



ARE WE DOING HARM?

An exploration how the court's response disconnects the participant from recovery by incorporating alternative interventions to increase ownership

Presented by

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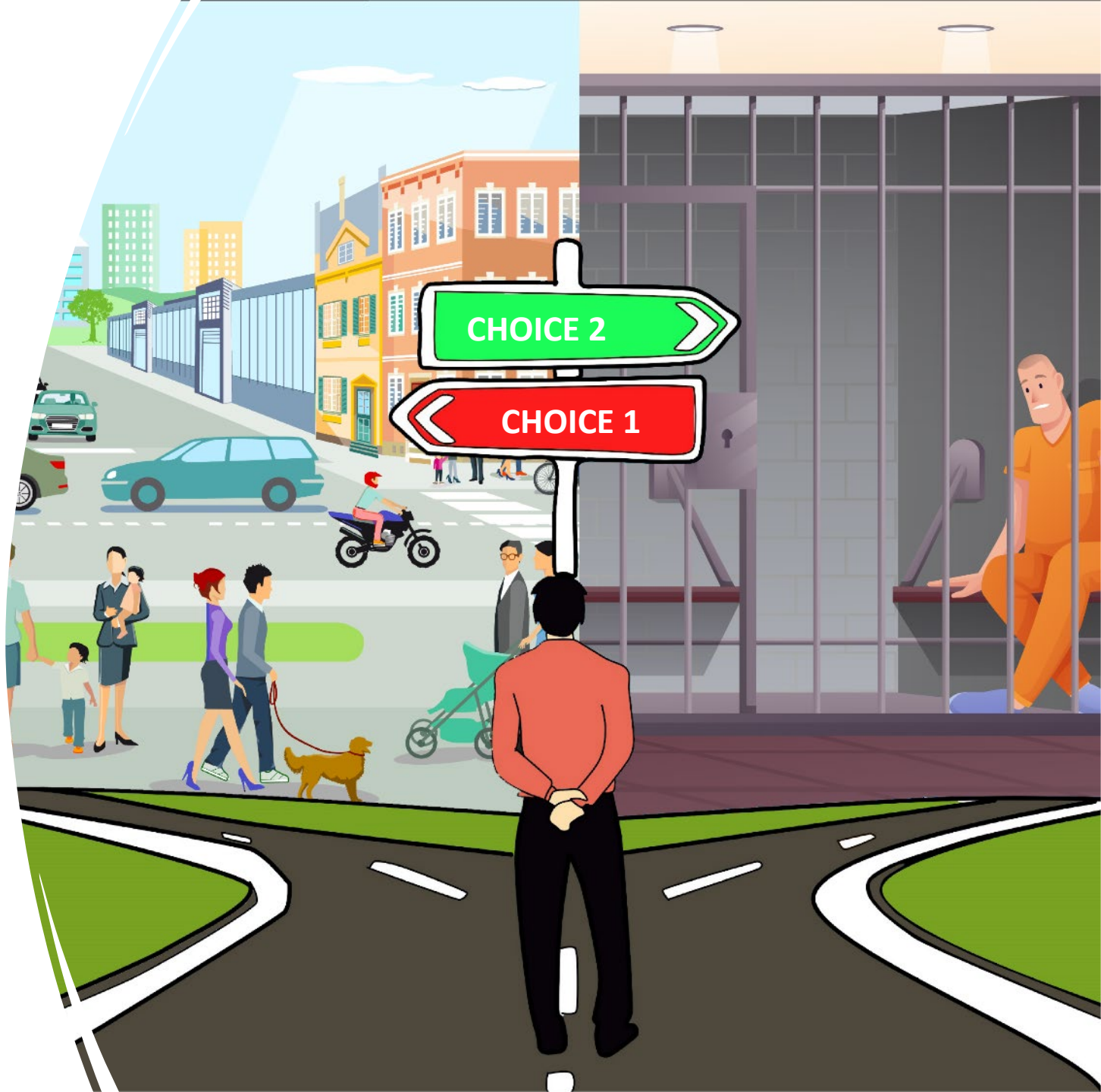
Western Circuit Felony Drug Court

Disclaimer

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OVERVIEW

- Why we use jail and punitive sanctions
- What lessons have we learned
- Shifting focus from responding to behavior to address causes of behavior
- How to implement into practice



WHY WE USE JAIL



TRADITIONAL REASONS WE USE JAIL

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- Keep them safe
- Public safety
- Reinforcer to engage in program
- Change behavior



LESSONS

LEARNED



DOES USING JAIL ACCOMPLISH OUR GOALS?

