase up progress so they know when someone is ready to phase up
 - Will print certificate in advance of staffing and ensure it's on hand at staffing for the judge to sign
 - If being framed, they will frame it after signing sometime before court
 - If an incentive is being given for phasing up, they ensure the incentive is ready for court (example: removing a gift card from a locked drawer and bringing it to court)



PHASE UP LOGISTICS

- Judge is typically informed at staffing that someone will be phasing up
- Judge is the only one with authority to actually phase someone up
- CM ensures certificate (and incentive if applicable) is at podium or available for the judge before court in a pre-arranged system



INCENTIVES WORKFLOW





INCENTIVES WORKFLOW

- Incentives are evidence-backed and research-based, and are an important piece of an effective accountability court program
- Incentive programs can vary widely in how they are implemented and how incentives are awarded
- Courts frequently or regularly refine their incentives programs based on feedback from participants and observations of the program's effectiveness



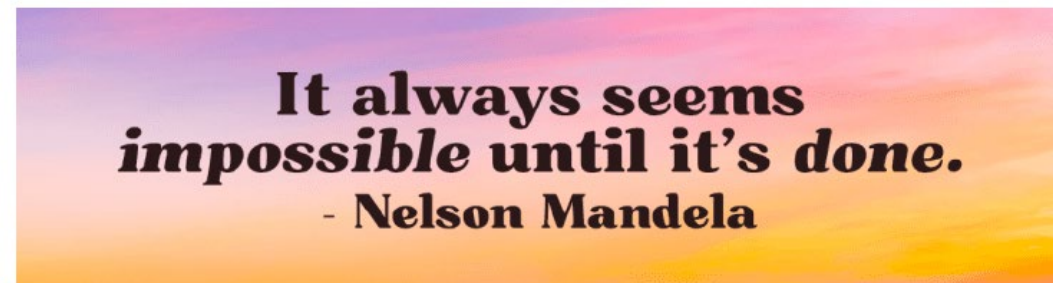
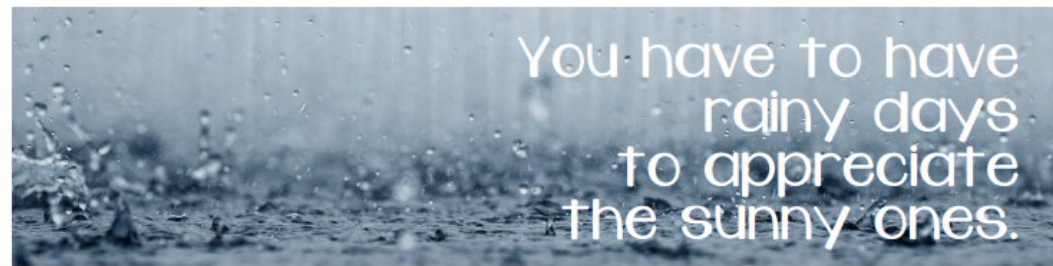
EXAMPLE A: SUBURBAN SUPERIOR COURT PROGRAM

- Every week with no sanctions they get a sticker. Once they get four stickers, they get to choose an item from a bin, ranging from candy to big \$12 jugs of laundry detergent
- Participants say they want more “man” things
- They used to do a ranking system where if you had more stickers you could get more valuable things, but it did not work very well – different items have different relative values to participants
- Participants love creating a theme with the stickers and seeing progress visually

EXAMPLE B: URBAN DUI COURT PROGRAM

- They recently located some funding to use just for incentives and purchased some much nicer incentives. Incentive Chart in materials
- Incentives are offered for various achievements – hitting a sobriety anniversary can still be celebrated even if they haven't been sanction-free, as long as it was not a failed drug screen sanction.
- One lower-level incentive that has proven popular: bookmarks made by case manager





EXAMPLE C: SMALL CITY SUPERIOR COURT PROGRAM

- Ticket system
 - Tickets are printed out by program staff, but use a color coded system to prevent fraud
 - Everyone on the team has tickets and will hand them out to participants when they “catch” them doing “the next right thing.”
 - Every quarter there is a raffle, and participants put their tickets in for the raffle with their names on them
- Judicial coin system
 - Awarded only by the judge on a court date when someone has done very well
 - Go into a separate raffle for a big prize, like a TV – all participants quarterly are eligible, held at graduation ceremonies.





