

Truth or Consequences

Standard 4:

Incentives, Sanctions, and Therapeutic Adjustments

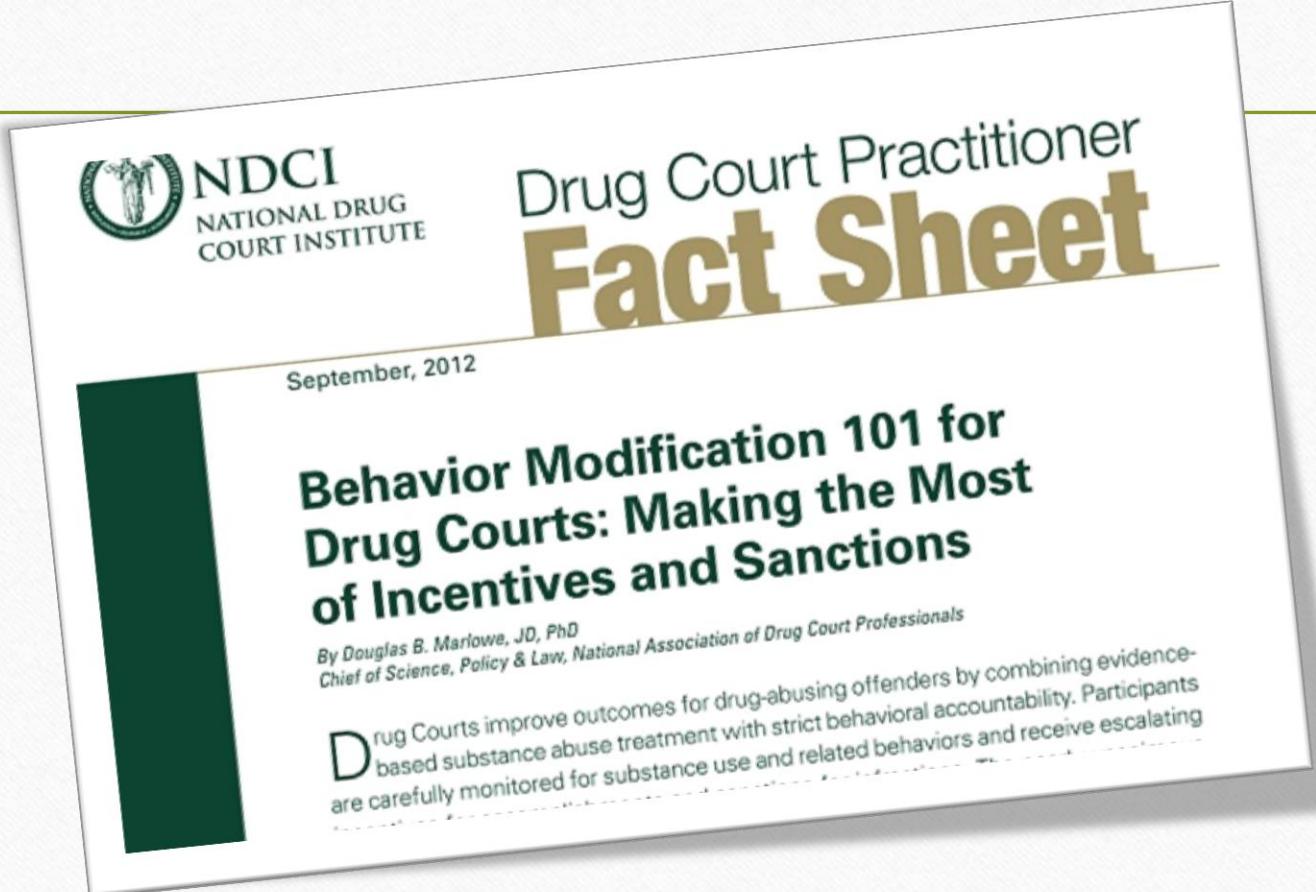
The Bottom Line

**Consequences for participants' behavior
are predictable, fair, consistent, and
administered in accordance with evidence –
based principles of effective behavior
modification.**

