

### Introduction

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

### Advance Notice

Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. The Drug Court team reserves a reasonable degree of discretion to modify a presumptive consequence in light of the circumstances presented in each case.

### Opportunity to Be Heard

Participants are given an opportunity to explain their perspectives concerning factual controversies and the imposition of incentives, sanctions, and therapeutic adjustments. If 13 Herein, incentives refer to consequences for behavior that are desired by participants, such as verbal praise, phase advancement, social recognition, tangible rewards, or graduation. Sanctions refer to consequences that are disliked by participants, such as verbal reprimands, increased supervision requirements, community service, jail detention, or termination. Therapeutic adjustments refer to alterations to participants' treatment requirements that are intended to address unmet clinical or social service needs, and are not intended as an incentive or sanction. The generic term consequence encompasses incentives, sanctions and therapeutic adjustments. a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. Participants receive a clear justification for why a particular consequence is or is not being imposed..

### Equivalent Consequences

Participants receive consequences that are equivalent to those received by other participants in the same phase of the program who are engaged in comparable conduct. Unless it is necessary to protect the individual from harm, participants receive consequences without regard to their gender, race, ethnicity, nationality, socioeconomic status, or sexual orientation [see Standard II, Historically Disadvantaged Groups].

### Best Practices

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### Professional Demeanor

Sanctions are delivered without expressing anger or ridicule. Participants are not shamed or subjected to foul or abusive language.

### E. Progressive Sanctions

The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions..



### F. Licit Addictive or Intoxicating Substances

Licit Addictive or Intoxicating Substances Consequences are imposed for the nonmedically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether nonaddictive, nonintoxicating, and medically safe alternative treatments are available.

### G. Therapeutic Adjustments

Participants do not receive punitive sanctions if they are otherwise compliant with their treatment and supervision requirements but are not responding to the treatment interventions. Under such circumstances, the appropriate course of action may be to reassess the individual and adjust the treatment plan accordingly. Adjustments to This assumes all participants have been assessed comparably as high risk and high need [see Standard I, Target Population]. This assumes participants are addicted to or dependent on illicit drugs or alcohol [see Standard I, Target Population]. Individuals who do not have a serious drug or alcohol addiction have less difficulty achieving abstinence, and may receive higher magnitude sanctions for substance abuse during the early phases of the program. treatment plans are based on the recommendations of duly trained treatment professionals.

### H. Incentivizing Productivity

The Drug Court places as much emphasis on incentivizing productive behaviors as it does on reducing crime, substance abuse, and other infractions. Criteria for phase advancement and graduation include objective evidence that participants are engaged in productive activities such as employment, education, or attendance in peer support groups.

### I. Phase Promotion

Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. As participants advance through the phases of the program, sanctions for infractions may increase in magnitude, rewards for achievements may decrease, and supervision services may be reduced. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. The frequency of drug and alcohol testing is not reduced until after other treatment and supervisory services have been reduced and relapse has not occurred.

### I. Phase Promotion (cont)

If a participant must be returned temporarily to the preceding phase of the program because of a relapse or related setback, the team develops a remedial plan together with the participant to prepare for a successful phase transition..

### J. Jail Sanctions

Jail sanctions are imposed judiciously and sparingly. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. Jail sanctions are definite in duration and typically last no more than three to five days. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed because a significant liberty interest is at stake.

### K. Termination

Participants may be terminated from the Drug Court if they no longer can be managed safely in the community or if they fail repeatedly to comply with treatment or supervision requirements. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are nonamenable to the treatments that are reasonably available in their community. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program..

### L. Consequences of Graduation and Termination

Graduates of the Drug Court avoid a criminal record, avoid incarceration, or receive a substantially reduced sentence or disposition as an incentive for completing the program. Participants who are terminated from the Drug Court receive a sentence or disposition for the underlying offense that brought them into the Drug Court. Participants are informed in advance of the circumstances under which they may receive an augmented sentence for failing to complete the Drug Court program.