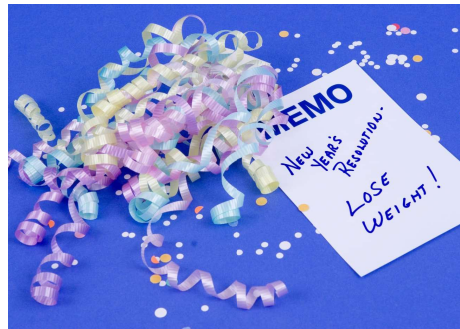
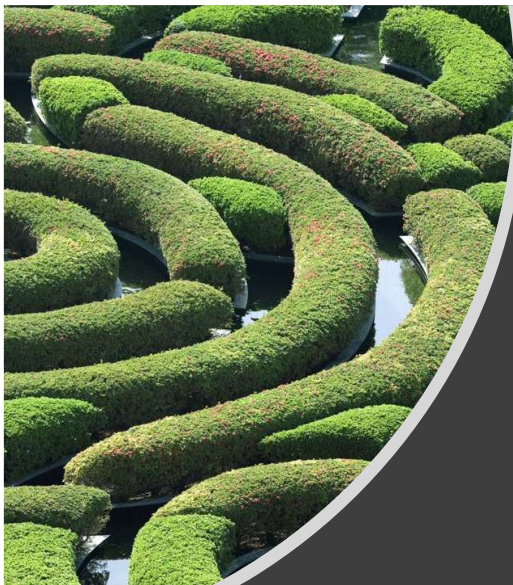


Change is **HARD**.



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.

D

Incentives, Sanctions, Monitoring & Therapeutic Responses:

How to Motivate Lasting Change

- Helen Harberts, J.D.
- Shannon Carey, Ph.D.



S

IMPORTANT DISCLAIMERS

We love this stuff

We will get excited and interrupt each other

We don't mind

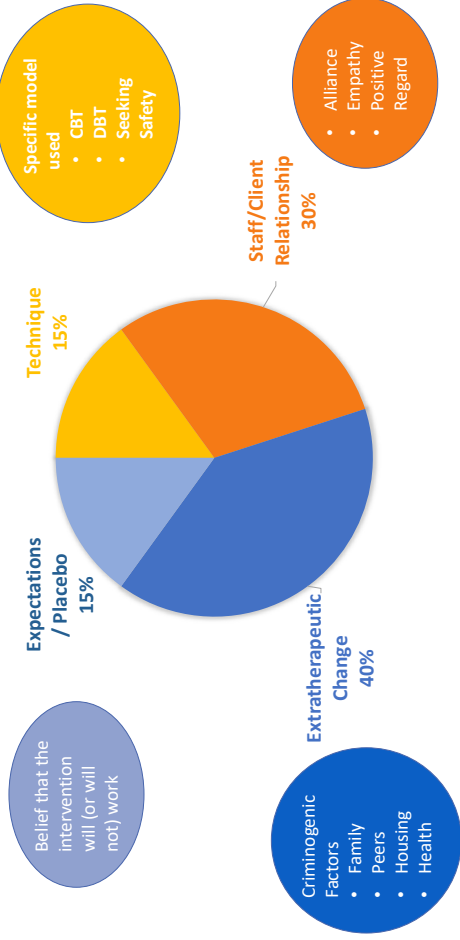
Please don't be offended on our behalf

Also, please don't video the videos

We have an agreement with the participants not to use them outside of the training

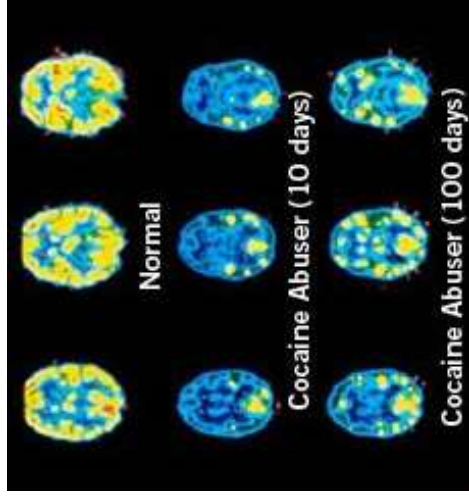
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What leads to behavior change?