The Background

- Based on scientific theories and research that dates back to the beginning of the 20th century
- Behavior Modification via Operant Conditioning
- Our response (or lack of response) to participant behavior will make the behavior more or less likely to reoccur
- Contemporary studies applying behavioral learning science to criminal justice populations, including Drug Courts, have led to researched-based principles for success

The Basics



The image shows a white rectangular document titled "Drug Court Practitioner Fact Sheet" from the National Drug Court Institute (NDCI). The NDCI logo, featuring a green circular emblem with a scale and a sword, is positioned at the top left. To its right, the text "NDCI" is written in large, bold, black letters, with "NATIONAL DRUG COURT INSTITUTE" in smaller letters below it. The title "Drug Court Practitioner" is in a smaller, dark font above the word "Fact Sheet", which is prominently displayed in large, bold, gold-colored letters. Below the title, the date "September, 2012" is printed. The main subject of the document is "Behavior Modification 101 for Drug Courts: Making the Most of Incentives and Sanctions", which is written in large, bold, black text. Below this title, the author is listed as "By Douglas B. Marlowe, JD, PhD" and "Chief of Science, Policy & Law, National Association of Drug Court Professionals". A short descriptive paragraph begins with the sentence "Drug Courts improve outcomes for drug-abusing offenders by combining evidence-based substance abuse treatment with strict behavioral accountability." The entire document is set against a light gray background.

September, 2012

**Drug Court Practitioner
Fact Sheet**

**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

The Response Categories



Two Ways to Reward, Punish, or Treat



Incentives

Positive Reinforcement

Negative Reinforcement



Sanctions

Punishment

Response Cost



Therapeutic Adjustments

Enhancements

Reductions

Rewarding Behavior

Positive Reinforcement

- Verbal Praise
- Applause
- Tokens
- Gift Certificates
- Fish Bowl Drawings

Negative Reinforcement

- Later Curfew
- Waiving Fees
- Reduced Court Appearances (as part of phase advancement)

Punishing Behavior

Punishment

- Verbal Reprimand
- Early Curfew
- Community Service
- Jury Box
- Flash Incarceration

Response Cost

- Collecting fines (removing money)
- Losing Points
- Return to More Frequent Court Appearances
- Replacing a Late Curfew with an Earlier Curfew

Treating Behavior

Enhancements

- New Assessment
- Adding Trauma Groups
- Additional Treatment Groups
- Additional AA Meetings
- Moving from Intensive Outpatient to Residential Treatment

Reductions

- Moving from Intensive Outpatient to Outpatient
- Fewer Treatment Groups
- Replacing Treatment Groups with Job Training

Essential Elements

- Certainty
- Reliable Detection
- Associated with Behavior
 - Immediacy

The Standard

Adult Drug Court Best Practice Standards Volume I:
Incentives, Sanctions, and Therapeutic Adjustments

www.ndcrc.org

Search: Standards

The Standard

- Advance Notice
- Opportunity to be Heard
- Equivalent Consequences
- Professional Demeanor
- Progressive Sanctions
- Licit Addictive or Intoxicating Substances
- Therapeutic Adjustments
- Incentivizing Productivity
- Phase Promotion
- Jail Sanctions
- Termination
- Consequences of Graduation & Termination

Advance Notice

- Provide to participants and team members written policies and procedures regarding program response strategy.
- Include range of possible responses for various behaviors, not precise response for each infraction.
- Allow reasonable degree of discretion to modify usual response due to unique circumstances.

Opportunity to be Heard

- Provide participant opportunity to explain their perspective regarding factual controversies and program responses.
- Explain to participants the justification for why a particular response is or is not imposed.

