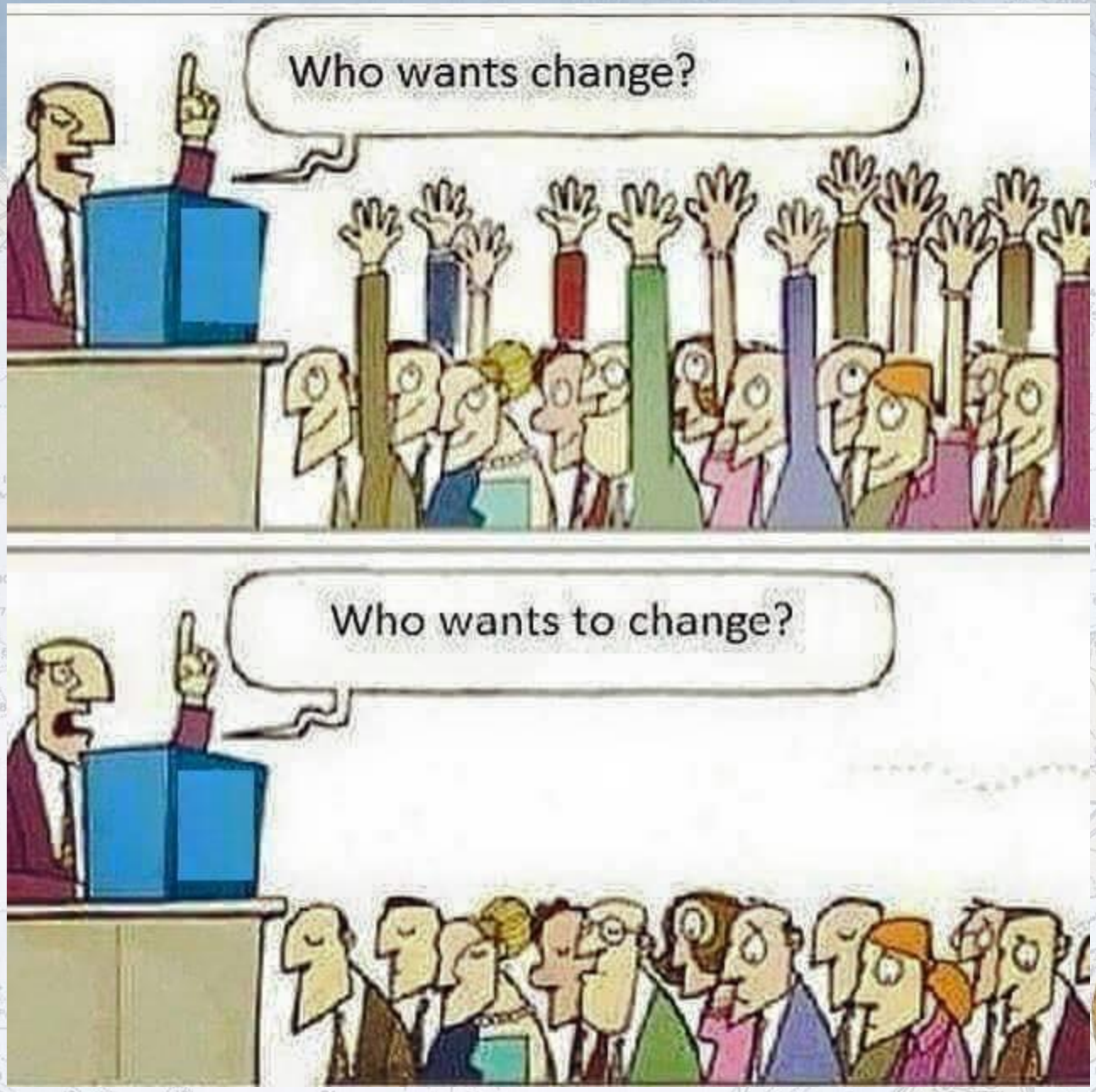
INCENTIVES, and Sanctions

How to help folks *steer themselves* in the right direction

Based on the work of Judge Bill Meyer, Douglas Marlowe, Jane Pfeifer, Greg Little, and thousands of drug court professionals like you.


Who wants change?
Who wants to change?

The research

- Has been done
- Is easy to understand
- Is easy to implement once you understand it.
- Is just kind of odd for those who are not used to doing it.

The Basics

NDCI
NATIONAL DRUG COURT INSTITUTE

Drug Court Practitioner
Fact Sheet

September, 2012

Behavior Modification 101 for Drug Courts: Making the Most of Incentives and Sanctions

By Douglas B. Marlowe, JD, PhD
Chief of Science, Policy & Law, National Association of Drug Court Professionals

Drug Courts improve outcomes for drug-abusing offenders by combining evidence-based substance abuse treatment with strict behavioral accountability. Participants are carefully monitored for substance use and related behaviors and receive escalating incentives for accomplishments and sanctions for infractions. The nearly unanimous

The Standard

Adult Drug Court Best Practice Standards Volume I:

Incentives, Sanctions, and Therapeutic Adjustments

www.ndci.org

Search: Standards

Excellent materials to improve your practice!

- Webinar Archives-brown bag lunch
- Doug Marlowe videos
- Materials on the internet with examples
- Single focus trainings.

Why do this strange stuff in Court?

Q: What is the problem?

A: drug addiction

Q: What's the solution?

A: Treatment!