- **Research**
- **Best Practices**
- **Understanding the Perspective of our Participants**
- **Lessons Learned About Behavior Change**

RESEARCH ON INCARCERATION


The Research tells us...

Research has found evidence that prison can exacerbate, not reduce, recidivism. Prisons themselves may be schools for learning to commit crimes. *(Nagin, Daniel S., Cullen, Johnson, 2009)*



Follow the
Research!

RESEARCH ON INCARCERATION



Follow the
Research!

The Research tells us...

3,890,400 people on supervision in the United States (DOJ, 2021)

- 1 out of 4 incarcerated on technical violations (*Council of State Governments Justice Center, 2019*)
- Technical revocations are costly, and failure to comply does not indicate a public safety threat or will engage in new criminal activity.
- Long periods of incarceration can make re-entry more difficult, causing people to lose their jobs, homes, and even custody of their children. (*Hamilton, 2018*)

LOSS OF CONNECTION

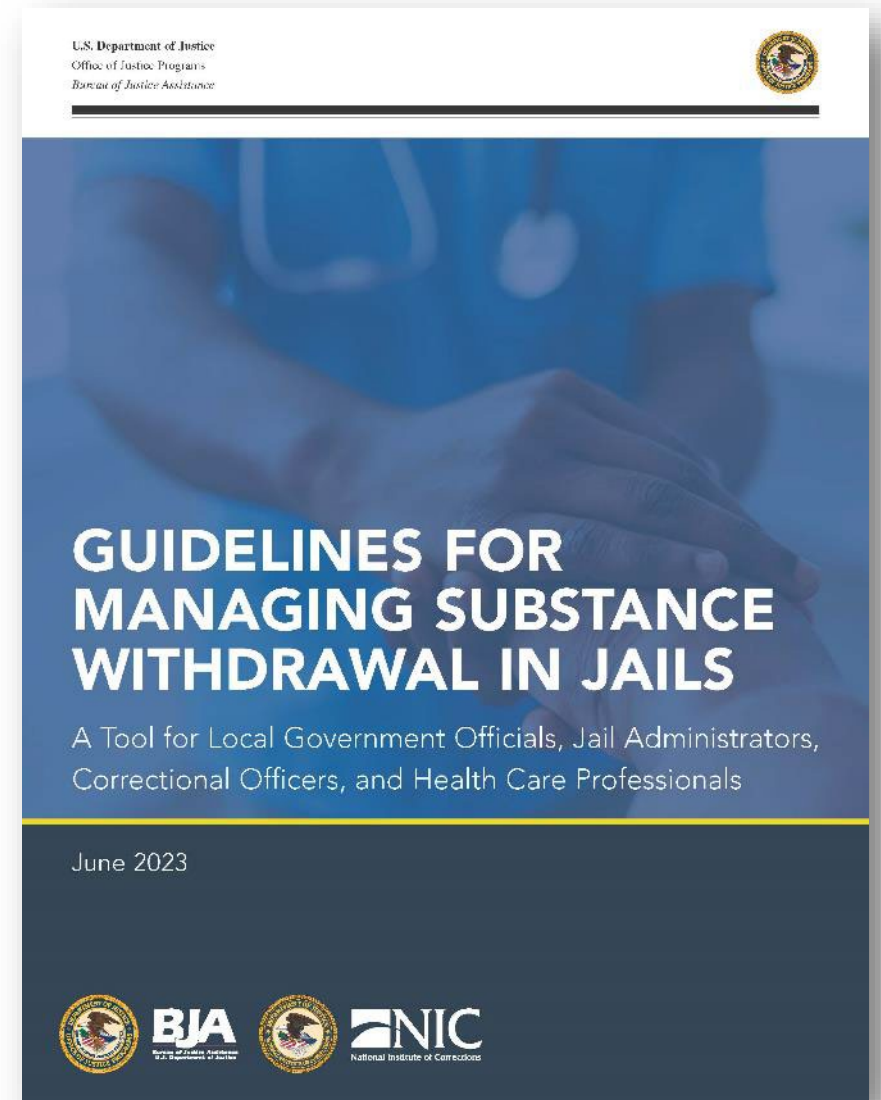
- Employment
- Childcare
- Treatment
- Education
- Recovery community engagement
- Elder care
- Loss of home
- Psychological distress