Equivalent Consequences

- Participants with similar risk/need levels, phase, etc. receive consequences that are equivalent to those received by others who are engaged in comparable conduct.
- Equivalent does not necessarily mean identical.
- Equivalent means similar value, severity, magnitude, or intensity.

Professional Demeanor

- Sanctions are delivered without expressing anger or ridicule.
- Participants are not shamed or subject to foul or abusive language.

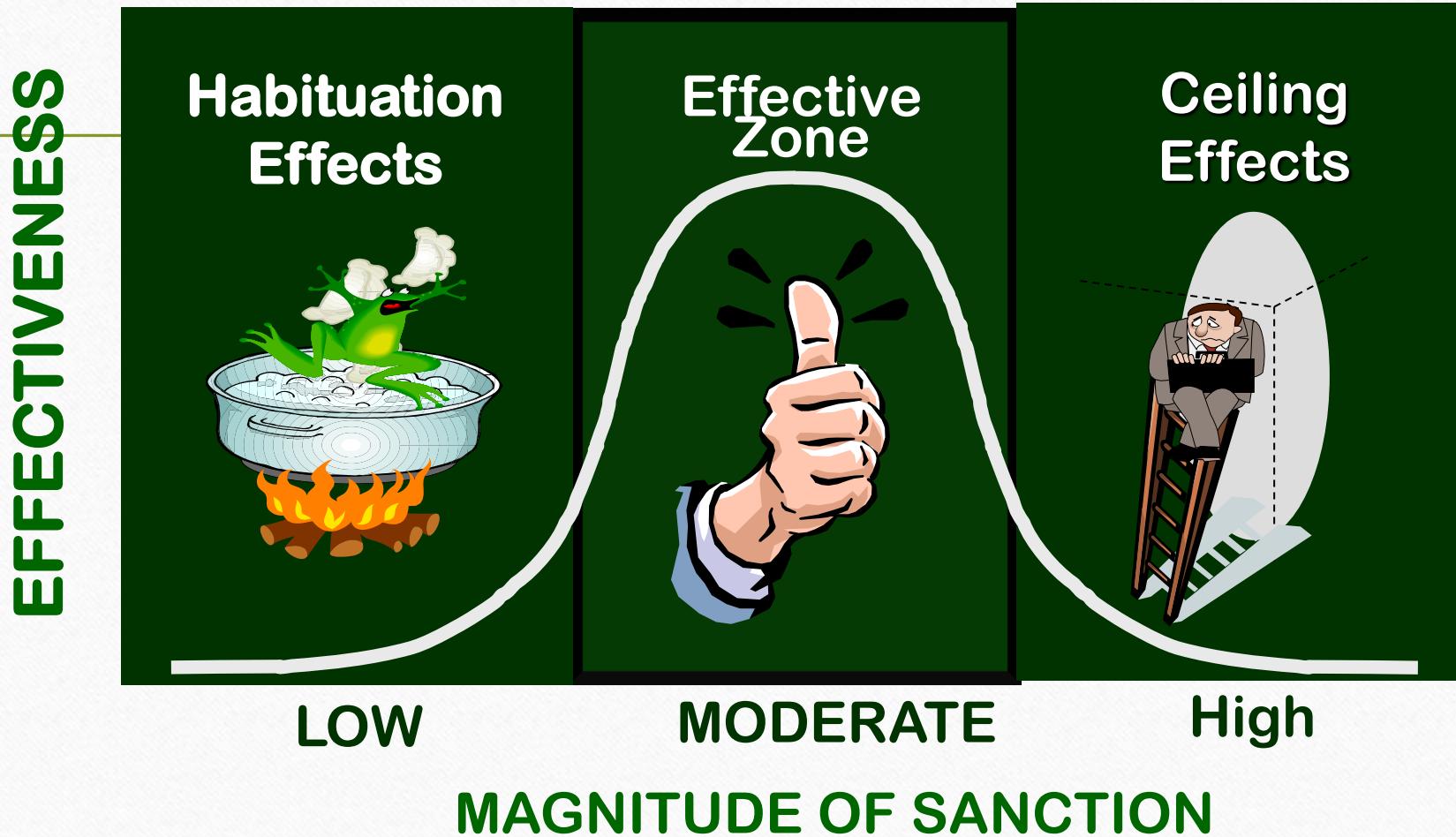


