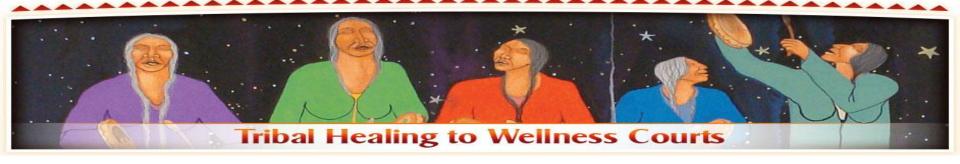


#### Disclaimer

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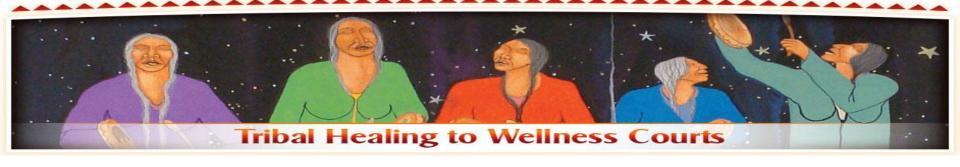


# Tribal Healing to Wellness Court Key Component VI:

#### **Incentives and Sanctions**







#### **Presenters**







Kris Pacheco – Tribal Wellness Court Specialist





### Behavioral Responses

- 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.

#### Clearly Explain Program to Participants

- 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

- 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

- 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

- •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

- •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

- •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**

- •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

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

## Example Incentives

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

## Culturally Relevant Incentives

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

### Therapeutic Adjustment

- 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

- •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

- •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

- 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

- 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 if final.

#### Graduation

- 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

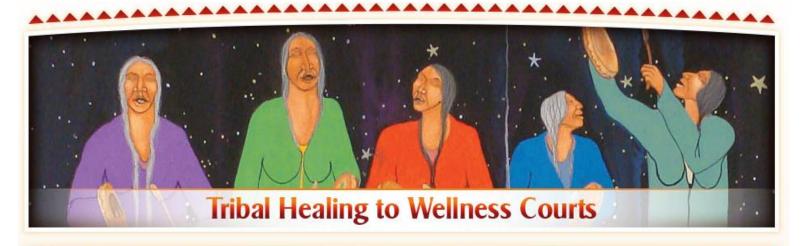
Children and Family Futures

https://www.cffutures.org/

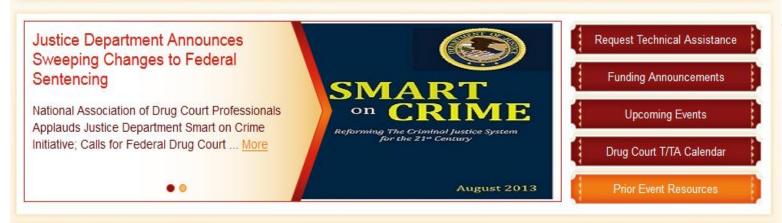
- National Drug Court Institute
  www.ndci.org/training/online-trainings-webinars
- National Drug Court Resource Center www.ndcrc.org
- Center for Court Innovation www.drugcourtonline.org
- NCSC and AU Translating Drug Court Research into Practice

www.research2practice.org

## WellnessCourts.org



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## Questions?

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