- Length of time in treatment is the key. The longer a patient stays in treatment: the better they do. Coerced patients stay longer.
- The purpose of sanctions and incentives is to keep participants <u>engaged in treatment.</u>

The enemy is a difficult opponent

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

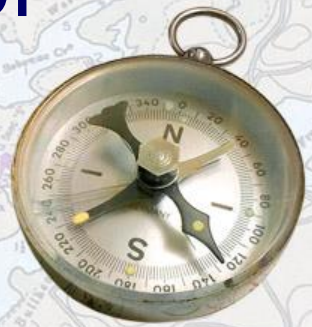
- We know from research that the addict will choose immediate rewards over long term goals. They are prone to poor decision making.
- We need to catch and redirect undesired behavior, and we need to detect desired behavior and reward, reward, reward…to teach what they should be doing.
- This target shifts over time for them, and for us, requiring the ultimate in competence and proficiency.

Punishment is <u>NOT</u> the goal in the Imposition of Sanctions

<u>Changing behavior is the goal.</u>

Four types of responses:

- **Incentives** (positive and negative reinforcement)
- **Sanctions** (punishment or response cost)
- **Treatment responses** (determined and delivered by treatment)
- **Supervision responses-** more or less detection and support



Certainty

H

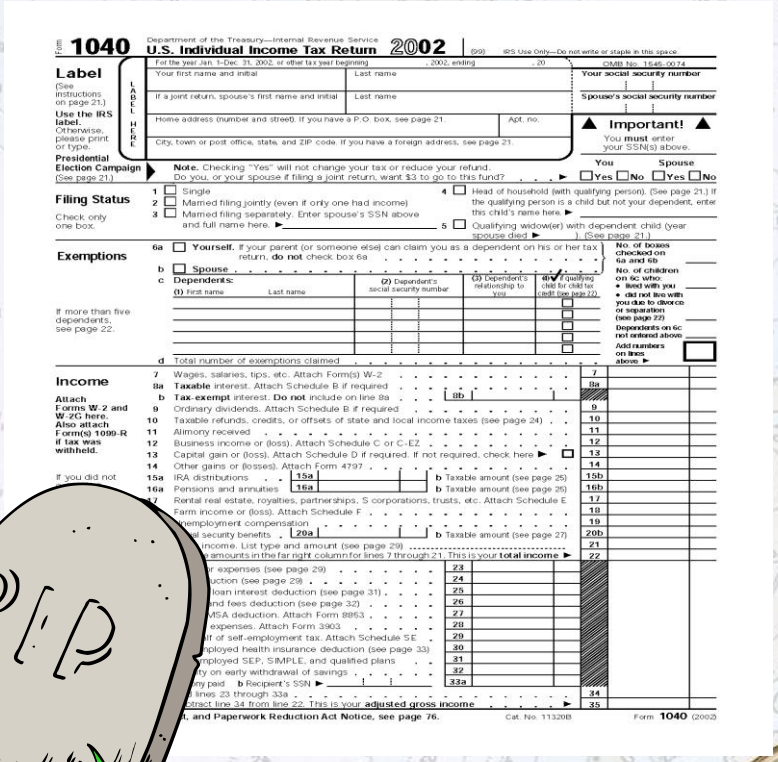
Consistent Detection
(Behavior and Immediate Consequence)

Reliable detection

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

Speeding ex.

Supervision



How do we apply these concepts?

*certainty, swiftness, severity

*positive reinforcement (providing an incentive) & negative reinforcements (removing a sanction)

*proximal & distal behaviors

*punishment teaches what NOT to do & incentives teach WHAT to do.

Question: Which is more effective with our target population: punishment or incentives?

Huh? Proximal? Distal?