RESEARCH ON INCARCERATION


Among women incarcerated in local jails, the average annual mortality rate due to drug/alcohol intoxication was nearly twice that of their male counterparts

The median length of stay in jail before death from alcohol or drug intoxication was just *one day*



<https://bja.ojp.gov/news/new-resource-guidelines-managing-substance-withdrawal-jails>

BEST PRACTICE STANDARDS



Follow the
Research!

The Research tells us...

Adult Drug Court Best Practice Standards

- Imposed judiciously and sparingly
- Used only after numerous lesser sanctions have been attempted and failed, unless an immediate risk to public safety exists
- Used only in response to behaviors within the participant's control
- Participants have access to counsel and receive a fair hearing



BELIEF OF A JUSTICE INVOLVED INDIVIDUAL

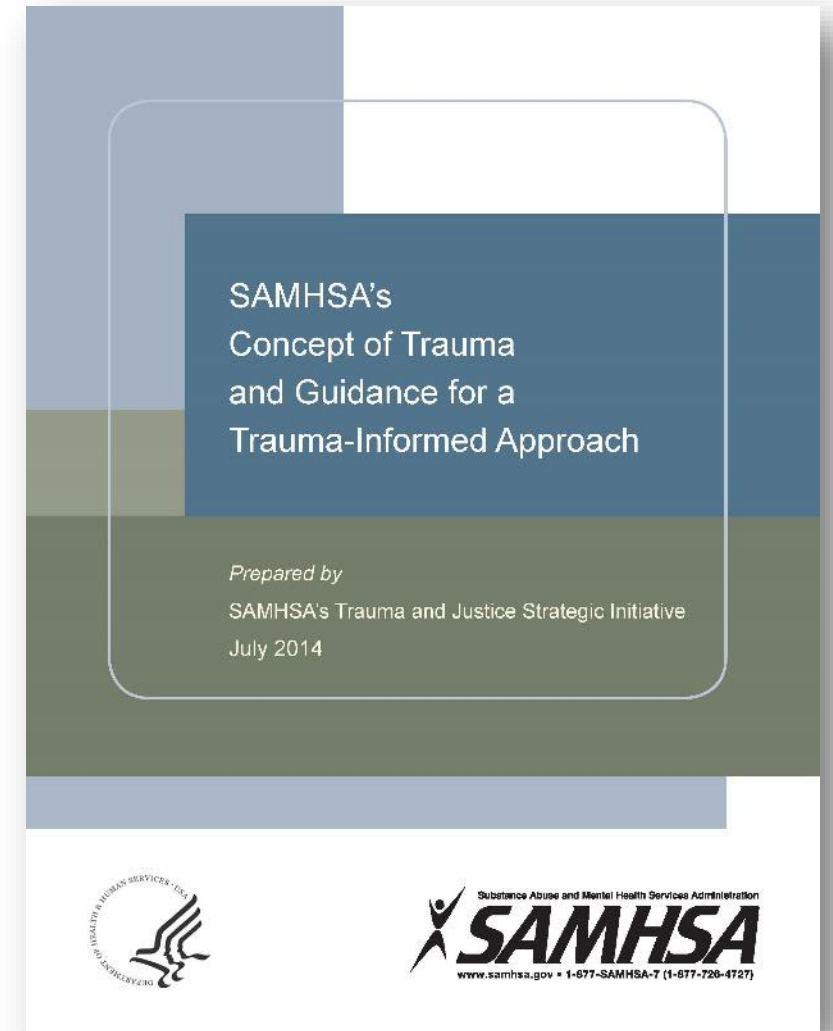
- I'm just a junkie I can't do this
- I'll never make it
- Everyone on staff is "the police" case managers, coordinators, counselors, and of course, the judge
- They are just waiting on me to fail - i.e., I'm going to fail
- I'll never make it, I'll wind up in jail away
- They don't care! No one ever answers the phone
- I don't know how to do this
- I'll never change
- Feeling like a bad dog
- I'll never get through this
- I deserve to be in prison

LESSONS LEARNED TO BETTER SERVE PARTICIPANTS

In the last 10 years what's changed?

