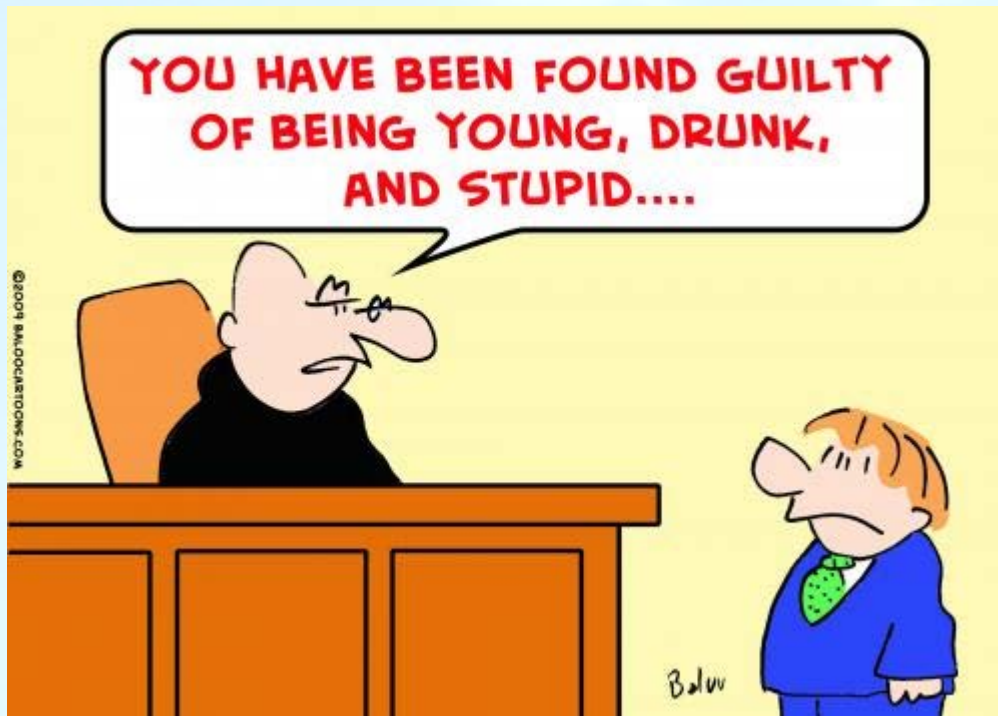


The Practical Application Of The Science Of Behavior Change

Part 2 Court



What Happens when Information Doesn't Get Shared at Staffing?

Judge Davis: Shawana Part 1

What do you do when your team doesn't give you the information you need?

Best practices on the fly...

- A. Delay until next court session
- B. Delay and call team to bench/chambers to discuss
- C. Decide on the fly - Go with the standard: 24 hours jail
- D. Decide on the fly - Acknowledge mistake and encourage to work on compliance

She missed a UA, should you still give an incentive for her successes?

For completing treatment and getting a job?

- A. No incentive, she missed a UA
- B. Praise (no tangible incentive)
- C. Praise plus certificate or other tangible incentive for each accomplishment

Background (Facts vs “Story”)

- “Shawana” scored as high risk on standardized risk assessment.
- She meets the clinical criteria for moderate to severe substance use disorder.
- “Shawana” suffers from depression and PTSD.
- At 27, she has been in and out of the criminal justice system her entire adult life.
- She has been to prison and returned to the community, only to return to the same issues of substance use and criminality.

Background

- “Shawana” has never before been able to stay consistently involved in treatment.
- She has never held a full time job.
- “Shawana” just returned to the community after successfully completing ninety days residential treatment.
- She just started working full time at the local dry cleaners.
- She has three children who are now living with her (since she returned from treatment).
- She has been compliant with all other conditions of the court and treatment since returning home.

