

Incentives, Sanctions and Service Adjustments: Maximizing participant engagement and promoting lasting behavior change – Part 1

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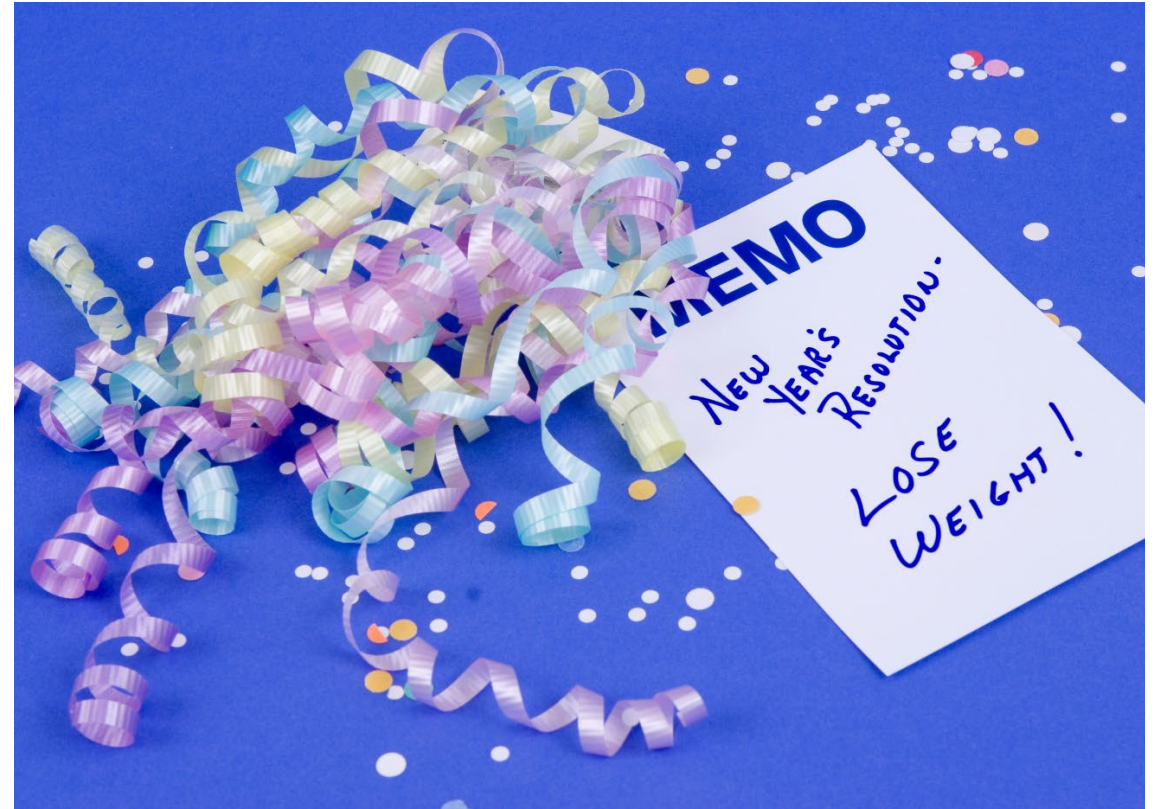
Shannon Carey, Ph.D.

Treatment Courts are about change

If you want change, you
must use tools that
promote **lasting change**



Change is **HARD**.



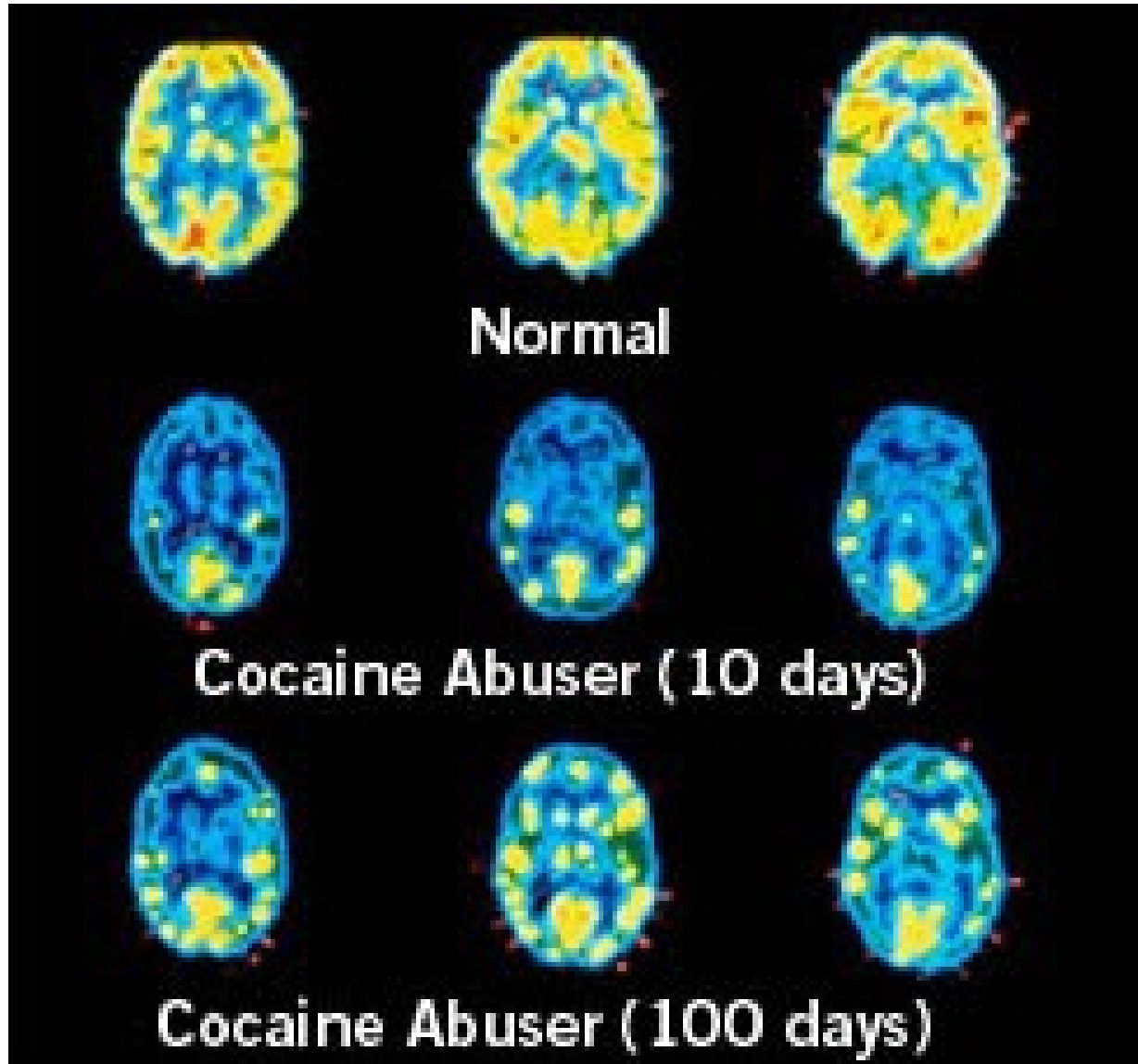
If you've ever found it hard to keep those New Year's resolutions...

