



YOU ARE DONE TALKING TERMINATION

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OBJECTIVES

Understanding the Best Practice Standards approach to Program Termination

Look at programmatic and participant issues which lead to termination



TERMINATIONS

- ✓ 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 program





IT'S A PROCESS

Is it a systemic failure?

Or

Participant Failure?



Let's See



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- Non-Compliance
- Program Response

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- Behavior Change (+/-)
- Program Response

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- Safety and Integrity
- Program Response



THE STANDARD

Adult Drug Court Best
Practice Standards Volume I:

*Incentives, Sanctions, and
Therapeutic Adjustments*

Judge
RUSSELL

www.allrise.org

THE STANDARD

- ✓ Advance Notice
- ✓ Opportunity to be Heard
- ✓ Equivalent Consequences
- ✓ Professional Demeanor
- ✓ Progressive Sanctions
- ✓ Licit Addictive or Intoxicating Substances
- ✓ Therapeutic Adjustments
- ✓ Incentivizing Productivity
- ✓ Phase Promotion
- ✓ Jail Sanctions
- ✓ Termination
- ✓ Consequences of Graduation & Termination



ADVANCE NOTICE

- ✓ Provide to participants and team members written policies and procedures regarding program response strategy
- ✓ Include range of possible responses for various behaviors, not precise response for each infraction
- ✓ Allow reasonable degree of discretion to modify usual response due to unique circumstances

What program information was provided to the participant at program entry regarding outcomes for non-compliance and failures?



OPPORTUNITY TO BE HEARD

- ✓ Provide participants opportunity to explain their perspective regarding factual controversies and program response
- ✓ Explain to participants the justification for why a particular response is or is not imposed

Has there been an opportunity for the participant to share the circumstances from their perspective?



EQUIVALENT CONSEQUENCES

- ✓ Participants with similar risk/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

Does the participant have a perception that fairness exist within the program?