Judge Davis: Shawana Part 2

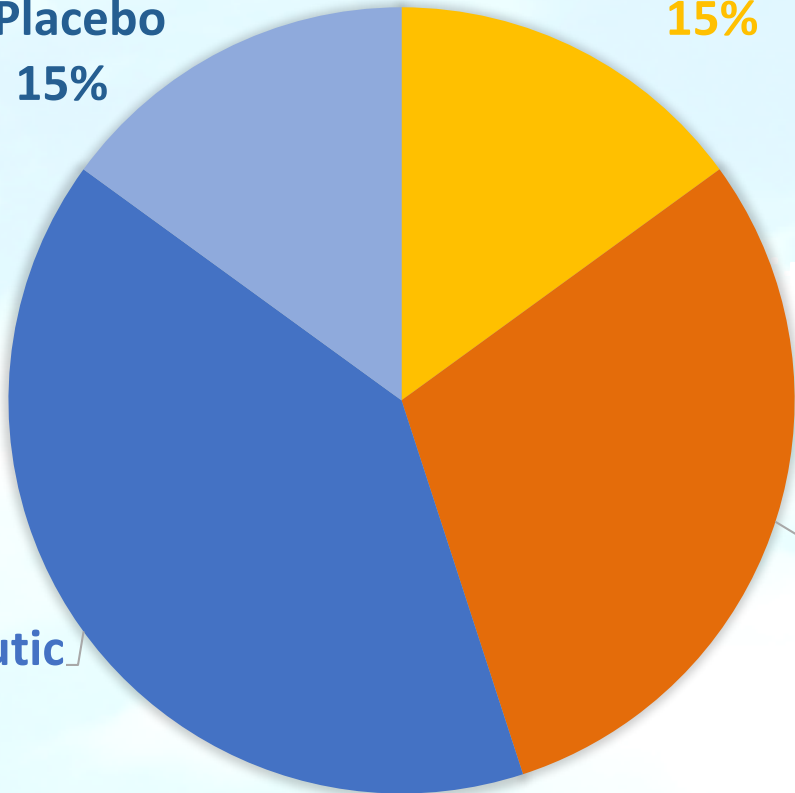
What leads to behavior change?

Belief that the intervention will (or will not) work

Expectations / Placebo
15%

Technique
15%

- Specific model used**
- CBT
 - DBT
 - Seeking Safety



Extratherapeutic Change
40%

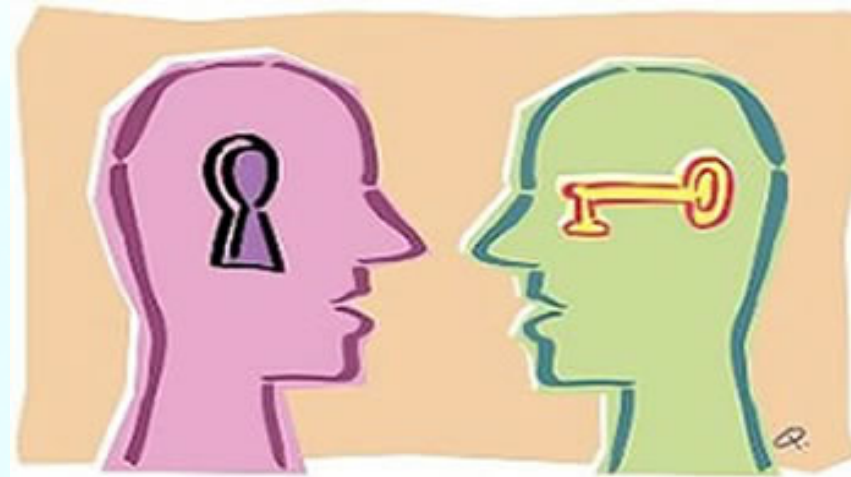
Staff/Client Relationship
30%

- Criminogenic Factors**
- Family
 - Peers
 - SU
 - Housing

- Alliance
- Empathy
- Positive Regard

SETTING THE STAGE FOR EFFECTIVE COMMUNICATION

**Establishing Trust,
Rapport and Safety**



Develop Rapport

(Putting clients at ease increases their ability to listen to you and understand the message)

- **“Never forget how scary you look.”**
- **Bad experiences with authority figures, esp.**
 - **Judges, DA’s, Law enforcement, even Probation**
 - **We have the power to send them to jail**
- **Work on connection and demonstrating respect, understanding and positive regard**



Judge Greenlick: Developing Rapport

The Fundamentals of MI

IT'S ALL IN THE DELIVERY

"Its not just what we
say, it's HOW we say it."