Why is Change So Hard?

- It requires motivation, learning new skills, time, and ongoing effort
- When something doesn't feel good to do, we generally don't want to
- Setbacks are inevitable and discouraging
- It's hard work!



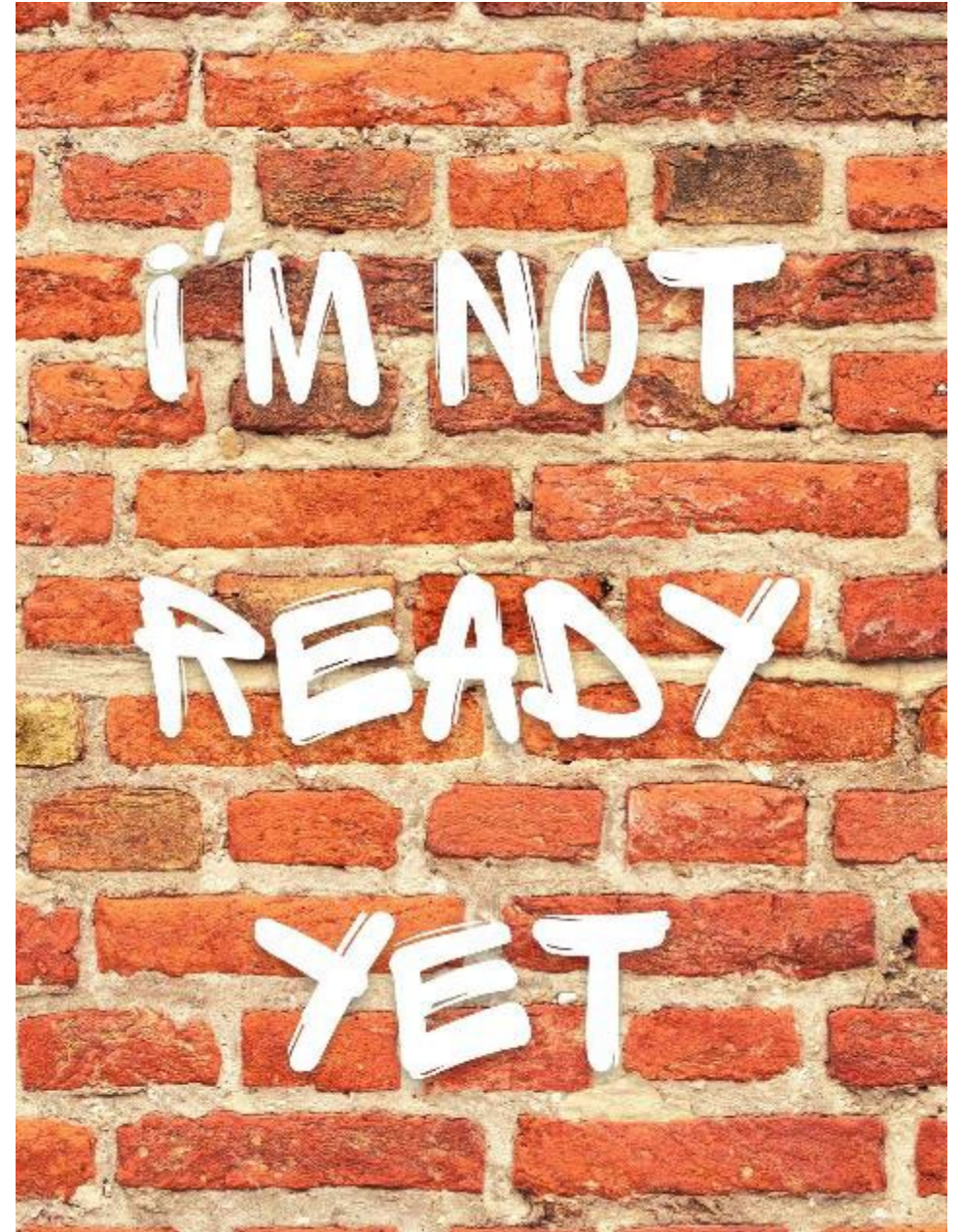
We Have A Tough Adversary



- Change is especially hard for HR/ HN individuals.
- Addicted brains take a long time to heal.
- Expect many stumbles and setbacks, especially in the beginning.
- How do we motivate long-term change?

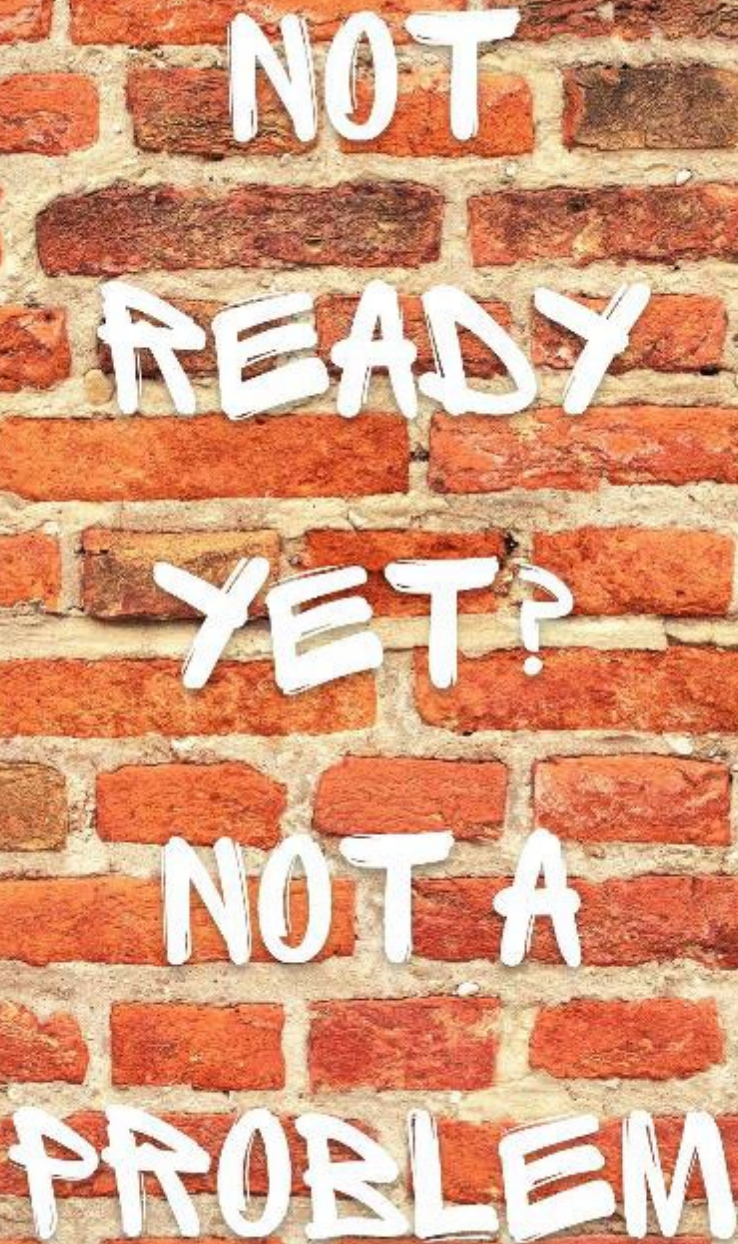
Common Initial Attitudes/Behaviors

- Denial, defiant
 - Lying
 - Suspicious
 - Manipulative
 - Antisocial
 - Not motivated
 - Positive drug tests
- Minimal effort
 - Withdrawn
 - Low self-esteem / no confidence
 - Poor attitude
 - Easily overwhelmed



