

# Incentives, Sanctions, Monitoring & Therapeutic Responses:

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## How to Motivate Lasting Change

- *Helen Harberts, J.D.*
- *Hon. Diane Bull*
- *Hon. Peggy Davis*
- *Shannon Carey, Ph.D.*



## IMPORTANT DISCLAIMERS

We love this stuff

We will get excited and interrupt each other

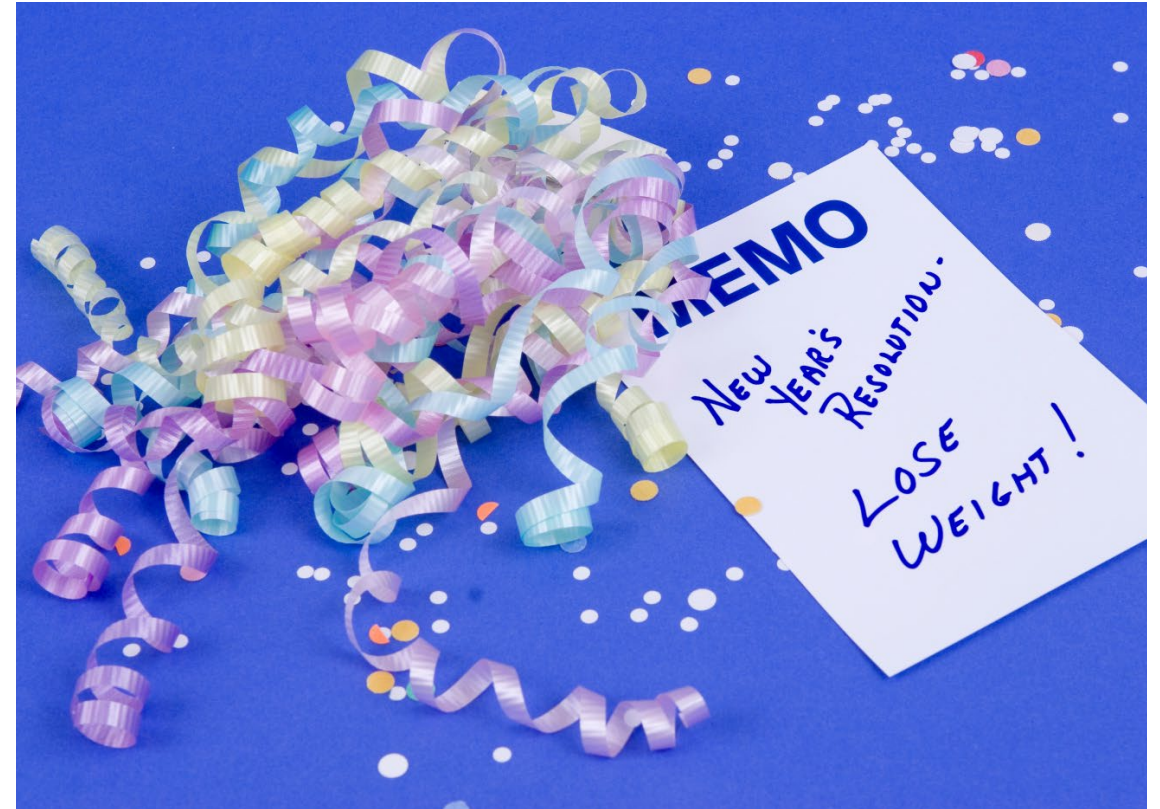
We don't mind

Please don't be offended on our behalf

Also, please don't video the videos

We have an agreement with the participants not to give them away

# Change is **HARD**.



**If you've ever found it hard to  
keep those New Year's resolutions...**





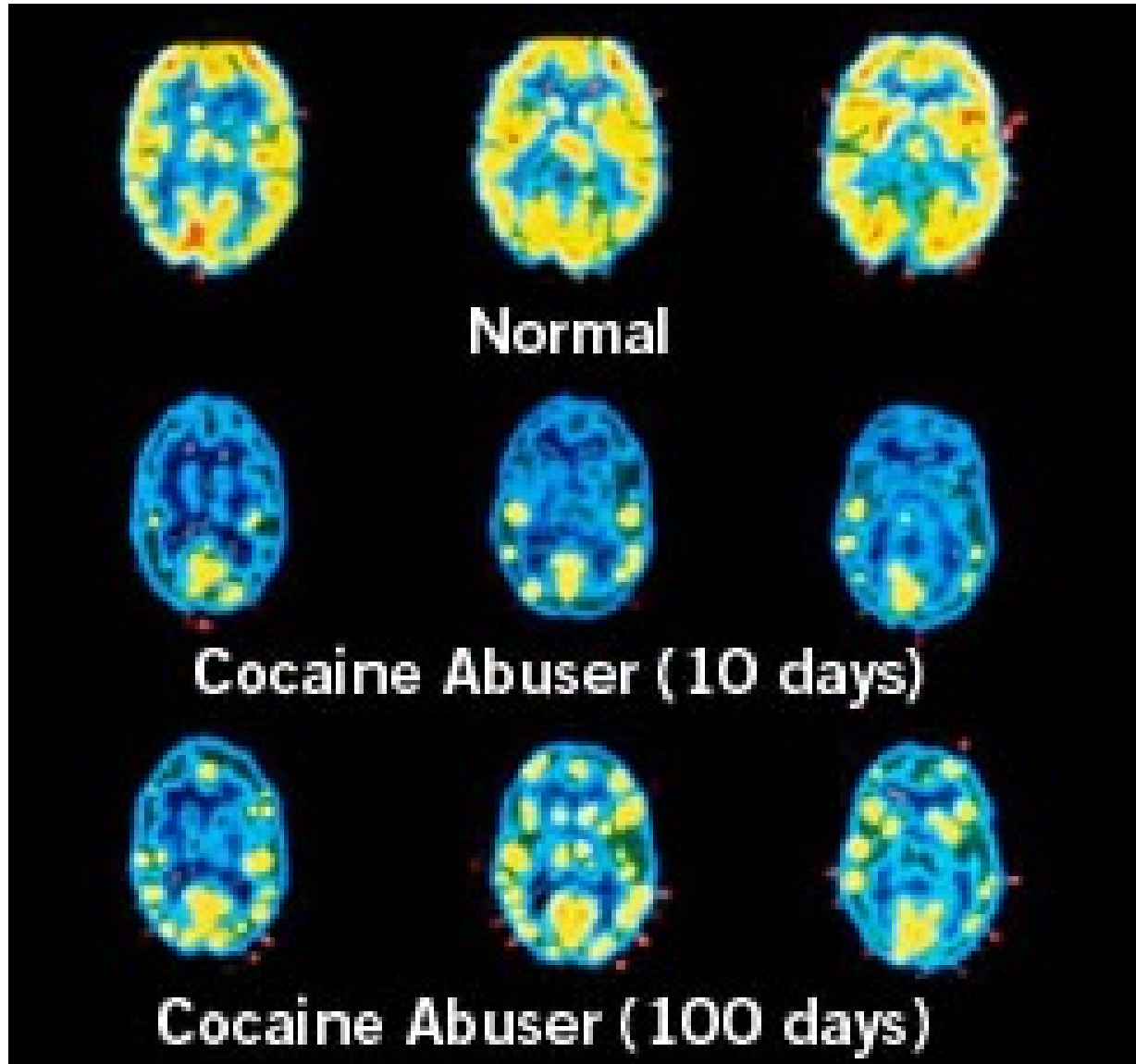
# Imagine Additional Barriers to Change

- Addiction
- Mental illness, trauma
- Lack of motivation
- Lack of resources
- Lack of support
- Antisocial thoughts, behaviors, attitudes, peers