Tone matters

- No “Judge Judy”
- No snarky comments
- No shaming or attacking
- Respectful, firm, clear, but not harmful



Your face matters

- Watch for “leaking” body language
- Listen for the positive
- Watch your own patterns of thinking – including labelling

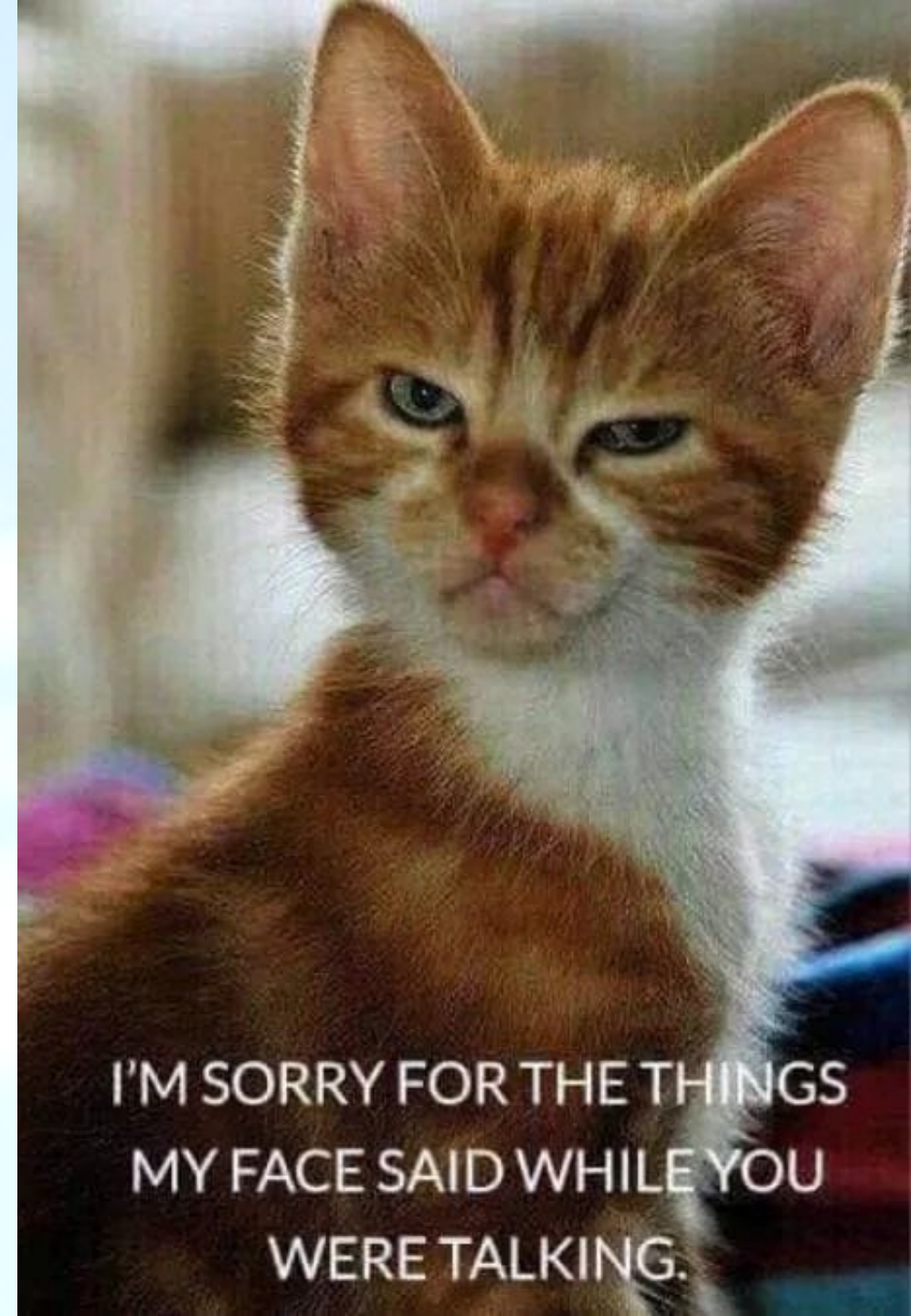
Consider your garden –

If you want a plant destroyed, call it a weed.