It's Okay if They Aren't Ready Yet

- We excel at getting them there!
- How do do that?
 - Staff/client relationship!
 - Staff engagement, MI
 - Identifying and addressing barriers to success (responsivity)
 - Instilling HOPE
 - Correct use of our tools works: incentives, sanctions, monitoring responses, and therapeutic teaching responses.



NOT
READY
YET?
NOT A
PROBLEM

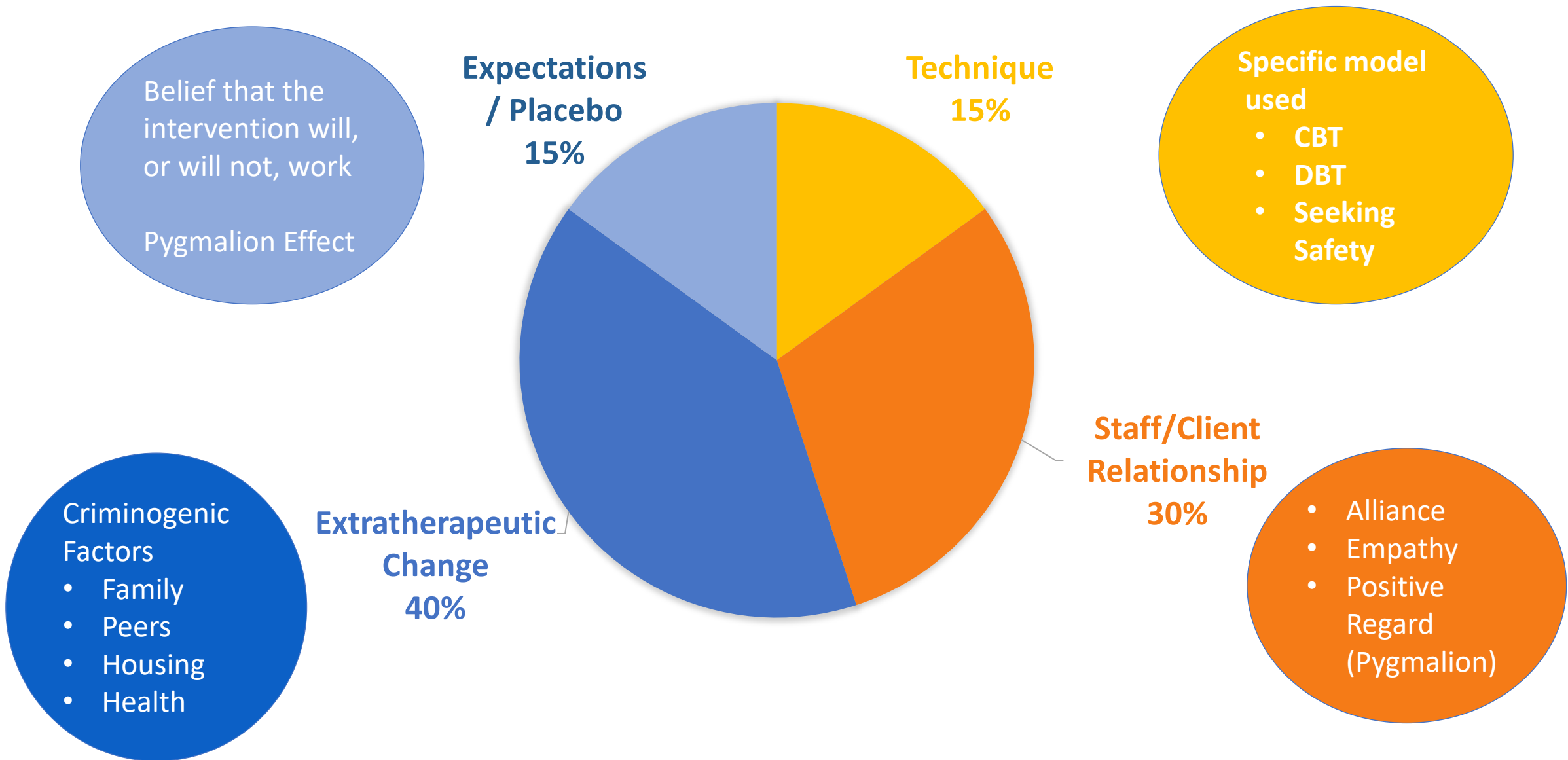
Our Goal

Attitudes/Behaviors

- Honest, open
- Prosocial
- Responsible
- Changed to positive people, places, things
- Motivated
- High self-esteem / confidence
- Healthy
- Capable
- Support network



So, what leads to behavior change?



Wenhua et al, 2020; Lambert & Barley, 2001; Rosenthal & Jacobsen, 1968

Engagement starts with human connection



“I’m so glad you’re here!”

HUMAN CONNECTION AND BELIEF -45% OF BEHAVIOR CHANGE

We are neurologically wired for connection

In brain imaging studies **Perceived Social Isolation** was associated with changes in connectivity between and within different portions of the brain associated with:

- Diminished **executive function**
- Decreased ability to **sustain attention** which impacts **working memory, executive control** and **maintaining task sets**
- Hypervigilance to **social threat** and diminished **impulse control**
- *Similar impacts as punishment*



Incentives, delivered correctly, build relationships and trust

WE NEED CONNECTION

“Loneliness kills. It’s as powerful as smoking or alcoholism.”