**We must treat the whole person and instill hope and confidence.**

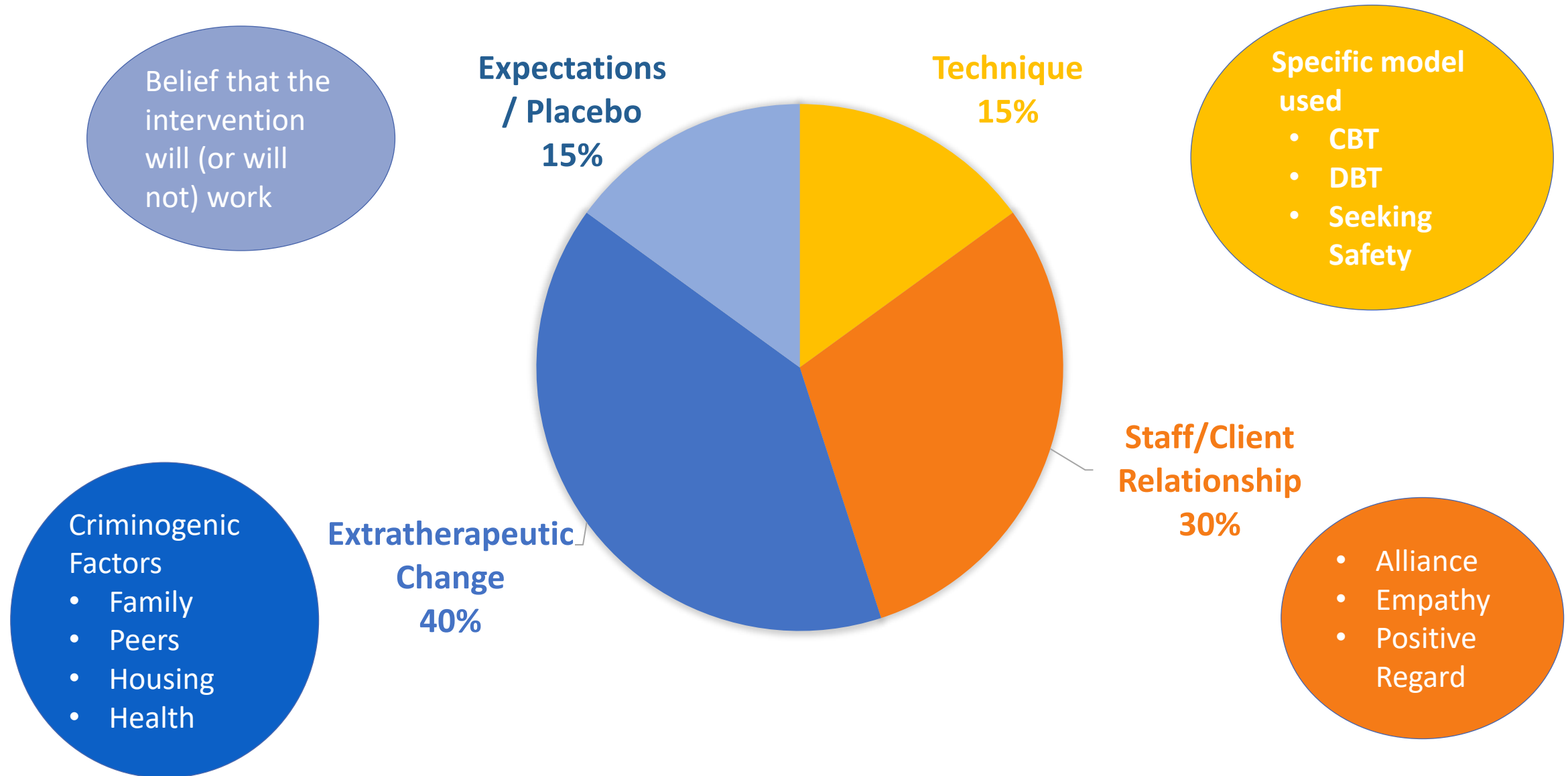


# We Have A Tough Adversary



- Change is especially hard for HR/ HN individuals.
- Addicted brains take a long time to heal.
- Expect many stumbles and setbacks, especially in the beginning.
- How do we motivate long-term change?

# What leads to behavior change?



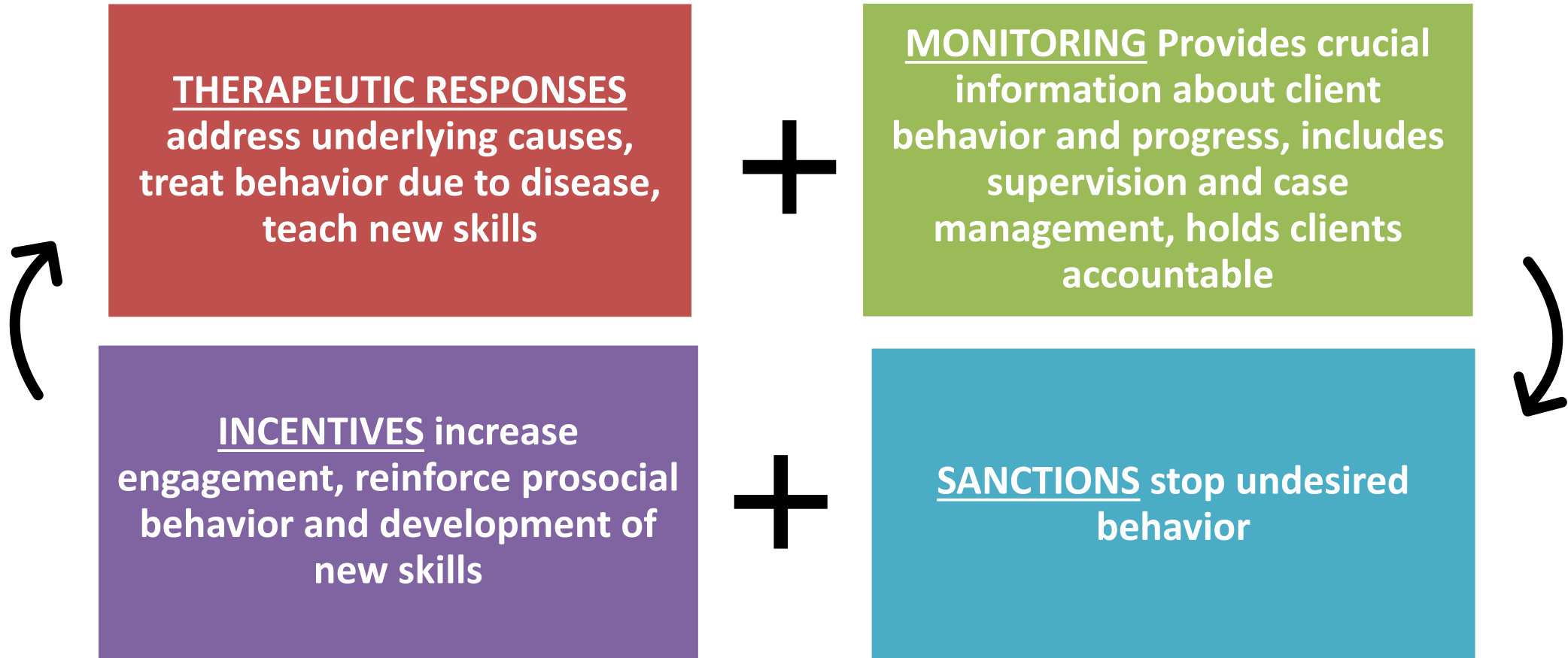


**Kyle** is a treatment court graduate

**Pat** is the defense attorney on the treatment court team

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

# Treatment Court Tools That Motivate Behavior Change– and Work!



We Use These Tools in Unison.



# Using the Tools To Motivate:

- This week Jimmy **missed a UA** and **lied**, saying he was at the ER with his wife. He wasn't.
- He was ordered to test immediately. Subsequent test was **positive for meth**.
- But Jimmy went **bowling with the peer mentors** this week and had a great time.

## How do we respond?

- ✓ Therapeutic response
- ✓ Supervision adjustment
- ✓ Sanction
- Incentive?



# **WWYD: Should Jimmy receive both an incentive and a sanction this week?**

1. No, that would dilute the effect of the sanction.
2. No, that would send a very confusing message to Jimmy.
3. Both of the above.
4. Yes, we should reward target behaviors even if there were also problems that week.





# Should Jimmy Receive Both an Incentive and a Sanction?

## YES!

- We never miss an opportunity to reinforce target behavior-- even if other things went wrong.
- We will carefully explain WHAT behaviors we are responding to.
- Change is hard!  
Recognizing hard work helps clients hang in there.



**Our specific response choices will depend on what Jimmy is capable of and where Jimmy is in the program.  
(proximal v. distal)**

# Proximal? Distal? What the heck is that?

**Proximal  $\neq$  Easy**

Proximal = Proximate/Close



- Show up
- Try hard
- Tell the truth

- 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



# Proximal? Distal? What the heck is that?

Proximal = Proximate/Close



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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

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\*if we provide appropriate treatment and services that help participants internalize their change

Distal = Distant



- Abstain from use
- Accept disease
- Work recovery

# Our response choices depend on the current level of competence

Proximal = Proximate/Close



**“NOW” BEHAVIOR:**

- **SMALLER REWARDS**
- **LARGER SANCTIONS**

Distal = Distant



**“LATER” BEHAVIOR:**

- **LARGER REWARDS**
- **SMALLER SANCTIONS**



# Why is this important?

**Competence:** client's capability (skills) to do what is required (proximal vs. distal behaviors).

**Motivation:** how ready or committed the client is to participate in the program.

**We can't expect a lot at first.**

- Clients can't behave as expected if:
- Our demands are excessive, or
- They lack the skills required to respond appropriately, or
- They're not adequately motivated.

-- Doug Marlowe

Video: Honesty kept you out of jail

# 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)*

# Tools For Behavior Change

**THERAPEUTIC RESPONSES**  
address underlying causes,  
treat behavior due to disease,  
teach new skills

**MONITORING** Provides crucial  
information about client  
behavior and progress, includes  
supervision and case  
management, holds clients  
accountable

**INCENTIVES** increase  
engagement, reinforce prosocial  
behavior and development of  
new skills

**SANCTIONS** stop undesired  
behavior

How do you know how to respond to behavior  
if you don't know what behavior they're  
engaged in?



# Certainty of Detection

*(Both positive and negative behaviors)*

## Consistent Detection

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

## Reliable Response (Immediacy)

Behavior reliably results in a response  
- Swift consequences

Consistency and Immediacy - NOT severity that motivates change

Speeding ex



Form **1040** Department of the Treasury—Internal Revenue Service **2002** (99) IRS Use Only—Do not write or staple in this space.