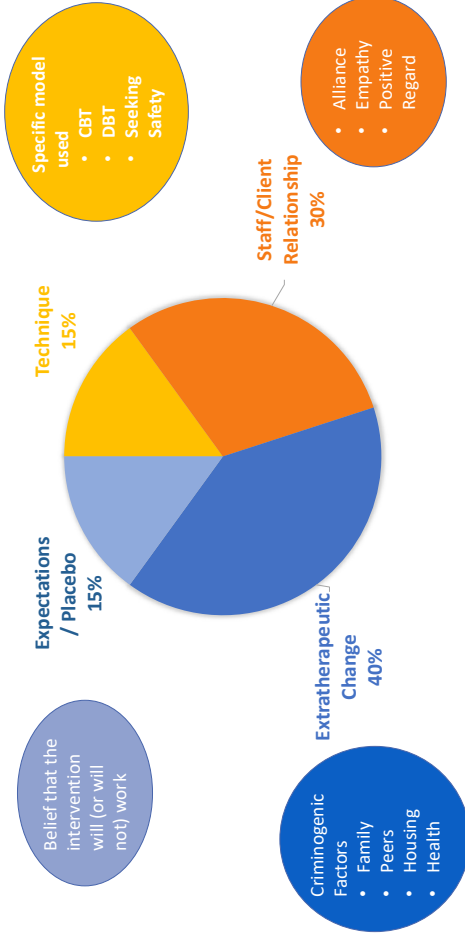
Lambert and Barley 2001; Soto 2011; Albarracín 2020

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?



Lambert and Barley 2001; Soto 2011; Albarracín 2020

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

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

- A. No, that would dilute the effect of the sanction.
- B. No, that would send a very confusing message to Jimmy.
- C. Both of the above.
- D. Yes, we should reward target behaviors even if there were also problems that week.



Should Jimmy Receive Both an Incentive and a Sanction?

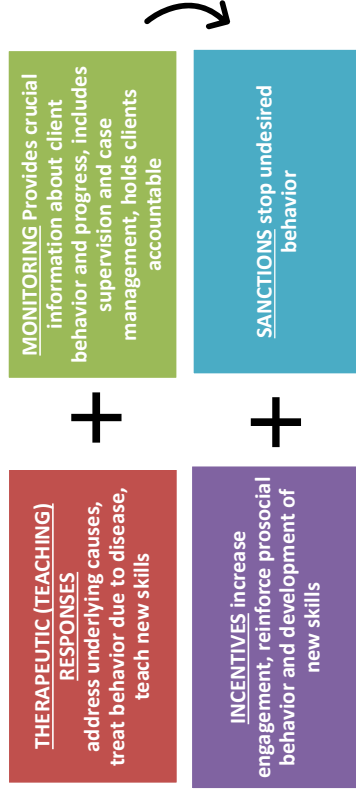
YES!

- 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)



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?**



Proximal? Distal? What the heck is that?

Proximal = Proximate/Close



- Show up
- Try hard
- Tell the truth

Behaviors and thoughts that are distal should

become proximal over time



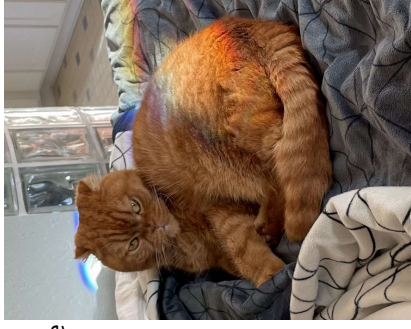
and tools are refined
*Don't change or add new goals until they have mastered the proximal goals

Distal = Distant



- Abstain from use
- Accept disease
- Work recovery

Proximal? Distal? What the heck is that?