Six Key Principles of a Trauma-Informed Approach

- Safety
- Trustworthiness and Transparency
- Peer Support
- Collaboration and Mutuality
- Empowerment, Voice, and Choice
- Cultural, Historical, and Gender Issues



<https://store.samhsa.gov/product/SAMHSA-s-Concept-of-Trauma-and-Guidance-for-a-Trauma-Informed-Approach/SMA14-4884>

LESSONS LEARNED TO BETTER SERVE PARTICIPANTS

Lessons Learned from the Bench

- Motivational Interviewing
- Building an alliance with participants
- Increase connectedness
- Providing participants a voice in their recovery



SHIFTING FOCUS

Moving from a mindset of responding to behavior to a mindset of problem solving and looking at opportunities to provide participants new skills or strategies they need to be successful.



EFFECTIVE CASE PLANNING

Central 8 Criminogenic Needs

- Criminal History
- Antisocial Attitudes
- Antisocial Personalities
- Peer Associations
- School/Employment
- Substance Use
- Living Situation
- Family/Marital



COGNITIVE BEHAVIOR THERAPY (CBT) 101

- The goal of CBT is to help someone rethink their own perspectives and thinking patterns, allowing them to take more control over their behavior by separating the actions of others from their own interpretations of the world.
- Provide insight into what causes the behavior by examining emotion, thoughts, and triggers



COGNITIVE BEHAVIOR THERAPY (CBT) 101

- CBT is the most effective research-tested strategy to change criminal behavior
(Clark, NIJ Journal 265, 2008)
- Every \$1 spent on delivering CBT to justice involved adults yields a savings of \$6.31 in avoided criminal justice and associated health costs, with a 97% likelihood that its benefit will exceed the cost of providing the service
(Washington State Institute for Public Policy)



