



Incentives, Sanctions, and Service Adjustments

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Adult Treatment Court Best Practice Standards

Incentives, Sanctions and
Service Adjustments

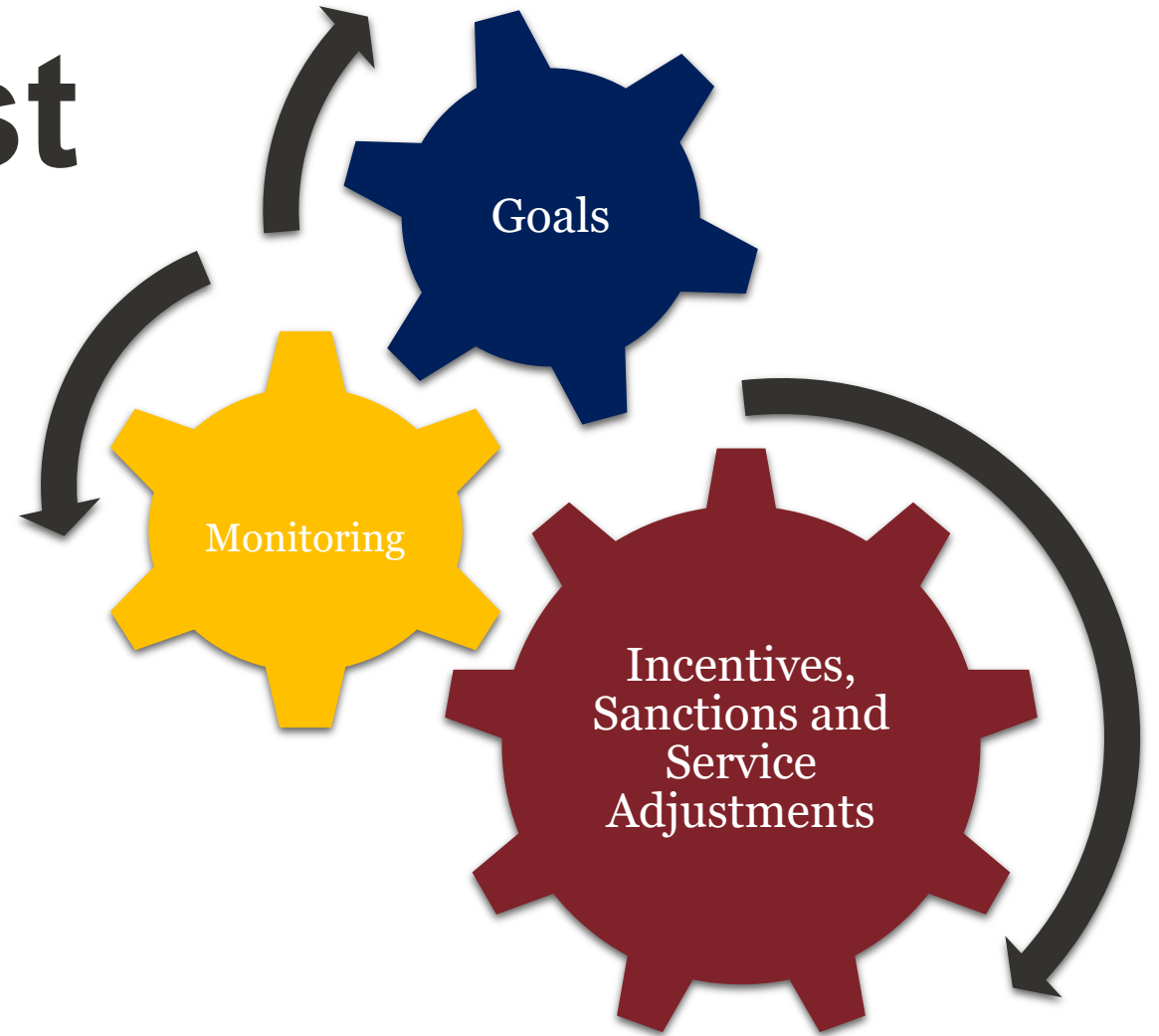


**Adult Treatment Court Best
Practice Standards**



The Basics First

Understanding goals and appropriate monitoring will set your team up to select the best responses to behavior.



Target Population



High-Risk

- Significant risk of committing a new crime – high recidivism.
- Difficulty in less intensive dispositions, such as probation.
- Have a moderate to severe substance use disorder.

