Developing a Behavioral Response Plan: Beyond Incentives and Sanctions
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Learning Objectives

- To explain Risk Needs Responsivity and why it is important to understand when working with specialized docket participants to change behavior.
  - Comprehend the nature and extent of criminogenic needs and prognostic risks.
  - To identify why drug courts utilize a behavioral response plan.

- To illustrate specialized docket expectations for the high risk high need population in defining both proximal and distal goals.
  - Define and identify proximal goals.
  - Define and identify distal goals.
  - Define and identify the best responses to change behaviors so specialized dockets participants can reach both types of goals.
Learning Objectives

– To identify key components of a successful specialized docket behavioral responses.
  • To develop a plan that includes certainty, immediacy, and specificity.
  • To develop a plan with high, low, and moderate magnitude interventions.
  • Understand the importance of procedural fairness within their specialized docket and will be able to structure their behavioral response plan based on procedural fairness.
  • Given tools, resources, and references to develop a behavioral plan designed for the best outcomes.

Metamorphosis
RISK NEEDS RESPONSIVITY

- Risk: likelihood of repeating criminal behaviors
- Need: targeting what to change
- Responsivity: dosage and environmental factors

RISK

- Likelihood of repetition without changing course
- Level of difficulty in addressing issues behind behavior
- Determines level of response
Prognostic Risk Factors

• Younger age
• Male
• Early onset of substance use disorder
• Prior felony convictions
• Previous unsuccessful attempt at treatment
• Previous unsuccessful attempts at rehabilitation
• Antisocial personality disorder
• Antisocial peers and affiliations

Need Principle

• Identifying what is behind the behaviors
• Appropriate response to the identified issues
• Level of response
Need Principle

• Diagnosis of substance use disorder:
  – DSM V
  – Proper clinical diagnosis with a proper evidence based scientifically validate tool by someone with the required credentials for the tool.
  – Includes treatment plan

RESPONSIVITY NEEDS

• Dosage – how much of which intervention for both risk and needs.

• What other environmental factors need addressed:
  – Lack of safe housing
  – Functionally not literate
  – Lack of daily living skills
  – Lack of job skills
  – Co-occurring disorders
Determining Risk and Needs

- Objective
- Validated scientific evidence-based tools
- Individuation based on RNR
- Menu of appropriate responses available for different levels

Proximal and Distal Goals
Proximal and Distal Goals

Proximal Goals
- RIGHT NOW

Distal Goals
- LATER

• Case plan based on RNR
• Proximal and Distal goals included in the case and treatment plans
• Proximal set early on
• Determines magnitude of response for both incentives and sanctions.
Why have incentives and sanctions?

- Opportunity for success
- Increases treatment engagement and treatment completion
- More likely to successfully move through the stages of treatment with incentives and sanctions than not.

Most Effective Responses

- Certainty
- Immediacy
- Specificity
Certainty

• Trust but verify
• Reliable detection
• Valid information

Certainty

• Monitoring systems
• Drug Testing:
  – Frequency of testing – minimum of 2x a week
  – Observation of testing – protocol for observation
  – Scientifically valid testing process (chain of custody, testing protocols, etc)
• Off hour home checks evenings and weekends.
• Participants know up front the possible incentives and sanctions.
Immediacy

- The earlier the better
- Frequency of court hearings
- Supervision

Severity

- Least affective and the highest and lowest magnitude
- Most effective in the intermediate range
- Too weak – habituation
- Too harsh – ceiling effects
- Intensity increases with the number and seriousness
Magnitude

- Who are they? RNR
- Where are they in the program?
- Which behavior responding to?
- What is the response magnitude?
- How to deliver the response?
Proximal and Distal Goals

**Proximal Goals**
- **RIGHT NOW**
  - EXAMPLES
  - LOWER MAGNITUDE

**Distal Goals**
- **LATER**
  - EXAMPLES
  - HIGHER MAGNITUDE
Magnitude and Language

Definitions:
• Sanction:
  – Punishment
  – Response cost

• Incentive:
  – Positive reinforcement
  – Negative reinforcement

Pitfalls of Incentives and Sanctions

Incentives:  Sanctions
  – Complacency  – Avoidance
  – Entitlement  – Not behavior change
  – Reduces Intrinsic Motivation  – Risk of perceived unfairness
    – Learned helplessness
What does magnitude look like?

• Incentives:
  • Low: Verbal praise, applause
  • Moderate Incentive: Fishbowl (saves resources but effective)
  • High: Travel privileges out of county, outings (movies, sports, etc)

• Sanctions:
  • Low: verbal admonishment, apology letter (or recording)
  • Moderate: useful community service (clean police cars)
  • High: flash jail, home detention (24 hour curfew)

Procedural Fairness

• The messenger
• Notice
• Opportunity to be heard especially when jail as a sanction.
• Perceived unfairness
• Transparent Reasoning
  • Matching
  • Stages of change
  • Power of authentic praise
Prepared for Differences

- The same incentive or sanction may have a different affect.

- Know your community and it’s values.

- Know what will work with your participants. (ASK)

Therapeutic Response

Behavior to be targeted or non-responsive to treatment:

- Ask the treatment professional

- Adjustment in treatment not a sanction

- Treatment based activities not a sanction
Jail as a Sanction: Provided by NPC Research

• Habituation:

![Graph showing percent decrease in recidivism between courts that use differing amounts of jail sanction time.](https://www.free-power-point-templates.com)

• Cost:

![Graph showing percent cost savings based on typical length of a jail sanction.](https://www.free-power-point-templates.com)
Worksheet

- Tool provided
- Do your homework
- How to use the tool

No Need to Recreate the List!!!
No Need to Recreate the List!!!

• https://ndcrc.org/content/list-incentives-and-sanctions/

• https://jpo.wrlc.org/bitstream/handle/11204/3546/NADCP%20List%20of%20incentives%20and%20sanctions.pdf?sequence=1&isAllowed=y
Do your work first

Reminder: even though there is a list – do your work first…

Generic list

What works in your community

What resources do you have

How creative can you be

Ask your participants

Questions

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