If you want a plant to be tended, call it a flower.

“Druggie, dopehead, perp, offender”

HUMAN



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

Things that shouldn't have to be said

State v. Lemke, 434 P. 3d 551 (Wash. Court of Appeals, 1st Div. 2018) **No judge wielding the power of the State in any courtroom has any good reason to call a litigant a "fucking addict" and "just a criminal."** The judge's manifestation of personal animosity toward Lemke is not something we can write off as a byproduct of the informal and confrontational culture of drug court. A "fair trial in a fair tribunal is a basic requirement of due process." *In re Murchison*, 349 U.S. 133, 136, 75 S.Ct. 623, 99 L.Ed. 942 (1955). The sentence must be reversed.

Deliver Responses With Care

- **Be patient and explain**
- **Be consistent**
 - When clients are treated differently, explain **WHY**
- **Model respect**
 - Speak respectfully, and expect respect in return
 - No blindsides
 - Listen, give opportunity to explain, even when clients are difficult



Be patient, explain and ensure the participant understands your language

<https://youtu.be/lcPXk6NPoRY>



Judge Greenlick: Now it's my turn



Welcome to the Psychiatric Hotline:
If you are obsessive-compulsive,

please press 1 repeatedly.
If you are co-dependent, please ask someone to press 2.
If you have multiple personalities, please press 3, 4, 5 and 6.
If you are schizophrenic, listen carefully and a little voice will tell you which number to press.
If you are manic-depressive, it doesn't matter which number you press. No one will answer.

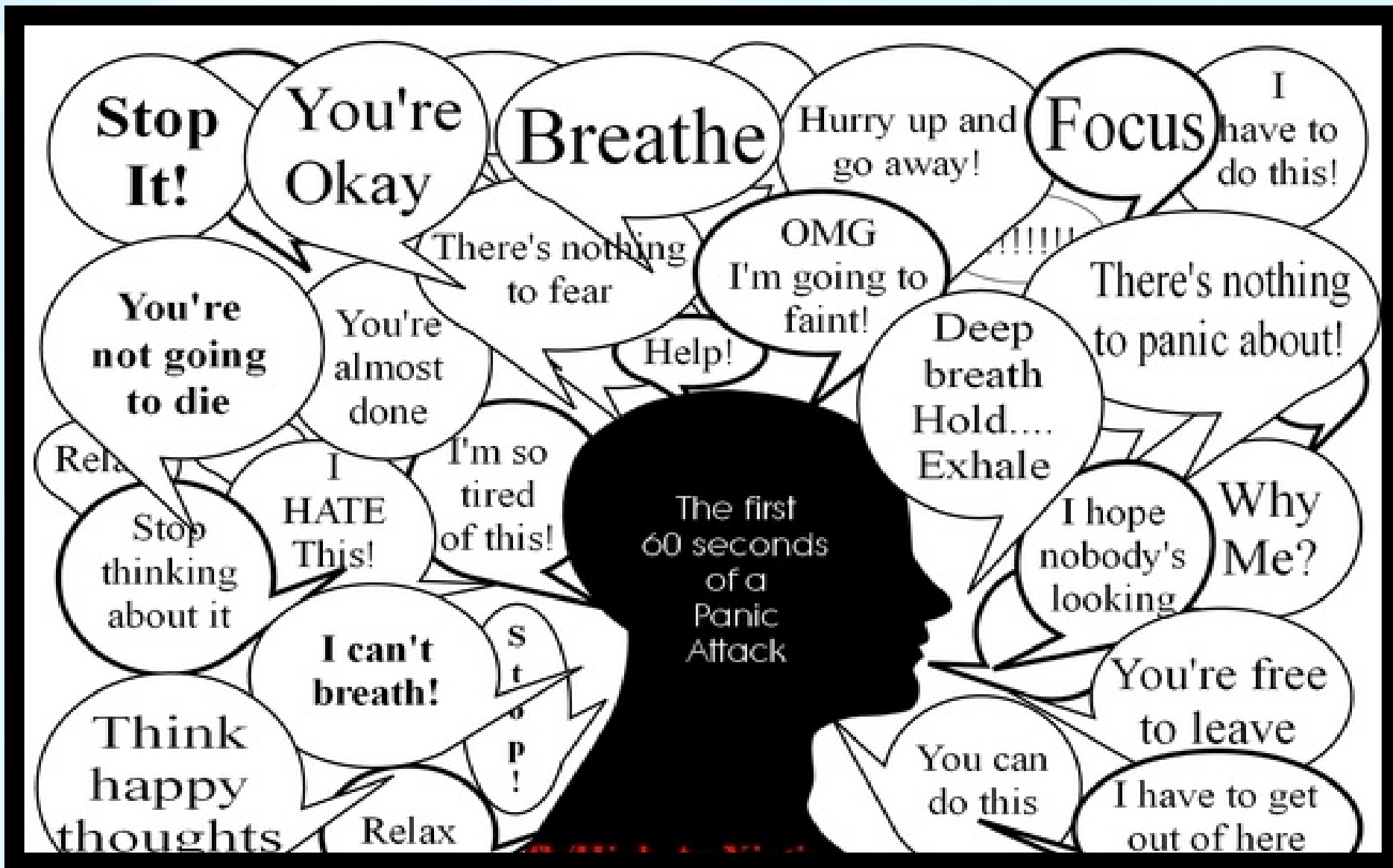
If you are paranoid, we know who you are and what you want. Just stay on the line so we can trace the call.