NOW

- Show up
- Try hard
- Tell the truth

LATER

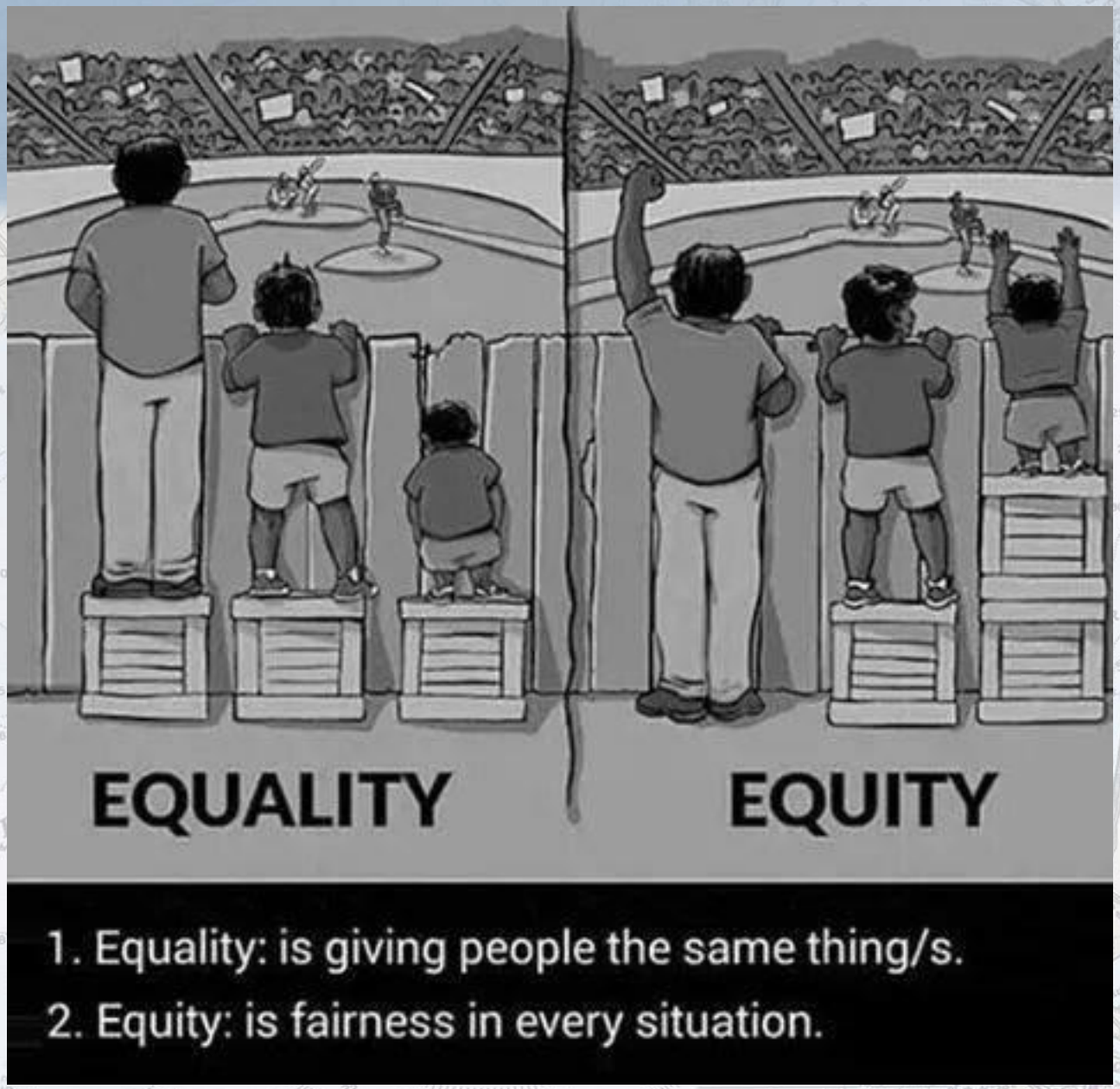
- Abstain from use
- Accept disease
- Work program

Essential Elements:

- Certainty and Consistent response.
- Reliable detection of good and bad behavior
- Associated with the detected behavior.
- Immediacy of response.

Essential Elements:

- What about a sanction is more important in shaping behavior: certainty or severity?
  - *And what does this information say to you about the role of communication between treatment and probation in this model? What does it say about the role of community supervision? What does it say about your role in the model?*
- What about severity vs. immediacy?
  - *And what does this mean to you about delaying responses?*
- Perception of fairness is also a key factor!
  - *Punish the act, not the individual-avoid defiance*


EQUALITY
EQUITY
1. Equality: is giving people the same thing/s.
2. Equity: is fairness in every situation.

Equal **Fair**

- Perceived unfairness=defiance. Need to articulate differences between sanctions
- Communication & empathy crucial
- The power of a smile from a Judge or authority figure has more power than we think…..

Understand: this is about them, not you.

Responses are in the eyes of the behaver

- For some, incarceration is NOT the worst punishment
  - *Punishment works best on those who have something to lose by incarceration.*
  - *Positive reinforcement works on those who have nothing to lose by incarceration*.
- Sanctions may be perceived as punishments- communication is the key to explaining the difference.

Responses must be of sufficient intensity

- Too low: no impact
- Too high: damaging

Use Progressive Sanctions and Incentives.

- Use a range of responses that vary in magnitude
- If the task is easy to accomplish, high magnitude sanctions, low magnitude incentives
- If the task is difficult for them: (distal) high magnitude incentives, low magnitude sanctions.
- This relates to who, where, what….

Checklist for staffing and responses:

1. WHO are they? (risk and need)
2. WHERE are they in the program?
3. WHICH behaviors are we responding to? Are they proximal or distal?
4. WHAT is the response choice magnitude?
5. HOW do we deliver the response and explain it?
6. Is there also a TREATMENT response?
7. Is there a SUPERVISION response?

Responses should be delivered for every target behavior.

- Tangible rewards only???
  - *Most valuable rewards you've heard of?*
  - *The power of immediate and consistent praise that is deserved is immense.*
- Target behaviors?
  - *What is a target behavior in the first 30 days….60…year….*

Responses should be delivered immediately

How to execute in Court or field?

- Examples of skill steps from other courts
- Examples of motivators.

Skill Steps to Effective Reinforcement

- Identify behavior to be reinforced.
- Immediately tell person WHAT behavior you liked.
- Tell the person WHY you liked it.
- Discuss short and long term benefits of the behavior? (Goals?)
- Consider pairing the approval with an incentive.

Template

- I really liked how you showed up on time for your OV because it shows me you are considerate and responsible.
- Right now, how do you think this behavior has or will help you?
- Can you see where it might have any long term benefits for you?*
- I'm going to give you a raffle ticket for this behavior.

SHINING STAR AWARD

Presented to

EMILY C.

In Recognition for
Achieving and Maintaining Sobriety
For at Least 30 days!

_____

Hon. Diane Bull, Judge Presiding

Date: _____

HELPING HAND AWARD

Presented to

JEROME H.

In thankful recognition for encouraging fellow clients, providing transportation and moral support!

Date: _____

_____

Hon. Diane Bull, Judge Presiding

S.O.B.E.R. COURT FEE VOUCHER

Awarded to: _

S.O.B.E.R.