LOOKING PAST THE BEHAVIOR

Event triggering a court response

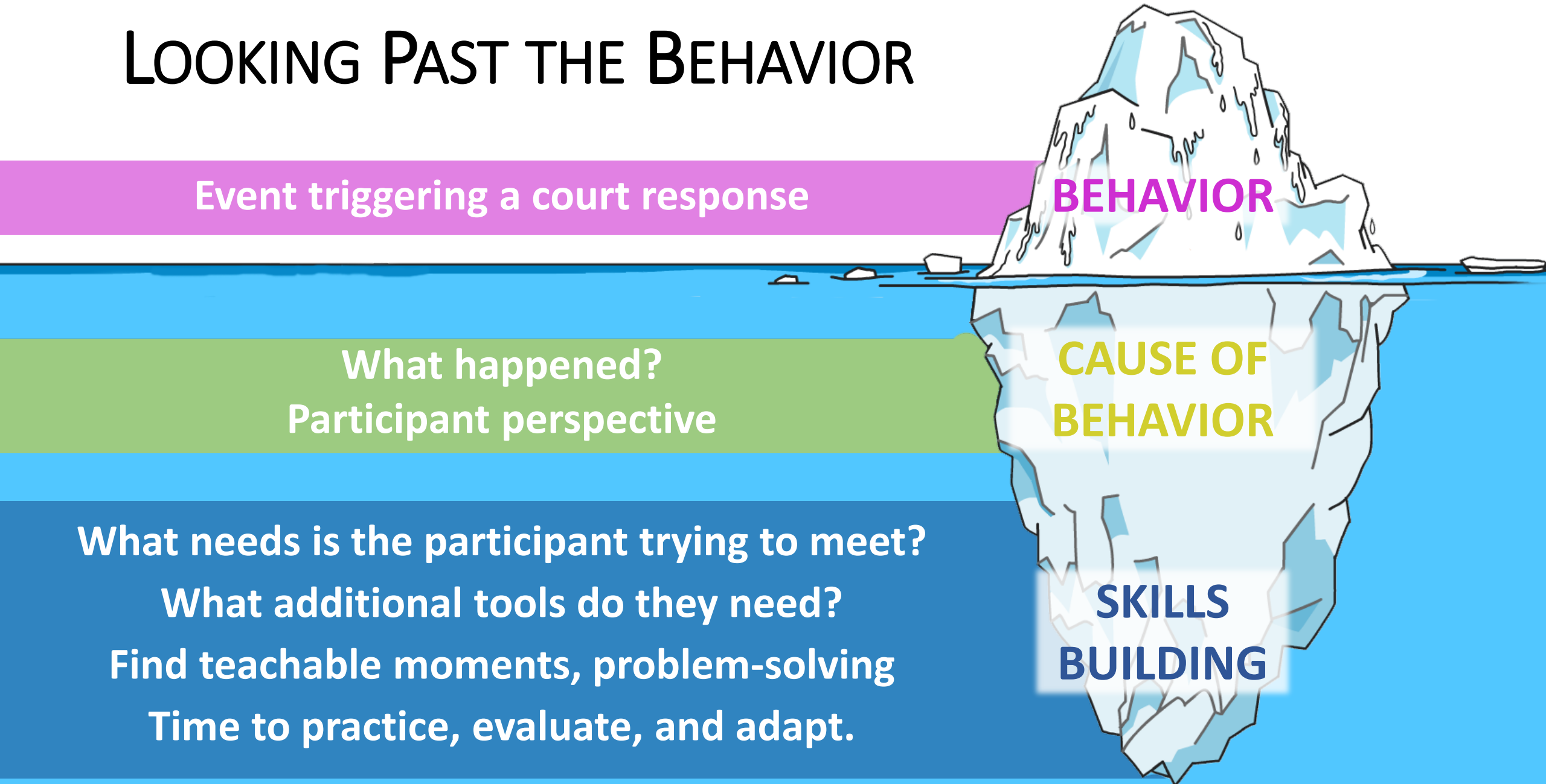
BEHAVIOR

What happened?
Participant perspective

**CAUSE OF
BEHAVIOR**

What needs is the participant trying to meet?
What additional tools do they need?
Find teachable moments, problem-solving
Time to practice, evaluate, and adapt.

