

EFFECTIVE COMMUNICATION

**Making the Most of Our
Magic 3 Minutes & More**

Judge Diane Bull

Faculty

Treatment Court Institute at All Rise

Disclaimer

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Our Challenge:

**How do we make our interactions
with participants worthwhile?
Something they would look forward
to and not dread??**

Good Communication Skills Help ALL Team Members Promote Change

- This presentation will explore how good communication promotes engagement and increases motivation, specifically:
 - ✓ It begins with building a relationship that supports recovery
 - ✓ Techniques for Better Staff/Client Communication
 - ✓ Best Communication Practices for Trauma and Cultural Competency
 - ✓ Delivering Responses to Participant Behavior That Promote Engagement
 - ✓ Judge/Participant Communication in Court



OUR MISSION: **Motivate Change.** **Why is Change** **So Hard?**

- It often requires a certain skillset, considerable time, self-control, tolerance for discomfort, and ongoing effort– and motivation.
- Setbacks are inevitable and discouraging.
- Humans are NOT hard-wired for change.

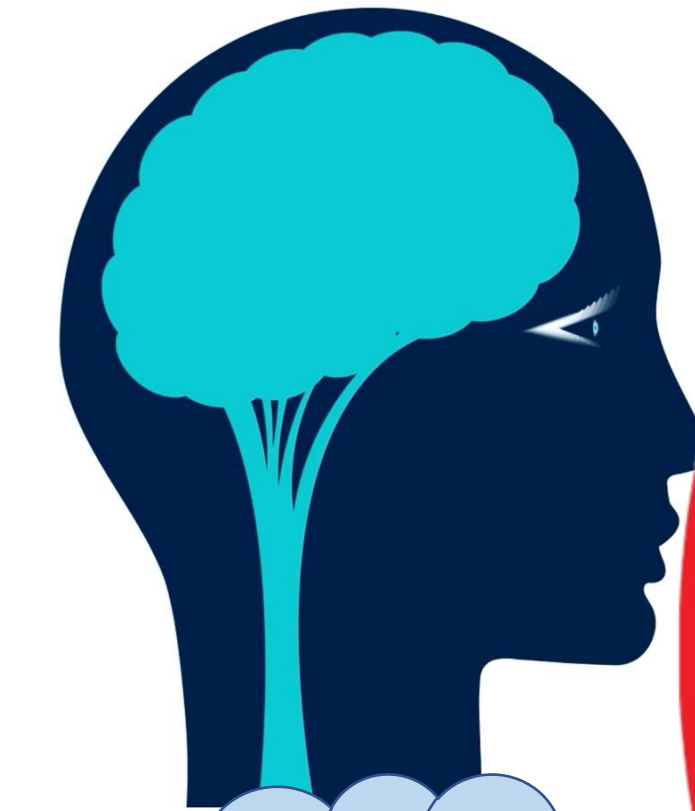


**"It is
possible!"**

Maintenance

**"OK, let's
do this"**

Action



**"So, OK,
what do I
know?"**

Preparation

**"No, not
me."**