Saving Ourselves By Education & Recovery

Case number:

Court #

In the amount of:

$25

Control #

Authorized by: Kelly Doyal/F8

*Not redeemable for cash. Redemption only valid when making a payment towards fees.

S.O.B.E.R. COURT CSR VOUCHER

Awarded to:

S.O.B.E.R.

Saving Ourselves By Education & Recovery

SPN :

Court #

voucher to waive _

_____community

service hours

Control #

Authorized by: Kelly Doyal/F8

_____

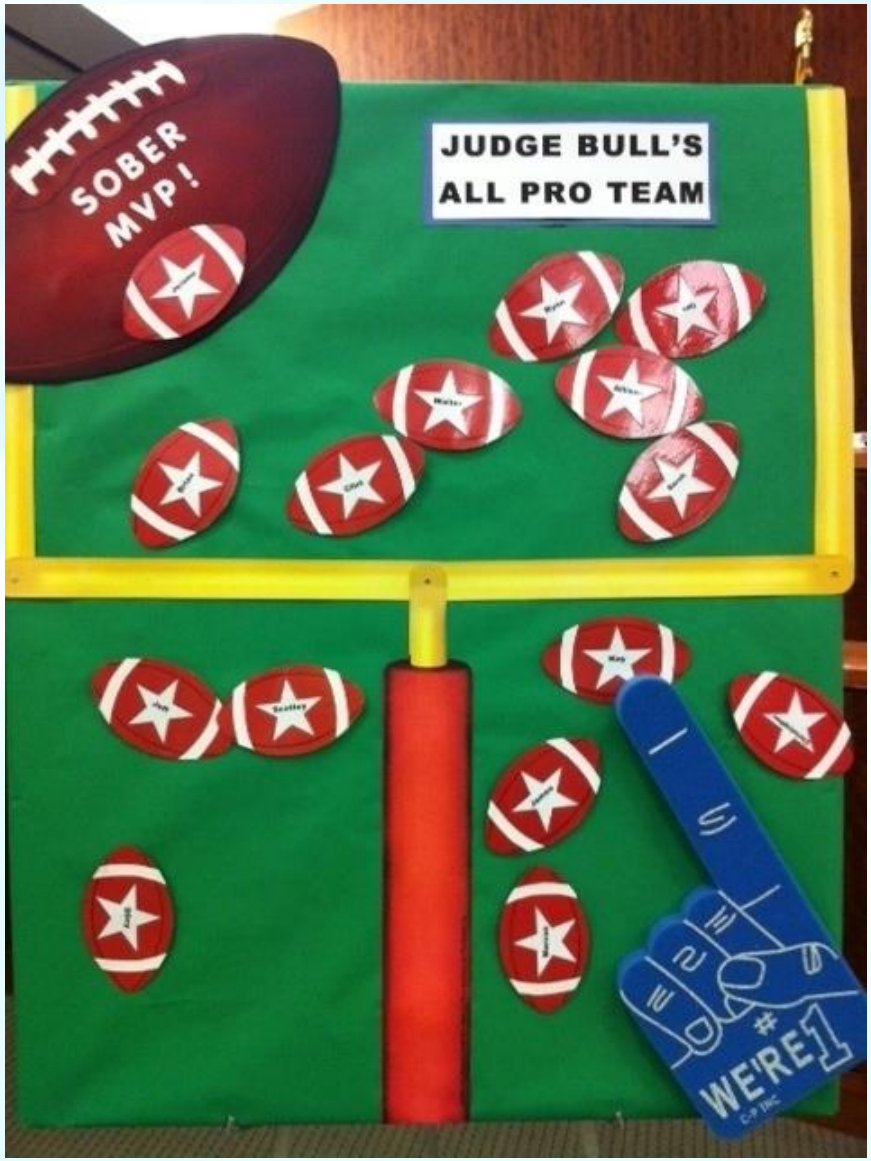
_____

CONGRATULATIONS
You're doing great!
ONE "LEAVE EARLY" PASS

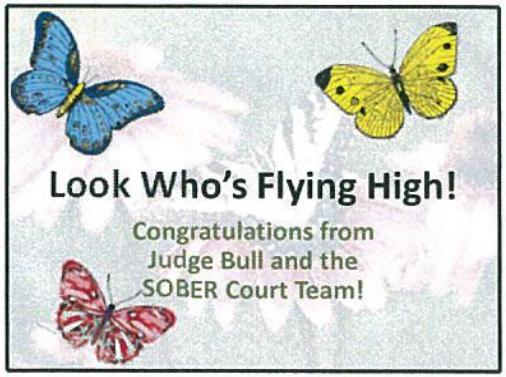
WALT DISNEY'S
MOTHER GOOSE
Are Yo
My
Moth
by
THE CAT
Go, Dog. Go!
by P. D. Eastman