Proximal = Proximate/Close



- Show up
- Try hard
- **Tell the truth**

Our response choices depend on the current level of competence

Proximal = Proximate/Close

Things they can do "NOW"

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

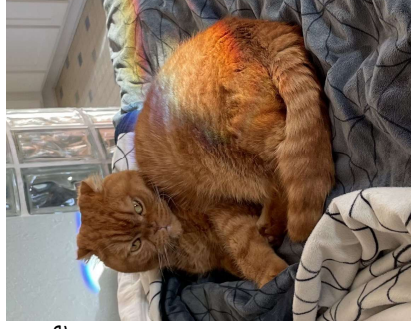
Distal = Distant

Things they can't do yet ("LATER" BEHAVIOR):

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

Go light on the sanctions, especially in the beginning. Sometimes showing up is the best they got

Proximal? Distal? What the heck is that?

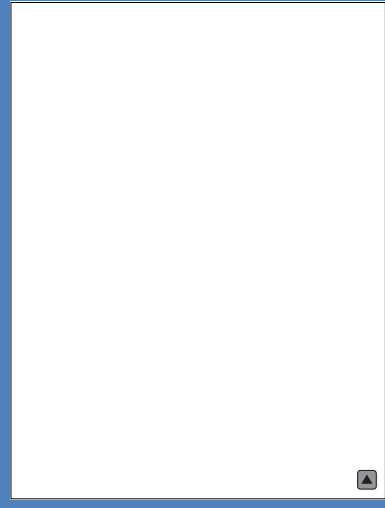


Proximal = Proximate/Close



- Show up
- Try hard
- Tell the truth

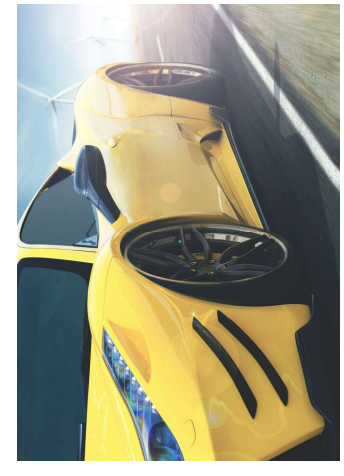
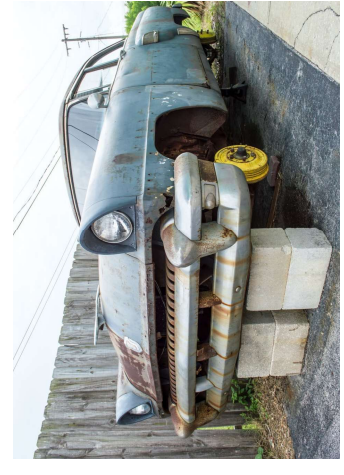
Why is this important?



- 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

Would you put a car with three wheels missing on a racetrack and expect it to perform like a Ferrari?



The car on the left might need some service before it can perform at its best

Tools For Behavior Change

THERAPEUTIC (TEACHING) RESPONSES
 address underlying causes, treat behavior due to disease, teach new skills

INCENTIVES increase engagement, reinforce prosocial behavior and development of new skills
 How do you know if you don't know how to respond to behavior they're engaged in?

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

SANCTIONS stop undesired behavior

Monitoring = support

Golden Gate Bridge construction safety net, which ended up saving the lives of 19 workers. (1936)



P

Tools For Behavior Change

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SANCTIONS stop undesired
behavior

Certainty of Detection (Both positive and negative behaviors)

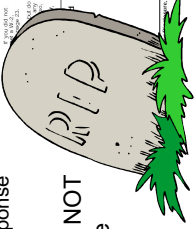
Consistent Detection

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

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)
- Drug testing
- In-person check-ins with supervision/cas 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

Therapeutic (Teaching) responses (lessons learned from Covid)

- 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



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

Respond to behaviors due to illness
Teach new skills
Develop understanding

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

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.