**U.S. Individual Income Tax Return**

For the year Jan. 1-Dec. 31, 2002, or other tax year beginning , 2002, ending , 20 OMB No. 1545-0074

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

**Important!**  
You must enter your SSN(s) above.

**Filing Status**  
Check only one box.

1 ☐ Single  
2 ☐ Married filing jointly (even if only one had income)  
3 ☐ Married filing separately. Enter spouse's SSN above and full name here. ☐ Head of household (with qualifying person). (See page 21.) If the qualifying person is a child but not your dependent, enter this child's name here. ☐ Qualifying widow(er) with dependent child (year spouse died ). (See page 21.)

**Exemptions**

6a ☐ Yourself. If your parent (or someone else) can claim you as a dependent on his or her tax return, do not check box 6a.  
b ☐ Spouse  
c **Dependents:**

(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> If qualifying child for child tax credit (see page 22)

If more than five dependents, see page 22.

d Total number of exemptions claimed

**Income**

7 Wages, salaries, tips, etc. Attach Form(s) W-2  
8a Taxable interest. Attach Schedule B if required  
8b Tax-exempt interest. Do not include on line 8a  
9 Ordinary dividends. Attach Schedule B if required  
10 Taxable refunds, credits, or offsets of state and local income taxes (see page 24)  
11 Alimony received  
12 Business income or (loss). Attach Schedule C or C-EZ  
13 Capital gain or (loss). Attach Schedule D if required. If not required, check here ☐  
14 Other gains or (losses). Attach Form 4797  
15a IRA distributions  
15b Taxable amount (see page 25)  
16a Pensions and annuities  
16b Taxable amount (see page 25)  
17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E  
18 Farm income or (loss). Attach Schedule F  
19 Unemployment compensation  
20a Social security benefits  
20b Taxable amount (see page 27)  
21 Other income. List type and amount (see page 29)  
22 Add the amounts in the far right column for lines 7 through 21. This is your **total income**  
23 Educator expenses (see page 29)  
24 IRA deduction (see page 29)  
25 Student loan interest deduction (see page 31)  
26 Tuition and fees deduction (see page 32)  
27 Archer MSA deduction. Attach Form 8853  
28 Moving expenses. Attach Form 3903  
29 One-half of self-employment tax. Attach Schedule SE  
30 Self-employed health insurance deduction (see page 33)  
31 Self-employed SEP, SIMPLE, and qualified plans  
32 Penalty on early withdrawal of savings  
33a Alimony paid Recipient's SSN  
34 Add lines 23 through 33a  
35 Subtract line 34 from line 22. This is your **adjusted gross income**

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see page 76. Cat. No. 11320B Form **1040** (2002)



# Certainty is About MONITORING (Supervision)

## 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

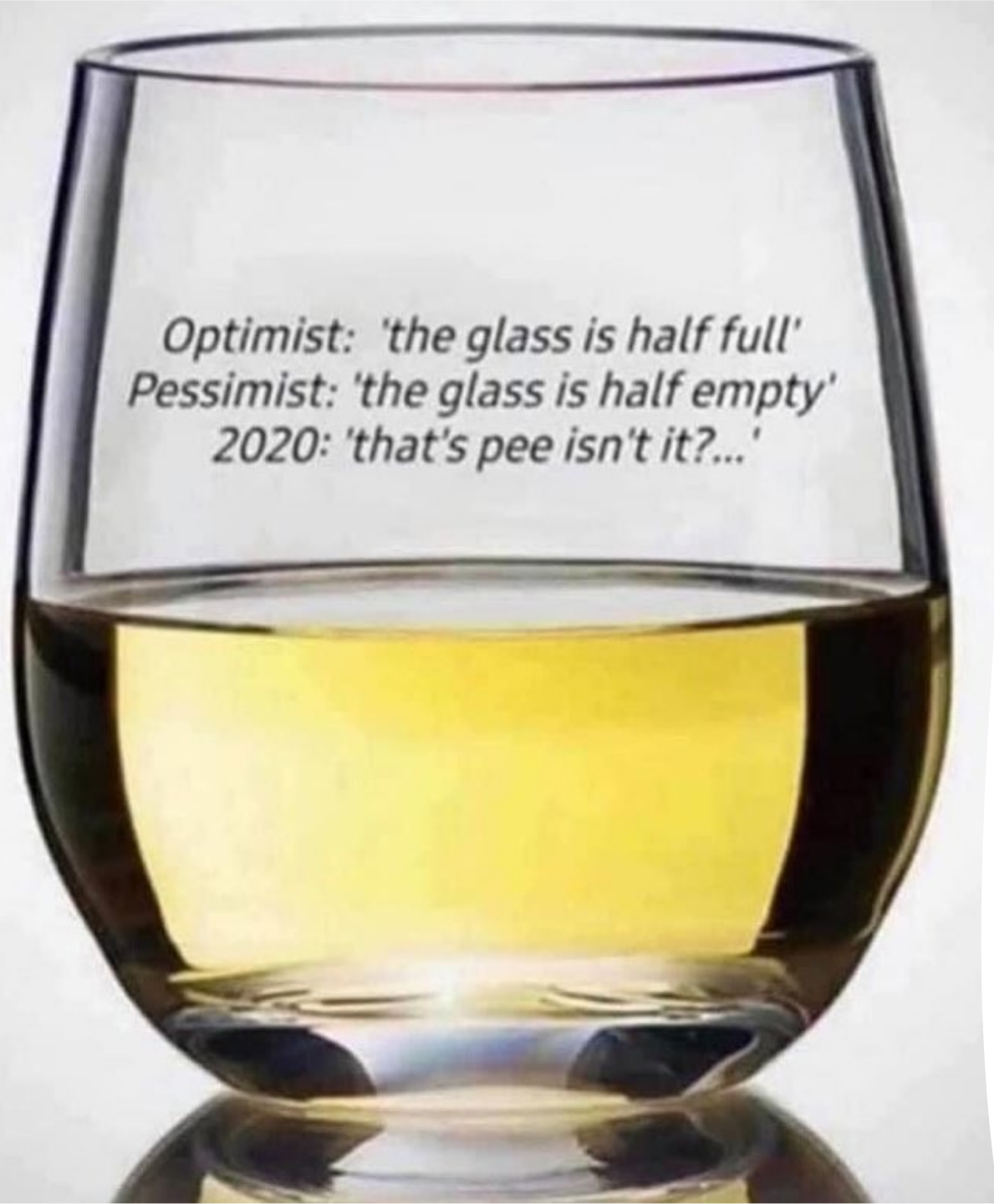
# Monitoring - Contacts

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



*Increase/decrease (as appropriate)*

- Court appearances (In-person or virtual)
- In-person check-ins with supervision/case manager
  - ✓ Home visits
  - ✓ Work visits
  - ✓ Office visits
- Remote contacts (lessons learned from Covid)
  - ✓ Facetime and Duo - check in, while looking around a room (remote observed breath and oral tests)
  - ✓ Zoom meetings and CBT
  - ✓ Text chats and check-ins
- GPS



## Monitoring - Drug Testing:

- Urine testing
  - Broad panel plus EtG, EtS
  - Fully observed
  - Chain of evidence
- Oral fluids
- Skin patches
- Remote alcohol sensors (e.g., Scram)
- Hair – not recommended for treatment courts



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behavior

# Therapeutic Responses – Teaching Responses



Respond to behaviors due to illness

Teach new skills

Develop understanding

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

Therapeutic responses in the courtroom are **NOT THERAPY** – Therapy (treatment) is only provided by a licensed treatment provider

# Therapeutic Responses – Teaching Responses

- Explaining/confirming need for re-assessment (**performed by clinician**)
- Explaining/confirming plan for LOC change (**Based on clinical assessment**)
- Essays and an oral presentation (easy for us, hard for them)
- Thinking report/essay
- Homework/practice
- Volunteering (service in community)



# Therapeutic/teaching responses

- Making masks for others –learn a skill, help others
- 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 court about goals, strengths, successes and actions participants can take to become successful
- Behavior chain/ Cost-benefit discussion



## 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



Video: Growing up nicely

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# Sanctions

Decrease or STOP a behavior

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

Note: Participants with mental health disorders can be extremely sensitive and any criticism can be excruciating

Use twice the incentives and half the sanctions and go easy

Use the SANDWICH technique



# Sanctions

- Unpleasant community service
  - Day at the dump
  - Cleaning the jail
  - Picking up trash on the highway in orange vests
- Curfews
- House arrest
- Pick them up and bring them to court
- Jail (only for **public safety or threats to the integrity of the program**) –  
Consider:
  - Hours in holding cell
  - Jail for a day – or multiple days (not overnight)