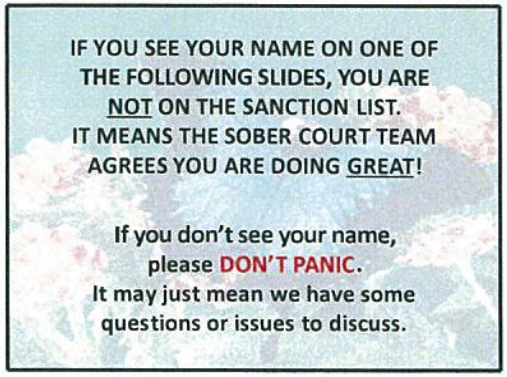
MVP
ALL PRO
12
12
12
12
12
12
SOBER

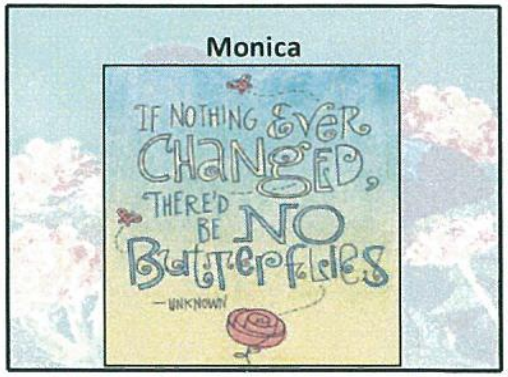
Positive Peer Board

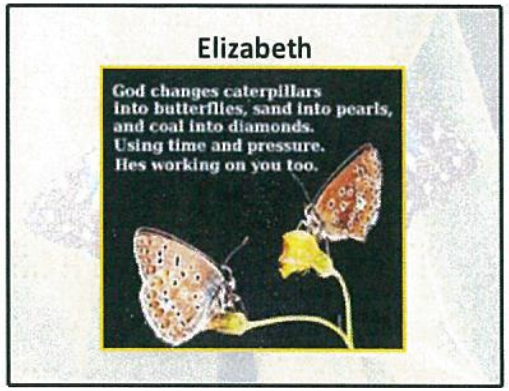


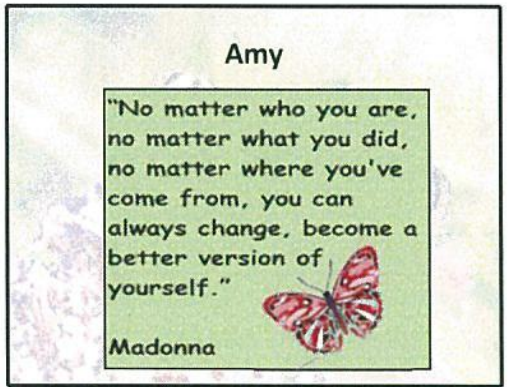
POSITIVE PEER POWER POINT

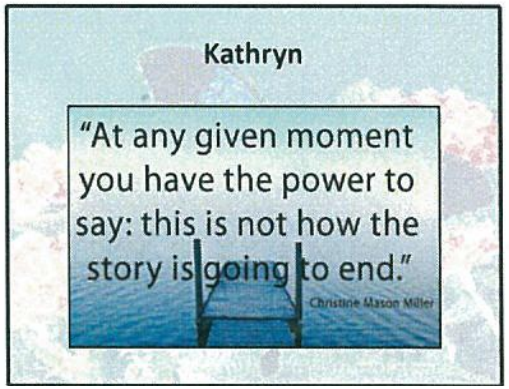


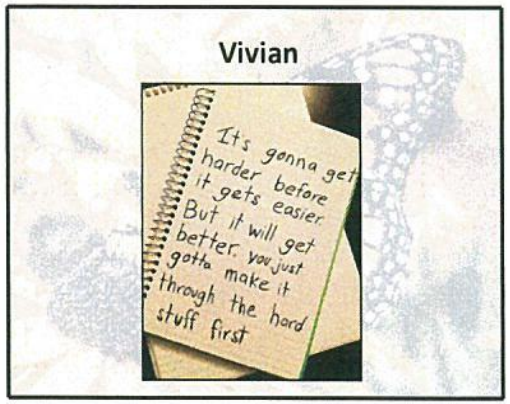


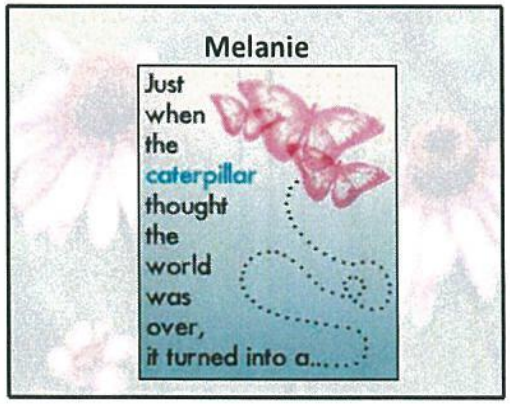


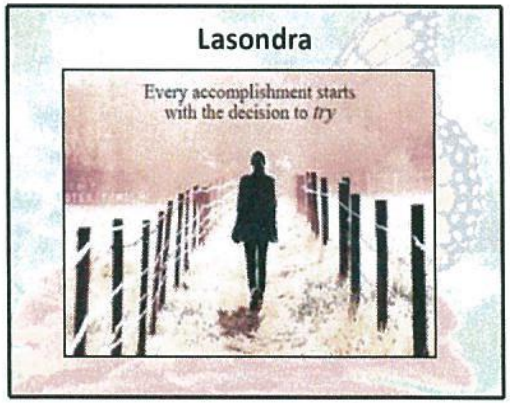












You are a star!
Great work today!
Keep coming back!

DRUG COURT WORKS!

CAUGHT DOING SOMETHING RIGHT!
GREAT JOB!

Drug Court Works!

