

2017 MATCP Conference

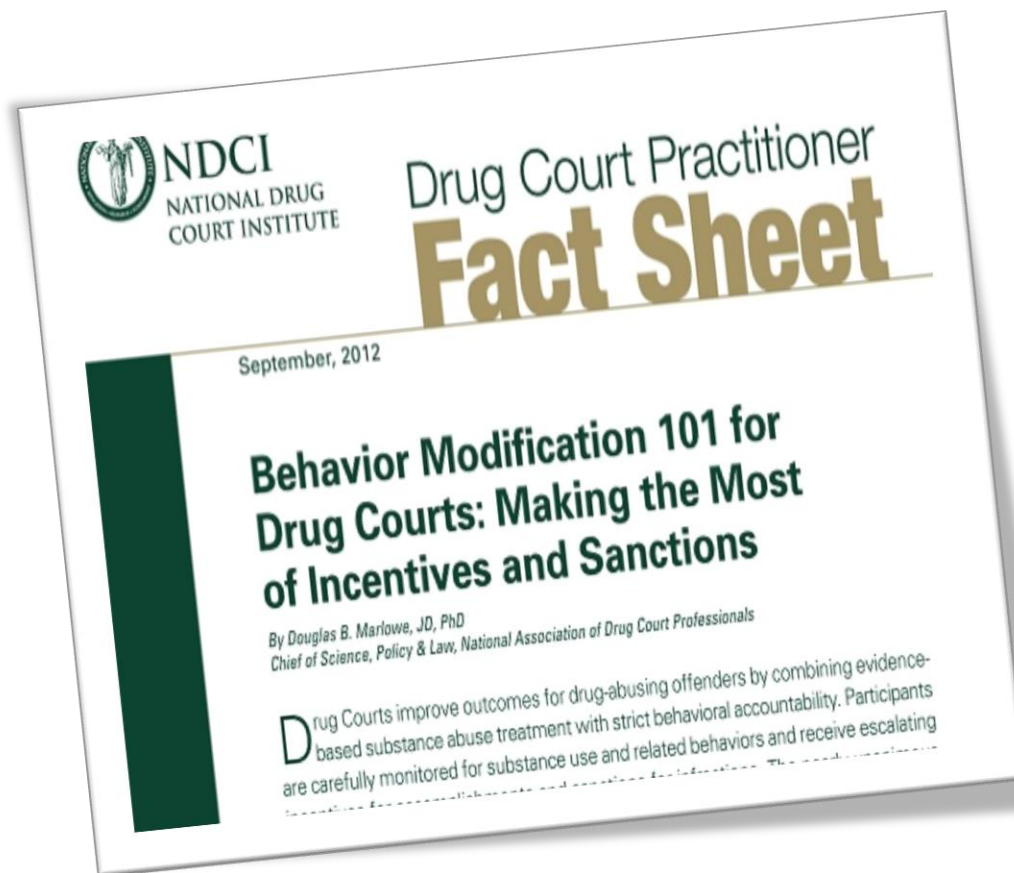
SCAO Best Practices Break-Out - Sanctions & Incentives

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The Basics



Michigan Drug Courts: Standards

- Derived from 10 Key Components
 - Calls for a regimen or strategy of appropriate and graduated but immediate rewards for compliance and sanctions for noncompliance, including, but not limited to, the possibility of incarceration or confinement. (MCL 600.1072(1)(d))
 - Calls for the use of a coordinated strategy with a regimen of graduated sanctions and rewards to govern the court's responses to participants' compliance. (MCL 600.1060(c)(vi))



Michigan Drug Courts: Best Practices

- Emphasis on Incentives
 - The drug court places as much emphasis on incentivizing productive behaviors as it does on reducing crime, substance abuse, and other infractions.
- Range of sanctions of varying magnitudes.
- Sanctions are imposed as quickly as possible after infraction.
- Jail sanctions of no more than 5 days.
 - Access to fair hearings and counsel.
- Substance use violations do not necessarily equal jail sentences.

Incentives - A Few Examples

Length of Time in Program Considered

- Applause For Clean Time during Status Reviews.
- Phase Advancement.
- 18 Month Graduation.
- Fishbowl Drawing
- Personalized gift cards.
- Reduced Drug or Alcohol Testing.
- Reduced Reporting Requirements.
- Reduced 12 Step Attendance.
- Community Service Location
 - Could be DPW or 501c3
- Sobriety Court License Waiting Period.
 - 60-90 Days Based on Compliance
- Travel
 - Testing Conditions in Place

Important Links to Resources

- National Drug Court Resource Center
 - <http://www.ndcrc.org/content/list-incentives-and-sanctions>

- National Association of Drug Court Professionals
 - <http://jpo.wrlc.org/bitstream/handle/11204/3546/NADCP%20List%20of%20incentives%20and%20sanctions.pdf?sequence=1>



The Bottom Line

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



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.