CONCLUSIONS

- Participants will surprise you with what type of incentives they are excited about
- Symbolism, public recognition is as important as monetary value
- Be open to changing your system – incentive systems work best when they are flexible to meet the changing needs of your participants
- Just ensure the system is tracked somewhere. Keep a record of changes.

SANCTION WORKFLOW



SANCTION WORKFLOW

- Drug lab emails with positives come directly to coordinator and case manager OR
- Team members (treatment, DCS, Sheriff) inform coordinator and case manager re rule violation (missed curfew, missed tx, etc.)
 - Sometimes entire team is notified, especially when jail time is likely
- CM or coordinator will document the conversation in the CM system in real time
- Similarly, team members also document in CM system within 24-48 hours if not immediately



SANCTION WORKFLOW

- CM or coordinator will make contact with participant immediately, almost always within 24 hours/one business day, to find out what happened
 - CM and coordinator understand this becomes priority
 - Documented immediately in CM system
- Some courts: defense attorney also separately reaches out to participant



SANCTION WORKFLOW

- If participant articulates a defense/says they did not commit violation, team investigates
- If participant admits, team is informed
- If they ask for drug screen confirmation – a separate process for that is followed

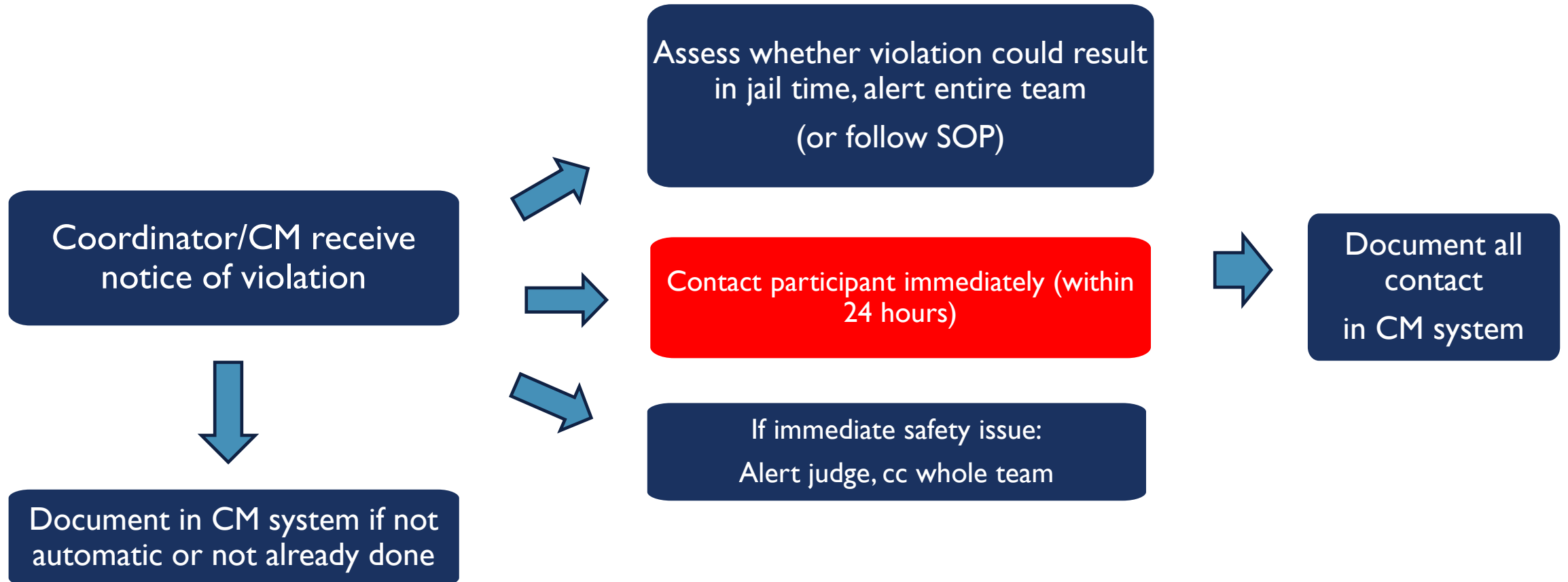


SANCTION WORKFLOW

- Generally confirmation will be sent out ASAP
- Some courts require participant to come in within 24 hours to sign authorizing the confirmation
 - Especially where the participant will be responsible for payment if confirmation is also positive
- Many courts will wait for confirmation to come back before taking any action on a violation – so if court happens while awaiting the confirmation, they don't mention it.
- Some address it and have the judge discuss it – ask the person what happened, how did hearing about the positive test make you feel, etc., reminder to stay engaged in treatment while this is sorted out.