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

Behavior Chain

Name: _____ Date: _____

Therapeutic (Teaching) Responses

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





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 (Punishment)

- o Unpleasant community service (**your choice, not theirs**)
 - Day at the dump
 - Cleaning the jail
 - Picking up trash on the highway in orange vests
- o Curfews
- o House arrest



Video: Behavior Chain Growing Up Nicely

Tools For Behavior Change

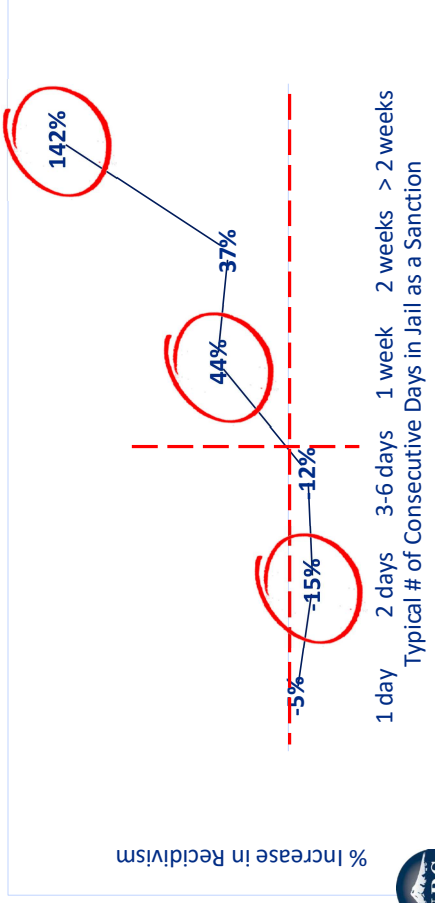
THERAPEUTIC (TEACHING) RESPONSES
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INCENTIVES increase engagement, reinforce prosocial behavior and development of new skills

SANCTIONS stop undesired behavior

Treatment Courts that typically use jail longer than 6 days have higher recidivism



*Not the best public safety choice in the long run

Sanctions (Punishment)

- o Pick them up and bring them to court/treatment (If other responses didn't work)
- o 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 overnight)

Important note: Jail does not work for high risk individuals. In MHC, participants can be sensitive and jail can create harm

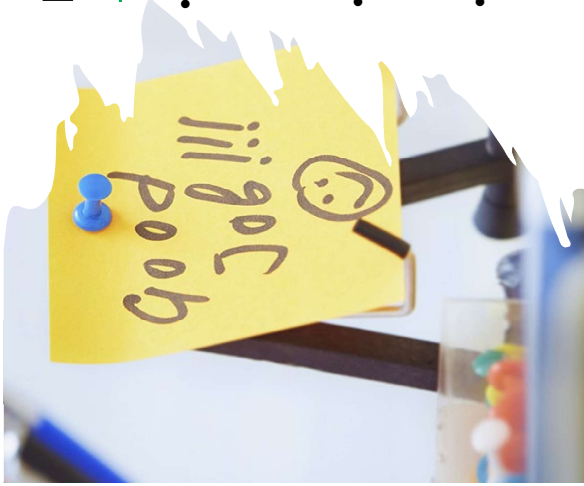


Jail

- 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



Video Kyle: TV Vacation



Incentives

Increase or START desired behaviors

- Work best when positive feelings are associated with the behavior you want to start or continue – Be Specific!
- Are crucial for developing engagement in all aspects of the program (I'm glad you're here!)
- Make showing up a positive experience



Incentives

Increase or START desired behaviors

- Help participants understand what positive behaviors look like
- Allow you to model positive behavior (Bring up those who are doing well first, spend time with them, give them an incentive – people learn from watching others.)
(Do you want participants to learn the poor behaviors or the positive ones?)



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 participant prosocial obligations (work, 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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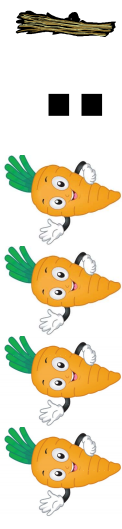
What Do We Reinforce?

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)

Incentives Should Far Outnumber Sanctions!

- 4:1?
- 10:1 is better.

