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CREATIVE INCENTIVES AND SANCTIONS

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THE BOTTOM LINE

Consequences for participants' behavior are predictable, fair, consistent, and administered in accordance with evidence -based principles of effective behavior modification.

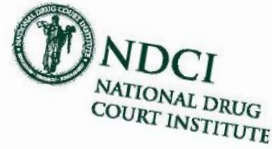


THE BACKGROUND

- ✓ Based on scientific theories and research that date back to the beginning of the 20th 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



THE BASICS



Drug Court Practitioner **Fact Sheet**

September, 2012

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

By Douglas B. Marlowe, JD, PhD
Chief of Science, Policy & Law, National Association of Drug Court Professionals

Drug Courts improve outcomes for drug-abusing offenders by combining evidence-based substance abuse treatment with strict behavioral accountability. Participants are carefully monitored for substance use and related behaviors and receive escalating incentives for accomplishments and sanctions for infractions. The nearly unanimous perception of both participants and staff members is that the positive effects of Drug Courts are largely attributable to the application of these behavioral contingencies (Lindquist, Krebs, & Lattimore, 2006; Goldkamp, White, & Robinson, 2002; Farole & Cissner, 2007; Harrell & Roman, 2001).

Scientific research over several decades reveals the most effective ways to administer behavior modification programs. Drug Courts that learn these lessons of science reap benefits several times over through better outcomes and greater cost-effectiveness (Rossman & Zweig, 2012). Those that follow nonscientific beliefs or fall back on old habits are not very effective and waste precious resources. Every Drug Court team should stay abreast of the research on effective behavior modification and periodically review court policies and procedures to ensure they are consistent with science-based practices.

The Carrot and the Stick

Some criminal justice professionals may resist the notion of rewarding offenders for doing what they are already legally required to do. These professionals may believe that treatment should be its own reward or that avoiding a criminal charge should be incentive enough. Other professionals may feel ambivalent about administering

punishment to their clients. They may view their role as providing treatment and rehabilitation, not policing misconduct.

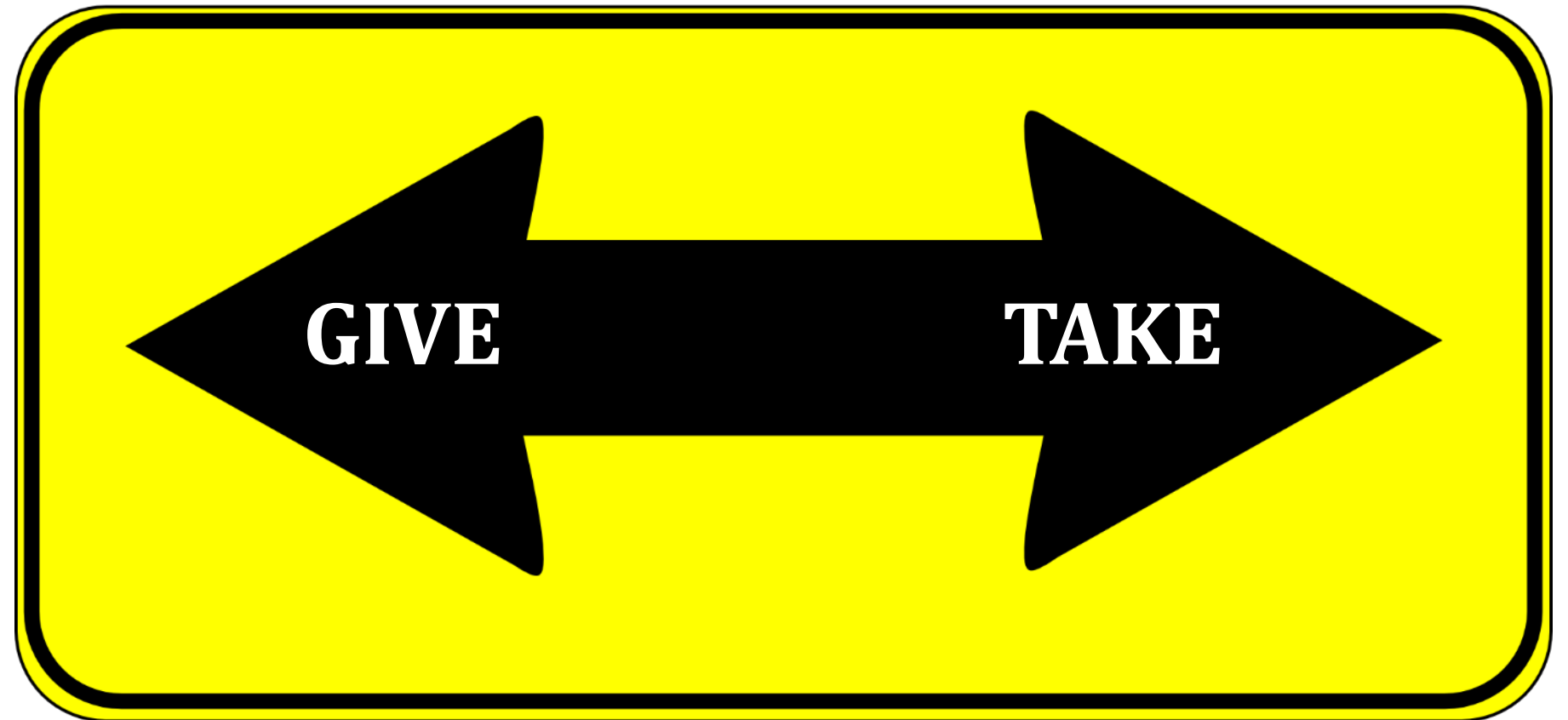
Such sentiments can lead some Drug Court teams to rely too heavily on either incentives or sanctions rather than providing a proper balance of each. Rewards and sanctions serve different, but complementary, functions. Rewards are used to increase desirable behaviors, such as going to work