High-Need

- Compulsive substance use
- Serious and persistent mental health or trauma issues
- Other significant treatment or social service needs.

Target Population Standard

Important Reminder

Without a clear understanding of these, goals may be unrealistic for the person where they are at in the program.

Substance Use Disorder

Co-occurring Disorders

Recovery Management

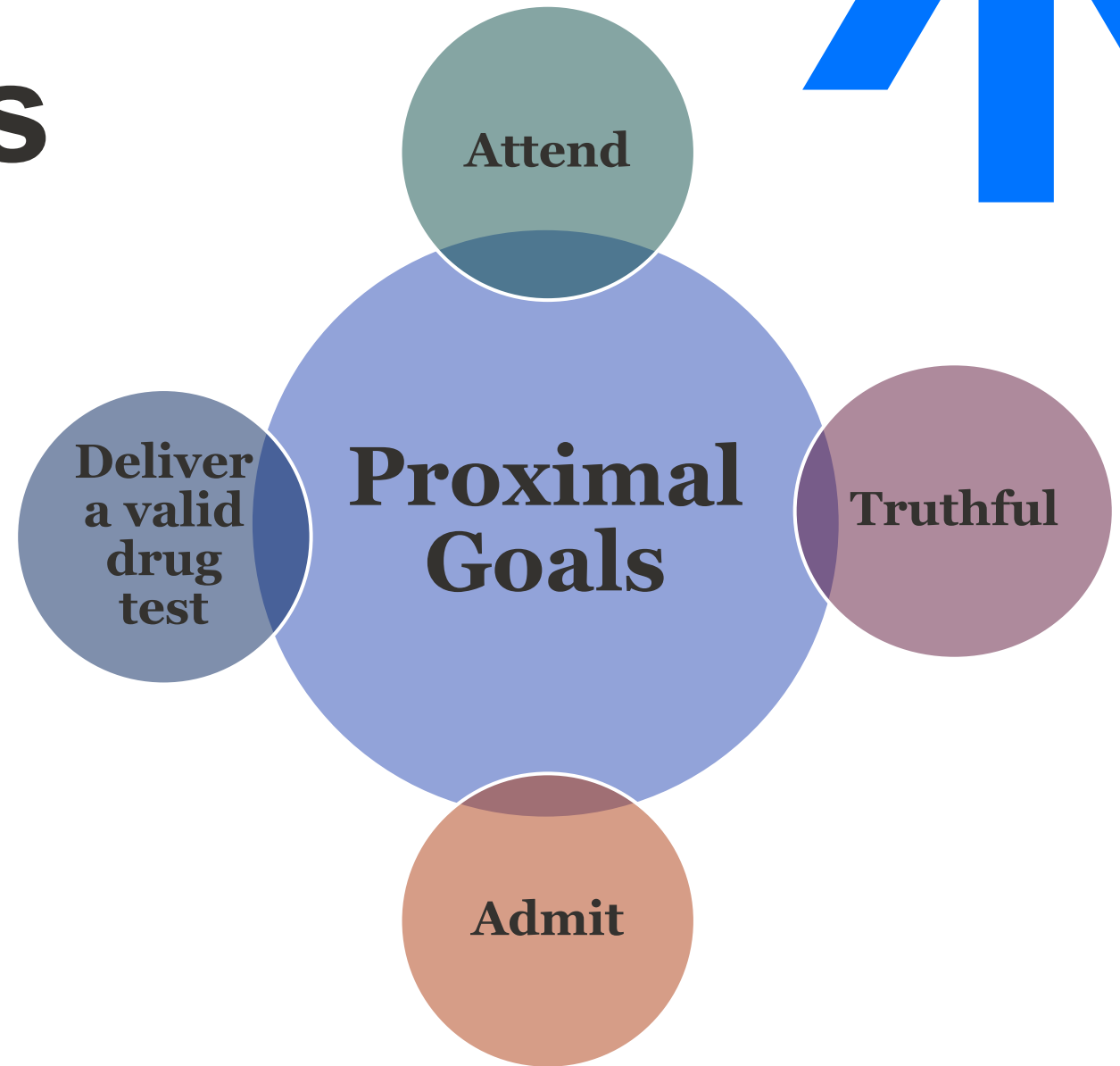
Psychopharmacology

Proximal, Distal, and Managed Goals



Proximal Goals

- Can be met in the short term and sustained for a reasonable period.
- Not necessarily easy, but it can be accomplished.
- Identify any barriers



Proximal Goals

TRUTHFULNESS

Truthfulness is a proximal goal

- Dishonesty about missing a counseling session is a proximal infraction, **whereas** denying that they have a problem or need counseling is distal.