UNDERSTAND TRAUMA

- **Almost all our clients (veterans and non-veterans, combat or no-combat) have experienced significant trauma– but some may not realize it.**
- **Traumatized individuals process information differently**
- **Face significant hurdles and may need “more”.**
- **Screen at Orientation and design a treatment plan that meets individual needs.**



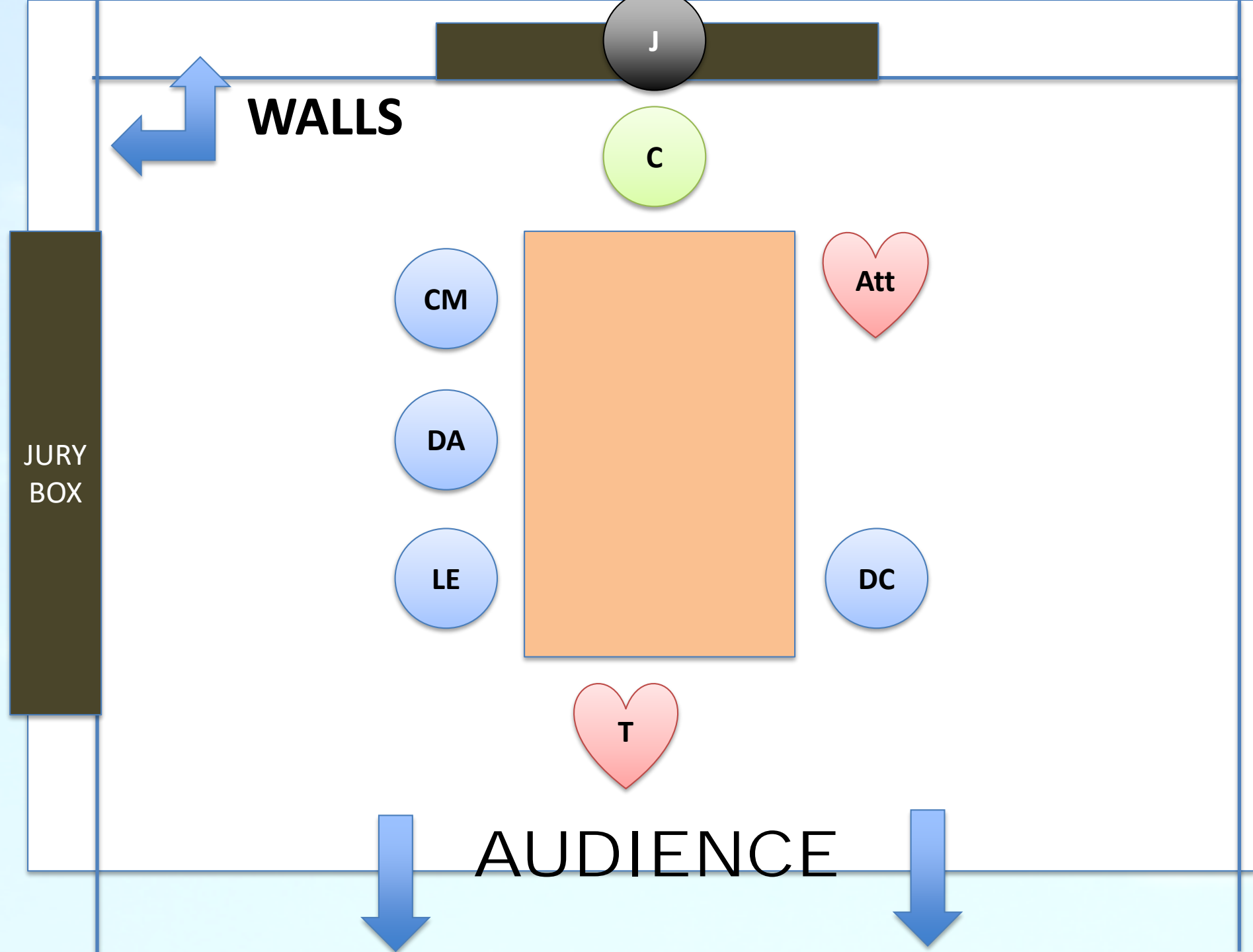
Trauma Impedes Communication



PUTTING PARTICIPANTS AT EASE

- **One Solution: Re-orient the courtroom.**
- **When clients feel safe, they will open up.**
- **Caveat: This will extend your Court Review!**







Do Due Process



(Procedural Fairness)

- **Allow participants to explain**
- **Explain judge/team decision**
- **Be respectful (and expect respect)**
- **Have written incentive/sanction guidelines for team and list for participant**
- **Allow reasonable discretion**

Skill Steps to Effective Responses

A Magic Formula for Meaningful Conversations:

- Identify behavior to be reinforced/ punished.
- Immediately tell person **WHAT** behavior you liked/ disliked.
- Tell the person **WHY** you liked/ disliked it.
- Discuss short and long term costs/ benefits of the behavior? **(Effect on her goals?)**
- Pair the approval* / disapproval with an incentive / sanction.



**YOUR FEEDBACK
MATTERS**

WHY WE DO IT

This method helps clients internalize:

- “I’m not just doing this to get off probation.”
- There are more intrinsic reasons for this change: boss, spouse, teacher, etc.

We must change the internal tape from:

**“I need to be on time to treatment
so I don’t get in trouble” to:**

“I NEED TO LEARN SO I CAN GET BETTER.”

Sanction Script

- It was not appropriate that you fell asleep in treatment because it's disrespectful and you missed important information that could help you succeed.
- Right now, how do you think this behavior has or could hurt you?
- Can you see where continuing the behavior might cause any problems for you down the road?
- Let's discuss what you could've done instead, and how that would've looked (thoughts/ behavior).
- I'm going to give you a 8:00 p.m. curfew for 5 days. I recommend an early bedtime so this doesn't happen again.”

Greenlick: Kratom Defense Vid

A Word About Fairness

- **Behavior Modification Principle: Humans Need /Expect Fairness**
- **Commitment** increases when the process is perceived as fair.
 - If not, clients disengage.
- **Young clients and those with MH issues require special attention**
- **Take the time to explain.**



Fair doesn't mean the same.