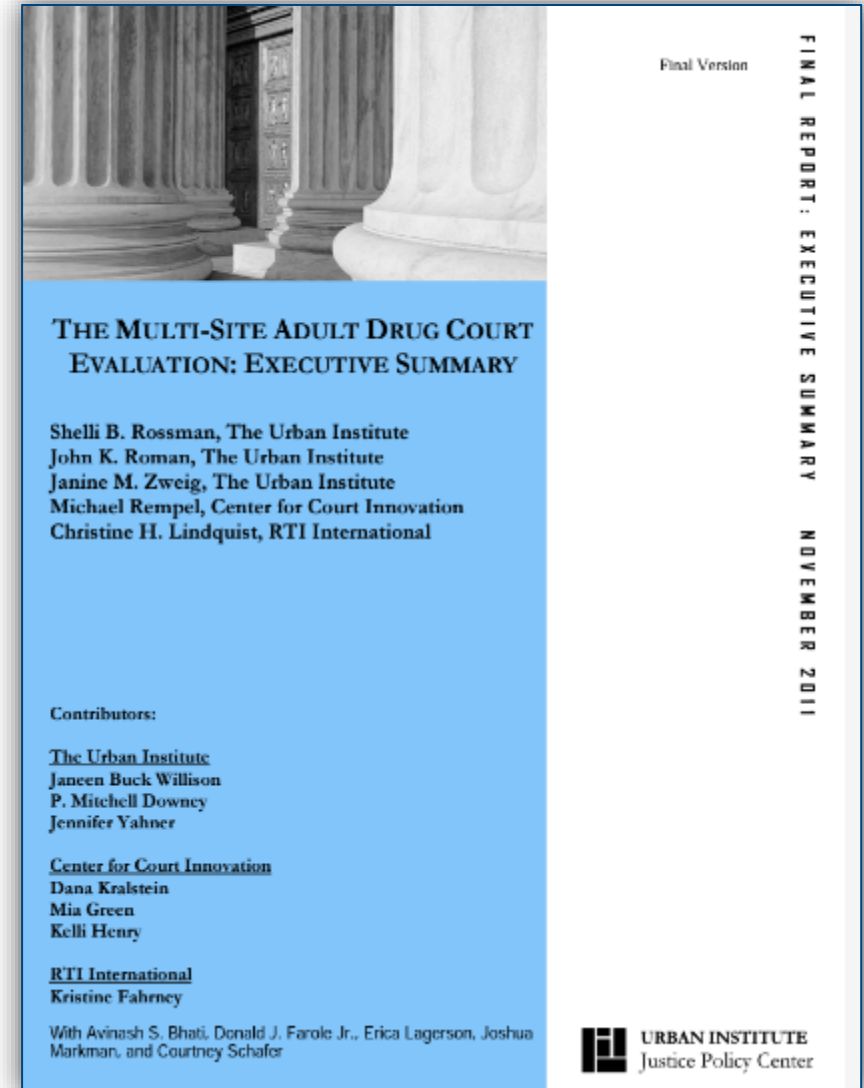
— Robert Waldinger (80 Year Harvard Study)



NATIONAL TREATMENT COURT STUDY (“MADCE”)

The relationship with the judge

- Positive attitudes towards judge = better outcomes (increased retention, higher graduation rates, lower recidivism)
- Judge with more positive demeanor = better outcomes
- Traditional sanctions (i.e., jail) were not associated with participant outcomes
- Higher levels of judicial supervision = fewer crimes & fewer days of drug use reported
- The relationship between the judge and participants matters for improving outcomes – be positive and find something you genuinely like about each participant!



Connection with the judge



*From the first
day in court*

Tone matters

No snarky comments

No shaming or attacking

Respectful, firm, clear, but not harmful

Recognize gender and culture

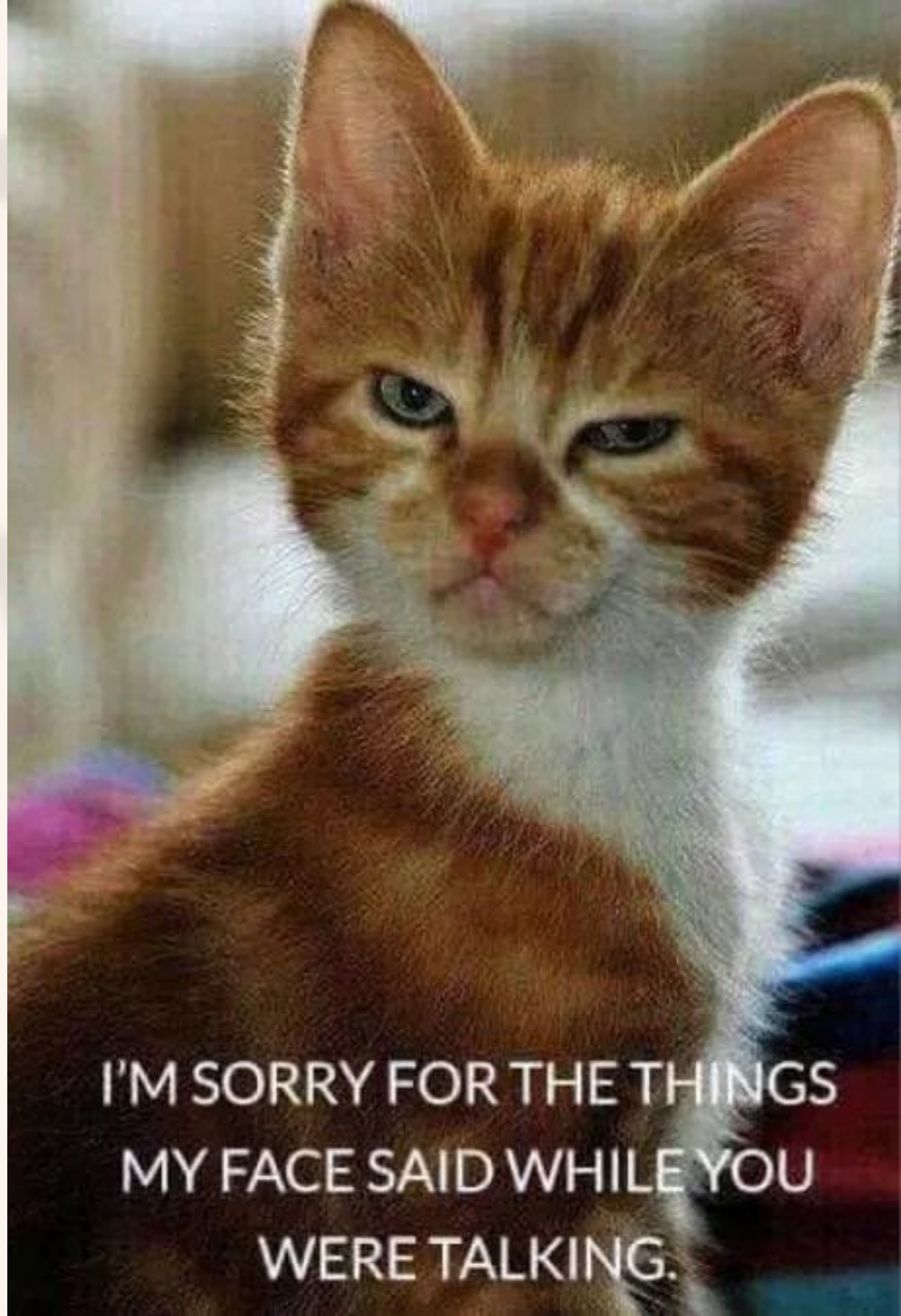
Your face matters

Watch for “leaking” body language

Listen for the positive

Watch your own patterns of thinking – including labelling.

“This person is a criminal” vs “This person is ill and is a human being.”



I'M SORRY FOR THE THINGS MY FACE SAID WHILE YOU WERE TALKING.