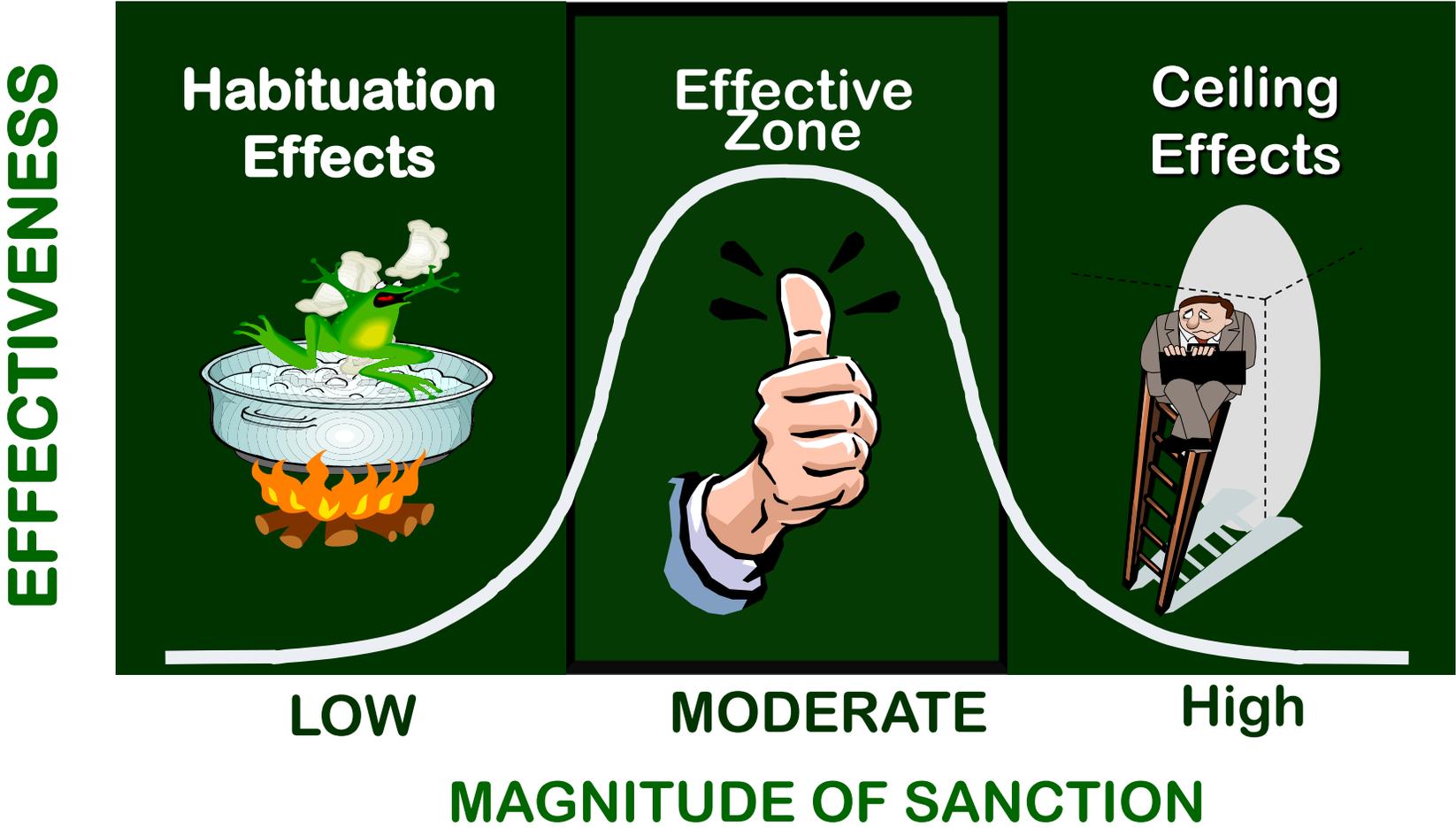
PROGRESSIVE SANCTIONS

- ✓ Drug 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



MAGNITUDE: STAYING CENTERED

Utilize Wide Array of Intermediate Magnitude Sanctions



EXPECTATIONS

PROXIMAL

Attend
Admit
Attempt

DISTAL

Abstain
Accept
Adhere



INFRACTION RESPONSE MAGNITUDE

PROXIMAL

**Intermediate &
High Magnitude
Sanctions**

DISTAL

**Treatment
Responses or Low
Magnitude Sanctions**



RESPONDING TO PARTICIPANT BEHAVIOR USING RISK/NEED ANALYSIS

Considerations in Responding to Participant Behavior

- 1) WHO are they in terms of risk and need?
- 2) WHERE are they in the program (i.e., what phase)?
- 3) WHICH behaviors are we responding to (i.e., are they proximal or distal)?
- 4) WHAT is the response choice magnitude?
- 5) HOW to deliver and explain the response?



THERAPEUTIC ADJUSTMENTS

- ✓ Recommended and delivered by treatment professionals
- ✓ For the drug addicted individual, respond with adjustments to treatment requirements and sometimes with lower magnitude sanctions in response to unauthorized drug use in the early phases of program
- ✓ Sanction participants who willfully fail to comply with treatment attendance and participation requirements
- ✓ Do not give augmented sentences, or otherwise punish participants who have to be discharged because adequate treatment is not available and accessible to them





UNDERSTANDING OUR CLIENTS

High Risk
High Needs





SCREENING

UNDERSTANDING OUR CLIENTS

History

Failure

Mistrust

Jail is Easy

Adversarial Role with Courts



MEET CLIENT WHERE THEY ARE AT

Understand Where the Client is Coming From

- ✓ Housing
- ✓ Criminal History
- ✓ Treatment History
- ✓ Peers/Relationships
- ✓ Employment History
- ✓ Accomplishments/Success



ALL
RISE



KNOW THE DIFFERENCE

SCREENING

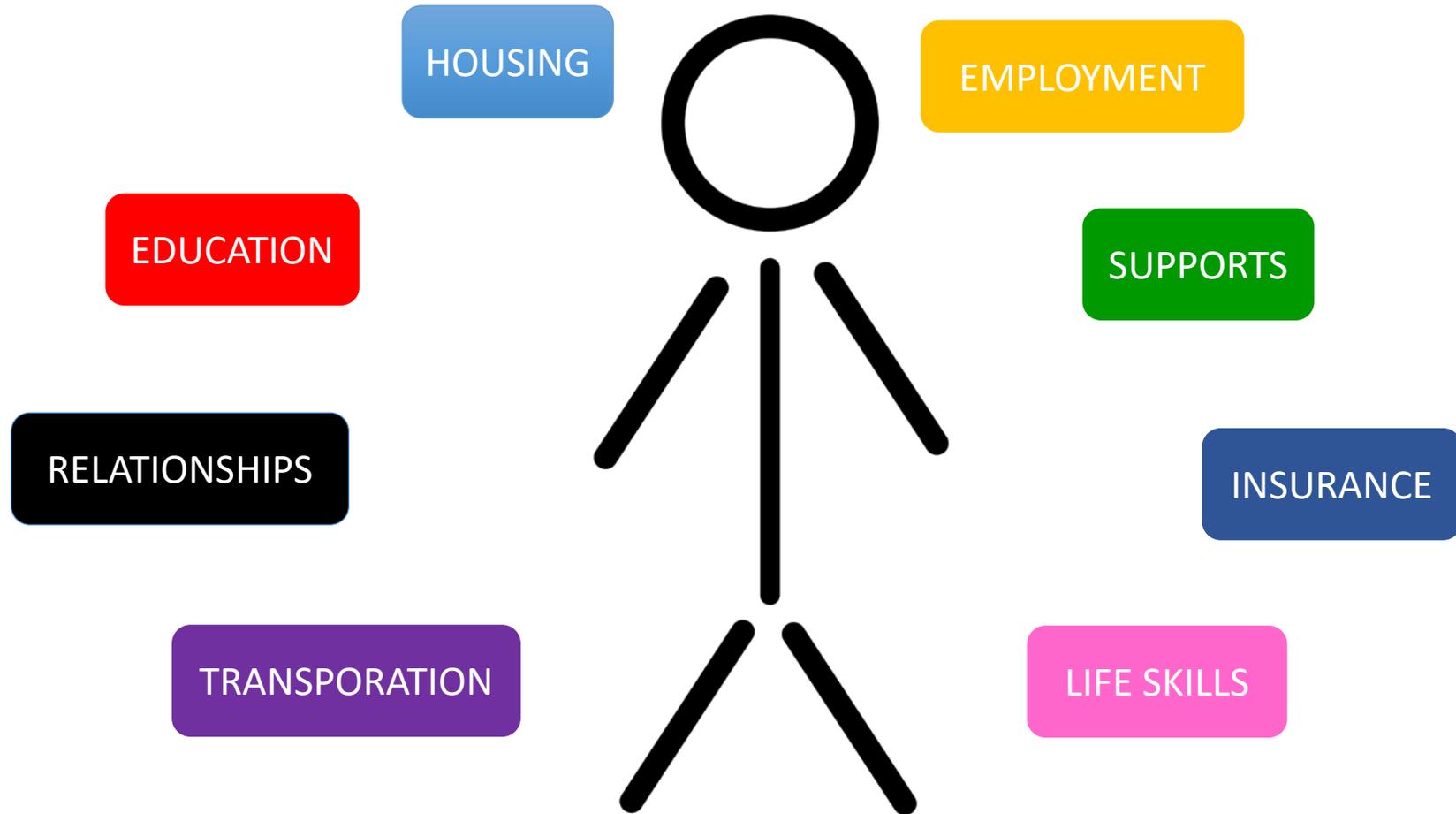
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ALL
RISE



