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Directive #03-20

**TO: Assignment Judges
Trial Court Administrators**

FROM: Glenn A. Grant, J.A.D., Acting Administrative Director

SUBJ: Drug Court - State of New Jersey Adult Drug Court Program-Participant Incentive and Sanction Charts

DATE: January 3, 2020

This directive promulgates the **State of New Jersey Adult Drug Court Program-Participant Incentive and Sanction Charts** as approved by the Judicial Council on December 5, 2019. These charts provide direction to team members of the Adult Drug Court Program regarding the appropriate response to both positive and inappropriate behavior by drug court participants in order to achieve desired outcomes and to promote consistency. The development of the statewide Incentives and Sanction Charts was a recommendation by the National Association of Drug Court Professionals after an intensive two-day program with the drug court teams. Further training on these charts will be provided to the drug court teams in early 2020.

Questions regarding this policy may be directed to Donna Westhoven, Statewide Drug Court Manager via email at Donna.Westhoven@njcourts.gov or by telephone at 609-815-2900 ext. 55316.

Attachment

cc: Chief Justice Stuart Rabner
Criminal Presiding Judges
Drug Court Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Special Assistants to the Administrative Director
Donna Westhoven, Statewide Drug Court Manager
Criminal Division Managers and Assistants
Probation Division Managers and Assistants
Harriet Dickerson, Assistant Chief, Probation
Marcia Matthews, Assistant Drug Court Manager

Positive Behavior

Incentive Matrix: “What do we want the participant to learn from this?”

Step 1. Identify the Behavior

Easier/Proximal	Moderate	Difficult/Distal
<ul style="list-style-type: none"> Show up to Court Be honest Report to Probation Be home for all scheduled address verifications and home visits Attend treatment sessions Attend peer support groups Make consistent contributions to financial obligations/adhere to payment plan 	<ul style="list-style-type: none"> Participate in creating treatment goals Progress toward treatment goals Progress toward treatment level of care Pro-social activities Explore employment/education opportunities or needs 	<ul style="list-style-type: none"> Abstinence Meet requirements for phase advancement

Step 2. Determine the Response Level

	Easier/Proximal	Moderate	Difficult/Distal
Phase 1	Small	Medium	Large
Phase 2	Small	Medium	Large
Phase 3		Small	Large
Phase 4		Small	Large

Step 3a. Choose the Incentive

Small	Medium	Large
<ul style="list-style-type: none"> Verbal praise Applause Bus pass Treats/candy (if available) Judge coming off bench to give certificate, incentive, etc. Wallet cards Keychains Connect participant with vocational resources 	<p>Any small and/or:</p> <ul style="list-style-type: none"> Handshake/hug from Judge Sobriety coin Distribution of recovery literature Standing ovation Accomplishments posted Participant specific donation / gift voucher toward activity Leave court early 	<p>Any small, medium or:</p> <ul style="list-style-type: none"> Court pass Express court Reduce community service Temporary reduction of reporting to Probation/Court Reduce community service hours ordered prior to drug court Vacate supervision fees DEDR Reduction Phase advancement certificate

3b. Therapeutic Response

	Phase 1	Phase 2	Phase 3	Phase 4
Single Event	<ul style="list-style-type: none"> Behavior chain Cost/benefit Analysis 	<ul style="list-style-type: none"> Behavior chain Cost/benefit analysis 	<ul style="list-style-type: none"> Behavior chain 	<ul style="list-style-type: none"> Behavior chain
Continued Progress		<ul style="list-style-type: none"> Change in LOC 	<ul style="list-style-type: none"> Continuing care frequency Re-evaluate Pharmacological interventions 	<ul style="list-style-type: none"> Continuing care frequency Re-evaluate Pharmacological interventions

3c. Supervision Responses

Phase 1	Phase 2	Phase 3	Phase 4
<ul style="list-style-type: none"> Change in curfew status 	<ul style="list-style-type: none"> Reduced contacts Reduction in home visits 	<ul style="list-style-type: none"> Adjustment to home visits Reduced contacts Reduction in external 	<ul style="list-style-type: none"> Reduced contacts Decreased drug testing

Inappropriate Behavior

Sanction Matrix: “What do we want the participant to learn from this?”

Step 1. Identify the Behavior

Low (Less Immediate)	Moderate	High (More Immediate)	Very High
<ul style="list-style-type: none"> Late for scheduled event Missed payment 	<ul style="list-style-type: none"> Failure to complete assignments 	<ul style="list-style-type: none"> Unexcused absence Missed UA Alcohol use Drug use Adulteration of UA* Dishonesty 	<ul style="list-style-type: none"> Criminal behavior (new crimes, drinking and driving) Arrest

Step 2. Determine the Response Level

	Low	Moderate	High	Very High
Phase 1	Level 1	Level 2	Level 2	Level 4
Phase 2	Level 1	Level 2	Level 3	Level 4
Phase 3	Level 2	Level 3	Level 4	Level 5
Phase 4	Level 3	Level 4	Level 5	Level 5

Step 3. Choose the Responses (paired with Judicial Disapproval as appropriate)

3a. Sanction/Punishment Response

	Level 1	Level 2	Level 3	Level 4	Level 5
Community Service	≤ 4 hrs	≤ 8 hrs	≤ 16 hrs	≤ 24 hrs	≤ 32 hrs
Curfew	≤ 3 days	≤ 5 days	≤ 7 days	≤ 10 days	≤ 15 days
House Arrest	≤ 24 hrs	≤ 72 hrs	≤ 5 days	≤ 7 days	≤ 15 days
Jail			≤ 24 hours	≤ 3 days	≤ 7 days
Other				Review Placement	Termination

3b. Therapeutic Response

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"> Behavior chain Cost/benefit analysis Skill development Thought restructuring Homework/practice Thinking report 	Level 1 plus: <ul style="list-style-type: none"> LOC review 	Level 1, 2, plus: <ul style="list-style-type: none"> Referral medication eval Referral for MAT Treatment team review/round table 	Level 1, 2, 3, plus: <ul style="list-style-type: none"> Re-assessment 	

3c. Supervision Response

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"> ≤ 1 additional in-person contact days/week Official letter in file 	Level 1 plus: <ul style="list-style-type: none"> ≤ 2 additional in-person contact days/week Home visit Curfew 	Level 1, 2, plus: <ul style="list-style-type: none"> Continuous testing GPS/electronic monitoring ≤ 3 additional in-person contact days/week Home visit Increase frequency UA test Contingency contract Additional court report Case conference 	Level 1, 2, 3, plus: <ul style="list-style-type: none"> ≤ 4 additional in-person contact days/week Contingency contract Case conference 	