Equality



Justice

**How deep
is the mud?**

**Depends on
who you ask.**

**We all go through the
same stuff differently.**

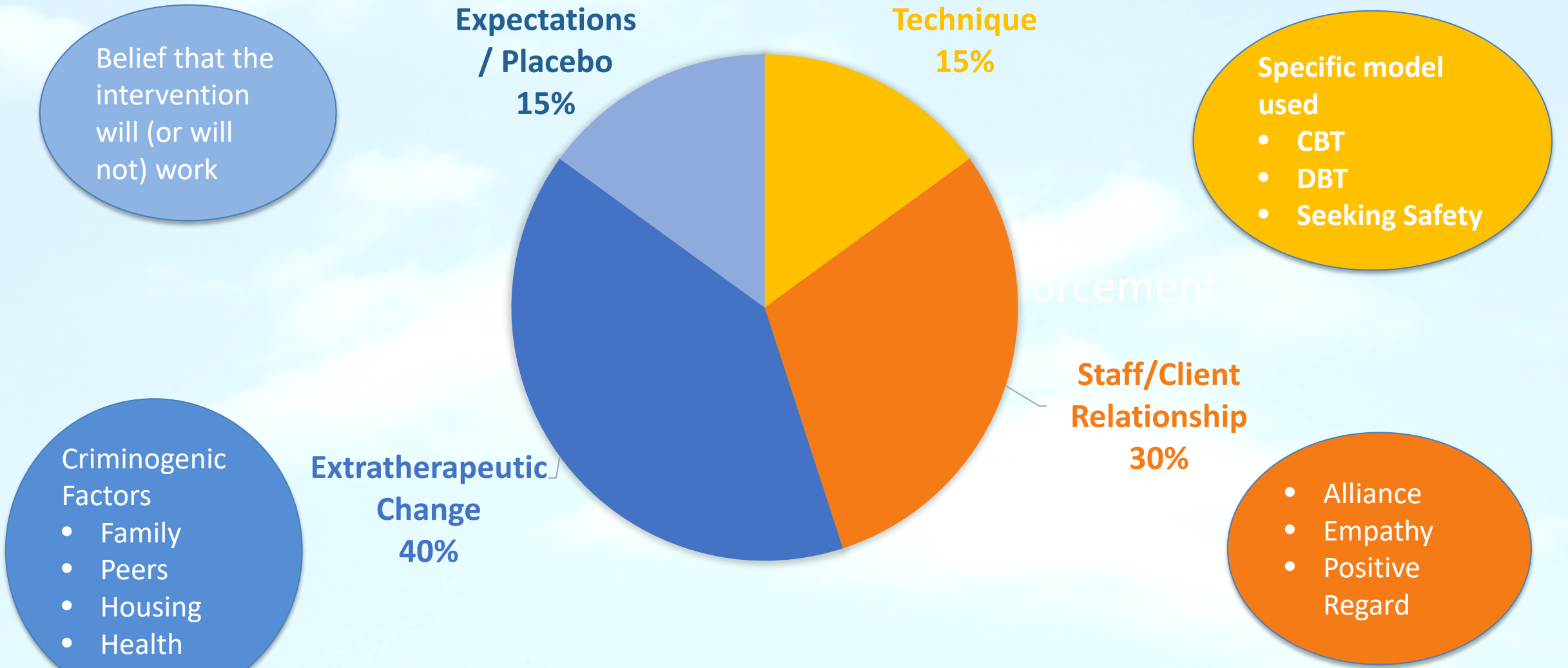


My paws
are frozen!

Man, I wish
that was my
only problem!

Finlay: Wayne Everybody's Different Video

What leads to behavior change?



Capitalizing on Hope at Court Review

- **Seeing is believing: New clients need to see it all.**
- **Take later phases first so new clients will see and hear of the other client's successes every week.**
- **Take incentives first– unless a “teachable moment.”**
- **Utilize mentors or your alumni group.**
- **Generously use incentives until “natural” reinforcers kick in.**





Judge Papack: Hope from team



Review (Final Quiz)

What is the purpose of Sanctions?

What is the purpose of Incentives?

What else do you need?

- **Therapeutic responses**
- **Supervision/Monitoring**

Questions, Training, TA?

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