

JUSTICE SPEAKERS INSTITUTE TRAINING HANDOUT

COLORADO PROBLEM SOLVING COURT JUDGES



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PROMOTING JUSTICE WORLDWIDE

PSC Staffing Discussions : How to Lead Interdisciplinary Teams in Monitoring, and Responding to Participant's Behavior

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1

PURPOSES OF STAFFING

- Evaluate eligibility of Problem-Solving Court candidates
- Develop initial case plan
- Review participant progress
- Determine responses to behavior (incentives, sanctions, therapeutic)
- Consider phase advancement/termination/graduation

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2

COLLABORATIVE CASE MANAGEMENT

- Collaborative case management is the process by which all members of the team join in the effort to manage the progress of the participants through the program
- The practices of assessment, planning, treatment, engagement, monitoring and advocacy are coordinated
- The judicial officer of a Problem-Solving Court team oversees this process.

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3

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COLLABORATIVE CASE MANAGEMENT

- The process involves:
 - An assessment to identify, risk, needs, and diagnosis.
 - The creation of a comprehensive case plan that includes both clinical/treatment and supervision goals (short/long term)
 - Case plan also includes steps or activities to achieve the goals

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4

RISK NEED RESPONSIVITY

A critical foundation in managing a justice involved population to reduce recidivism and change behavior.

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5

THREE PRINCIPLES OF RNR

- **Risk Principle:** Match the level of service to the individual's risk to re-offend (continue behaviors outside of legal boundaries="risk").
- **Need Principle:** Assess criminogenic needs and target them in treatment.
- **Responsivity Principle:** How treatment should be provided. Maximize the individual's ability to learn by providing cognitive behavioral treatment and tailoring the intervention to his/her learning style, motivation and strengths.

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6

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MAJOR RISK/NEED FACTORS ASSOCIATED WITH COMMITTING FUTURE CRIMES

Risk Factor

- Antisocial Behavior
- Antisocial personality pattern
- Antisocial Cognition
- Antisocial associates
- Family and/or Marital
- School and/or work
- Leisure and or recreation
- Substance abuse

Description

- Early and continuing involvement in antisocial acts
- Adventurous, pleasure seeking, each-self control, aggressive
- Attitudes, values, beliefs, and rationalizations supportive of crimes, and negative attitudes towards law and justice systems
- Close associations with criminals, positive and immediate reinforcement for criminal behavior.
- Poor relationship quality with little caring or respect. Poor nurturance of children.
- Low levels of performance in school and or work
- Low levels of involvement in antiriminal leisure pursuits
- Abuse of alcohol or other drugs

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7

NEED

- Criminogenic" need(s) refers to *DYNAMIC* risk factors that are associated with criminal conduct. (Drivers of criminal conduct)
 - Criminal thinking
 - Criminal associates
 - Anti-social personality
 - Anti-social leisure time
- Clinical need(s) refers to a diagnosis of a behavioral health disorder
 - Substance use disorder, SMI, PTSD, TBI

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8

RESPONSIVITY FACTORS (AKA SOCIAL DETERMINATES OF HEALTH)

- Homelessness/housing stability
- Unemployment/unstable employment
- Employability/work history/job skills
- Poverty
- Literacy
- Health (physical/mental)

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9

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RESPONSES TO BEHAVIOR

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10

BEST PRACTICES STANDARD; VOLUME 1: IV

Consequences for all participants behaviors are predictable, fair, consisted, and administered following evidenced based principles of effective behavior modification

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11

CONSIDERATIONS IN RESPONDING TO BEHAVIOR

- Who
 - Who are the participants in terms of risk and need?
- Where
 - Where are they in the program?
- Why
 - What are the circumstances of the behavior(s)?
- Which
 - Which behaviors are being responded to, proximal or distal?
- What
 - What is the response choice/magnitude?

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12

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RESPONSES TO PARTICIPANT BEHAVIOR

- Incentives
 - Positive reinforcement-providing something desirable
 - Negative reinforcement-removing something undesirable
- Sanctions
 - Punishment-imposing something undesirable
 - Response cost-removing something desirable
- Therapeutic
 - A treatment decision based on a need, an evaluation on circumstances, prior treatment, behavior and targeted goals.

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13

IMPORTANT ELEMENTS IN RESPONSES

- Certainty
 - Most important factor impacting the success of behavior intervention-Infractions to sanctions; achievements to rewards.
 - The lower that ratio the better.
- Reliable Detection
 - Product of effective supervision and engagement.
- Associated with Behavior
 - Essential for learning and behavior change.
 - Facilitated by detection. Verbally associate the behavior and with the response.