SETTING THE STAGE FOR EFFECTIVE CONNECTION



Establishing Trust,
Rapport and Safety

Fairness and Clear Communication

The Importance of Fairness

- Humans Need /Expect Fairness
- **Trust and commitment** increase when the process is perceived as fair
- If clients believe you are acting unfairly, or that the process is unfair, they will disengage
- Individuals with SUD, MH issues, or who are neurodivergent, require special attention as they are typically quick to perceive a situation as unfair
- Take the time to listen
- Take the time to explain



Fair doesn't mean the same.

Equality doesn't mean Justice



Equality



Justice


H



How deep
is the mud?
Depends on
who you ask.

We all go through the
same stuff differently.

H



My paws
are frozen!

Man, I wish
that was my
only problem!

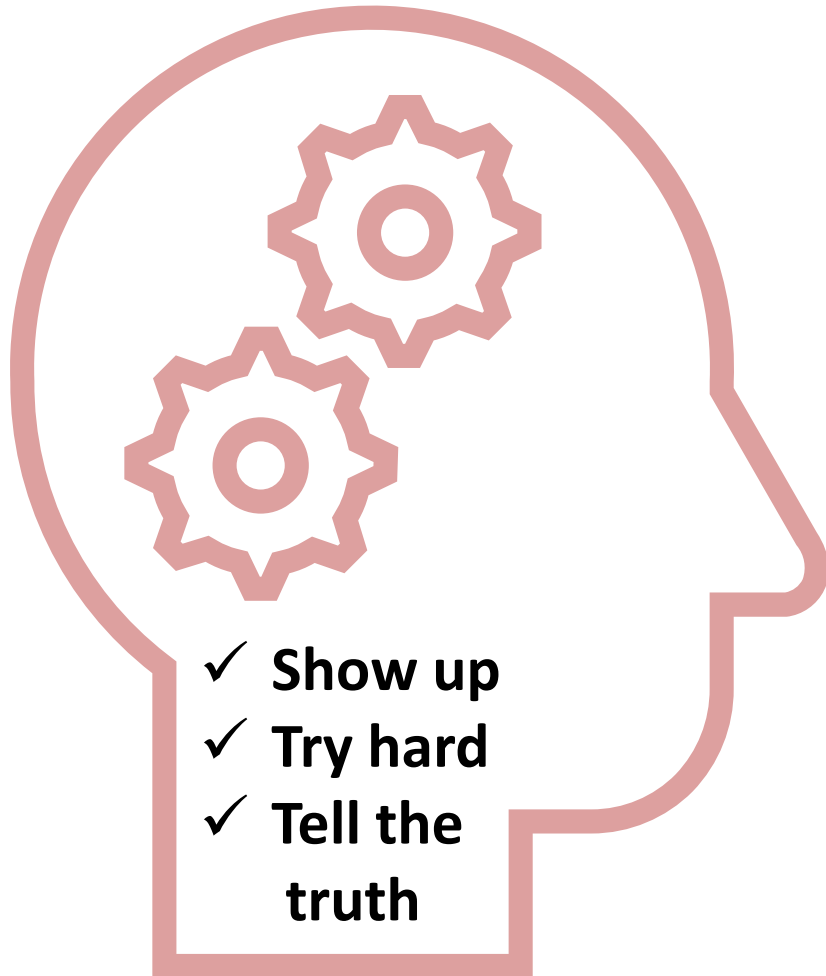
Basics of behavior modification:

- Certainty of detection – participants know their behavior is being monitored
- Immediacy of response – participant behavior is followed swiftly with a response
- Detection of desired behavior and reinforcing that is more important in the long run than detecting undesired behavior
- Teaching folks **WHAT** to do (rather than what **NOT** to do) is more important...and incentives work better than sanctions in changing behavior

Proximal? Distal? What the heck is that?

Proximal = Now/Near/Soon

Proximal \neq Easy



- What the individual participant is capable of, and has the tools available to do, TODAY
- Proximal at program start is **what we need them to do FIRST**
- **For most, EVERYTHING feels distal on Day 1**
- **Telling the truth** comes with trust, and they do not trust us right away
- What is PROXIMAL and DISTAL is **always changing**

Responses must be predictable and controllable

Do you like unpleasant
surprises and feeling like
you have no choice or
input?

Do you sometimes get
angry when you feel
unheard?

There are three types of responses (our three best tools):

- **Incentives**
- **Sanctions**
- **Help (comes in three forms)**
 - **Teaching help**
 - **Treatment help**
 - **Supervision help**

Help is not an incentive or a sanction

Teaching Help



LEARNING ASSIGNMENTS: Teaching tools should be used in response to inappropriate behavior— and also positive behaviors.

- Help participants understand their situation, identify their risk factors for symptoms or infractions, and develop better problem-solving skills.
- Learning should NEVER be framed as a punishment, but rather as an opportunity to improve.
- **FOCUS:** What do we want Participant to LEARN from this behavior and our response?

LEARNING ASSIGNMENTS

Enhancements

- ✓ Cognitive exercises
 - ✓ **Behavior Chain**
 - ✓ **Cost/Benefit Analysis**
 - ✓ **Role playing exercises**
- ✓ Homework chats
- ✓ Journaling, activity log
- ✓ Time management plan, budget
- ✓ Thinking Report
- ✓ Research paper, essay
- ✓ Volunteer projects (Client's choice)

Not sanctions! Help.



Treatment Help

➤ **THERAPY & CHANGE IN LOC:**

Recommended solely by licensed clinicians based on needs determined by validated standardized tools

- Clinicians reassess frequently and adjust plan

➤ **FOCUS: What does Participant NEED?**

- **When clients struggle, we respond to their CLINICAL needs– that's not a sanction, it's **HELP****



TREATMENT RESPONSES

Enhancements

Recommended by clinician based on assessment(s):

- ✓ Re-assessment of clinical needs
- ✓ Increased LOC, more contacts
- ✓ Additional groups (trauma, etc)
- ✓ MAT referral
- ✓ Peer support

Not sanctions! Help.

Reductions

- Move from intensive outpatient to outpatient
- Fewer treatment groups
- Decreased 1:1 clinical contacts
- Increased focus on vocational, employment, and/or volunteerism

Not incentives! Progress.

H

SUPERVISION



Supervision = Support

- Drug testing, contacts, field services, case management
- Not “Gotcha”
- Not just noticing when participants are struggling; but also noticing when they’re **SUCCESSING** and rewarding them
- Observation changes behavior (accountability) and motivates use of new skills

H

Monitoring = Support and Accountability

- You step in when your client is engaged in something risky, is learning a new skill, is trying something difficult or is struggling
- You step back when your client has demonstrated that skill so they can learn self-regulation, self-accountability and independence



SUPERVISION ADJUSTMENTS

Enhancements

- Re-assessment of criminogenic needs
- Increased contacts, home visits
- More/ different testing
- Technology
- Referrals to treatment and other services
- Curfew, GPS
- Travel restrictions

Not sanctions! Help.

Reductions

- Fewer contacts
- Fewer field visits
- Reductions or removal of curfew
- Decreased drug testing

Not incentives! Progress.