Butte County Problem Solving Courts

Where treatment and justice meet

Change Attitude Change Thinking Change Behavior

One day at a time
People Places and Things
Good Decisions
Show Up
Work Hard
Ask for Help

- I AM A STAR !!
- Showing up
- Working hard
- One day at a time
- Attending treatment
- Meetings
- Sponsor
- Steps in writing every day
- Changing behavior
- Changing thinking

Changing ME!

Drug Court Works!

RECOVERY WORKS
IF YOU WORK RECOVERY

- Timing is everything-delay is the enemy-how can you as a team work on this issue? As an individual?
- Intervening behaviors may mix up the message.
- Brain research supports behavioral observation-dopamine reward system responds better to immediacy.

Treatment Progress

Tic Tac Toe!

*Client's Name*_____

Fourth Visit **Date:**	**Second Visit** **Date:**	**Third Visit** **Date:**
Task: **3 Negative UAs**	**First Visit** **Date:**	**Task:** **Probation OfficeVisit**
Task: **Negative UA**	**Task:** **Negative UA**	 **14 Day Anniversary!**

The charts change to meet specific goals for clients at the appropriate time. So they may be generic, or they may be specific to each client's 14 day period.

E.G.: If the client needs more social activities, they can be added into the grid and get a "check off" for that.

Undesirable behavior must be <u>reliably</u> detected

- Abstinence must be reliably detected.
- Failure to detect puts clients on an intermittent schedule of rewards and sanctions. Sharply less effective.
  - *Consider drug testing and community supervision in this context.*
  - *Consider attorney delays in this context*

Responses must be predictable and controllable

- Written agreements and contracts work.
- Client handbooks work
- Stay within ranges of responses, but provide notice of the range with ability to override.
- Certainty of consequence has deterrent effect.
- Learned helplessness can occur when target behaviors are not clear.

Responses may have unintentional side effects

- Too excessive a punishment, or an inappropriate punishment may cause learned helplessness.
  - *Avoidance, fear, anger, resistance, escape*
- Positive reinforcements can have negative consequences if perceived as undeserved.

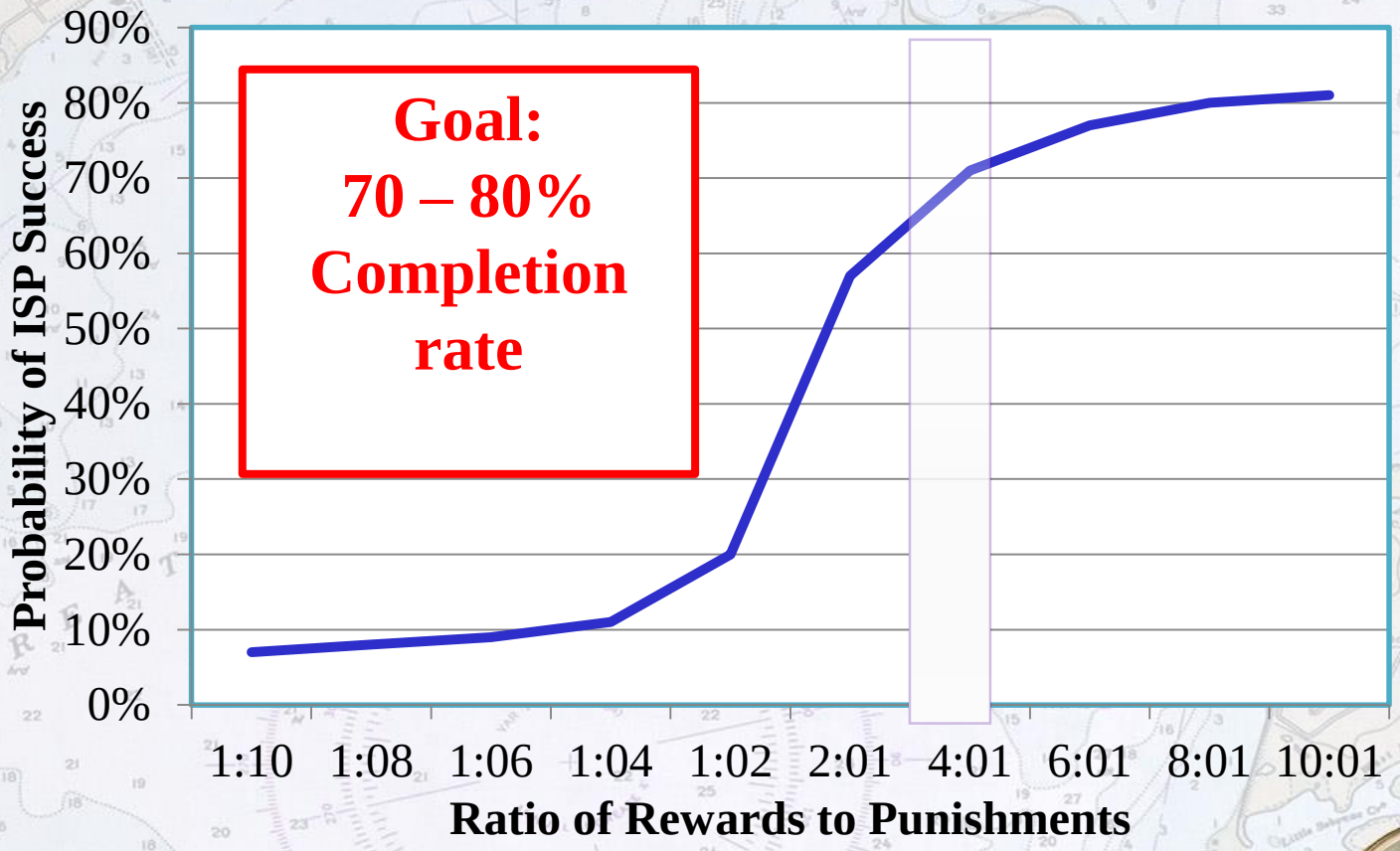
- Frequency of contact with a Judge needs to be matched with the offender's needs. High-end need more, low end need less.
- Research: See Judge every two weeks or more at first, never more than a month for HR/HN.