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14

IMPORTANT ELEMENTS IN RESPONSES

- Immediacy
 - Most effective way to ensure response is associated with the behavior.
 - Response should be delivered as close as is practicable to when the behavior occurred.

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15

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ADMINISTERING RESPONSES

- Advance Notice
 - Participants have written policies and procedures re program expectations responses strategies.
- Opportunity to be Heard
 - Participants have then opportunity to provide their perspective on factual disputes and program response.
- Equivalent Consequences
 - Participants with similar risk/need levels, phase status, etc. receive equivalent consequences for comparable behavior.
 - Equivalent does not mean identical.

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16

ADMINISTERING RESPONSES

- Professional Demeanor
 - Sanctions are delivered without anger or ridicule
 - Participants are not demeaned
 - No "Judge Judy"

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17

FACTORS TO CONSIDER IN DETERMINING RESPONSES

- Proximal or Distal Behavior
 - Proximal is easier
 - Distal is more difficult
- Magnitude of the Response
 - Response range from low, moderate, to high
- Habituation Effects, Effective Zone, Ceiling Effects
 - With habituation the participant becomes accustomed/less responsive
 - With ceiling, team exhausts most severe sanctions before treatment impact
 - In the effective zone the response is commensurate with participant, needs progress, phase status, etc., and can go up or down based on behavior.

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18

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FACTORS TO CONSIDER IN DETERMINING RESPONSES

- For high need participants with severe SUD and/or mental illness:
 - Proximal behaviors should be incentivized with low magnitude incentives sanctioned with intermediate and high magnitude sanctions
 - Distal behaviors should be incentivized with high magnitude incentive and sanctioned with lower magnitude sanctions until later in program (when distal becomes proximal)

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19

STRUCTURING THE STAFFING DISCUSSION

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20

STAFFING SCRIPT

- Every staffing for progress reviews should address at a minimum;
 - Risk level
 - Targeted need areas (criminogenic/clinical)
 - Program phase level
 - Case plan goals (progress)
 - Activities to achieve goals (updates)
 - Treatment/supervision update
 - Responses to behavior (incentives/sanctions/ therapeutic adjustments)

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21

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COMMUNICATION

- Communication Practices
 - Avoid Ego-centered Communications
 - Avoid downward communication
 - Practice active listening
 - Reinforce others statements
 - Find common ground
 - Reframe statements naturally
 - Ensure inclusiveness
 - Show understanding
 - Engage in empathetic listening
 - Sum-up

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22

COMMON PROBLEMS

- Mission creep
- Inadequate communication/untimely /harmful/communication
- The team and or the staffing discussion is disorganized with no clear objective
- Mistrust
- Lack of commitment to the common goal

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23

AVOIDING BIAS

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24

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BIAS CHECK

Absent proactive monitoring, Problem Solving Courts can be impacted by bias at multiple points of the operation of the program. They include:

1. Program entry
 - a. Subjective or unclear program entry requirements can lead to discriminatory practices by race, age, sexual orientation, geography, etc.
2. Responding to Behavior
 - a. Disparities may appear in the application of sanctions (who receives incarceration sanctions), as well as who receives incentives and who does not.
3. Disposition for program failures
 - a. Multiple factors may influence the disposition a participant receives upon program removal or failure. The primary factor may be the terms upon which the participant entered the program. Disparities may occur in terms of who goes to prison versus who receives a community sanction.

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25

BIAS CHECK

To raise awareness of possible bias judges may:

- At Program Entry:
 - Ensure team is aware of disparities who among eligible populations who enter the program and those who do not.
 - Track reasons for rejecting eligible participants who do not enter the program.
 - Periodically review program screening process.
- In responding to behavior:
 - Ensure the utilization of sanctions and incentives is recorded and tracked.
 - Periodically (e.g., quarterly, semi-annually, annually) review the data with the team.
 - Emphasis on case plan factors, and assessment information in responding to behavior.
- At Disposition:
 - Consistent with terms of any plea agreement, program rules regarding termination process, motion by defense counsel, etc. hold a termination hearing.

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26

SUMMARY

- The judicial officer of a problem-solving court leads a multidisciplinary team (MDT) engaged in collaborative case management.
- The MDT employs evidenced based practices designed to reduce recidivism and change behavior of problem-solving court target populations.
- The staffing session has specific purposes and provides an opportunity for the team to convene in support of the program mission and goals.

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27

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THANK YOU FOR YOUR KIND ATTENTION

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