

Incentives, Sanctions, Monitoring & Therapeutic Responses:
How to Motivate Lasting Change
Part 2

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



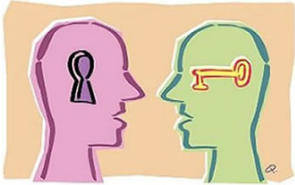
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Court



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SETTING THE STAGE FOR EFFECTIVE COMMUNICATION




Establishing Trust, Rapport and Safety

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**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

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VIDEO:
Judge Greenlick: Developing Rapport

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IT'S ALL IN THE DELIVERY

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



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VIDEO
Judge Morris: Sarcasm

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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.

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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



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VIDEO: Kyle - Priceless

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Video: Deliver Sanction with Respect and Humor

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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



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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.

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VIDEO: NZ Culture

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Ask questions
and
LISTEN

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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.

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ASSUME TRAUMA

- It’s not just a “female problem.”
- Many do not recognize trauma.
- Many won’t talk about it.

➤ **Best Practices:**

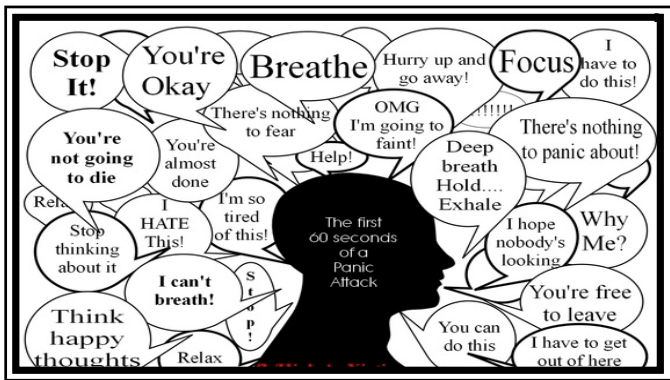
- Screen for trauma
- Gender-specific dockets
- Put all rules in writing.
 - Use sanction forms.
- Use MI techniques.

Some clients don’t want to be touched. Ask treatment.


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VIDEO
Judge Greenlick: Now it's my turn

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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"?

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What Approaches Reduce Stress and Encourage Conversation?

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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).

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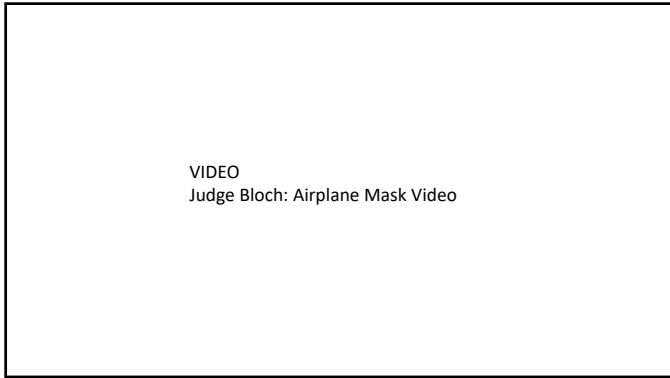
WHY WE DO IT

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.”

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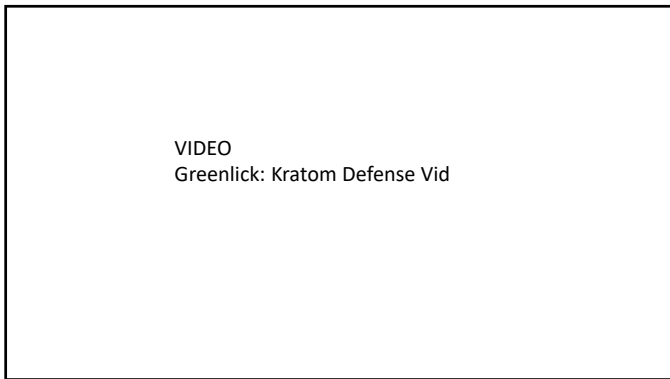
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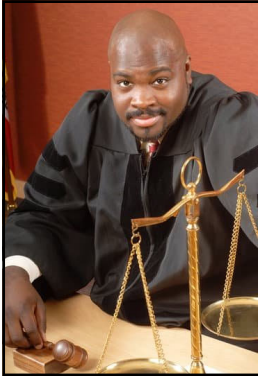
Sanction Script

- 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."

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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!**

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End on a Positive Note

- Ending on a negative does NOT motivate change – it stifles change
- Positive messages motivate change
- 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?”



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Do Due Process!

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



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A Word About Fairness

H/P

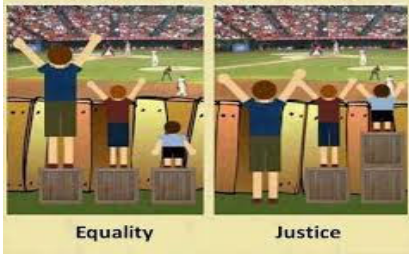
- Behavior Modification Principle: Humans Need /Expect Fairness
- **Commitment** increases when the process is perceived as fair.
 - If not, clients disengage.
- Young clients and those with MH issues require special attention
- Take the time to listen
- Take the time to explain



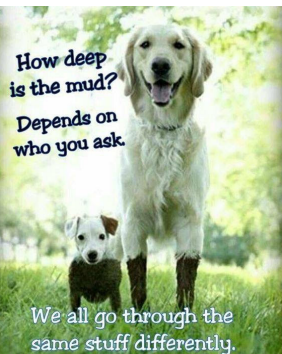
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Fair doesn't mean the same.

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Finlay: Wayne Everybody's Different Video

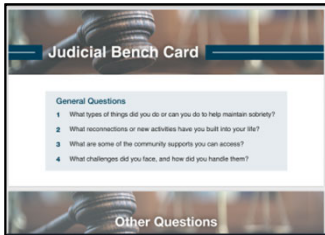
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Things to Talk About

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

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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**



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VIDEO
Judge Greenlick: Mindfulness

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Questions?




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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



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Questions, Training, TA?

S/All

Contact Us:

- *Helen Harberts, J.D.*
helenharberts@gmail.com
- *Hon. Peggy Davis*
pdslotusemails@gmail.com
- *Shannon Carey, Ph.D.*
carey@npcresearch.com
- *Hon. Diane Bull*
hon.dianebull@gmail.com