ATTENDANCE

Attendance is often a proximal goal

- Participants can attend court, treatment, and supervision appointments.
- Participants can deliver a valid drug or alcohol test.
- NOT meeting these requirements is often willful or reflects inattention to responsibilities.

Abstinence should not be considered a proximal goal until participants with a **compulsive substance use disorder have achieved early remission (at least 90 days of clinical stability).**

American Psychiatric Association [APA], 2022



Distal Goals

- Not easily achievable without help.
- Intermittent achievement but not sustainable.
- **Service adjustments** are needed to accomplish these goals.



Managed Goals

Appropriate to reduce the frequency or magnitude of incentives and move on to focus on a more advanced goal.



Conditions that participants have met and sustained for a significant period.



Not required to perform goals perfectly, but well enough to satisfy program expectations.

Reliable and Timely Monitoring

Critical for effective behavior modification



Accurate and timely information

**Informs the team
of the
participant's
progress**

**Ensure the court
responds with
certainty and
celerity**

**Opportunities
for incentives**

**Impact program
and court
integrity**

Most Influential Factors

Certainty

The ratio of incentives to achievements or sanctions to infractions.

The larger the ratio, the better the effects.

Celerity

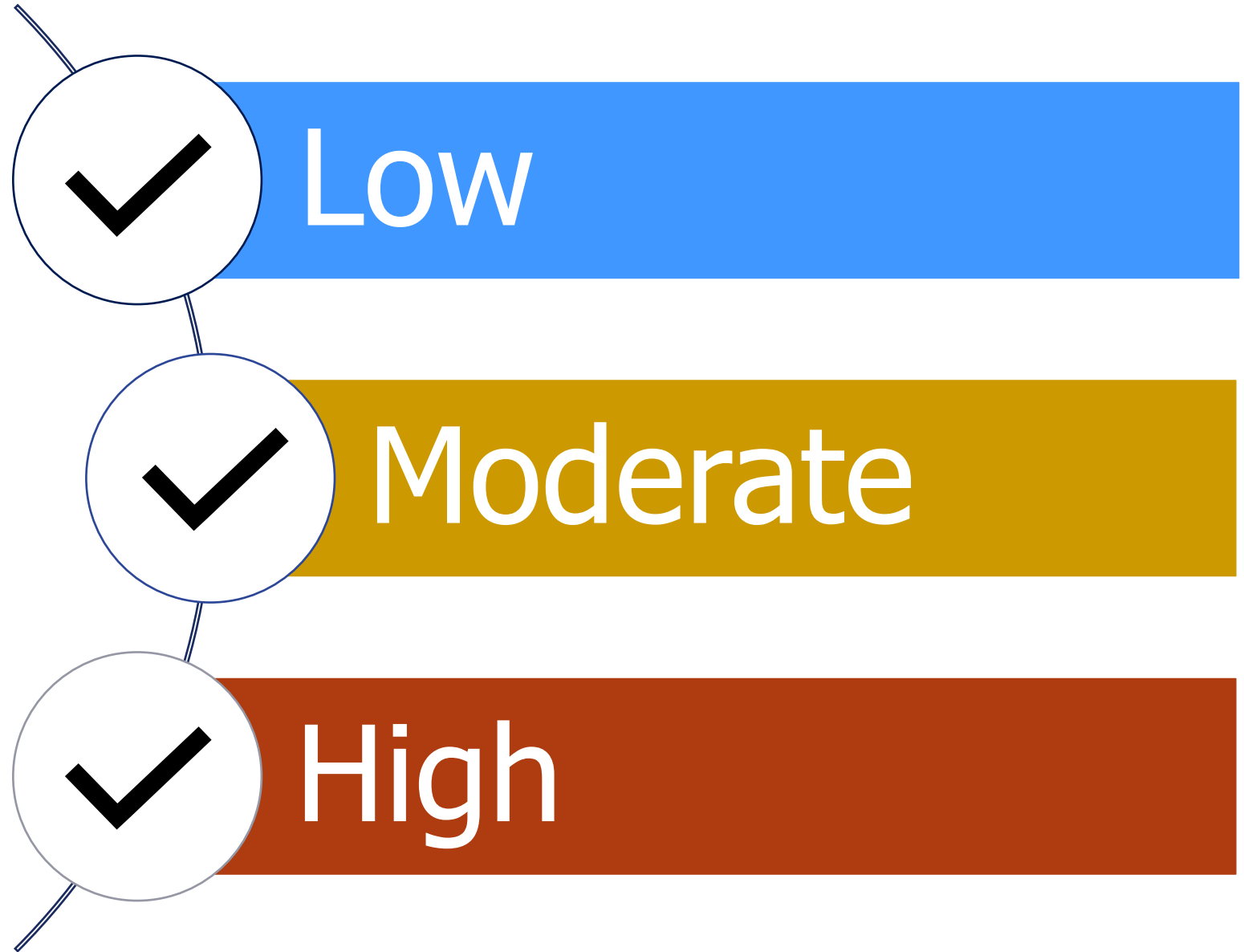
The time between an achievement or infraction and the delivery of the response.

