

# *The Practical Application Of The Science Of Behavior Change*

## **Part 2 Court**





# What Do You Think?

Was “Shawana” hiding the fact that she missed her UA and faking her surprise?

- A. Yes
- B. No
- C. Uncertain

## What Response

- For missing UA?
  - A. Warning
  - B. Prepare a calendar and present to Court
  - C. 24 hours jail
  - D. Acknowledge mistake and encourage to work on compliance

## What Response

- For completing treatment and getting a job?
  - A. Praise
  - B. Commemorative Certificate
  - C. Gift Card
  - D. No incentive

# Background

- “Shawana” scored as high risk/high need on the risk/need assessment.
- She meets the clinical criteria for moderate to severe substance use disorder.
- “Shawana” suffers from depression and PTSD.
- 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.

# Background

- “Shawana” has never before been able to stay consistently involved in treatment.
- She has never held a 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.
- On the day she missed the UA she worked a full shift at the dry cleaner and planned to go after work, but forgot.
- She has been compliant with all other conditions of the court and treatment since returning home.

# Does your response change?

- Would you respond with an:
  - A. Incentive?
  - B. Sanction?
  - C. Combination of the two?
  - D. Neither?



## More Background

- The revelation in court should not have happened, but even in treatment court unexpected issues arise.
- The team staffed this case before the Court session.
- The Judge was not told that “Shawana” had missed her UA.
- Rather the team bragged on how incredibly well “Shawana” was doing.
- The information regarding the miss was thrown in during the Court session.

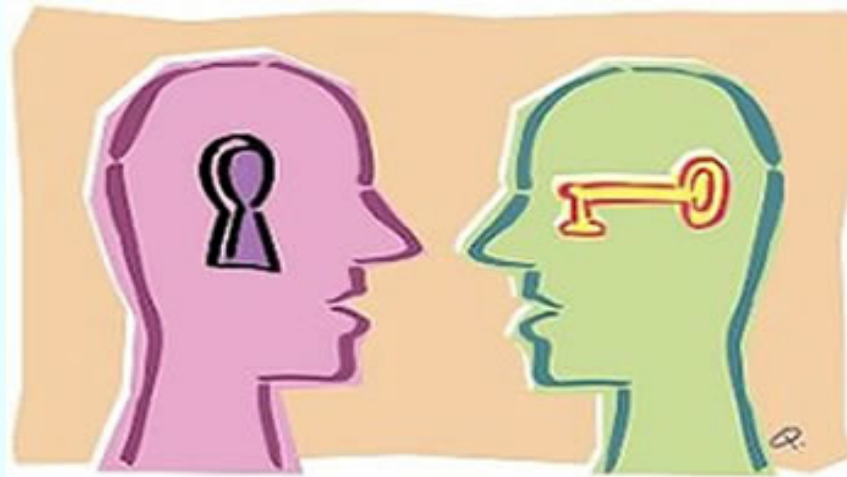
## Response and Discussion

- If you were the Judge, how would you respond?
  - A. Stop the proceedings and talk with the team about the additional information? Should “Shawana” be present for the discussion?
  - B. At a later time, talk with the team or probation officer about best practices and what information must be shared.
  - C. Suggestion from our experts on the team. Treatment? Supervision? Prosecutor? Defense? Law enforcement?



# SETTING THE STAGE FOR EFFECTIVE COMMUNICATION

**Establishing Trust,  
Rapport and Safety**



# PUTTING CLIENTS AT EASE

- “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
- Develop Rapport





# Tone matters

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



# Deliver Responses With Care

- Be patient and explain.
- Be consistent.
  - When clients treated differently, explain WHY
- Afford Due Process.
  - No blindsides
  - Listen, give opportunity to explain
  - Utilize team attorney