# Jail

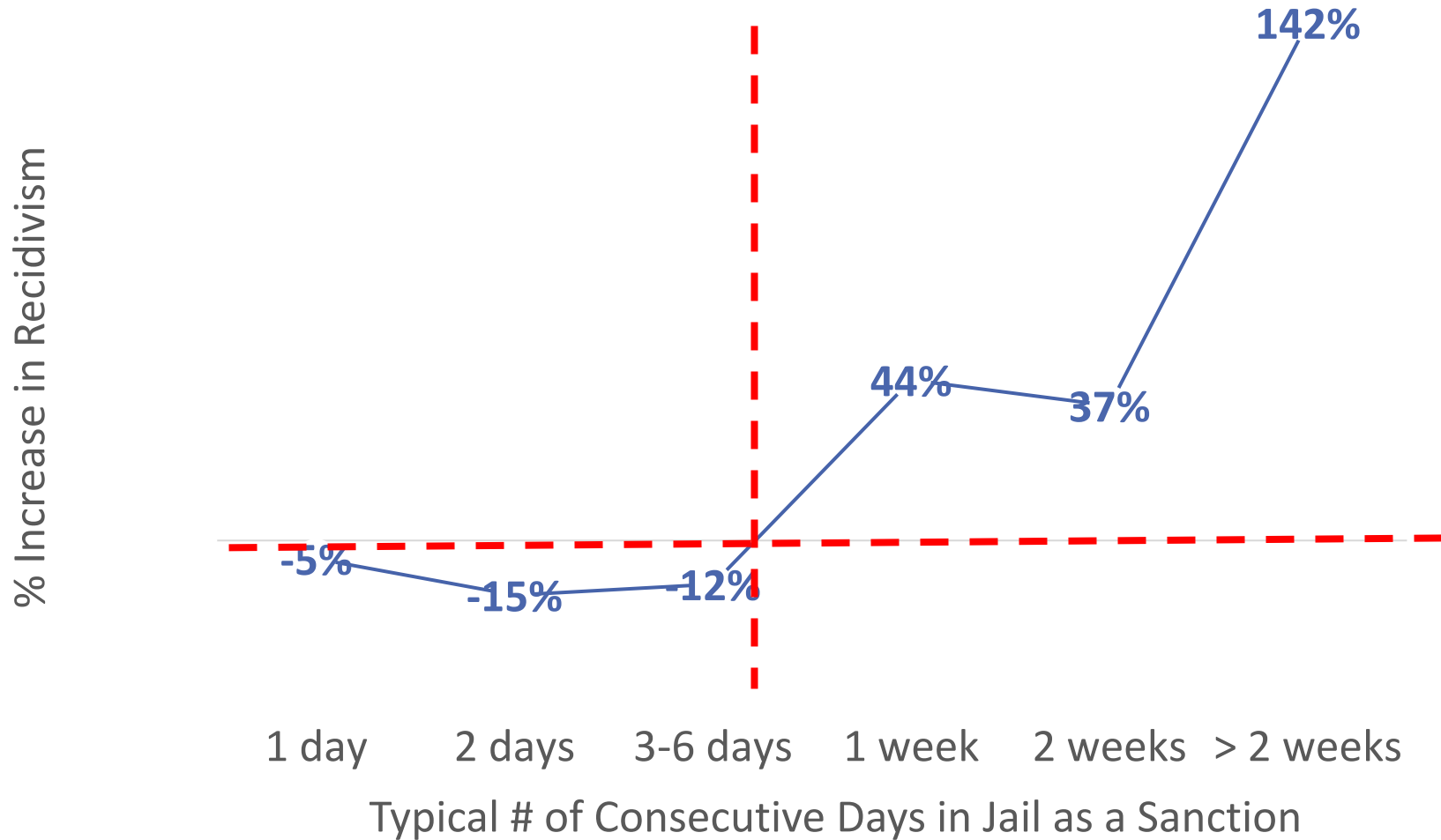


- Generally not teaching what you want participants to learn
- Can make participant's situation worse
  - Job
  - Family
  - Insurance
- Hanging out with the wrong people
- Should be reserved for serious infractions
  - Public Safety
  - Illegal activity





## 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?

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# Incentives

Increase or START desired behaviors

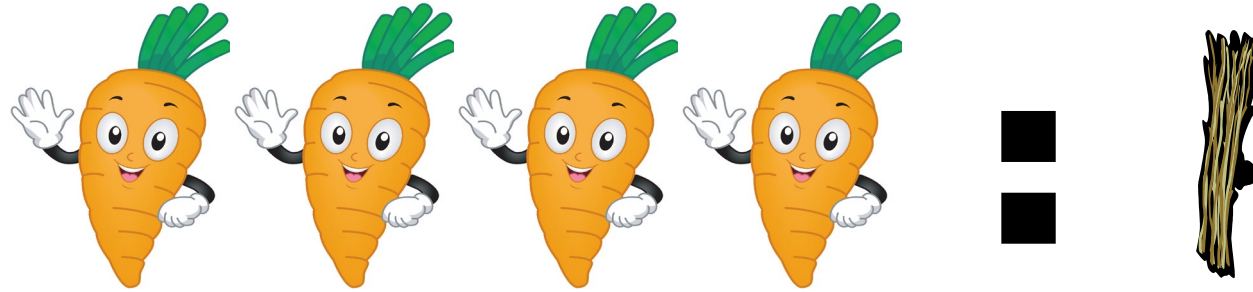
Rewards - Work best if the positive feelings are associated with the behavior you want to start or continue  
– Be Specific!

- 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 them to learn the poor behaviors or the positive ones?)



# Incentives Should Far Outnumber Sanctions!

➤ 4:1?

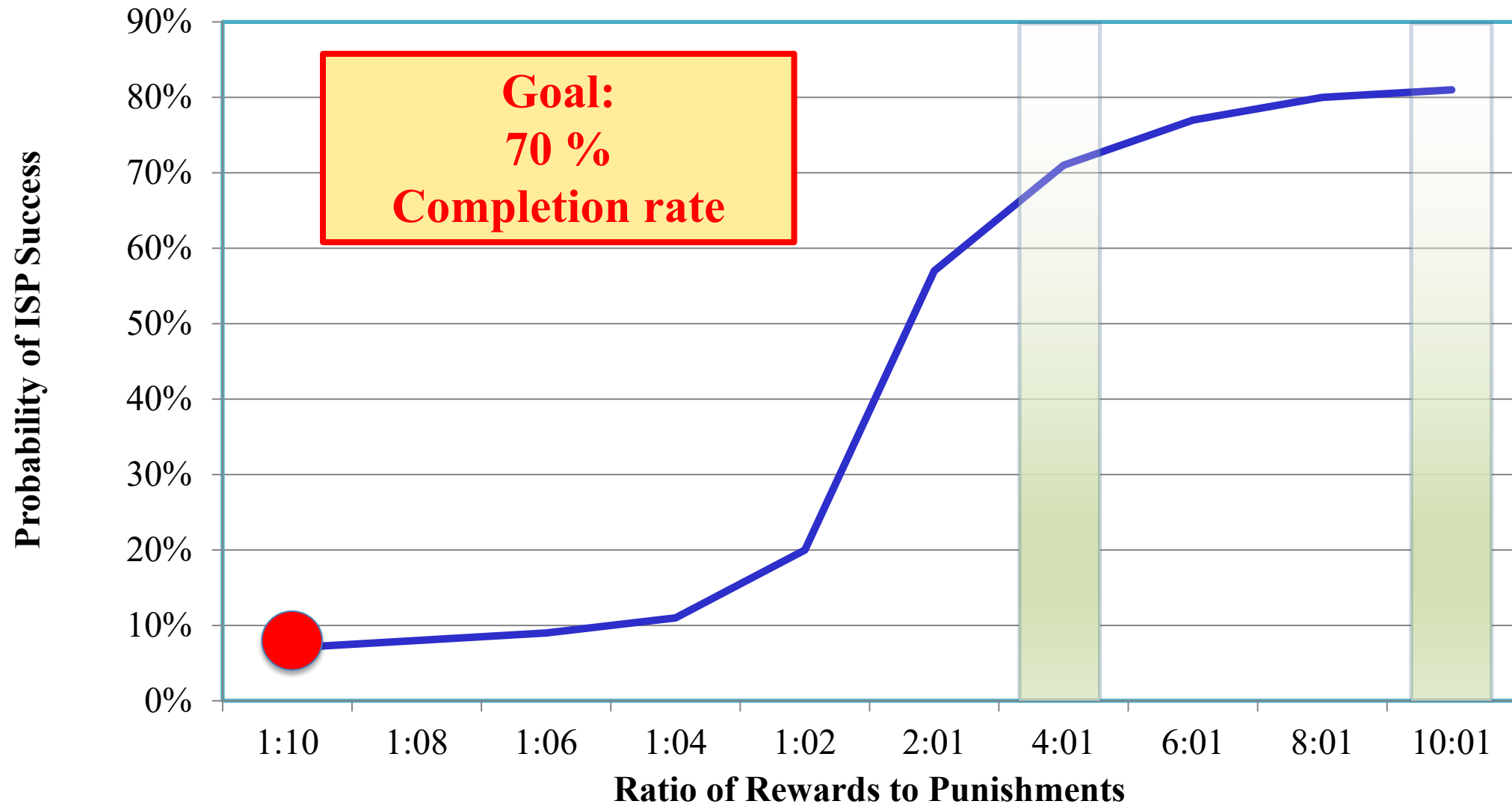


➤ 10:1 is better.





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





## What Do We Reinforce?

### Achieving Target Behaviors:

- Showing up\*
- Timeliness\*
- Honesty\*
- Neg UAs/ Blows\*
- Phase Promotion
- Treatment Progress
- Sobriety Milestones
- Helping Others (Clients, Community)
- Recovery Support Achievements
- Prosocial Achievements (job, GED, volunteer work)



# What if we have no budget for incentives?

- You don't need gift cards! Some of the most powerful incentives 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 treatment court ends.
- Our responses keep clients engaged until natural reinforcers kick in.

