



# Disclaimer

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# Tribal Healing to Wellness Court Key Component VI: Incentives and Sanctions

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## Presenters



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# Behavioral Responses

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- The wellness court model employs reward and punishment in response to participant behavior. These responses include:
  - Incentives
  - Sanctions
  - Therapeutic Adjustments
- Incentives and sanctions must be culturally appropriate.
- Employed in coordination, these responses should encourage positive behaviors, punish/dissuade negative behaviors and keep participants engaged in treatment. [NDCI](#)

# Clearly Explain Program to Participants

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- Provide Participants with the Ground Rules in Advance, **in writing**
  - Examples: Participant Contract, Program Manual, Participant Handbook
- Participants should be notified, and provided a clear explanation of behaviors that constitute an infraction, and the **range of incentives, sanctions, and therapeutic adjustments** as they relate to specified behaviors.
  - This information should be included in a written program manual
  - Additional information to be explained to participants: phase advancement, graduation, and termination.

# Participants Should be Heard

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- Participants should be given an opportunity to communicate their position and point of view at all hearings.
- Participants representative or counsel should be allowed to speak if the participant wishes.

# Consistent Application of Sanctions

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- Responses to comparable behavior should be consistent within a delineated range based on specific circumstance.
- Responses to behaviors are based on where participant is in phase progression.
- Participants in comparable phase should receive comparable incentives/sanctions

# Consistent Demeanor

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- Team members should always communicate with participants in a respectful manner.
  - This includes all team members (judge, case manager, probation etc.)
- Keep in mind that the sanction is the response.
  - No insults, sarcasm, foul language, condescension
  - Team members should always communicate with participants in a respectful manner.
- Commend participant for appearing at sanction hearing.



# Progressive Sanctions, Proximal Goals

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- If a set goal behavior is easy for a participant to achieve, sanction can be of greater magnitude.
  - Example proximal behaviors: attending court, attending treatment, honesty
  - Verbal admonishment again appropriate in addition to other medium level responses

# Progressive Sanctions, Distal Goals

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- As participants progress in phases, infractions are met with more serious consequences.
- Consequences should ramp up slowly in response to participant behavior
- Sanctions increase progressively for difficult goals (distal) such as prolonged abstinence, school enrollment or gaining employment.
  - Examples: verbal admonishment, increased supervision, letter writing

# Avoid Habituation

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- If your sanctions are not strong enough, you risk losing the attention of a respondent, who may subsequently be less likely to successfully complete the program
- Sanctions that are too harsh can lead to a “ceiling effect” where sanctions like jail lose efficacy in getting participant’s attention and commitment
- Intermediate, tailored, sanctions are most effective at keeping participants engaged and in coordination with treatment.

# Example Sanctions

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- Verbal reprimand
- More frequent court appearances
- Essay Writing
- Increased supervision
- Jury box
- Flash Incarceration
- Fines

# Example Incentives

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- Verbal praise
- Applause
- Fishbowl tickets
- Reduced court appearances
- Gift Certificates
- Household goods

# Culturally Relevant Incentives

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- Ceremony when participants complete phases
- Connect with traditional activities
- Feather earned for certain accomplishments

# Therapeutic Adjustment

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- Punish misbehavior but treat dysfunction
- Reassess and adjust participant treatment plan if they are compliant with program, but not progressing towards recovery.

# Phase Progression I

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- Participants progress based on defined accomplishments in each phase
- Progression is not based on time in program
- Have a plan in place for aftercare



# Phase Progression II

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- Infractions are treated more harshly and increase in magnitude as participants progress in phases and become more capable of accomplishing certain expectations.
- Incentives for achievements decrease as promoted behaviors are normalized
- Treatment may be reduced if relapse is determined to be unlikely by qualified medical personnel trained in addiction medicine
- Drug and alcohol testing should continue treatment and supervision are reduced in coordination with zero relapses

# Jail Sanctions

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- Jail is a last resort
- Flash Sentencing can be effective way to get participants attention
- Use jail sanctions sparingly
- Length of commitment should not be too long (commonly 1-6 days)
- Jail should not undo progress made
  - Tip: do not impose jail time when participant is scheduled to attend school or work

# Termination

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- Most severe consequence
  - Termination = participant failure and program failure
  - Appropriate if non compliance with treatment and supervision is habitual despite therapeutic adjustment
  - Participant sentence/disposition for originating offense
- Continued substance use alone is not a basis for termination
  - If participant is making an effort with supervision and treatment, then they should stay in program
- Sentencing should not be increased based on termination
  - Why? – participants should not be punished for trying
  - Negates perception of program fairness
  - Attorneys on team should have clear understanding of termination consequences and remember that the judges word is final.

# Graduation

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- Successful graduates
  - Based on your tribe's procedures, offense may be expunged from record
  - Reduced Sentence
  - No incarceration
- Graduation ceremony is a good opportunity to include culture in program
  - Connect participants with elders and other cultural leaders in the community
  - The most successful participants are great advocates for you program

# Online Training Resource

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- **Children and Family Futures**  
<https://www.cffutures.org/>
- **National Drug Court Institute**  
[www.ndci.org/training/online-trainings-webinars](http://www.ndci.org/training/online-trainings-webinars)
- **National Drug Court Resource Center**  
[www.ndcrc.org](http://www.ndcrc.org)
- **Center for Court Innovation**  
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# Questions?

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