THE RESPONSE CATEGORIES



TWO WAYS TO REWARD, PUNISH, OR TREAT



INCENTIVES

Positive reinforcement

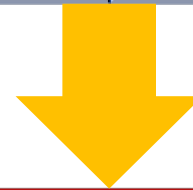
Negative reinforcement



SANCTIONS

Punishment

Response cost



THERAPEUTIC ADJUSTMENTS

Enhancements

Reductions



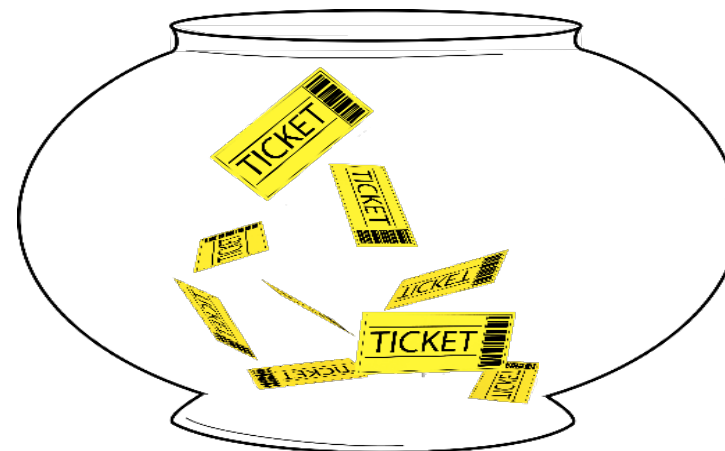
REWARDING BEHAVIOR

Positive Reinforcement

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

Negative Reinforcement

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



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.



TANGIBLE REWARDS

- ✓ Most important for reinforcement-starved participants
- ✓ Point systems
- ✓ Symbolic rewards

Reward Chart

Monday						
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

www.RewardCharts4Kids.com



REWARDING BEHAVIOR



INCENTIVES MAGNITUDE

PROXIMAL

DISTAL

Lower

Higher



LOW MAGNITUDE REWARDS

- ✓ Verbal praise
 - For all routine behaviors
 - From all team members
- ✓ Small tangible rewards
 - For adherence to routine (e.g., full week attendance)
 - Pro-social (e.g., day planners, calendars, alarm clocks, bus tokens, bookmarks, phone cards, healthy snacks, toiletries, clean underwear, coffee mugs)
 - Pro-sobriety (e.g., serenity stones, “Live Strong” bracelets, T-shirts with inspirational messages, coffee mugs with logo, refrigerator magnets with crisis numbers)



