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**THE BACKGROUND**

- ✓ Based on scientific theories and research that date back to the beginning of the 20<sup>th</sup> 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 treatment courts, have led to researched-based principles for success

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**THE BASICS**

[ndci.org/resources](http://ndci.org/resources)

**ADULT DRUG COURT  
BEST PRACTICE STANDARDS**

Volume I

**NADCP**

**NDCI** Drug Court Practitioner  
**Fact Sheet**

**Behavior Modification 101 for  
Drug Courts: Making the Most  
of Incentives and Sanctions**

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RESPONSE CATEGORIES	
INCENTIVES	
Positive Reinforcement	Negative Reinforcement
SANCTIONS	
Punishment	Response Cost
THERAPEUTIC ADJUSTMENTS	
Initiate or Increase	Remove, Reduce, Replace

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**REWARDING BEHAVIOR**

**Positive Reinforcement**

- ✓ Verbal praise
- ✓ Applause
- ✓ Tokens
- ✓ Gift certificates
- ✓ Fishbowl drawing



**WAIVED**

**Negative Reinforcement**

- Later curfew
- Fees waived
- Reduced court appearances  
*(as part of phase advancement)*

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**PUNISHING BEHAVIOR**


**Punishment**

- ✓ Verbal reprimand
- ✓ Early curfew
- ✓ Community service
- ✓ Jury box
- ✓ Flash incarceration



**Response Cost**

- Paying fines (removing money)
- Losing points
- Return to more frequent court appearances
- Having an earlier curfew




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**TREATING BEHAVIOR**

<p><b>Enhancements</b></p> <ul style="list-style-type: none"> <li>✓ Re-assessment of clinical needs</li> <li>✓ Re-assessment of criminogenic needs</li> <li>✓ Trauma specific groups</li> <li>✓ Peer support</li> <li>✓ Move from intensive outpatient to residential treatment</li> </ul>	<p><b>Reductions</b></p> <ul style="list-style-type: none"> <li>▪ Move from intensive outpatient to outpatient</li> <li>▪ Fewer treatment groups</li> <li>▪ Decreased 1:1 clinical contacts</li> <li>▪ Increased focus on vocational, employment, and/or volunteerism</li> </ul>
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**ESSENTIAL ELEMENTS**



**Certainty**  
**Reliable detection**  
**Associated with behavior**  
**Immediacy**

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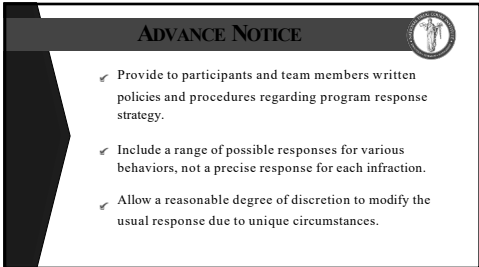
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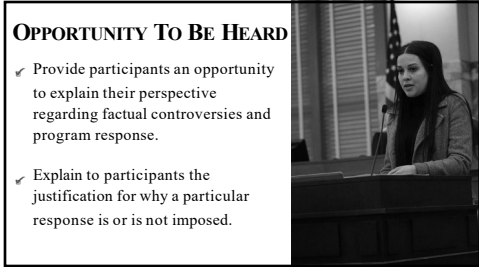
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**EQUIVALENT CONSEQUENCES** 

- ✓ Participants with similar risk and 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.

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**PROFESSIONAL Demeanor**

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



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**PROGRESSIVE SANCTIONS** 

- ✓ Treatment 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.

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### 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.



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### MAGNITUDE: STAYING CENTERED

Utilize Wide Array of Intermediate-Magnitude Sanctions



LOW      MODERATE      High

MAGNITUDE OF SANCTION

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### EXPECTATIONS



**PROXIMAL**

Attend  
Admit  
Attempt

**DISTAL**

Abstain  
Accept  
Adhere

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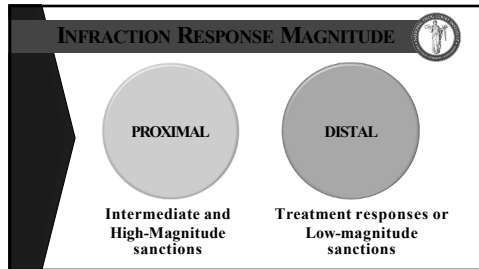
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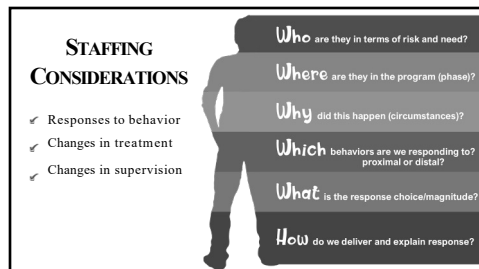
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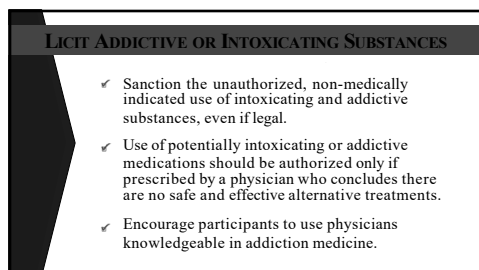
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**THERAPEUTIC ADJUSTMENTS**

- ✓ Recommended and delivered by treatment professionals.
- ✓ Judicial officers sanction participants who willfully fail to comply with treatment attendance and participation requirements.



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**THERAPEUTIC ADJUSTMENTS**

- ✓ For the individual with a substance use disorder or mental health issue, respond with adjustments to treatment requirements and sometimes with lower-magnitude sanctions in response to unauthorized substance use in the early phases of the program.
- ✓ Do not give augmented sentences or otherwise punish participants who must be discharged because adequate treatment is not available and accessible to them.



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**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.



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**INCENTIVIZING PRODUCTIVITY**

- ✓ Realistic and achievable
- ✓ Desirable to participant
- ✓ Tangible and intangible
- ✓ Opportunity for reward

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**INCENTIVES MAGNITUDE**



PROXIMAL Lower

DISTAL Higher

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**PHASE PROMOTION**

- ✓ Predicated on achievement of defined behavioral objectives.
- ✓ Sanctions for infraction or 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 only after all other requirements have decreased and team determines that those reductions have not triggered relapse.

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**TERMINATION FROM TREATMENT COURT** 

- ✓ 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 the program.

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**GRADUATION AND TERMINATION**

- ✓ 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 the program.
- ✓ Participants are informed in advance of the circumstances that may lead to their receiving an augmented sentence for failing to complete treatment court.
- ✓ Graduates avoid criminal record, avoid incarceration, or receive reduced sentence or disposition as an incentive for completion

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**Consequences for all participants' behaviors are predictable, fair, consistent, and administered following evidence-based principles of effective behavior modification.**



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 **NADCP**  
National Association of  
Drug Court Professionals

**QUESTIONS?**



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