The shorter the delay, the more rapid the results.

Responding to Behavior



Guideline or “Menu” Incentives and Sanctions



Incentives, Sanctions, and Service Adjustments Reference Guide

- Tools to better understand proximal, distal, and managed goals
- Activities to develop personalized court responses

INCENTIVES AND SANCTIONS TABLES

Create your own tables of low-, moderate-, and high-magnitude incentives and sanctions so you are ready to respond to your clients' behavior.

INCENTIVES

LOW MAGNITUDE	MODERATE MAGNITUDE	HIGH MAGNITUDE

SANCTIONS

LOW MAGNITUDE	MODERATE MAGNITUDE	HIGH MAGNITUDE

SERVICE ADJUSTMENTS TABLE

Create your own table of supervision adjustments, treatment adjustments, and learning assignments so you are ready to respond to your clients' behavior.

Supervision Adjustments	Treatment Adjustments	Learning Assignments



Why Use Incentives?

- Promote engagement, motivate continued positive behavior
- Validating, instilling hope, building confidence, and feeling good!
- Can have long-lasting effects
- Teaches “I did it before, I can do it again!”



Incentives

- Participants receive copious amounts of incentives
- Minimum 4:1 ratio
- As much emphasis on incentivizing productive behaviors as on responding to infractions
- Phase progression and graduation should include evidence that the participant is engaged in productive activities likely to support recovery and reduced recidivism

It's a Team Thing

- **Treatment:** attendance, participation, stages of change, honesty
- **Probation:** home visit
- **Law Enforcement:** curfew checks
- **Public Defender:** acknowledge bravery
- **Prosecutor:** acknowledge participants seeking help
- **Judge:** praise

Incentives- Low

Verbal praise
Applause
Public recognition
Tangible prizes
Point system

Written accolades
Symbolic tokens
Reduced non-service obligations
Financial waivers