# ITS ALL IN THE DELIVERY

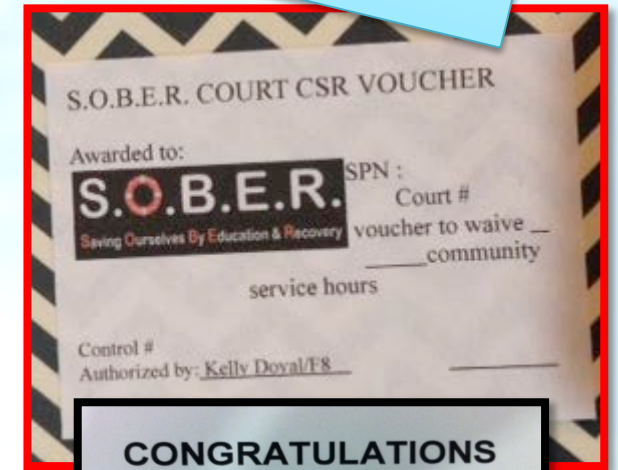
"Its not just what we  
say, it's HOW we say it."





# Understand Who You are Speaking to

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

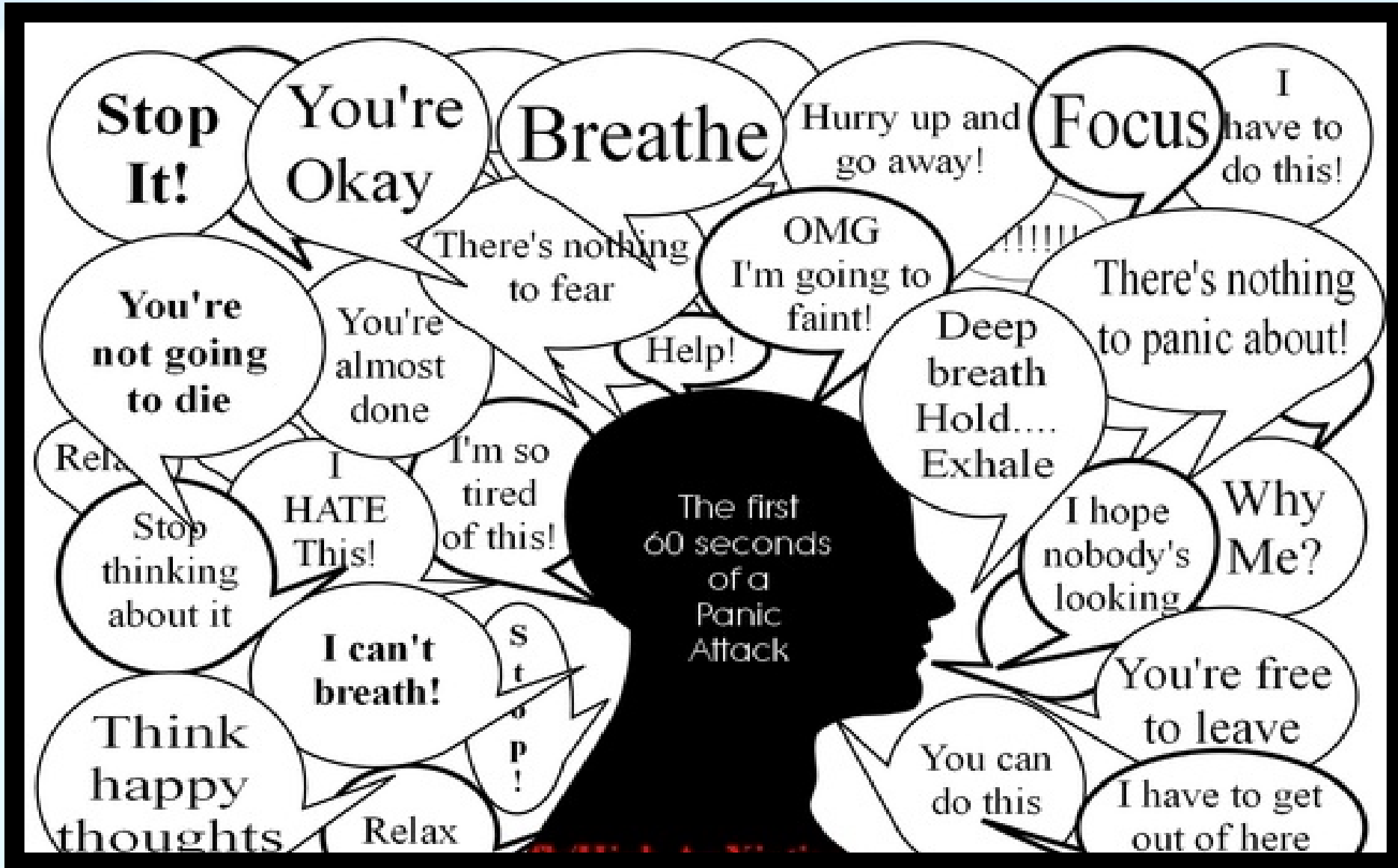


# UNDERSTAND TRAUMA

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



# Trauma Impedes Communication

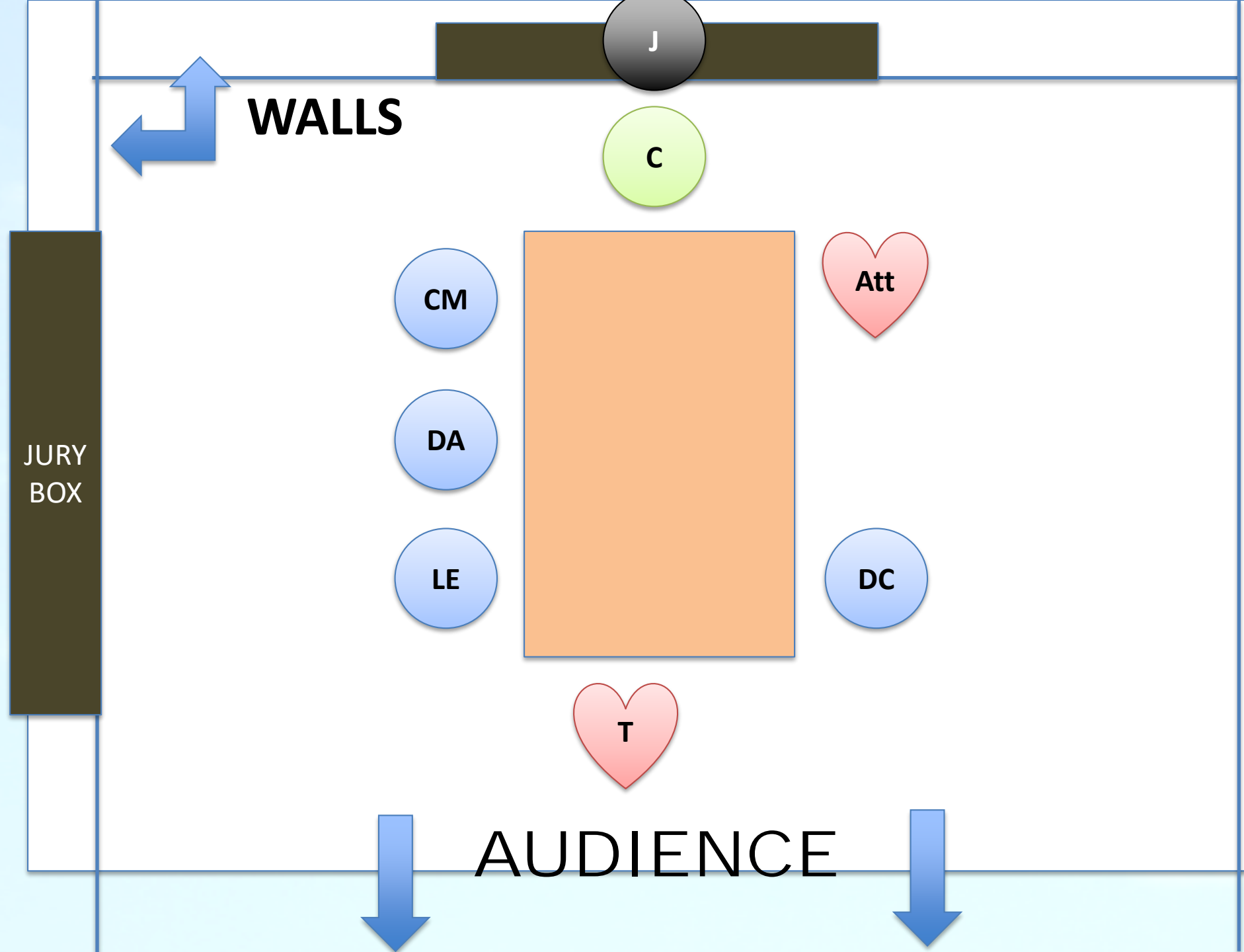


# PUTTING PARTICIPANTS AT EASE

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









# Targeting

# Targeting

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

# Skill Steps to Effective Responses

## A Magic Formula for Meaningful Conversations:

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

## 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.”**



Welcome to the Psychiatric Hotline:

If you are obsessive-compulsive,

please press 1 repeatedly.

If you are co-dependent, please ask  
someone to press 2.

If you have multiple personalities,  
please press 3, 4, 5 and 6.

If you are schizophrenic, listen care-  
fully and a little voice will tell you which  
number to press.

If you are manic-depressive, it  
doesn't matter which number you  
press. No one will answer.

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

Spell out the Details  
Then Repeat