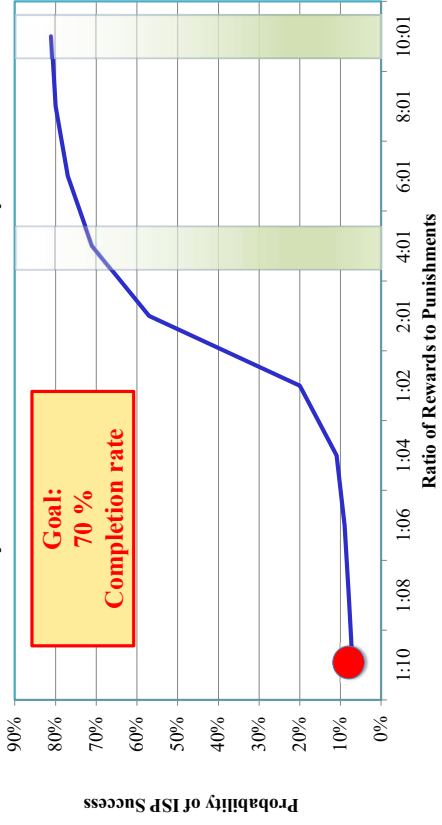


What if we have no budget for incentives?

- 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.



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



Woodhull, E. J., Garland, B., Cullhane, S. E., and McCarty, W.P. (2011). Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections. Criminal Justice and Behavior, 38 (4).

Incentives

#1 Acknowledgment from judge and team members

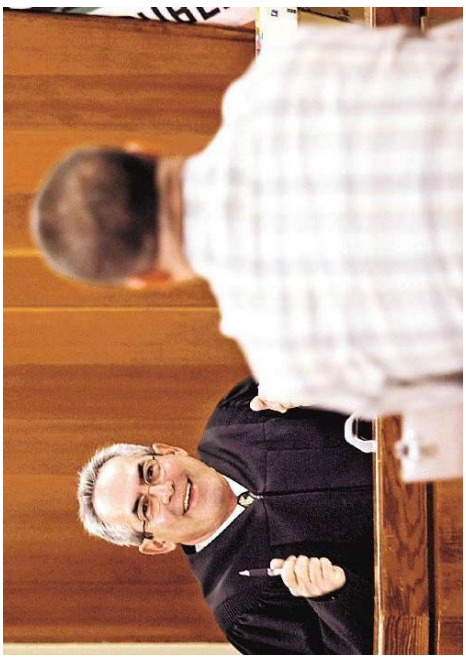


- Fish bowl
- Gift cards (their choice)
- Decision Dollars (collect over time)
- Certificates and coins
- Be held up as an example
- Become a mentor
- Decrease time on probation or lower fees
- The A Team (free!)
- Inspiration cards – “You did it!” (free!)
- Conversations in court about goals, strengths,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

Incentives



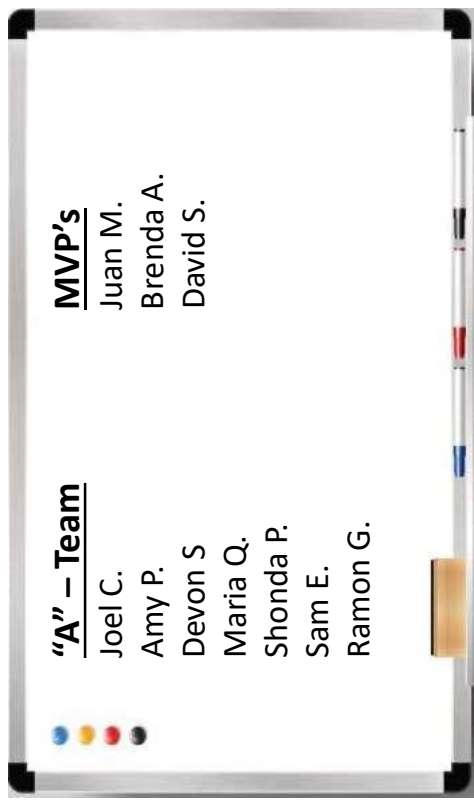
- Lessons learned from Covid
- Short encouragement videos, good morning videos
 - Conversations in zoom court about goals, strengths, successes and actions participants can take to become successful
 - Letters to participants from the team
 - Quick encouraging text messages from team members
 - “Covid fairy” - probation officer drives by to bring needed goods or incentives to home
 - [START Court Recovery_Challenge form](#)