WRAP AROUND SERVICES



MULTIDISCIPLINARY TEAM



POLICY CONSIDERATIONS

Community Impact

Stakeholder Concerns

Geographical Obstacles

Cultural Competence

Victims' Issues





Possible Retention Strategies

- Discuss culture/cultural themes
- Use motivational interviewing to engage clients in treatment at onset
- Engage family in treatment
- Solicit feedback on cultural sensitivity from participants and community members



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EQUITY AND INCLUSION IN DRUG COURTS

Equivalent Opportunities to Participate and Succeed in Drug Court

- A. Equivalent Access (*intent & impact*)
- B. Equivalent Retention
- C. Equivalent Incentives & Sanctions
- D. Equivalent Legal Disposition
- E. Team Training (*remedial measures*)



Cultural Competence in Drug Court Treatment

Culturally competent counselors:

- Frame issues in culturally relevant ways.
 - Allow for complexity of issues based on cultural context.
 - Make allowances for variations in the use of personal space.
 - Are respectful of culturally specific meanings of touch (e.g., hugging).
 - Explore culturally based experiences of power and powerlessness.
 - Adjust communication styles to the client's culture.
 - Interpret emotional expressions in light of the client's culture.
 - Expand roles and practices as needed.



Cultural Competence in Drug Court Treatment

Counseling for African and Black Americans:

- Respond better to egalitarian and authentic relationships with counselors
- Cognitive-behavioral approaches
- Contingency management, especially with cocaine users
- Family Therapy
- Group therapy



Cultural Competence in Drug Court Treatment

Counseling for Hispanics and Latinos:

- Socializing the client to treatment
- Reassurance of confidentiality
- Client–counselor matching based on gender
- Client–program matching: Matching clients to ethnicity-specific programs appears to improve outcomes for Latinos
- Cognitive-behavioral approaches
- Contingency management and motivational interviewing
- Family therapy



Cultural Competence in Drug Court Treatment

Counseling for Native Americans:

- Engage community in treatment process
- Holistic view of health, incorporating physical, emotional, and spiritual elements
- Help clients engage in traditional healing practices
- Self-disclosure to relative strangers should be avoided
- Cognitive-behavioral approaches
- Motivational interviewing
- Family therapy at the time of discharge from treatment



Cultural Competence in Drug Court Treatment

Counseling for Native Americans:

- Use active listening and reflective responses.
- Avoid interrupting the client.
- Refrain from asking about family or personal matters unrelated to substance abuse without first asking the client's permission to inquire about these areas.
- Avoid extensive note-taking or excessive questioning.
- Pay attention to the client's stories, experiences, dreams, and rituals and their relevance to the client.
- Recognize the importance of listening and focus on this skill during sessions.



Cultural Competence in Drug Court Treatment

Counseling for Native Americans:

- Accept extended periods of silence during sessions.
- Allow time during sessions for the client to process information.
- Greet the client with a gentle (rather than firm) handshake and show hospitality (e.g., by offering food and/or beverages).
- Give the client ample time to adjust to the setting at the beginning of each session.
- Keep promises.
- Offer suggestions instead of directions (preferably more than one to allow for client choice)



CONSEQUENCES OF GRADUATION & TERMINATION

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



CONSIDERATIONS BEFORE TERMINATION

- ✓ Have you used progressive responses to participant behavior to achieve progress?
- ✓ Did you consider the complete history of the participant (legal and SUD) when responding to them?
- ✓ Are additional criminogenic or clinical assessments needed?
- ✓ Did you have the participant in the appropriate level of care?
- ✓ Were you responding to a distal behavior without adequate time for the participant to gain the skill set?
- ✓ Is the participant a danger to public safety, self, or program integrity?