# Sanction Script

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





# Remember:

- These are all courts of law.
- All that legal stuff still exists– i.e. Due Process!
- And, **HOW** you conduct the Court matters.
- Focus on the team and the message.
- When we battle addiction, we speak as one. Otherwise we sow manipulation, uncertainty, triangulation, and failure.



# Do Due Process

(Procedural Fairness)



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



# 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.**









# Studies Show Clients Respond Best to...

- **Warmth**
- **Genuineness**
- **Empathy**
- **Respect**
- **Flexibility**
- **Enthusiasm**
- **Humor**
- **Optimism**
- **Commitment to Help**

# Capitalizing on Hope at Court Review

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



# HOW TO CONVEY HOPE IN A SANCTION SITUATION

- Acknowledge the things client did right.
- Remind the client:
  - We see her progress.
    - Ask: “How would you have responded to this 3 months ago?”
  - He hasn’t “failed.”
  - We will move forward together.
  - We are team of recovery professionals.
    - This doesn’t mean “we don’t like you.”
    - Sanctions are a proven tool to foster recovery.





Remember: The person in front of you  
is not the enemy - The disease is

- We know from research that the addict will choose immediate rewards over long term goals. They are prone to poor decision making. This is simple biology. It takes time to fix it.
- We need to catch and redirect undesired behavior, and we need to detect desired behavior and reward, reward, reward...to teach what they should be doing.
- This target shifts over time for them, and for us, requiring the ultimate in competence and proficiency.
- **The team must distinguish between sick behavior and criminal behavior, before we sanction or react.**



# The Long Run

- We want all team members to
  - Be professional
  - Be consistent
  - Be positive
- Find the good and reinforce it!
- Be vigilant and hold clients accountable!
- Be patient. Healing an addicted brain takes time.

THIS STUFF WORKS!!





**DELIVERY ONLY**





# Focus on the Delivery

- **Respectful (e.g., use formal honorifics “Ms. Smith”)**
- **Rapport/Trust**
- **Allows the participant to speak**
- **Listens to the participant and picks up on new information worthy of attention or praise**
- **Discusses the collateral impact of the sanction (what is the impact?)**
- **Provides a clear explanation of behavior being incentivized/sanctioned**
- **Provides a clear explanation of what to continue doing or do instead**
- **Provides a learning experience for other participants**





# Readings



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