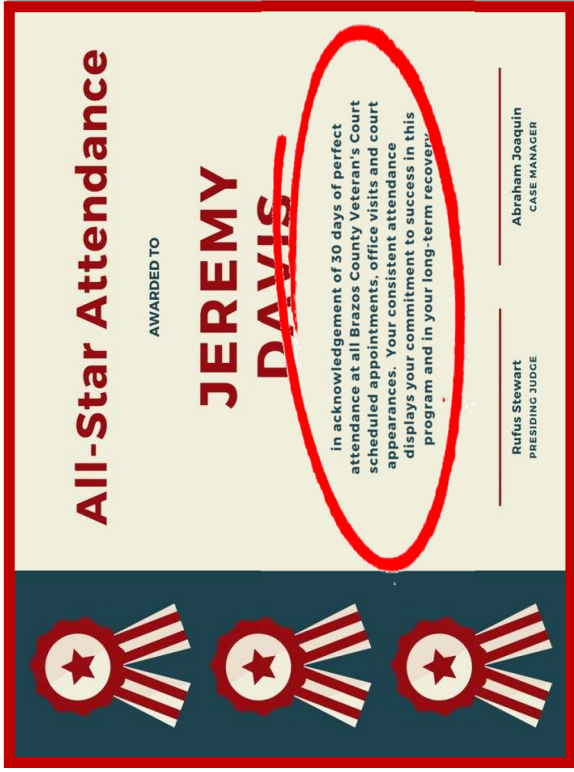


Praise and Social Approval

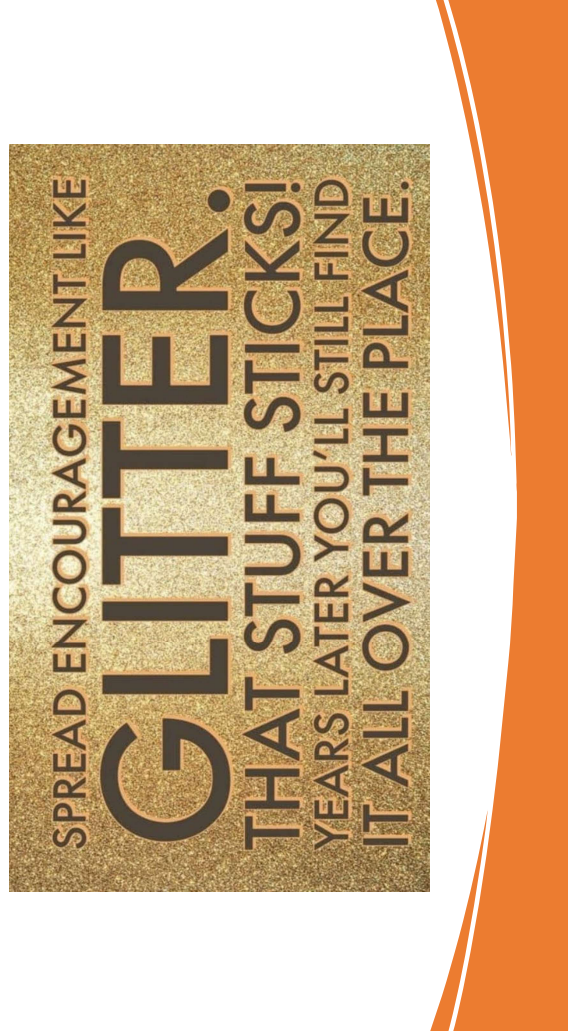
- Never underestimate the redemptive value of the relationship.
- Praise is free, easy to administer, unlimited in supply and powerful.
- Can be used immediately

Positive Peer Boards: “A” Team





Other Ways to Use the Positive Peer Board



**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 1ST AT COURT REVIEW!**

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

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?*

Papack Dentist
Count the Incentives

P

How Do We Know What Rewards Work? **ASK THEM!**

D

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? _____

Video: Greenlick on honesty

Video: Hernandez on the info
his team brings

H

STAFFING CONSIDERATIONS

BEHAVIOR RESPONSES:

- **WHO** are they (risk, need, responsiveness)?
- **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?