# Incentives

## #1 Acknowledgment from judge and team members

- Fish bowl
- Gift cards (their choice)
- Decision Dollars (collect over time)
- Certificates and coins
- Be held up as an example
- Become a mentor
- Decrease time on probation or lower fees
- The A Team (free!)
- Inspiration cards – “You did it!” (free!)
- Short encouragement videos, good morning videos
- Conversations in court about goals, strengths, successes and actions participants can take to become successful



# Incentives

## Lessons learned from Covid

- Short encouragement videos, good morning videos
- Conversations in court about goals, strengths, successes and actions participants can take to become successful
- Letters to participants from the team
- “Covid 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 form





# 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.**



## **Praise and Social Approval**

- **Never underestimate the redemptive value of the relationship.**
- **Praise is free, easy to administer, unlimited in supply and powerful.**
- **Can be used immediately**



# Positive Peer Boards: “A” Team



## “A” – Team

Joel C.

Amy P.

Devon S

Maria Q.

Shonda P.

Sam E.

Ramon G.

## MVP’s

Juan M.

Brenda A.

David S.

# Different Ways to Use “A” Team





**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 1<sup>ST</sup> AT COURT  
REVIEW !**

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

# INCENTIVES





# All-Star Attendance

AWARDED TO

**JEREMY  
DAVIS**

in acknowledgement of 30 days of perfect attendance at all Brazos County Veteran's Court scheduled appointments, office visits and court appearances. Your consistent attendance displays your commitment to success in this program and in your long-term recovery.

---

Rufus Stewart  
PRESIDING JUDGE

---

Abraham Joaquin  
CASE MANAGER



SPREAD ENCOURAGEMENT LIKE

**GLITTER.**

THAT STUFF STICKS!

YEARS LATER YOU'LL STILL FIND  
IT ALL OVER THE PLACE.

# Video - Papack Dentist

**Sara** is the probation officer and case manager on the treatment court team

**Patrick** is the defense attorney

**Count the Incentives**

# How Do We Know What Rewards Work?

## ASK THEM!

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

Fishbowl	Spin the Wheel	Praise, positive feedback
Gift Card	Bus Passes	CSR Voucher
Zoom Court	Candy, treats	Certificate (Sobriety, etc.)
Treasure box	Movie Passes	Other: (Specify)_____

**What are some fun things you do that help you stay sober?**\_\_\_\_\_



Break Time!

Be back in 10 Minutes

# *Staffing*



# Staffing is a Team Activity

---


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

*What does each team  
member bring to the table?*





Video: Hernandez on the info  
his team brings



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


Stay in your lane

Changing behavior requires information

Get your business done up front

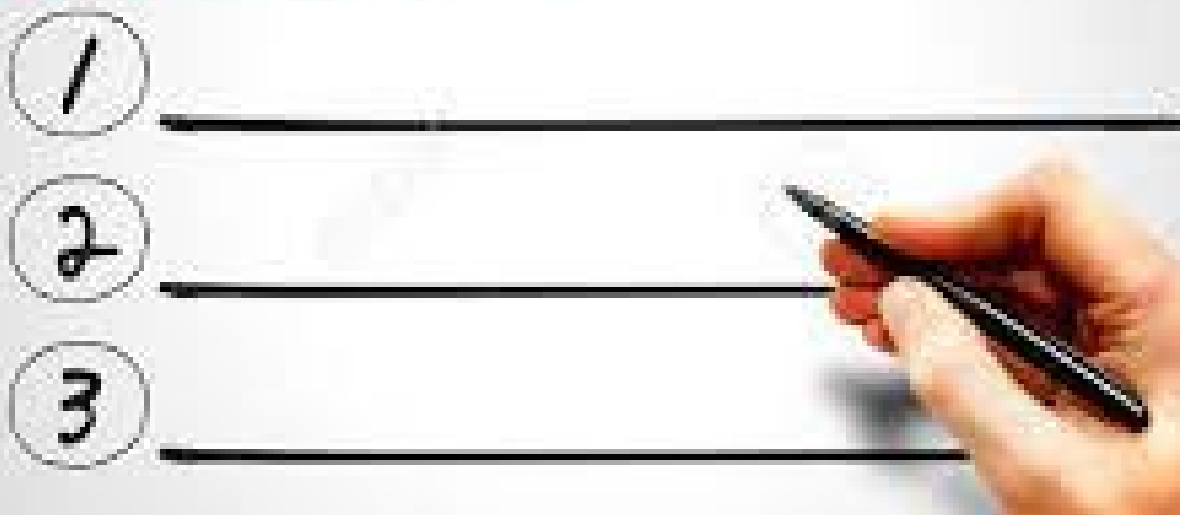
Video: Greenlick on honesty

# WHAT'S THE BEST FORMAT FOR SHARING?

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				
ODL/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		5. 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 2/211/13/2017: 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

- Practice tip: Use a separate page for each client.
- The old docket sheet method provides very little info— mostly what went wrong.
- **We need room for:** What went RIGHT this week.
  - Treatment progress, program compliance, testing, promotion, stage of change, etc.
  - Response history: incentives and sanctions
  - Little details (weekend plans, job promotions, a new baby) that the judge can discuss.

# Recommendation



1 \_\_\_\_\_


2 \_\_\_\_\_

3 \_\_\_\_\_

Staffing Sheets Should  
Include...

- Central 8 risk factors/ criminogenic needs
- A summary of both compliant and noncompliant behavior
- A place for ALL proposed responses based on response matrix
- A complete response history (incentives, too)
- Recommended treatment-related questions/topics for the judge to ask participant



	TREATMENT COURT CASE STAFFING SUMMARY					D
	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. <b>1. Current Goal - focus on more peer mentor activities.</b>				
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 <b>2. Current Goal: Schedule math test by 3/16/2019</b>				
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. <b>3. Current Goal: Client is engaged with treatment and is currently working through plans for responding to specific triggers.</b>				



<b>STAGE OF CHANGE ON FOCUS AREAS</b>	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.
<b>Benchmarks accomplished towards phase advancement</b>	Jane has completed all required Phase 2 Benchmarks and is filling out application for Phase 3
<b>Barriers to services and intervention/plan</b>	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.
<b>Summary of Successes</b>	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.
<b>Summary of Infractions</b>	Client is doing very well. No issues with non-adherence.
<b>Recommended Court Responses</b>	<p><b>Incentive:</b>  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><b>Other responses:</b>  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?
  - Are they proximal or distal?
- **WHAT** is the response choice/ magnitude?
- **HOW** do we deliver and explain response?



New Video: NZ staffing

New Video: NZ court

# CRAFTING RESPONSES WITH THE MATRIX



- Identify:
  - Magnitude of behavior.
  - Current level of competence (phase)
  - Response level
  - Treatment/ supervision changes needed?
- Matrices should have several options.
  - No “one size fits all.”
- Focus on the big picture:  
**“What do we want participant to learn?”**



# WWYD: Jimmy

- Jimmy is in Phase 1.
- He missed a UA and lied, saying he was at the ER with his wife. He wasn't. Subsequent test was negative.
- ✓ Jimmy went bowling with the peer mentors this week and had a great time.
- Magnitude of noncompliant behavior:  
Risky
- **Proximal or distal:**
  - Showing up?
  - Honesty?
- ✓ Magnitude of compliant behavior:
  - Prosocial activity, recovery network?



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

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

		Low	Moderate	High	Very High
<b>Distal</b> ↓ <b>Prox</b>	Phase 1	Level 1	Level 2	Level 2	Level 4
	Phase 2	Level 1	Level 2	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/Teaching Responses**

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"><li>• Behavior Chain</li><li>• Cost/Benefit Analysis</li><li>• Skill Development</li><li>• Homework/Practice</li><li>• Homework chats</li></ul>	<b>Level 1 plus:</b> <ul style="list-style-type: none"><li>• Discuss LOC Review</li><li>• Thinking Report</li><li>• Doing things for others (homeless kits, letters to nursing home)</li></ul>	<b>Level 1, 2, plus:</b> <ul style="list-style-type: none"><li>• Discuss Referral</li><li>• Medication Eval</li><li>• Treatment Team Review/Round Table</li></ul>	<b>Level 1, 2, 3, plus:</b> <ul style="list-style-type: none"><li>• Discuss Re-Assessment</li></ul>	

**3b. Supervision Responses**

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"><li>• ≤ 1 additional report days/week</li><li>• Homework chats</li></ul>	<ul style="list-style-type: none"><li>• ≤ 2 additional report days/week</li><li>• Home Visit</li><li>• Curfew</li><li>• (FTC) Increased supervision at child visits</li></ul>	<ul style="list-style-type: none"><li>• ≤ 3 additional report days/week</li><li>• Continuous Testing</li><li>• GPS/Electronic Monitoring</li><li>• Home Visit</li><li>• Increase frequency UA Test</li><li>• Additional Court Report</li><li>• Case Conference</li></ul>	<ul style="list-style-type: none"><li>• ≤ 4 additional report days/week</li><li>• Electronic Monitor Device</li><li>• Case Conference</li><li>• Curfew</li></ul>	

### 3c. Sanction/Punishment Responses (Judicial Disapproval)

	Level 1	Level 2	Level 3	Level 4	Level 5
Community Service	≤ 4 hrs	≤ 8 hrs	≤ 16 hrs	≤ 24 hrs	≤ 32 hrs
Curfew	≤ 3 days	≤ 5 days	≤ 7 days	≤ 10 days	≤ 14 days
House Arrest	≤ 24 hrs	≤ 72 hrs	≤ 5 days	≤ 7 days	≤ 14 days
Jail			≤ 24 hours	≤ 3 days	≤ 5 days
Other				Review Placement	Termination

No matter how frustrated and disappointed we are with

Jimmy's noncompliant behavior, jail is NOT an option.