**SKILLS
BUILDING**



LOOKING PAST THE BEHAVIOR

Participant missed treatment group

BEHAVIOR

Missed the bus and the next bus was running late

**CAUSE OF
BEHAVIOR**

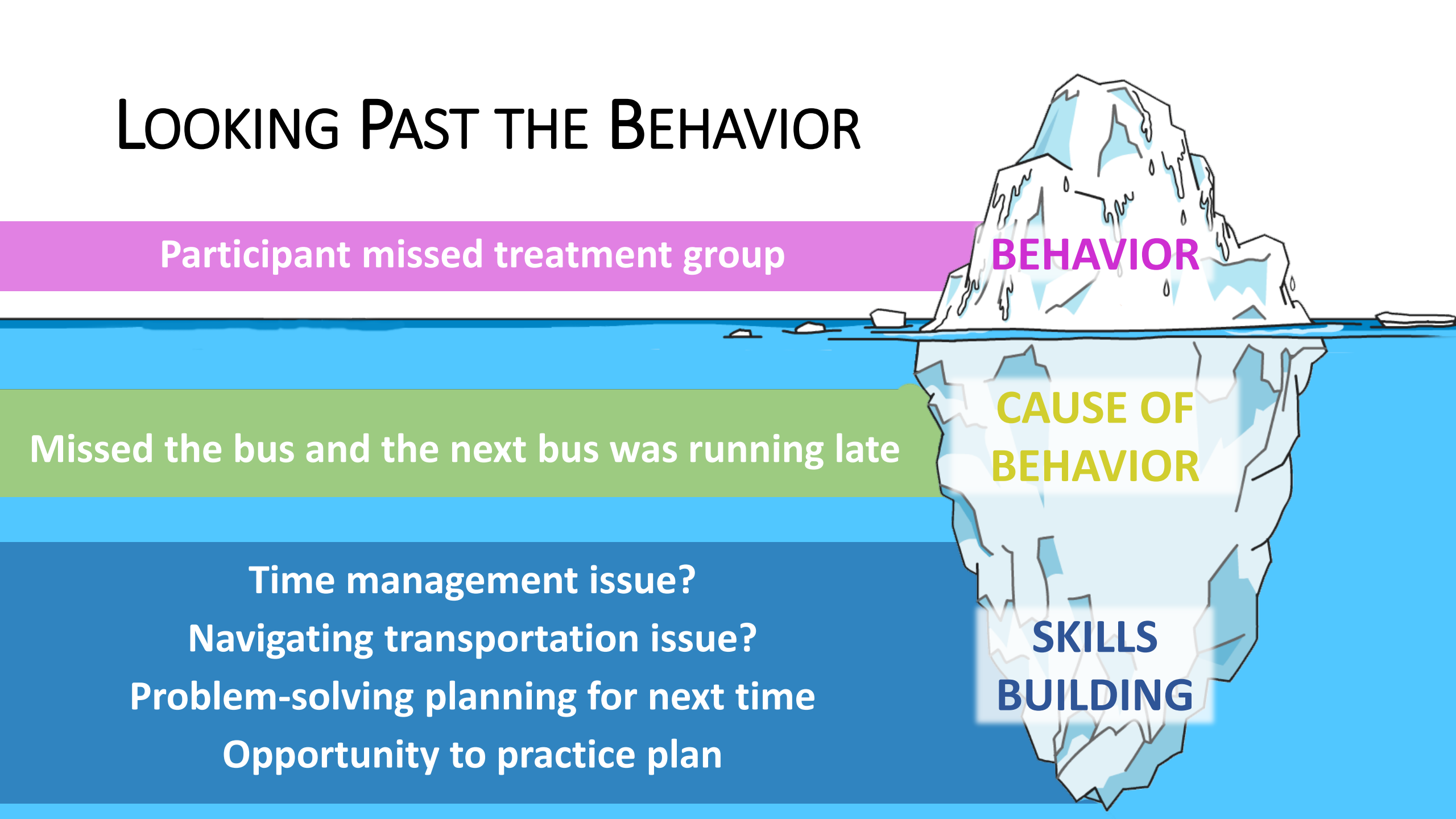
Time management issue?

Navigating transportation issue?

Problem-solving planning for next time

Opportunity to practice plan

**SKILLS
BUILDING**



WHAT ABOUT THE SANCTION FOR MISSING GROUP?

Discussion with the judge

Loss of time

- Participant will need to meet with team member to do the skills building and problem-solving session
- Participant will need to practice the skill and report back if it was effective or if new barriers appeared and what steps they took to address the issue
- What other program requirements are effected by the sanction? (*phase progression?, judge's A team?, appearing to court more often?*)



WHAT IS GAINED?

- Connectedness and trust the team
- Skills building/problem-solving
- Opportunity to build motivation by increasing success



PUT INTO PRACTICE

- What brought about the change?
- How team discussions changed when talking about participant behavior?
- Where the focus is now?



SKILL-BUILDING

- Thinking reports
- Skills-building to address issue
- Focus on engagement in recovery
- Teaching problem-solving skills
- Peer role-modeling
- Practice sessions (*showing-up, scenarios*)
- Goal setting
- Peer work with participant “What do you want to happen with this sanction?”



WHAT'S BEHIND THE BEHAVIOR

- Tool to use at Staffing to look what's behind the behavior
- Critical Questions to keep in mind when discussing
- Prepare the judge
- Follow-Up with participant
 - This is not a one time and done, it is an ongoing process where we transfer skills to prepare the participant for the future

What's Behind the Behavior?

This exercise helps the team explore to look at the underlying causes of behavior. To truly help make lasting changes, we need to understand why the behavior is happening and what needs are being met. We then look at skills building to help the participant meet those needs in a recovery focused way for the future. Use the critical questions to explore the client needs and help shape the judicial response.

Behavior	Behavior
Cause of Behavior/Participant Perspective	Cause of Behavior
What Needs Should Be Addressed? Skills Building	Skills Building
Critical Questions <ul style="list-style-type: none">• What needs is the participant trying to meet?• Is this a new issue or is the participant currently working on the need?• What tools would be beneficial to address the need to change future incidents?• When will the participant practice the new skills?• What is the participant's plan to remedy the issue?	Judicial Delivery _____ _____ _____ _____ _____ _____ _____



QUESTIONS?

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