Progressive Sanctions

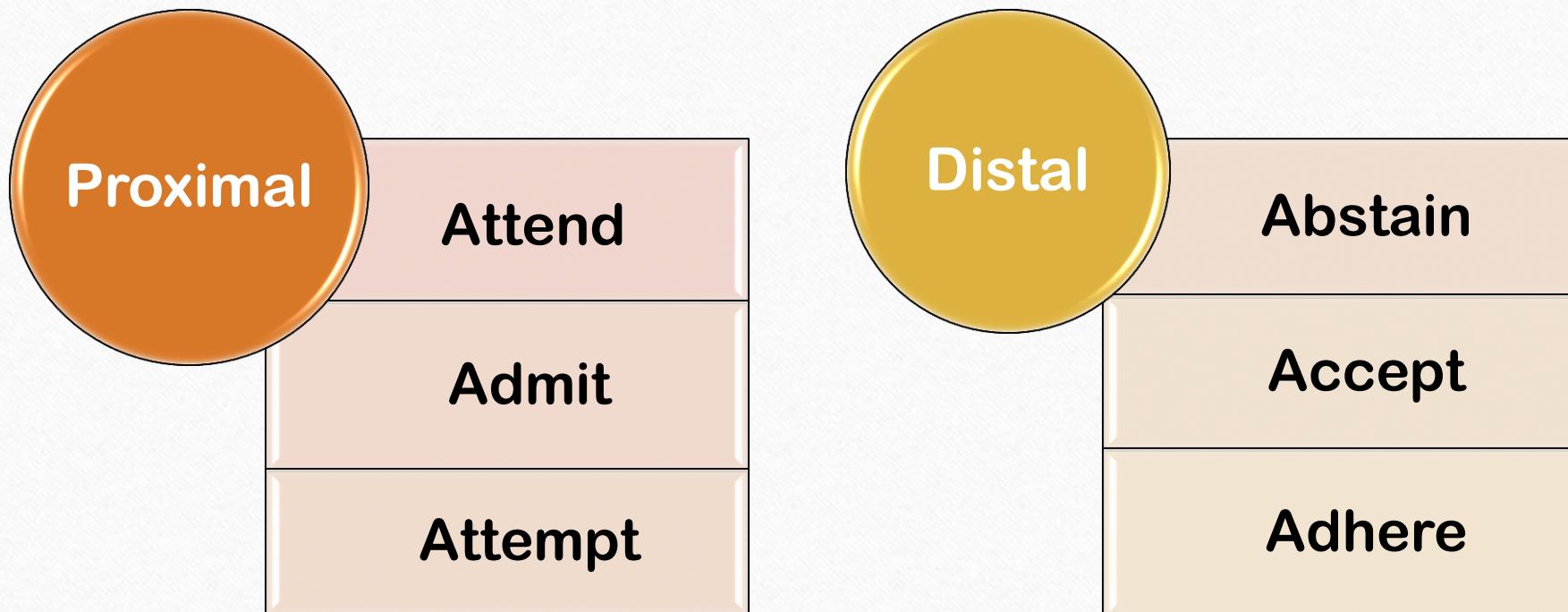
- Drug Courts have a range of sanctions of varying magnitudes that may be administered in response to infractions.
- For goals that are especially difficult for participants to accomplish (i.e., distal goals), sanctions increase gradually and progressively in magnitude.
- For goals that are somewhat easier to achieve (i.e., proximal goals), higher magnitude sanctions may be administered after only a few infractions.