IMPORTANT: *You don't want clients to consider spending time with you as a punishment. Remember the importance of your relationship for engagement and HOPE!*



Sanctions

Accountability matters



It is important to detect and re-direct undesired behavior.



Sometimes, a therapeutic response is sufficient with a simple reinforcement from the Judge



There is great power in a simple expression of disapproval.

Sanctions*

- Judge/Team member disapproval
- Unpleasant community service (your choice, not theirs)
- Curfews
- House confinement
- Electronic monitoring
- Travel Restrictions
- Removal of privileges
- Jail

Remember how fragile they REALLY are.



Behavior does not change by
punishment alone-that is why our
jails are full

Speaking of jail....

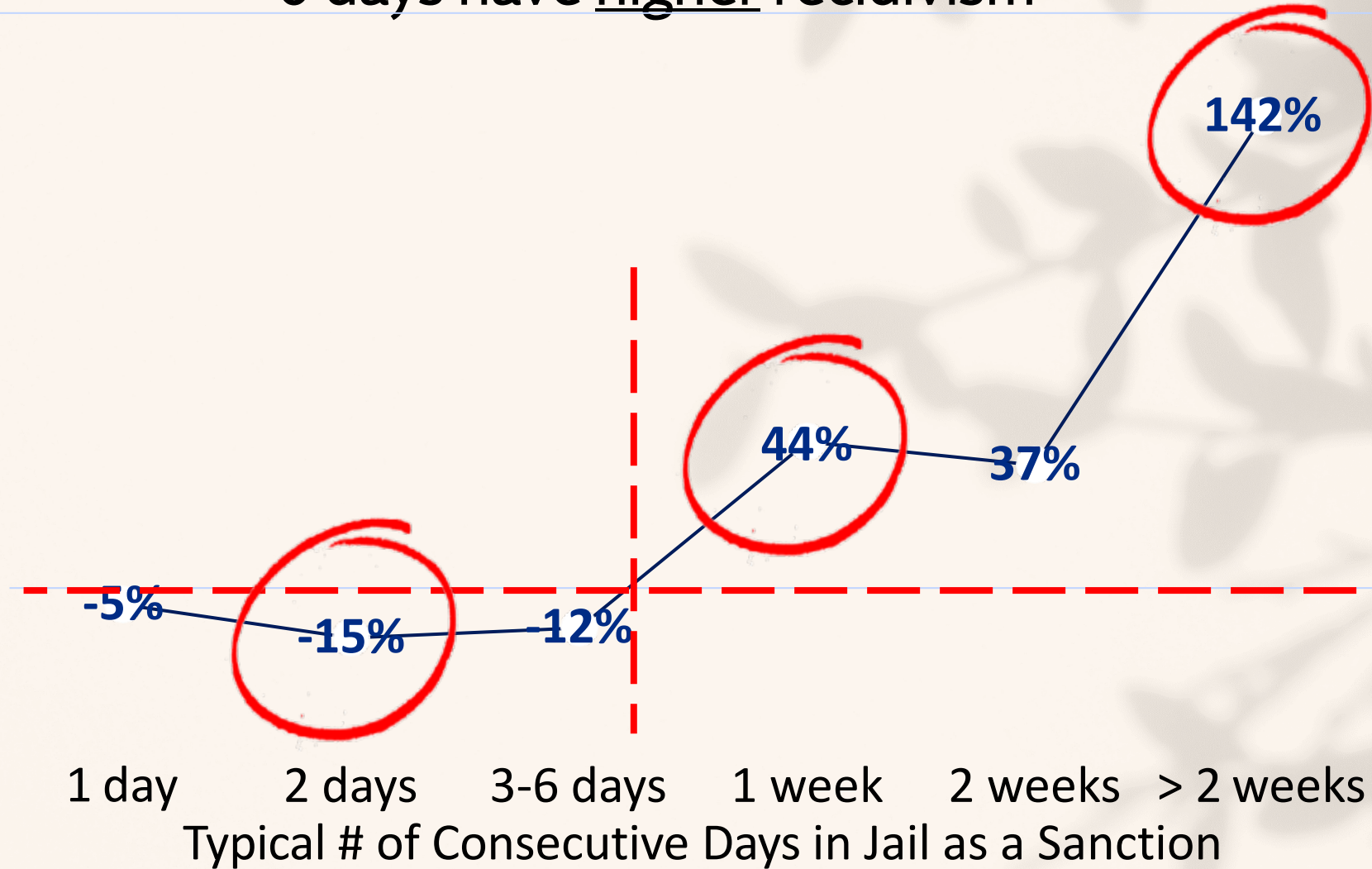


Why not Jail?

- ❑ Doesn't change behavior - Our participants are often habituated to punishment – or it creates more trauma
- ❑ Doesn't teach the right messages
 - ✓ Jail disrupts obligations/prosocial behavior (treatment, family, school)
 - ✓ Jail is filled with antisocial people, behaviors, ideas
 - ✓ Jail is not drug-free
 - ✓ Jail reinforces negative self-image (e.g., once a criminal always a criminal)
 - ✓ Jail creates learned helplessness (“I knew I couldn't do it”)

Courts that typically impose jail longer than 6 days have higher recidivism

% Increase in Recidivism



*Not the best public safety choice in the long run

Jail Considerations



Is the behavior dangerous to others? (Or impact the safety and integrity of the court?)

What behavior do you want to stop? What is the intended impact of jail?

What will the impact of jail be on others (employer, family, etc.)?

What behavior do you want the participant to do instead?

Are there other responses that might incentivize them to do the behavior you want them to do instead?

Incentives

- ✔ Incentives teach, reinforce new behavior
- ✔ Incentives have staying power beyond probation
 - ✔ Positive, validating, feel good, build confidence
- ✔ If you want to see a behavior repeated, reward it with an incentive.
- ✔ Incentives should far outnumber sanctions (10:1)



Praise & Approval

- Never underestimate the redemptive value of the relationship
- Praise is free, easy to administer, unlimited in supply and powerful
- Can be used **immediately**
- Must be **SPECIFIC**



Remember!

Our folks can get a PhD
in how to goof –they
need help learning what
to do “right”.

Catch them doing right,
then specifically point it
out, and say, “that’s it!
Do that again! Great
job!”

THIS changes behavior.



What Do We Reinforce?

Achieving Desired Behaviors:

- Showing up*
- Timeliness*
- Honesty*
- Neg UAs/ Blows*
- Complete classes (CBT, etc.)
- Treatment Progress
- Sobriety Milestones
- Helping Others (Clients, Community)
- Recovery Support Achievements
- Prosocial Achievements (job, GED, volunteer work)

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The power of incentives and praise



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Incentives and the Brain

Brain imaging studies show that when behavior is rewarded the reward center of the brain lights up and learning occurs.