Best intrinsic motivator: praise. There appears to be no ceiling as long as it is sincere.

Behavior does not change by punishment alone- that is why our jails are full

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

H



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).

Does an Emphasis on Incentives Really Make a Difference?

H/D

- **State of Texas DWI Ct Program Completion Rate: 69%**
- **Harris Co. SOBER DWI Ct Program Completion Rate: 87%**

How Do We Know What Rewards Work?
ASK THEM!

H/D

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?_____

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.

H

STARBUCKS CARD
Job
WHALE
done!
CONGRATULATIONS
You're doing great!
ONE "LEAVE EARLY" PASS

H

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

Congrats! You have earned a Report by skype™ 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.

All Star lists, candy bars…whatever you can do to promote engagement, and reward desired behavior.

- Reinforcement works better in the long run than punishment….(*and we're in this race for the long run.)*
- Effects of punishment are temporary, behavior returns when punishment possibility is gone.
- Punishment is MOST effective when used in combination with other behavior modification techniques such as positive reinforcement.

The method of delivery of the response is as important as the response itself.

Tone matters

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

S

Spell out the details of your responses

Then Repeat

Check for understanding

Then: team must reinforce the message

UNDERSTAND TRAUMA

H

- 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

Briefly focus on three major themes:

- Placebo & engagement
- Co-occurring disorders
  - Physical
  - Mental
- Different risk and needs means different responses. *(Who is sitting before you and what should you expect from them and when should you expect it?)*

You can get sharply better outcomes with placebo

- Use your skills to engage
- Use your skills to encourage
- Use your skills to instill HOPE
- ***Sell*** recovery
- Use every skill you have to keep them coming back in spite of the pain and agony they are enduring.
- Early recovery (up to several years) really stinks.

Motivation, memory, engagement-public defender engagement

Public Defender teaching in the hallways of the courthouse before court

DA training & engaging before Court-treatment team and defense bar present

Treatment reps in the courtroom reinforce the message-we all speak the same message

This is very difficult work for them:

|----------|----------|----------|----------|

Suicidal BAD GOOD VERY GOOD Euphoric

NORMAL BRAIN RANGE

|----------|----------|----------|----------|

Suicidal BAD GOOD VERY GOOD Euphoric

RECOVERING BRAIN RANGE

Addicts versus Abusers…Proximal and Distal Goals are not the same!

Drug Dependence or Addiction Moderate to Severe SUD

1. Binge pattern
2. Cravings or compulsions
3. Withdrawal symptoms

} **Abstinence is a distal goal**

Drug Abuse or Misuse Low to moderate SUD

} **Abstinence is a proximal goal**

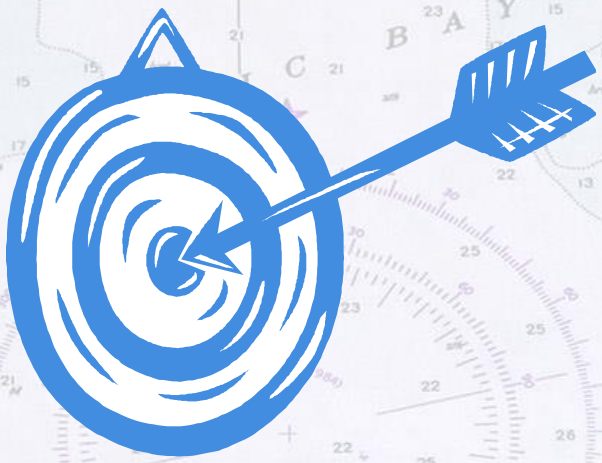
Collateral needs

Co-occurring diagnosis
Homelessness, chronic unemployment
Chronic medical condition (e.g., HIV+, HCV, diabetes)

Regimen compliance is proximal

What does this mean?

- High risk=see weekly or bi-weekly
- Low risk= as needed



HIT YOUR TARGET

Co-occurring disorders-of all types

- Separate track for some
- Careful case management, tx accommodation
- Constant assessment
- Thoughtful responses
- Much more patience and room for error over long run-but still a great need to keep on task.
- Longer time in program
- Medication management is proximal-watch jail
- Pro-Active field services are crucial
- Remember that manipulation happens no matter what the disabling disease.

Welcome to the Psychiatric Hotline:

If you are obsessive-compulsive, please press 1 twice.

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 carefully 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.

Remember that unaddressed co-occurring disorders may impede the client's ability to understand your expectations

<u>Repeat as needed</u>

Diagnosis controls!

- Although often fluid, diagnosis controls.
- Harm reduction becomes the rule.
- Being different does not mean incapable!
- Expectations need to respond to reasonable goals and achievements.
- Set backs are common, and often due to fluctuations in disease severity or external forces.
- Be clear, consistent, but kind.

Cover basic needs first

- Incentivize heavily
- Clarify and remind frequently
- Pursue understanding and “report back” to internalize messages.
- Monitor manipulation.
- Expect treatment interventions to take longer
- Be patient, be very patient.