Magnitude: Staying Centered

Utilize Wide Array of Intermediate Magnitude Sanctions



Expectations



Infraction Response Magnitude

Proximal

Considerations in Responding to Participant Behavior

- 1) WHO are they in terms of risk and need?
- 2) WHERE are they in the program (i.e., what phase)?
- 3) WHICH behaviors are we responding to (i.e., are they proximal or distal)?
- 4) WHAT is the response choice magnitude?
- 5) HOW to deliver and explain the response?

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Licit Addictive or Intoxicating Substances

- Sanction the unauthorized, non-medically indicated use of intoxicating and addictive substances even if legal.
- Use of potentially intoxicating or addicting medications should only be authorized if prescribed by a physician who concludes there are no safe and effective alternative treatments.
- Encourage participants to utilize physicians knowledgeable in addiction medicine.

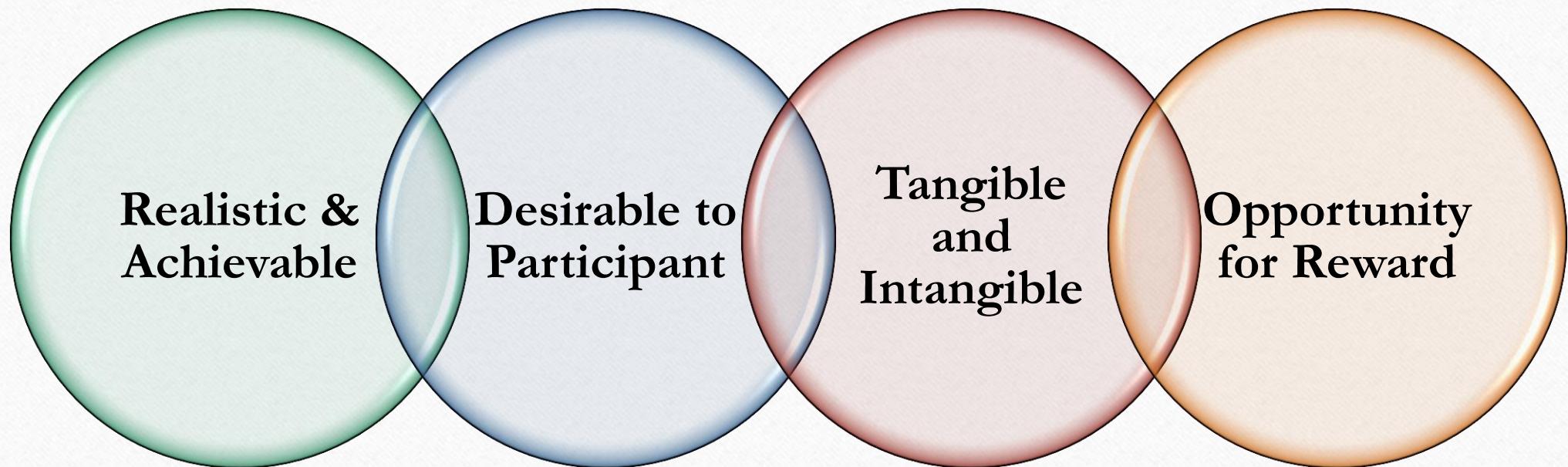
Therapeutic Adjustments

- Recommended and delivered by treatment professionals.
- For the drug addicted individual, respond with adjustments to treatment requirements and sometimes with lower magnitude sanctions in response to unauthorized drug use in the early phases of program.
- Sanction participants who willfully fail to comply with treatment attendance and participation requirements.
- Do not give augmented sentences, or otherwise punish participants who have to be discharged because adequate treatment is not available and accessible to them.