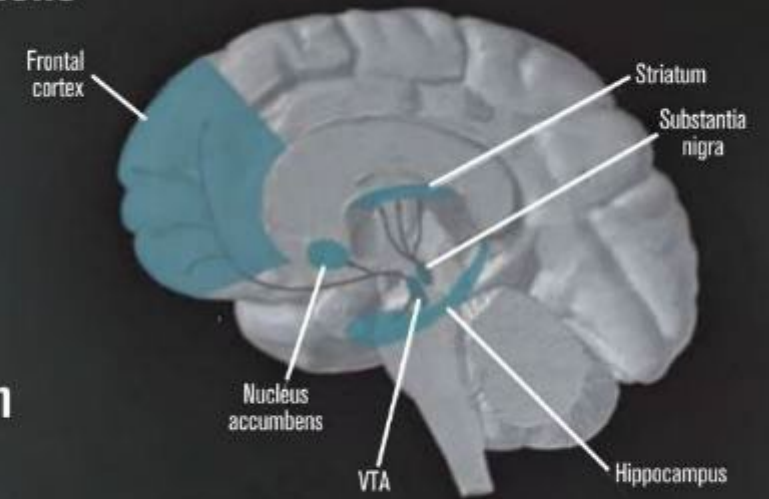
When the reward is clearly connected to specific behavior, learning occurs faster.

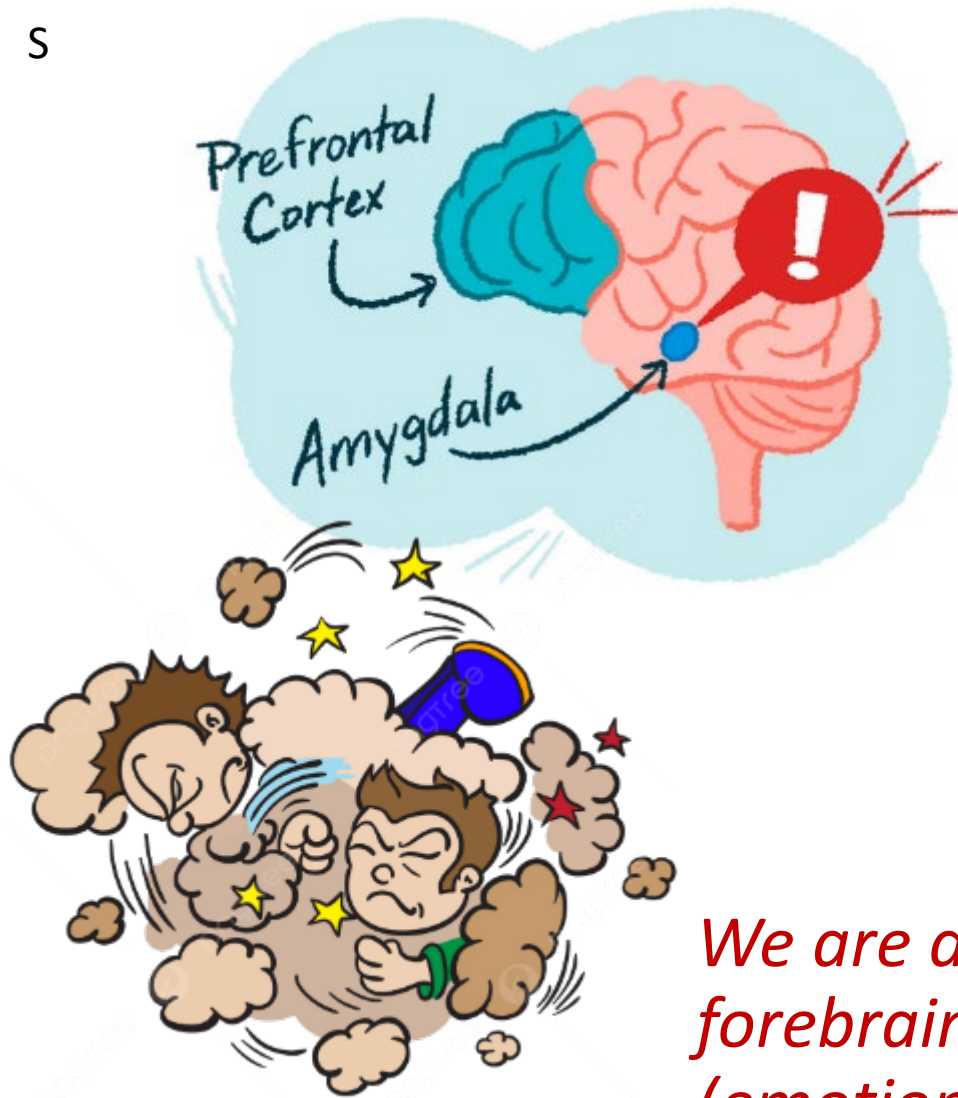
Dopamine is a neurotransmitter that makes you feel good.

- **Ventral Tegmental Area (VTA):** The VTA is a major source of dopamine. When a reward is given, the VTA releases dopamine in the brain, which impacts the amygdala
- **Amygdala:** Involved in emotional processing. (The 4 Fs). When something feels good it creates the association between rewards and positive emotions.
- **Prefrontal Cortex:** Processes the emotion and refines your understanding (happy, love...) sends a message to the hippocampus
- **Hippocampus:** Involved in memory formation and motivation – rewards can enhance memory encoding and formation. LEARNING!

Dopamine Functions

- Pleasure
- Reward
- Motivation
- Motor function
- Focus





Punishment and the Fight Between the PFC and the Amygdala

When we get sanctioned we experience stress, our amygdala lights up!

Then our PFC and amygdala are fighting to see who's in charge.

PFC - "Hang on man, let's think about this",

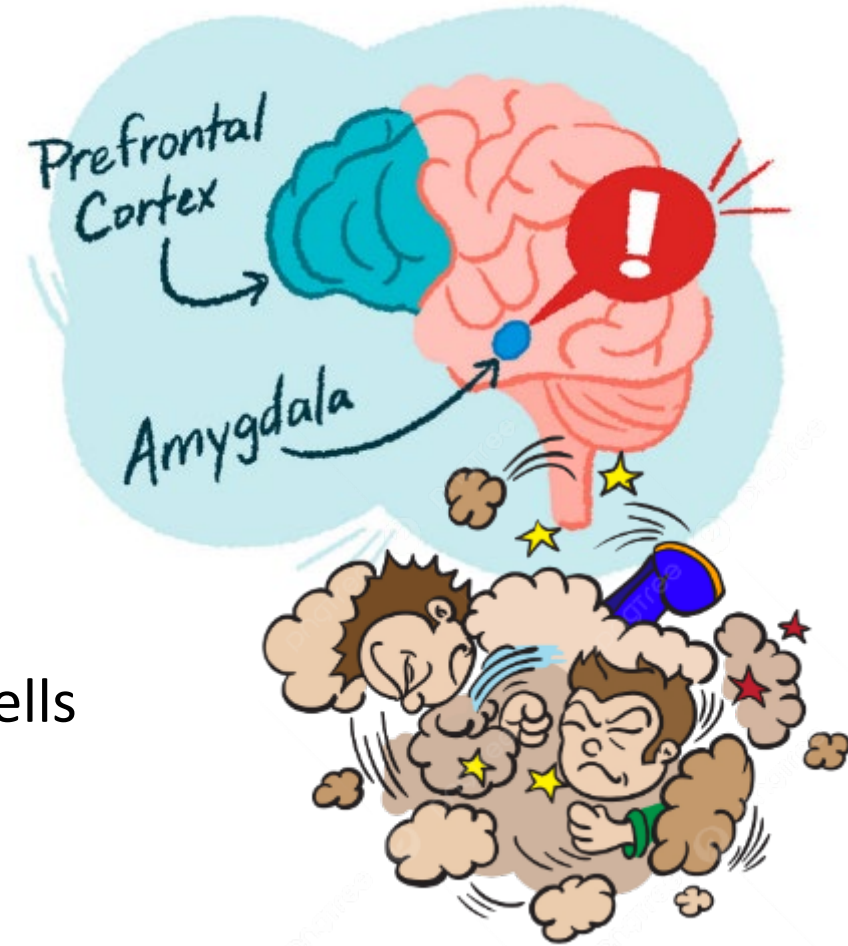
Amygdala - "Stand down, man! No time for complex decision-making – let's go!"