LOW MAGNITUDE REWARDS

- Recognition in court
 - Early milestone (e.g., 30 days abstinence)
 - Round of applause, handshake from judge, and/or certificate
- Symbolic rewards
 - Clinically significant milestone (e.g., 90 days abstinence; completion of basic treatment curriculum)
 - Sobriety chips, tokens or key chains; paperback edition of Big Book or comparable literature
- Posted accomplishments
 - Individualized achievements
 - E.g., posted artwork, essays, poems, diplomas, graduation pictures



LOW MAGNITUDE REWARDS

- Written commendations
 - “To whom it may concern”
 - Letter of attainment from judge; or report card from case manager or probation officer



MODERATE MAGNITUDE REWARDS

- Reduced supervision
 - Avoid over-reliance for high-need participants
 - Not treatment conditions!
- Reduced community restrictions
 - E.g., extended curfew or relaxed area restrictions
- Enhanced milieu status
 - On-site peer mentors; or lead group discussions
- Moderate tangible rewards (fishbowl)
 - Initiate productive or healthful activities
 - Introductory spa or gym membership, cosmetic session, movie passes, haircuts, bowling or skating passes



MODERATE MAGNITUDE REWARDS

- Self-Improvement services
 - Life preparation for those getting ready to move on
 - Resume writing; dress for success; prevocational classes; GED; meal preparation
- Supervised social gatherings
 - Supervised by program staff
 - Picnics, sober dances, recovery games, family day, picture day



HIGH MAGNITUDE REWARDS

- Supervised day trips
 - Off-site
 - Movie outings, bowling trips, sporting events
- Travel privileges
 - Begin with phone-in conditions
- Substantial tangible rewards
 - Commemorative “Big Book”; sports or concert tickets; spa memberships; yoga or Tai Chi classes; celebrity autographs; donated educational scholarships
 - “Point Systems”



HIGH MAGNITUDE REWARDS

- Ambassadorships
 - Preparatory classes
 - How to tell your story
- Commencement
 - Robes, Pomp & Circumstance, pictures with the judge and arresting officer, celebrity speeches, framed diplomas, media coverage
- Legal incentives
 - Dismissal of charges; reduced sentence; consolidation of probationary terms; record expungement



Behavior Modification

- **Classical Conditioning = Stimulus leads to a behavior**
- **Operant Conditioning = Behavior is followed by reinforcement or punishment = increase or decrease in that behavior**

Contingency Management

**A treatment approach
utilizing a structured
combination of incentives,
sanctions, and
therapeutic adjustments
to influence participant
behavior.**

**CONTINGENCY
MANAGEMENT
AND
ADDICTION**

Rewards

**Positive and Negative
Reinforcement for AOD
Use**

**Why don't negative
consequences
(punishment &
response costs)
prevent or interrupt
addiction?**

4 Reasons CM Doesn't Work

- 1. Not enough time**
- 2. Severity of addiction**
- 3. Mental Illness**
- 4. Ineffective or Poorly Executed Strategy**

Disorders Matter



SUD Considerations

 **Control**

 **Choice**

 **Consequence**

When It Doesn't Work

1) Enhanced treatment:

- **MAT**
- **Trauma services**

2) Mental health assessment

3) Rely more heavily on incentives

4) Consider program deficiencies

5) Re-think your CM strategy

Responses

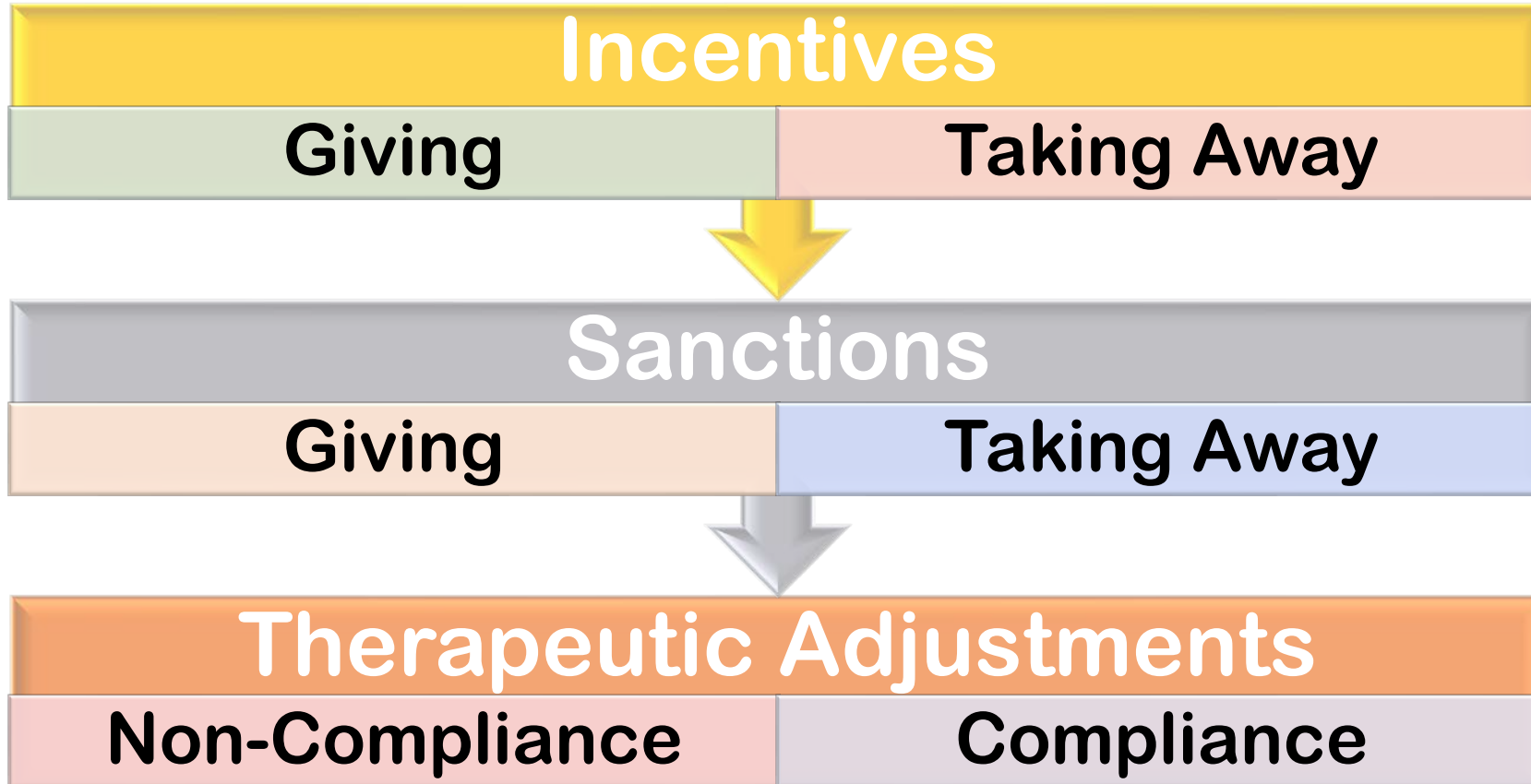
Responses

Matter

**Behavior Does Not
Change by
Punishment Alone**

**Behavior Does Not
Change by Rewards
Alone**

Response Categories



Incentives

Incentives

Matter

About Incentives

1. Any desirable behavior
2. Realistically achievable
3. Valuable, but not extravagant
4. Tangible and intangible
5. Opportunity for reward



Sanctions

Sanctions
Matter

10 Reasons Sanctions Don't Work

1. When painful, injurious or shaming
2. When participant has “little or nothing to lose” (*maximize incentives*)
3. When used in the absence of incentives
4. When not associated with the targeted behavior
5. When not undesirable enough

Jail Time Versus Alternative Sanctions

- **6.7% preferred 12 months jail to halfway house**
- **12.4% preferred 12 months jail to probation**
- **24% preferred 12 months jail to day fines**
- **Those with poorer community connections more likely to prefer jail to alternative sanctions**

Use
Jail
Sparingly

10 Reasons Sanctions Don't Work

- 6. When not imposed immediately**
- 7. When not delivered reliably**
- 8. When misbehavior is not reliably detected and responded**
- 9. When seen as unfair or unfairly imposed**
- 10. When delivered in a harsh or punishing manner**

INCENTIVIZING PRODUCTIVITY