Jail Sanctions

- ❑ **Are imposed judiciously and sparingly.**
- ❑ **Are used only after numerous lesser sanctions have been attempted and failed, unless an immediate risk to public safety exists.**
- ❑ **Are definite in duration and typically last no more than 3 to 5 days.**
- ❑ **Participants have access to counsel and a hearing when facing jail.**

Sanctions or Therapeutic Consequences

- **Treatment responses should be delivered by treatment professionals**

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Example Cases

Here is what we have done...

Drug of Choice: Alcohol

Length of Time in Program: 4 Months

Number of Prior Violations: 2

□ Gave 2 Positive breath tests on 8/25/16.
Admittedly drank on 8/24/16.

□ Wear SCRAM alcohol tether for 60 days.
Increase Therapy.

Drug of Choice: Alcohol

Length of Time in Program: 5 Months

Number of Prior Violations: 2

❑ Failed to appear at court for drug testing. Went to alternative testing location- unable to provide enough of a sample.

❑ Increase drug testing to Cream & Daily PBTs 7am - 9 am for 14 days.



Drug of Choice: Alcohol

Length of Time in Program: 11 Months

Number of Prior Violations: 5

- ❑ Failed to appear for drug testin. Appeared 1 hour late for probation appt.
- ❑ Serve 1 day jail.



Drug of Choice: Alcohol

Length of Time in Program: 1-5 Months

- 1/25/16- Failed to attend 12 step meetings
- 3/8/16- Failed to attend 12 step meetings
- 5/23/16- Failed to attend 12 step meetings
- Corrective Essay
- 1 Day Jail
- Weekly probation appointments



Drug of Choice: Alcohol

Length of Time in Program: 10 Months

Number of Prior Violations: 0

- Positive test for THC.
- 1 Day Jail
- Admittedly smoked marijuana.

Drug of Choice: Heroin

Length of Time in Program: 10 Months

Number of Prior Violations: 0

❑ Failed to appear for scheduled therapy appt. and failed to reschedule. Admittedly drank alcohol on 10/29/16.

❑ One day jail. Increase PBT color to cream for 60 days.

❑ Relapse prevention plan to be completed with therapist.

Drug of Choice: Heroin

Length of Time in Program: 1 Month

On Personal Bond Pending Sentencing

□ Left Treatment Center
Same Day and
Returned to Court 6
Days Later

□ Placed on GPS Tether
□ Returned to Inpatient
Treatment at a new
facility.

Drug of Choice: Heroin

Length of Time in Program: 3 months

Number of Prior Violations: 4

- Defendant missed probation appt on 2/22/17.
- 2/24/17- 8 hours community service to be completed within 14 days.
- 48 hour turnaround between infraction and violation hearing.



Drug of Choice: Opiates

Length of Time in Program: 2 Months

Number of Prior Violations: 1

□ Unsuccessfully discharged from inpatient at Salvation Army.

□ 5 Days Jail , Complete IOP, and daily court watching until IOP begins.

Drug of Choice: Alcohol

Length of Time in Program: 6 Months

Number of Prior Violations: 3 (2nd drinking violation)

□ SCRAM obstruction on 12/13 from 1:02 pm until 11:38pm. SCRAM detected alcohol during the time of obstruction.

□ SCRAM tether additional 30 days. Enroll in IOP.

Drug of Choice: Opiates

Length of Time in Program: 1 Month

Number of Prior Violations: 1

□ Failure to appear for
3:30 probation appt.
Appeared at 3:50(Drug
Court at 4- no time).
Failure to appear at
IOP on today's date.

□ 1 Day Community
Service



Drug of Choice: Heroin

Length of Time in Program: 11 Months

Number of Prior Violations: 2

- Provided Dilute sample on 2/3/17.
- 8 hours community service at Taylor DPW.



Drug of Choice: Alcohol

Length of Time in Program: 6 Months

Number of Prior Violations: 4 (2nd Dilute)

□ Dilute lab on 5/9/16.

□ One day Jail. 5/29/16-
5/30/16.



Drug of Choice: Alcohol

Length of Time in Program: 18 Months

Number of Prior Violations: 4

□ Gave a dilute urine sample on 11/12/15.

□ 2x daily PBT's for 30 days. Increase drug testing for 30 days.

Drug of Choice: Heroin

Length of Time in Program: 12 Months(12 Months Clean)

Number of Prior Violations: 17 Total Violations

- Unable to drug test on 9/14/16 due to lack of money.
- Failed to provide proper documentation to be excused from drug testing on 10/29/16.
- Failed to provide proper documentation to be excused from drug testing on 1/24,1/27, and 1/29.
- One day jail.
- Speak to group as to why he did not follow instruction previously given.
- 8 hours CS to be completed at DPW as scheduled by probation.