We are all biologically programmed to shift from the forebrain (PFC and complex reasoning) to our hindbrain (emotions and survival instincts) when we perceive danger.

You don't want reason getting in the way of survival.

Punishment and the Fight Between the PFC and the Amygdala (cont.)

- People with SUD (and also people with ADHD) have an abnormality in the connections between their amygdala and PFC. The amygdala basically ignores the PFC.
- Punishment triggers fear in the amygdala, the amygdala tells the PFC to stand down and let instincts take over which increases impulsively and erratic behavior.
- In cases of long term punishment, or prolonged trauma, the amygdala can then remain hypersensitive, and tells the PFC to just stay out of things as a general rule.
 - This leads to emotional volatility, hypervigilance, and increased impulsive behavior

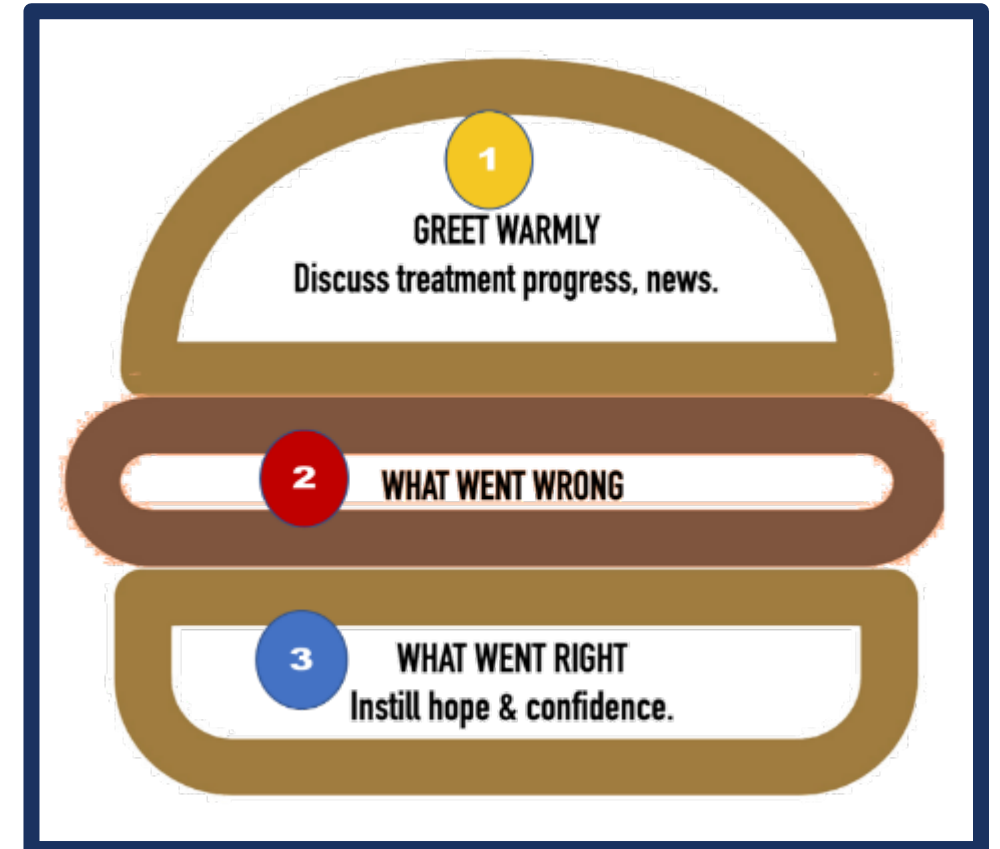




- Rewards can help build positive relationships, strengthening connections
 - When someone rewards you, it implies they have positive thoughts about you (positive regard) which increases wanting to spend time with them and to please them (to get more rewards).
- Rewards activate the parts of your brain that are key for learning! Participants need to learn new behaviors to replace the old.
- Rewards get people to focus on the desired behavior. You want the participant to be thinking about what you want them to do, not just what you don't want them to do.
- Rewards can help people feel a sense of accomplishment, resulting in a belief in themselves and that they can actually do this.
- *Researcher David Best: Change in identity results in long term change. You want people to believe they are a good person who can therefore do good things.*

Can Someone Recieve Both an Incentive and a Sanction? **Yes!**

- We never miss an opportunity to reinforce positive behavior – even if other things went wrong.
- We will carefully explain WHAT behaviors we are responding to.
 - Specifically, WHAT, WHY & HOW
- What do we want the participant to learn? Is our response the best way to teach it?



We avoid confusion by being SPECIFIC and helping clients see how change helps THEM achieve THEIR goals!

We are about changing behavior

Some behaviors are and experiences are deeply engrained in our participants. It will take time, and trust, and repeated skill building to address these issues.

Sanctions do NOT change behavior. Incentives do. Teaching and supporting develops the skills for sustaining the behavior changes.

When it is necessary to impose a sanction, you MUST also point out a positive behavior and provide an incentive as well

EVERY member of the team should give incentives and detect behaviors for responses.

Immediacy is essential. Specificity is essential.

The Judge must reinforce and convey the messages.

End on a Positive Note

- Ending on a negative does NOT motivate change – it stifles change
- Positive messages motivate change
- Highlight their efforts, progress– despite any current setbacks
- Talk about what they did right this week
- Individuals should leave you thinking about the positive steps they will take next
- Have them tell you what concrete positive steps they will take next
- Remember the placebo effect – tell them you believe in them and know they can do it



VIRTUAL TRAININGS AVAILABLE FOR YOUR TEAM!

Through funding from a grant from the Bureau of Justice Administration (BJA), the Supreme Court of Ohio is offering online training, coaching, or technical assistance over Zoom from NPC Research through September 2026.



SCHEDULING

NPC will work to meet your scheduling needs and availability. You can make a request using this link (**link available in the chat**)

<https://survey.alchemer.com/s3/8814014/Ohio-Training-Requests>

Questions?

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