A verbal reprimand (judicial disapproval) is a highly effective sanction.

When combined with supervision and treatment responses  
there is often no need for any sanction beyond disapproval.

# 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"><li>• Attendance at treatment</li><li>• Attendance at other appointments</li><li>• Home for home visits</li><li>• Report to UA</li><li>• Timeliness</li><li>• Payment</li></ul>	<ul style="list-style-type: none"><li>• Honesty</li><li>• Testing Negative</li><li>• Participating in Prosocial Activities</li><li>• Employment</li><li>• Progress toward Tx Goals</li><li>• Progress in Tx</li></ul>	<ul style="list-style-type: none"><li>• Complete Tx LOC</li><li>• Extended Abstinence/Neg. Tests</li><li>• Treatment Goals Completed</li><li>• Phase Goals Completed</li><li>• Program Goals Completed</li></ul>



Step 2. Determine the **Response Level**

		Proximal (Expect Sooner)	Moderate	Distal (Expect later)
<div>Distal</div> <div>↓</div> <div>Prox</div>	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/Teaching Response

	Phase 1	Phase 2	Phase 3	Phases 4 and 5
Single Event	<ul style="list-style-type: none"><li>• Behavior Chain</li><li>• Cost/Benefit Analysis</li></ul>	<ul style="list-style-type: none"><li>• Behavior Chain</li><li>• Cost/Benefit Analysis</li></ul>	<ul style="list-style-type: none"><li>• Behavior Chain</li></ul>	<ul style="list-style-type: none"><li>• Behavior Chain</li></ul>
Continued Progress		<ul style="list-style-type: none"><li>• Discuss Change in LOC</li></ul>	<ul style="list-style-type: none"><li>• Aftercare Fqcy</li><li>• Discuss Re-evaluating MAT/Medications</li></ul>	<ul style="list-style-type: none"><li>• Aftercare Fqcy</li><li>• Discuss Re-evaluating MAT/Medications</li></ul>

### 3b. Supervision Responses

Phase 1	Phase 2	Phase 3	Phases 4 and 5
<ul style="list-style-type: none"><li>• Chain in Curfew Status</li></ul>	<ul style="list-style-type: none"><li>• Reduced Contacts</li><li>• Reduction in Home Visits</li></ul>	<ul style="list-style-type: none"><li>• Reduced Contacts</li><li>• Reduce Home Visits</li><li>• Reduce in External Monitoring Devices</li></ul>	<ul style="list-style-type: none"><li>• Reduced Contacts</li><li>• Decreased Drug Testing</li></ul>

### 3c. Incentive Response

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





## **What if Jimmy was in Ph. 3?**

- **Magnitude of noncompliant behavior: Risky**
- **Proximal v. distal:**
  - **Showing up for tests (P)**
  - **Honesty (P)**

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

## 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 2	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





## What if Jimmy was in Ph. 3?

- Magnitude of noncompliant behavior: Risky
- Proximal v. distal:
  - Showing up for tests (P)
  - Honesty (P)

	Level 1	Level 2	Level 3	Level 4	Level 5
Community Service	≤ 4 hrs	≤ 8 hrs	≤ 16 hrs	≤ 24 hrs	≤ 32 hrs
Curfew	≤ 3 days	≤ 5 days	≤ 7 days	≤ 10 days	≤ 15 days
House Arrest	≤ 24 hrs	≤ 72 hrs	≤ 5 days	≤ 7 days	≤ 15 days
Jail			≤ 24 hours	≤ 3 days	≤ 5 days
Other				Review Placement	Termination





# As Clients Learn, They Improve

- What is proximal and what is distal is constantly changing.
- Things that are distal today are proximal tomorrow
- When we phase up clients it's a confirmation that clients are making progress
- They need less of our time and resources, and more is now expected of them.
- Make sure clients understand this!

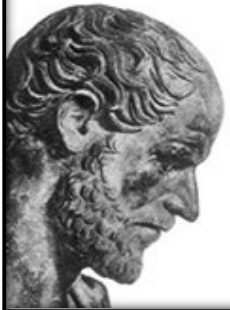


# Matrix Tutorial

<https://vimeo.com/547496224/d09c6d56d6>

# 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



# Judge Davis: Shawana Part 2

**Meet participants where they are**

**Take context into account**

## IN STAFFING

**Remember to focus on the positives as much or more than the negatives**



- 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***

Video – Good decisions - staffing

*Court*



# SETTING THE STAGE FOR EFFECTIVE COMMUNICATION



Establishing Trust,  
Rapport and Safety

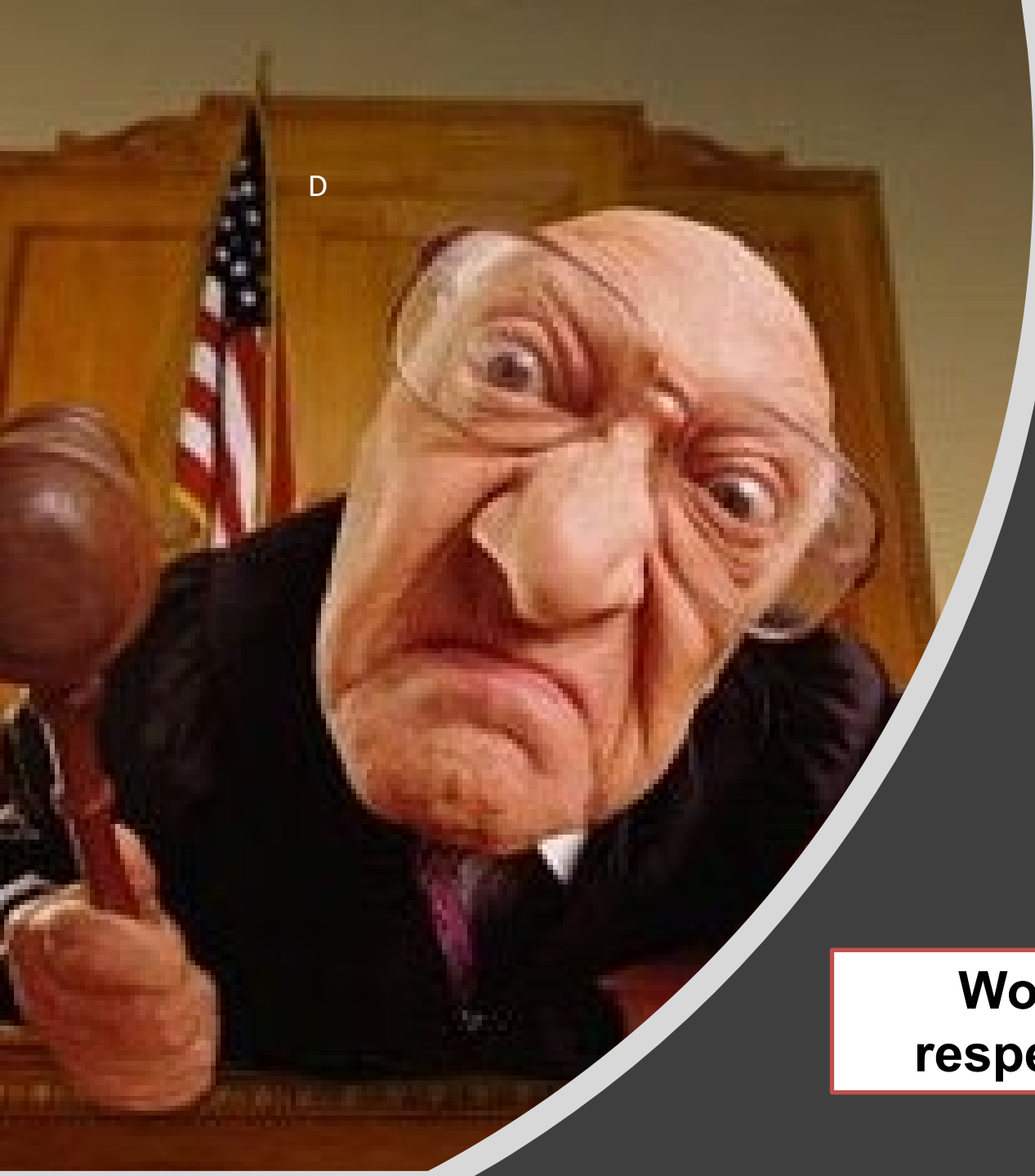


# Be Positive, Instill Hope

Use MI techniques:

- Avoid argument.
- Roll with resistance.
- Remain solution-focused.
- Help clients see when their attitudes hamper their goals.
- Praise positive steps clients take.