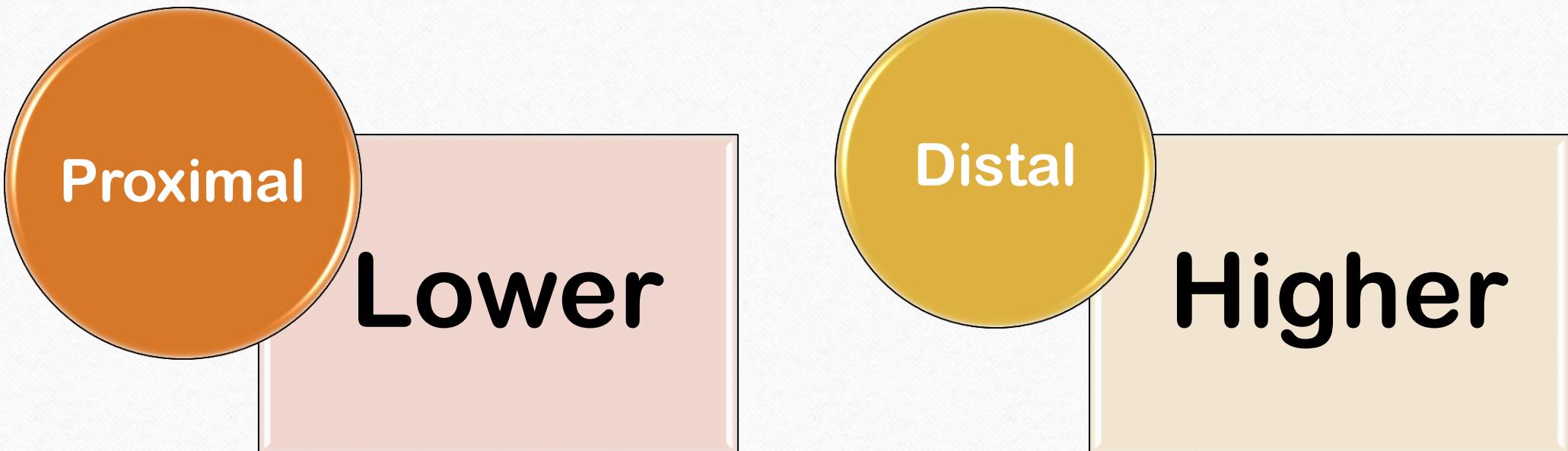
Incentivizing Productivity

- Place as much emphasis on incentivizing productive behaviors as on responding to infractions.
- Criteria for phase progression and graduation should include evidence that participant is engaged in productive activities likely to support recovery and reduce recidivism.

Incentivizing Productivity



Incentives Magnitude



Phase Promotion

- Predicated on achievement of defined behavioral objectives.
- Sanctions for infraction for behavior previously deemed to be distal may become more stringent.
- Incentives for positive behavior may decrease.
- Treatment, supervision, and court requirements may decrease.
- Drug testing frequency remains constant until the final phase and only after all other requirements have decreased and team determines that those reductions have not triggered relapse.

Jail Sanctions

- Are imposed judiciously and sparingly.
- Are used only after numerous lesser sanctions have been attempted and failed, unless an immediate risk to public safety exists.
- Are definite in duration and typically last no more than 3 to 5 days.
- Participants have access to counsel and a hearing when facing jail.

Terminations

- Participants are terminated if they can no longer be managed safely in community; or if they repeatedly fail to comply with treatment or supervision requirements.
- Participants are not terminated for continued use if they are otherwise compliant with treatment and supervision.
- Participants terminated because adequate treatment is not available (through no fault of their own), do not receive augmented sentence or disposition for failing to complete program.

Consequences of Graduation & Termination

- Graduates avoid criminal record, avoid incarceration, or receive reduced sentence or disposition as an incentive for completion.
- Participants who are terminated unfavorably receive a sentence or disposition for the underlying offense.
- Participant and program outcomes are poor if minimal consequences are imposed for withdrawing from or failing to complete program.
- Participants are informed in advance of the circumstances which may lead to their receiving an augmented sentence for failing to complete Drug Court.

Examples of I/S



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