NOTIFICATION OF VIOLATIONS



WARNING!



- CACJ is not saying that coordinators are required to work weekends or be on-call 24/7, 365 days a year.
- Timelines in here are constructed assuming notifications are received and processed **during business hours**.
- 24 hours = one business day.
 - Example – if a coordinator receives an email Friday at 6pm with notification of a failed drug screen, they will plan to call the participant first thing Monday morning.
 - However, team members like probation and deputies doing home visits ideally will logging visits in real time in CM system from a laptop in their vehicle
- This presentation reflects existing court processes in the courts interviewed – it is not a mandate. This is what some well-functioning, established courts across the state are doing.



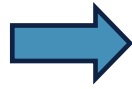
POLL

Question:

Who has a written internal SOP that outlines timelines for the coordinator or case manager to contact the participants?

DURING COORDINATOR INTERVIEW WITH CLIENT

If participant admits the conduct



- Coordinator advises about options
 - Uses motivational interviewing
- Alerts treatment to assess whether tx response is appropriate

If participant denies the conduct, says it didn't happen



- If drug screen: coordinator explains confirmation procedure
- Explain hearing procedures, advise to contact defense attorney
- Coordinator alerts defense attorney and prosecutor

If participant is wishy-washy – won't confirm or deny



- More motivational interviewing, explain importance of honesty
- Coordinator alerts defense attorney and prosecutor
 - Explain hearing procedure

Document all contact & conversations in CM system

SANCTION WORKFLOW – TYPICAL SANCTION – NO HEARING

Team communicates regularly and timely via email with each other



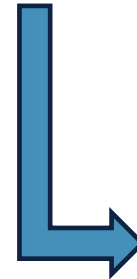
Team discusses violation at staffing and reviews sanction matrix, participant history



Coordinator (or CM) prepares blank sanction order, if jail is on the table, notify jail ahead of time of the possibility



Defense attorney, if involved, notifies team regarding any mitigating or exculpatory evidence and whether hearing is requested (rare but it does happen)



Some courts: Participant will be presented with a sanction waiver/waiver of hearing, by defense attorney or coordinator



SANCTION WORKFLOW – TYPICAL SANCTION – NO HEARING

- In court, judge calls participant up as normal, or waits until end if issues are sensitive
- Judge can still emphasize what participant did right that week, have typical interaction of at least three minutes
 - Uses motivational interviewing
- Judge gives participant a chance to explain their side of the story
- Defense attorney may or may not stand with participant depending on court structure



After interactive discussion with participant, assuming participant has not changed their mind about admitting/not requesting a hearing, **judge issues sanction**



- If jail sanction, participant booked right away OR given reporting instructions

- Coordinator or CM fills out sanction order, presents for judge's signature, and gets filed with the clerk or retained for program records.
 - Copy to jail per jail procedures

THE WORKFLOW BEFORE THE WORKFLOW

- Team is trained to report observed violations immediately/in real time via email or text
- Pursuant to written SOP and MOUs

- Coordinator and CM trained to prioritize reports of violations and respond immediately during business hours
- Coordinator/CM also trained to follow written sanction procedure, when to prepare blank order, etc.



Team has written SOPs and comprehensive MOUs that incorporate expectations during sanction workflow and all other processes



COMMON ELEMENTS IN HIGH FUNCTIONING PROGRAMS



COMMON ELEMENTS

- Frequent email communication between team members—team did not wait for staffing to discuss violations, sanctions, mitigating or exculpatory issues
- Coordinator (and case manager if applicable) was active project manager and took responsibility for ensuring violations are tracked in real time and that participants are alerted almost immediately when a violation is reported
- Project management includes attention to detail
- Data entered in a real-time basis live/all day



COMMON ELEMENTS

- Team members understand their roles and proactively inform coordinator (or entire team) when a violation occurs
 - Willing to keep process moving forward
- Stakeholders understand their roles
- Defense attorney involvement prior to court/staffing is ideal, but not all courts have this resource

RECOMMENDATIONS

- The judge and all team members should be involved in developing a formal workflow process. This builds consensus and buy-in.
- Once developed, workflow should be documented in a program SOP
- The workflow can be referenced in team member MOUs



QUESTIONS?



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