## **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

# Things that shouldn't have to be said

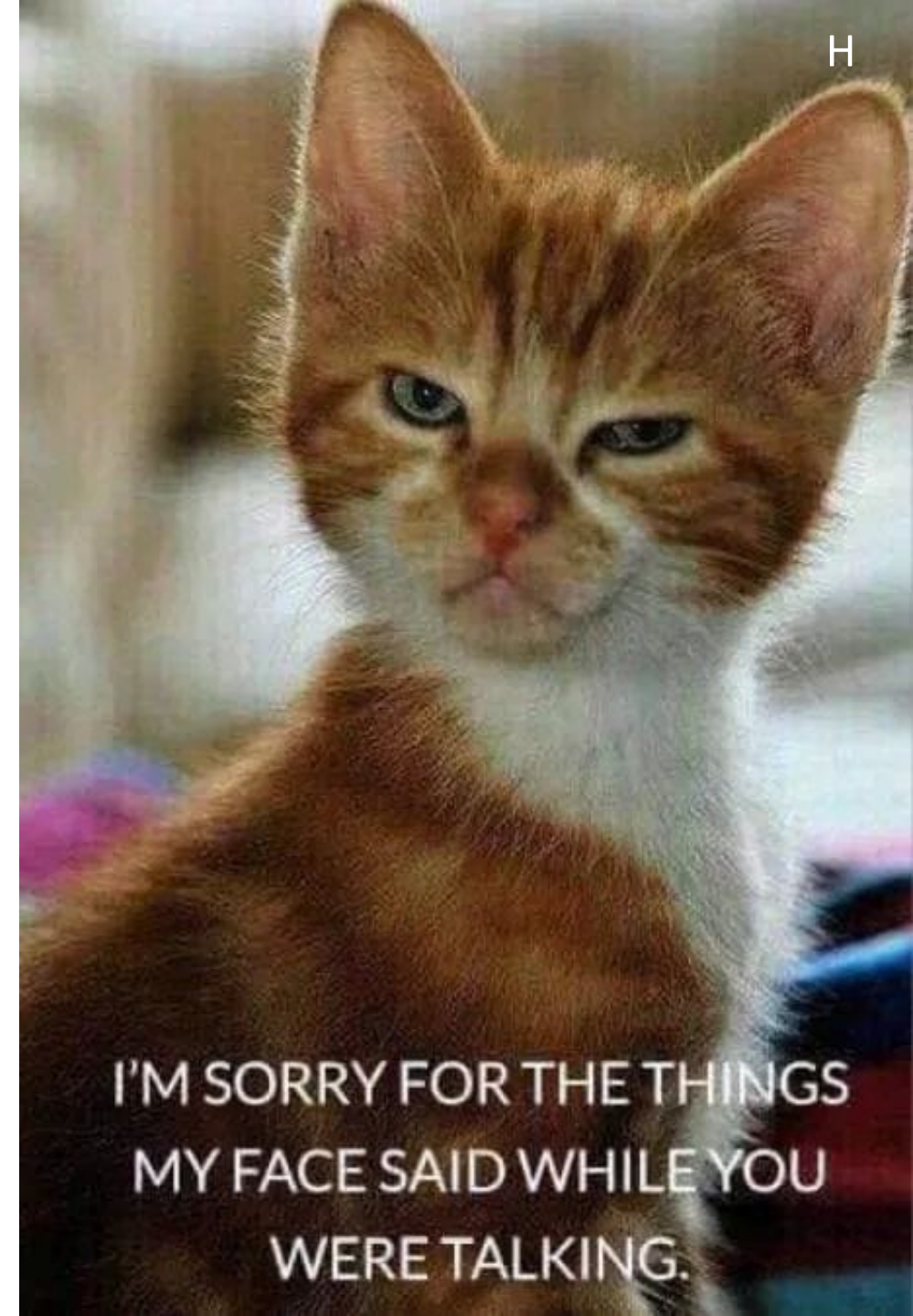
State v. Lemke, 434 P. 3d 551 (Wash. Court of Appeals, 1st Div. 2018) **No judge wielding the power of the State in any courtroom has any good reason to call a litigant a "fucking addict" and "just a criminal."** The judge's manifestation of personal animosity toward Lemke is not something we can write 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.



# Tone Matters

## Your face matters

- Watch for “leaking” body language
- Listen for the positive
- Watch your own patterns of thinking – including labelling
- No “Judge Judy”
- No snarky comments
- No shaming or attacking
- Respectful, firm, clear, but not harmful



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

Video – Kyle: Priceless

# 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



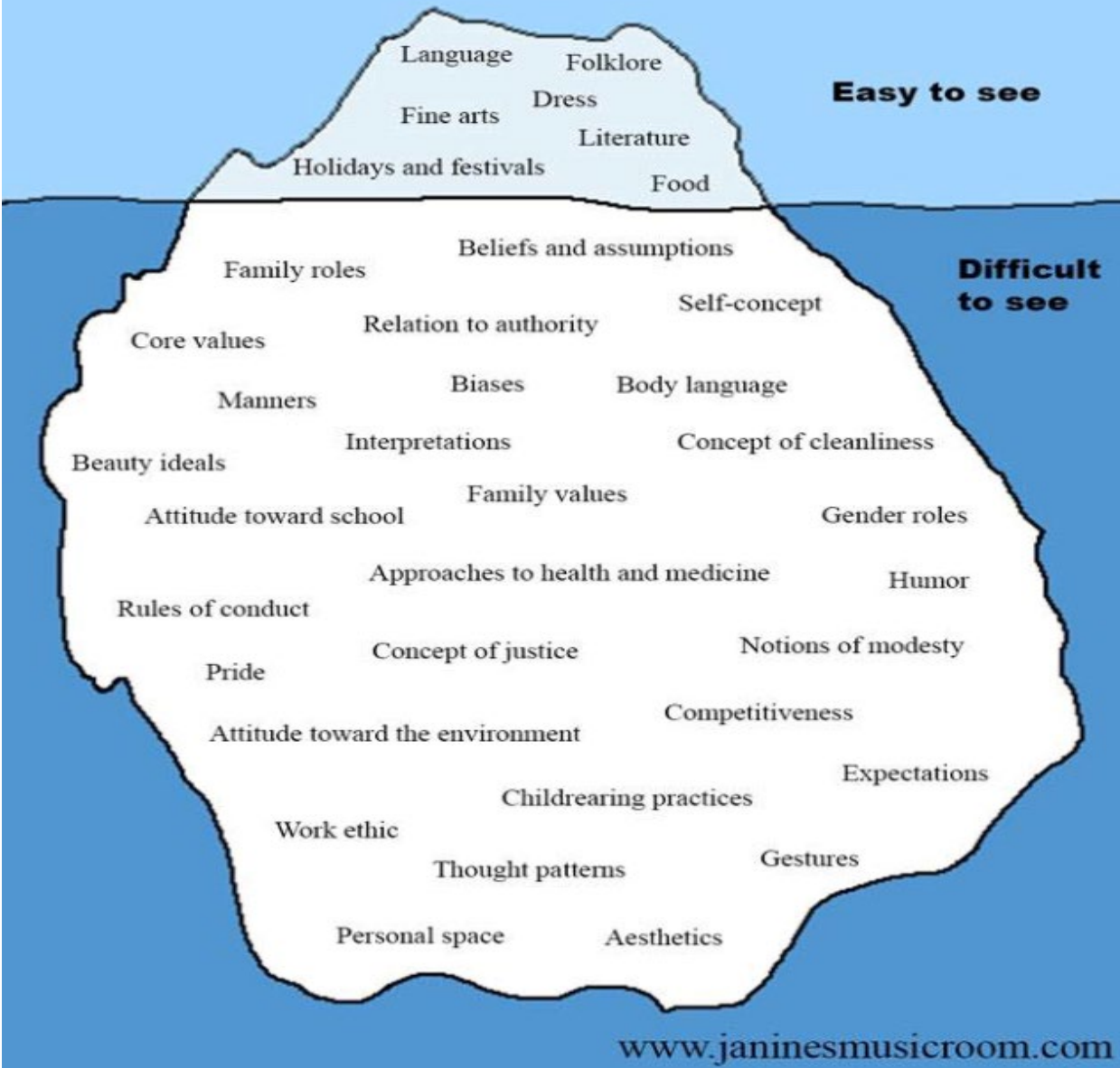
# Sensitivity to Differences



- 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.

Video: New Zealand Hamilton Court Opening Ceremony

# The Cultural Iceberg



Ask questions  
and  
LISTEN



# Understand Who You are Speaking With

- Many participants have co-occurring disorders which can make it more difficult for them to understand and follow directions.
- Addicted and traumatized brains hear, retain, and interpret differently.
- High risk/high need 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.



Judge Greenlick: Now it's my turn



**Some clients don't want to be touched. Ask treatment.**

# ASSUME TRAUMA

- It's not just a "female problem."
- Many do not recognize trauma.
- Many won't talk about it.

## ➤ **Best Practices:**

- Screen for trauma
- Gender-specific dockets
- Put all rules in writing.
  - Use sanction forms.
- Use MI techniques.



D



## PUTTING PARTICIPANTS AT EASE IN COURT

When clients feel safe,  
they will open up.

- What do you do to help clients feel safe?
- How can you make your courtroom feel “safer”?



D

# What Approaches Reduce Stress and Encourage Conversation?





# How To Deliver Effective Responses

## A Magic Formula for Learning Opportunities:

- Identify behavior to be rewarded/ punished.
- Tell person specifically **WHAT** behavior you liked/ disliked.
- Tell the person **WHY** you liked/ disliked it.
- Discuss short and long-term costs/ benefits of the behavior? (**HOW** it effects goals?)
- Pair the approval / disapproval with the **RESPONSE** (incentive / sanction).