Incentives - Moderate

Moderate Tangible Rewards

Fishbowl Drawings

Virtual Court Appearance

Writing Commendations

Incentives - High

Supervised day trips

Travel pass

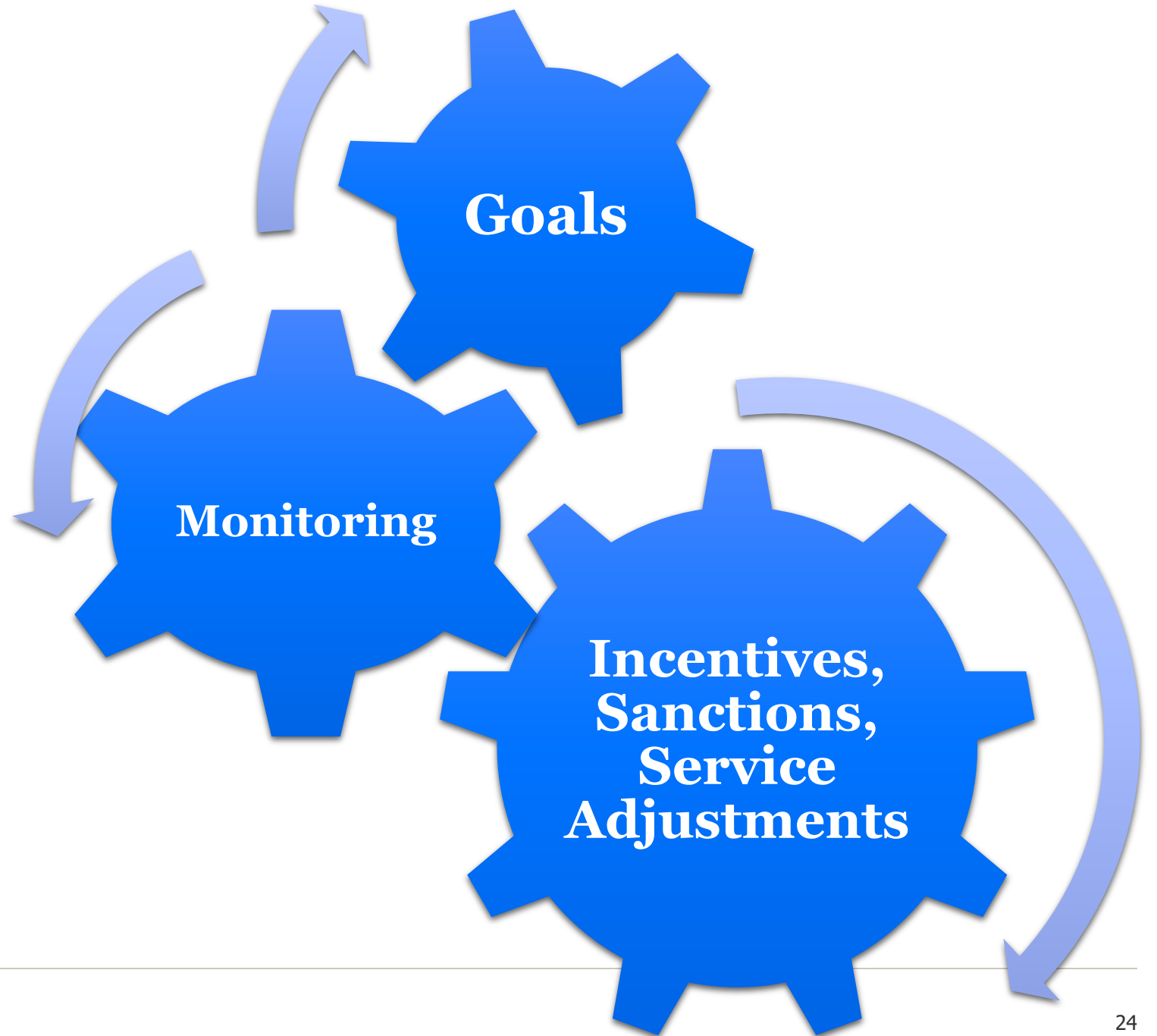
Phase advancement

Legal incentives

ISSA

- Incentives
- Sanctions

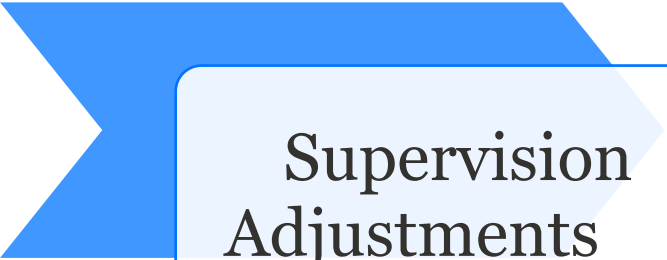
• Service
Adjustments



Service Adjustments



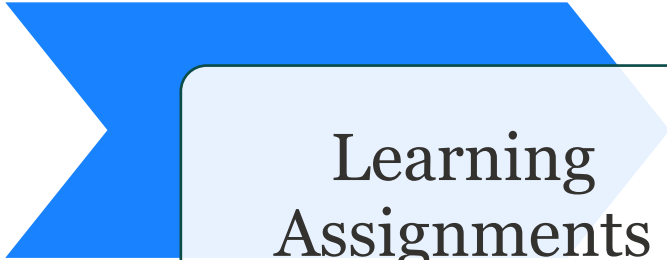
- Infractions of distal goals receive service adjustments, not sanctions.
- Participants **WANT** incentives, and they do **NOT WANT** sanctions, but they **NEED** service adjustments.