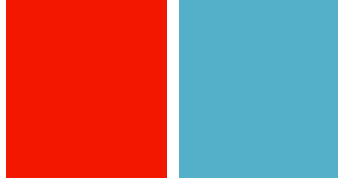
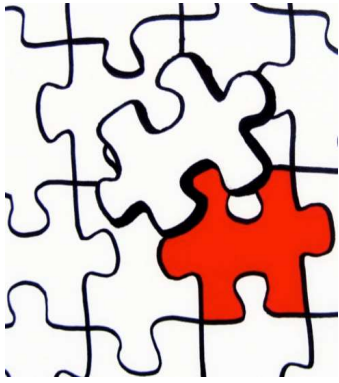
Staffing is a
Team Activity

*What does it look like
when the judge is well
informed?*



P

CRAFTING RESPONSES WITH THE MATRIX



D

- 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?”**

Video: NZ staffing

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?



Video: NZ court

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	Review	Termination
Other				Placement	

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

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

Step 2. Determine the Response Level

Distal	Low	Moderate	High	Very High
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
Prox				

Step 3. Choose the Responses (paired with Judicial Verbal Disapproval and Explanation)

3a. The Community Teaching Responses

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

3b. Supervision Responses

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

D

3c. Incentive Response

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



Matrix Tutorial

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

Step 2. Determine the Response Level

	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Proximal (Expect Sooner)	Moderate	Distal (Expect later)
Distal	Small	Small	Small	Small	Small	Small	Medium	Large
↓								
Prox							Small	Medium

Step 3. Choose the Responses (Paired with Judicial Approval/Verbal Praise)

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

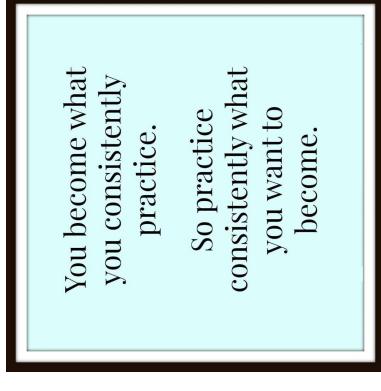
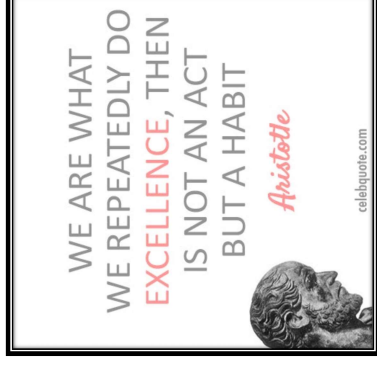
3b. Supervision Responses

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

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

PRACTICE



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

Judge Davis: Shawana

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**

H/P

What do you do in this scenario- when your team doesn't give you the information you need in staffing?

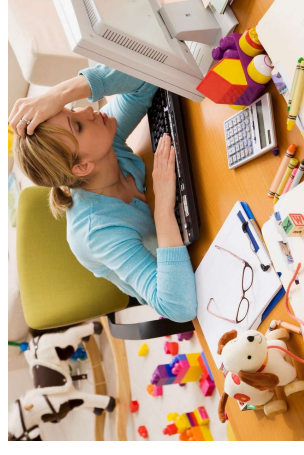
Best practices on the fly...

- 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

H

Meet participants where they are

Take context into account



Look for the positives

Video: Staffing with a positive focus

Questions?



Questions?

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Other Resources:

NDCI ISTA 2-Day Training
<https://www.ndci.org/resource/training/ista-training/>