Reminder:

- Certainty of detection matters
- Swiftness of response matters
- Severity does NOT impact like you think. Indeed it may harm progress.

- Assume: trauma, cognitive problems and criminal thinking.
- Be clear about your expectations.

Disorders impact performance

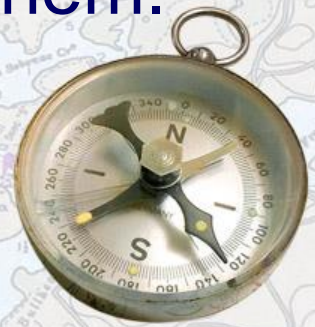
- Mental Illness is pervasive with drug court populations. Easily over 50%, probably higher.
- Disorders may be pre-existing, may emerge later in life, or may be “triggered” by substance use.
- In each case, the response to participants must be refined to meet current capabilities. If they cannot hear or grasp concepts S-L-O-W down.
- Separate Courts or tracks for acute disorders

Separate tracks for DUI high risk

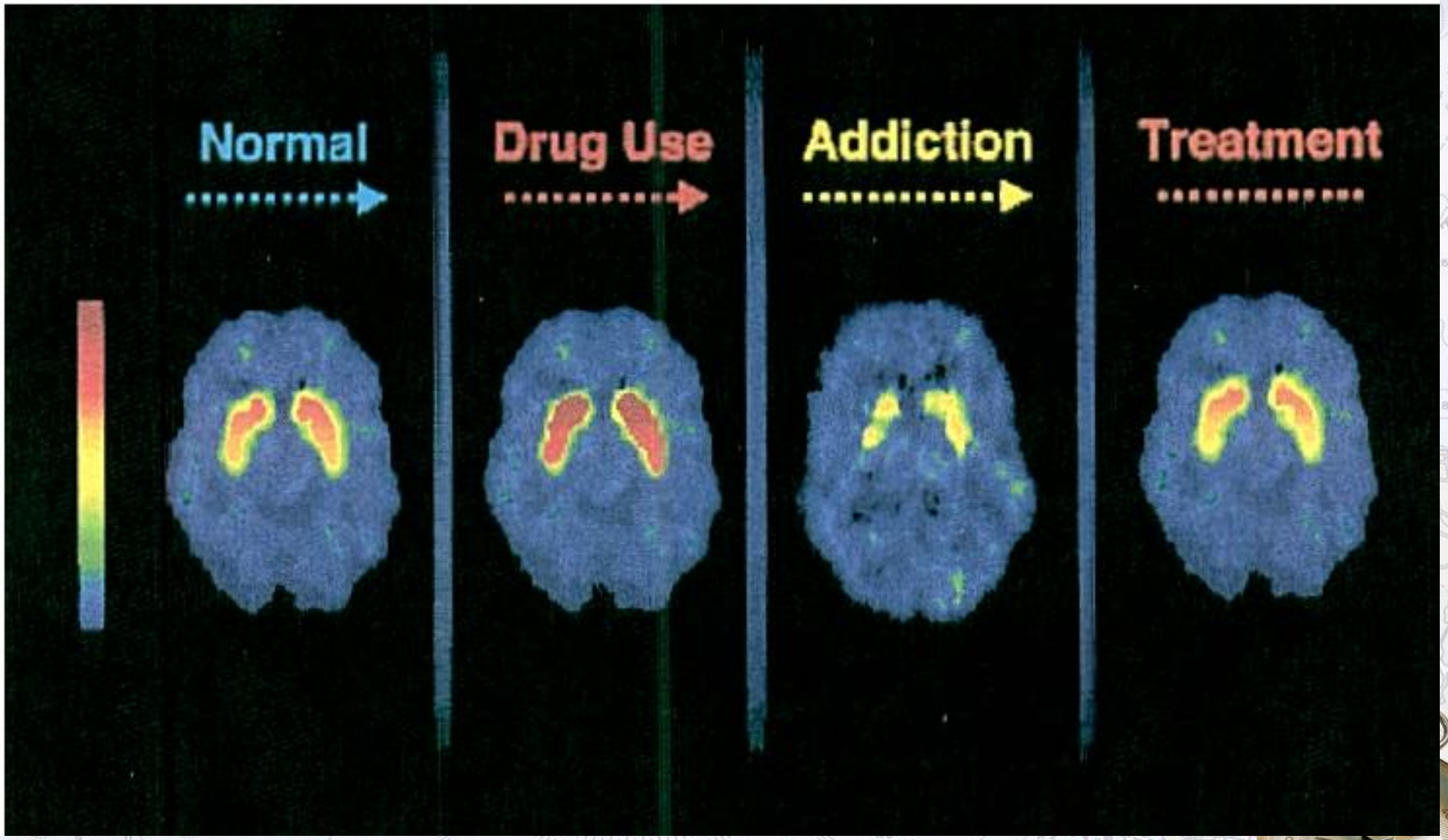
- Different assessment instruments as well.
- Different responses to behavior in the field
  - Acute public safety risk
  - High levels of sociopathy and criminal thinking

Number one mistake I made:

- Throwing people out too fast.
- I underestimated the power and tenacity of this disease.
- Do not give up until you have to, or if your Court has been affronted.
- Drug Courts are easy to get into, and hard to get out of.
- Know that people will sabotage. Don’t let them.



Patience: we are in this for the long haul.



Normal methamphetamine addict 15 months post abstinence