Supervision
Adjustments



Treatment
Adjustments



Learning
Assignments

Supervision Adjustments

- May include an increase or decrease in status hearing, sessions with supervision officers, drug and alcohol testing, or home visits
- Reduced only once the participant has achieved psychosocial stability
 - Stable housing
 - Reliable attendance
 - Therapeutic alliance
 - Clinical stability



Treatment Adjustments

Based on clinical
recommendations of qualified and
trained professionals only



Supported by assessments and
participant's treatment needs

Treatment Adjustments

If a participant is attending but not improving; Adjust treatment services to better serve their needs and preferences.



Reach an acceptable agreement with the participant for a regimen that:

Has a reasonable chance of therapeutic success

Poses the fewest necessary burdens on participant

Is unlikely to jeopardize the participant's welfare or public safety.

LEARNING ASSIGNMENTS

- Delivered as a service adjustment to help participants avoid distal infractions
- Learning assignments should never be framed as a punish, but an opportunity to improve one's adaptive functioning
- Learning assignments are delivered to help participants understand their condition, identify their risk factors for symptoms or infractions and develop better problem-solving skills.

LEARNING ASSIGNMENTS



Activity Log

Cognitive
Behavioral
Therapy (CBT)
Assignment

Essay
Assignment

Journaling
Assignment

Life Skills
Assignment

Sanctions

Level	Type of Sanction
Low	Verbal warnings
Moderate	Courtroom Observations
Moderate	Instructive Community Service
Moderate	Curfew
Moderate	Travel or Association Restrictions
Moderate	Electronic Surveillance
High	Team Round Table
High	Day Reporting
High	Home Detention
High	Jail Detention

Jail Sanctions



- Used primarily for proximal behaviors only after numerous lesser sanctions have been attempted and failed, unless immediate risk to public safety exists.
- Not for distal goal infractions.
- Brief, pre-defined time period (No more than 3 to 6 days or less)
- Not in the first 30 – 60 days of treatment court
- Not for treatment.
- Nor for overdose prevention.
- Not for preventive detention.

Words of Caution

- **Do not demote back a phase**
- **Respond to EACH behavior and move forward**



Choosing Responses



Proximal Goal Infractions

- 1st-2nd –verbal warning reminding about program P&P concerning avoidable infractions, emphasize staff take these seriously, explain why taken seriously, and deliver a clear warning of what will happen if the infractions happen again.
- Then, move on to moderate-magnitude sanctions
- After four to five undeterred proximal infractions, serve as a broad guideline for considering a high magnitude sanction. Staff judgement required and caution with jail sanctions for persons with trauma history or severe mental health or substance use disorders.

Abstinence should not be considered a proximal goal until participants with a compulsive substance use disorder have achieved early remission, which is at least 90 days without clinical symptoms that may interfere with the participant's ability to attend sessions, benefit from interventions, and avoid substance use.

Withdrawal

Persistent
substance
cravings

Anhedonia

Cognitive
impairment

Acute mental
health symptoms
(depression,
anxiety)



Reminder! 

Choosing Responses



Distal Goal Infractions

- Response with a service adjustment, not a sanction.
- If attending treatment and not getting better, adjust services.
- Reevaluate to identify potential obstacles such as language barrier, co-occurring mental health disorders, trauma history, or stress reactions.
- If services not available that are needed should not be sanctioned or sentenced more harshly for not responding to inadequate care.

Choosing Responses – Managed Goal



- Recurrence, regression, setbacks
- Remember not perfectly or with ease, should be taken seriously but should **not lead to an overreaction**
- Effort to understand what happened and what is needed to get the person back on track quickly

Program Discharge



- Before discharging a participant unsatisfactorily, the judge should find by clear and convincing evidence that one or more of the following criteria have been met:
- Poses a serious and imminent risk to public safety (*continued use is not sufficient by itself to meet this criterion*)
- Voluntarily withdraw from the program
- Unwilling to receive treatment or other services. (*Caution- if disagrees with treatment, then effort made to reach acceptable agreement*)

Procedural Fairness



- Clear and understandable advanced written notice
- Court – A learning environment
- Clear rationale for the judge's decision



Thank
You

A graphic consisting of three dark blue chevrons pointing upwards, positioned to the right of the word "You".