## **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 falling asleep in treatment 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



# DELIVERING SANCTIONS

- **First**, listen to client's side of the story.
- Explain **WHY** the sanction was chosen.
- Explain why this sanction is **FAIR**.
- Client will often be distracted and upset.
- Use **“Sanctions Form”** to record the specific reasons for sanction.
- Give client a copy.
- **Don't rush through it!**



# How Can We End on a Positive Note?

- Show the client that you see the “big picture.”
- She’s a good person who made a mistake.
- Highlight their efforts, progress– despite current setbacks.
- Talk about what she did right this week.
- Demonstrate progress HAS been made:
  - Ask, “How would you have reacted to this 6 months ago?”



# Do Due Process!

- It's the law!
- It's fair.
- Fair treatment is really **IMPORTANT!!**



# 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 listen
- Take the time to explain



**Fair doesn't mean the same.**

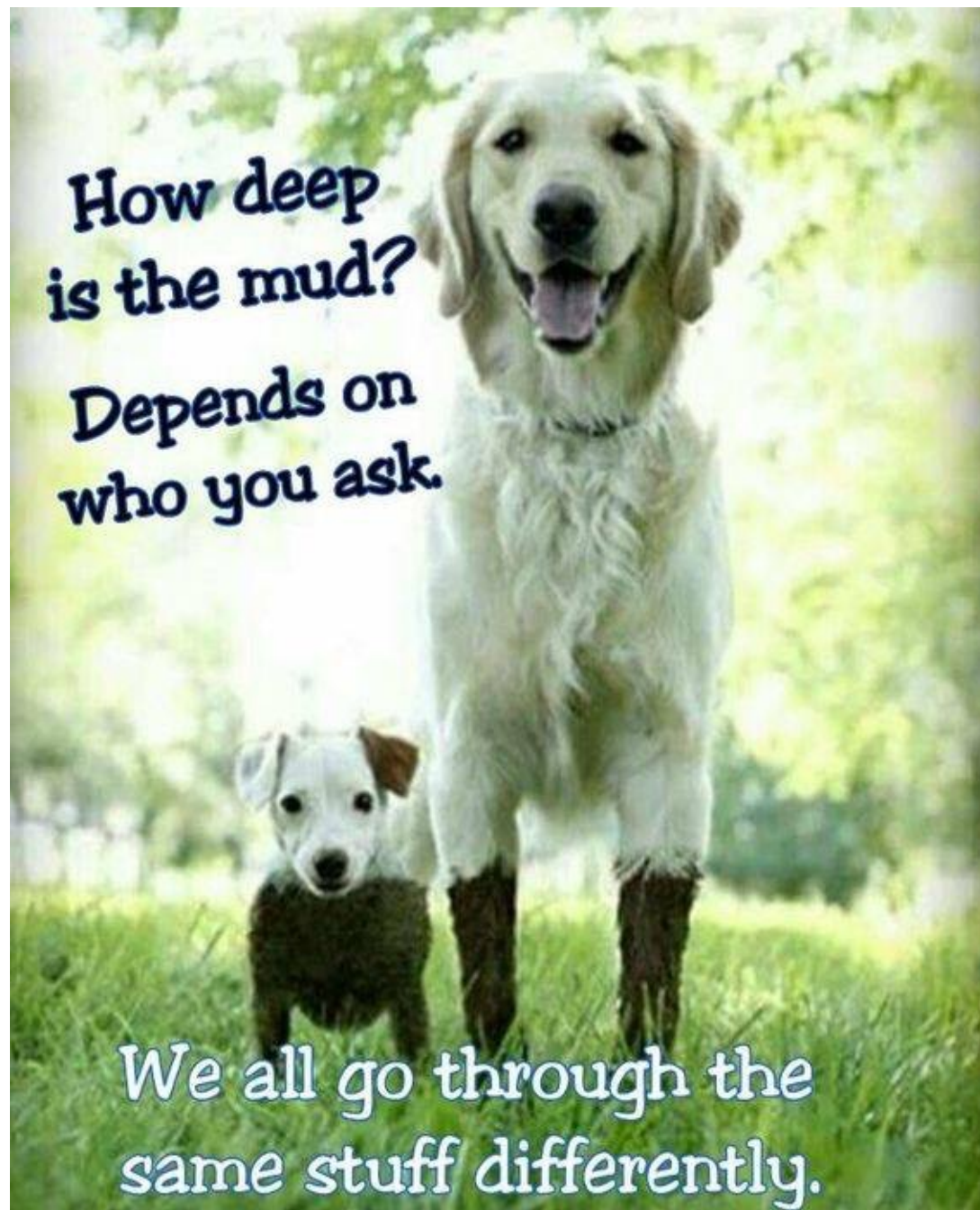


**Equality**



**Justice**





Finlay: Wayne Everybody's Different Video



# Things to Talk About

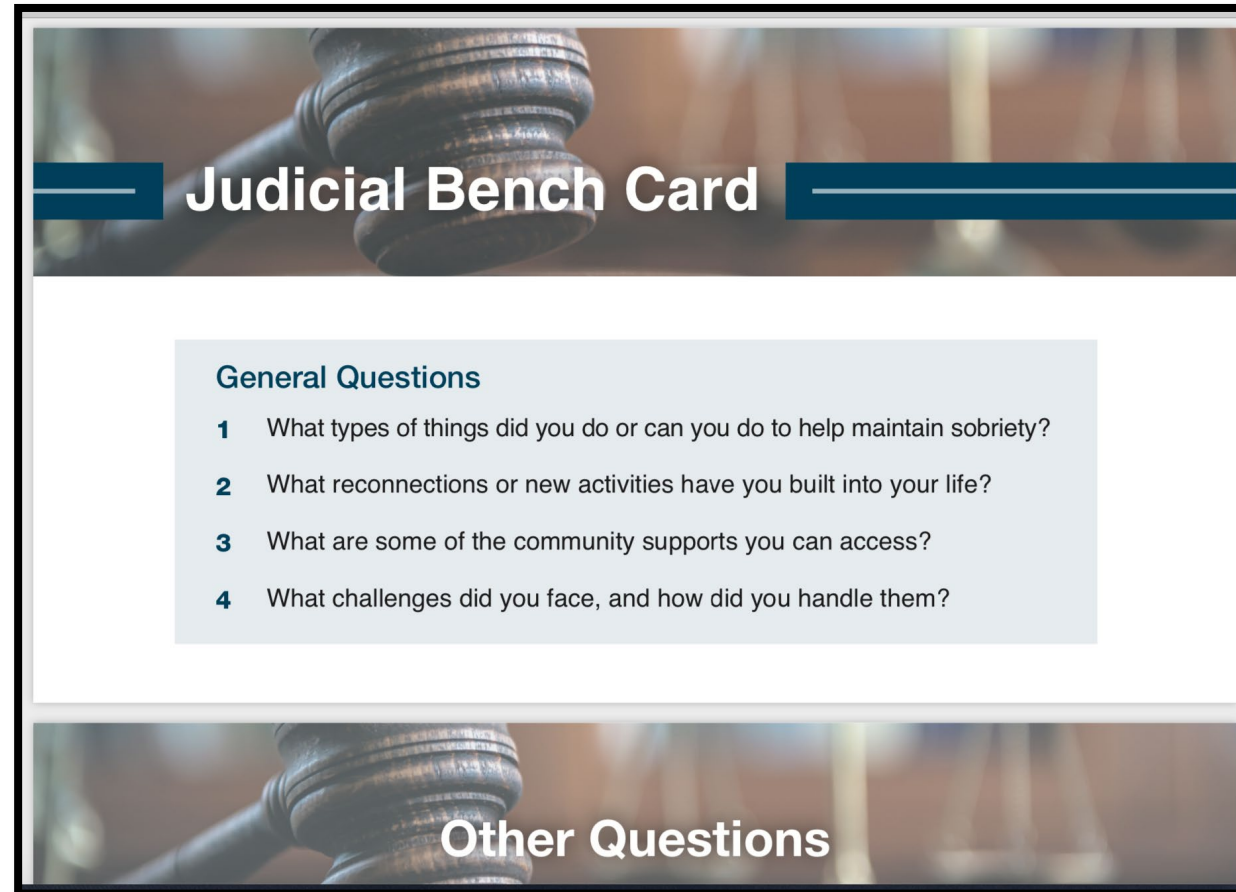
Excellent resource: NADCP Judicial Bench Card

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

**TRAUMA**

**RELAPSE**

**M.I. TIPS**



**FINAL  
PHASE**

**C.B.T**

# Capitalizing on Hope at Court Review

- Seeing is believing: New clients need to see it all.
- Take incentives first— unless a “teachable moment.”
- Utilize mentors or your alumni group.
- Generously use incentives until “natural” reinforcers kick in.
- **If we do our job correctly, natural reinforcers will kick in and our clients will WANT recovery**



# Judge Greenlick: Mindfulness

# Handouts

(available on conference website for this session)

- Behavior modification Matrix
- Staffing Sheet
- Incentives (how-to with examples)
- Participant data sheet
- Participant news form
- Bench Card – Script
- Due Process – Waiver Script



# Questions, Training, TA?

## Contact Us:

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