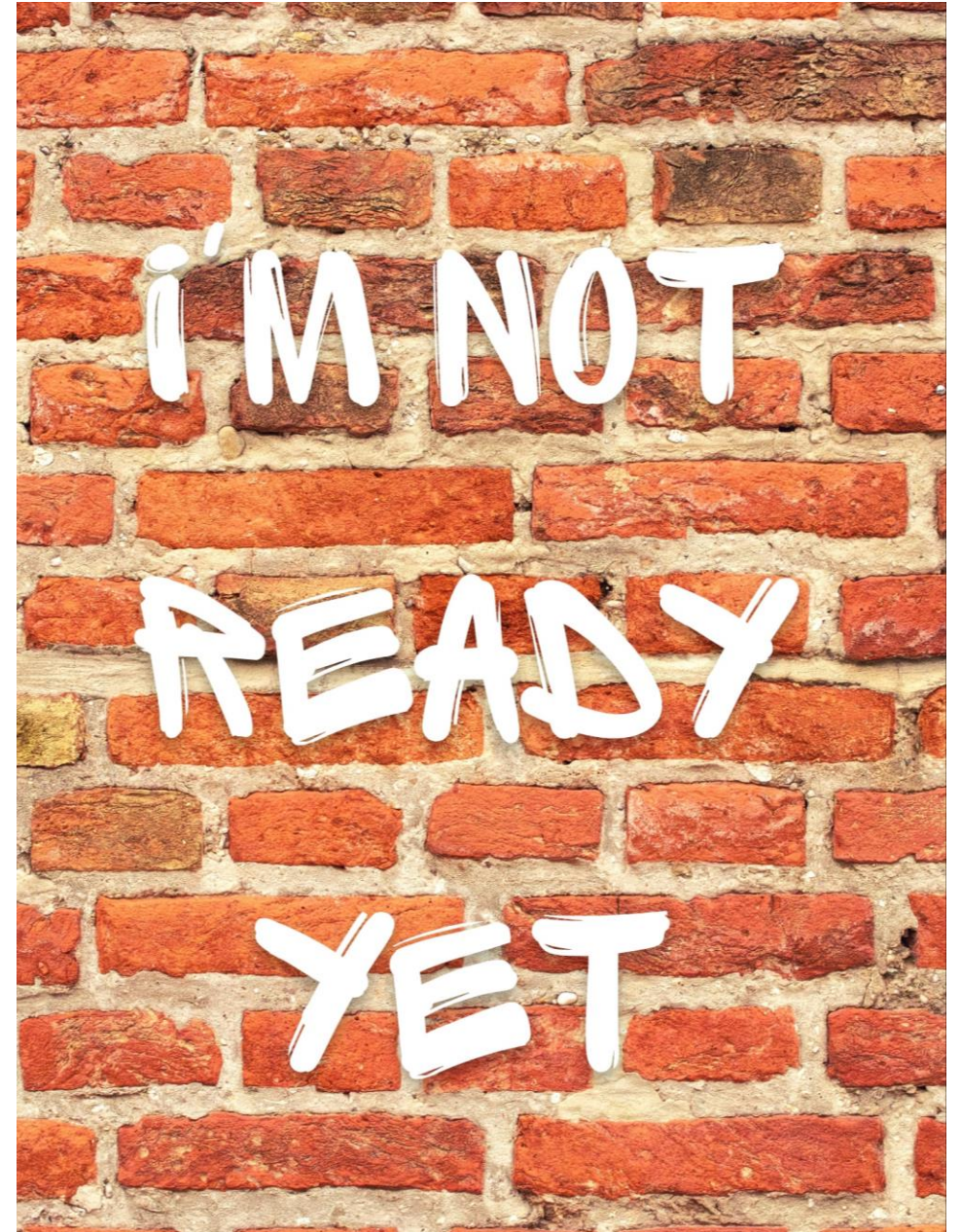
Pre-contemplation

**"Well,
maybe."**

Contemplation

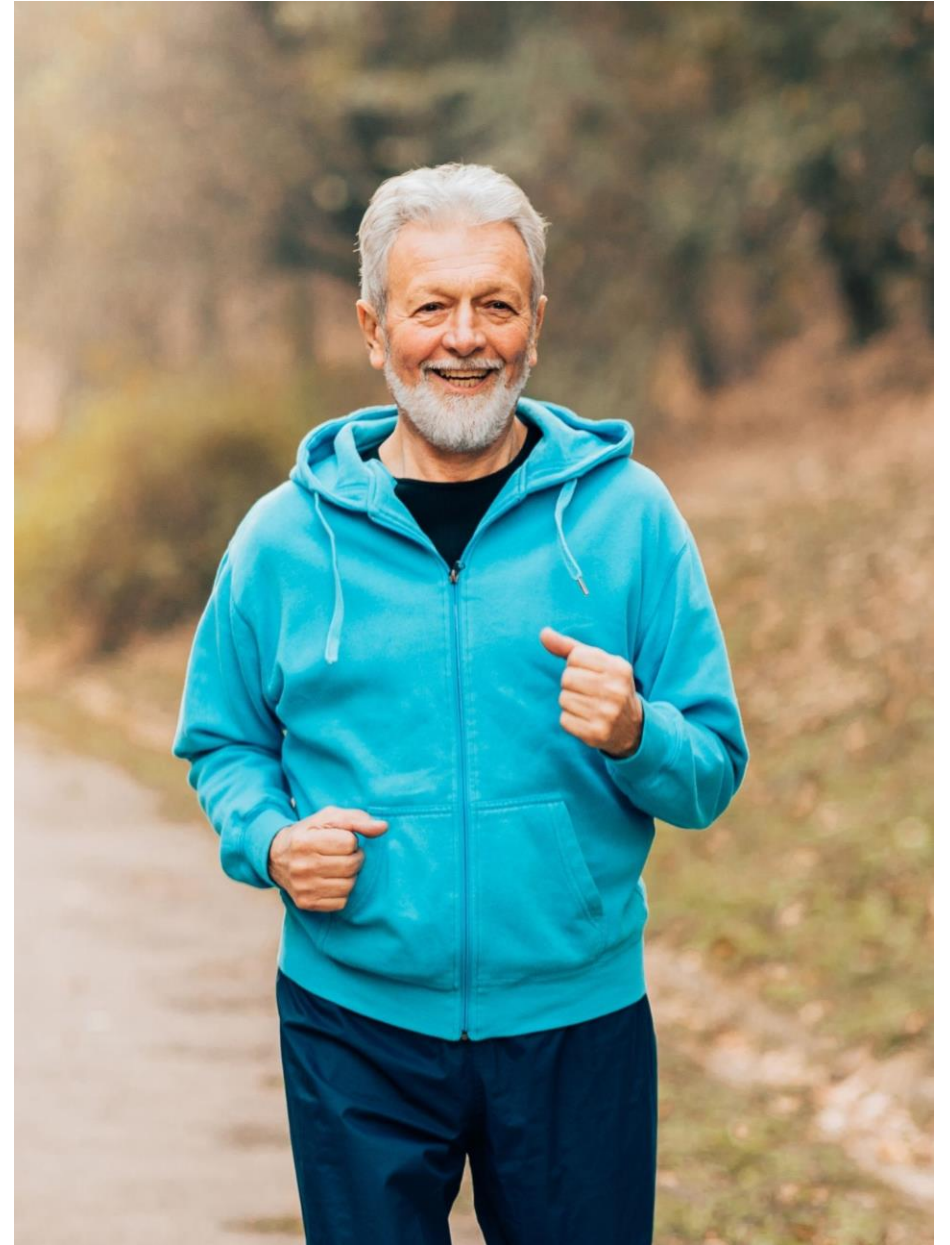
Common Initial Attitudes/Behaviors

- Denial, defiant
- Lying
- Suspicious
- Manipulative
- Antisocial
- Poor attitude
- Positive drug tests
- Minimal effort
- Withdrawn
- Low self-esteem / no confidence
- Not motivated
- Easily overwhelmed

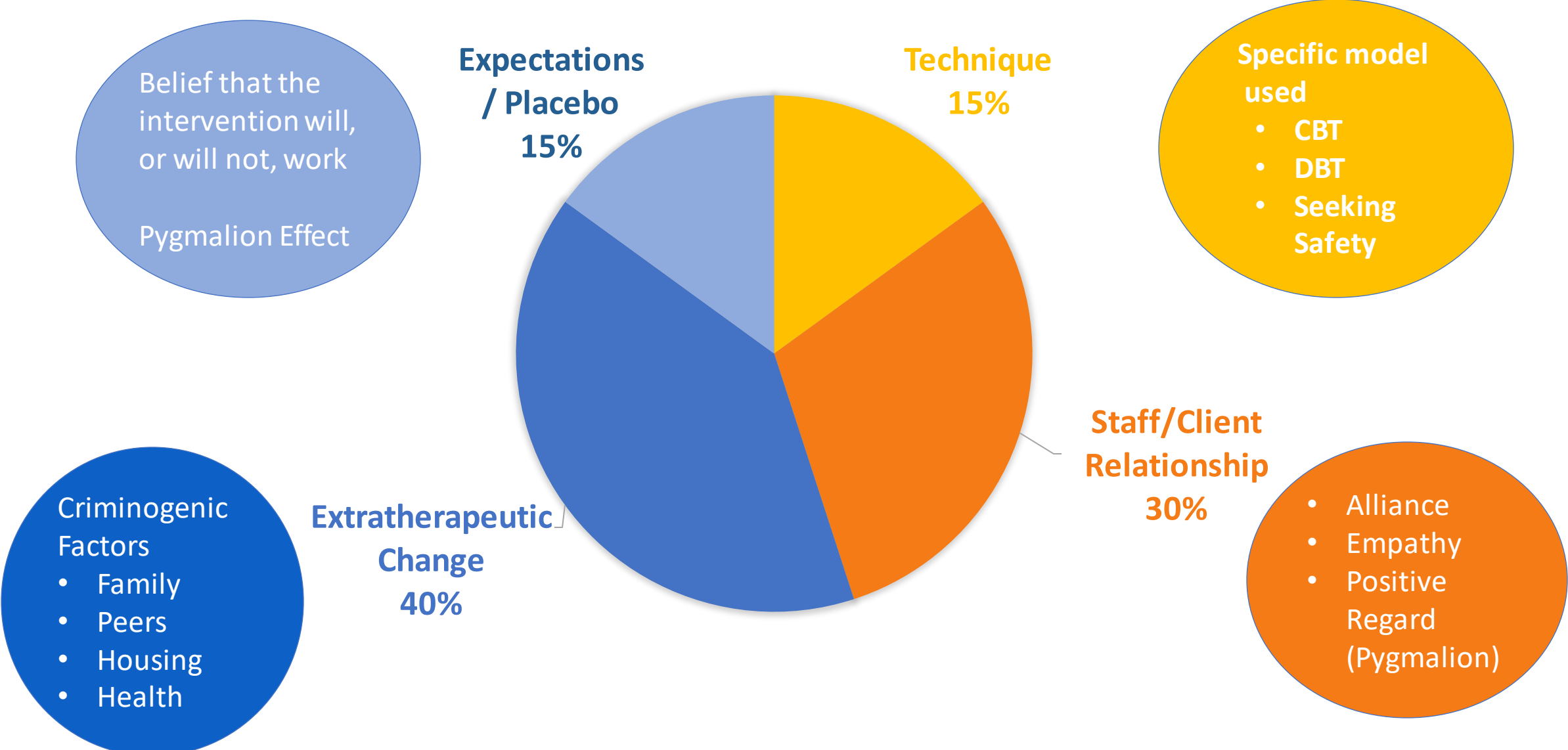


Our Goal Attitudes/Behaviors

- Honest, open
- Prosocial
- Responsible
- Changed to positive people, places, things
- Motivated
- High self-esteem / confidence
- Healthy
- Capable
- Support network



What leads to behavior change?

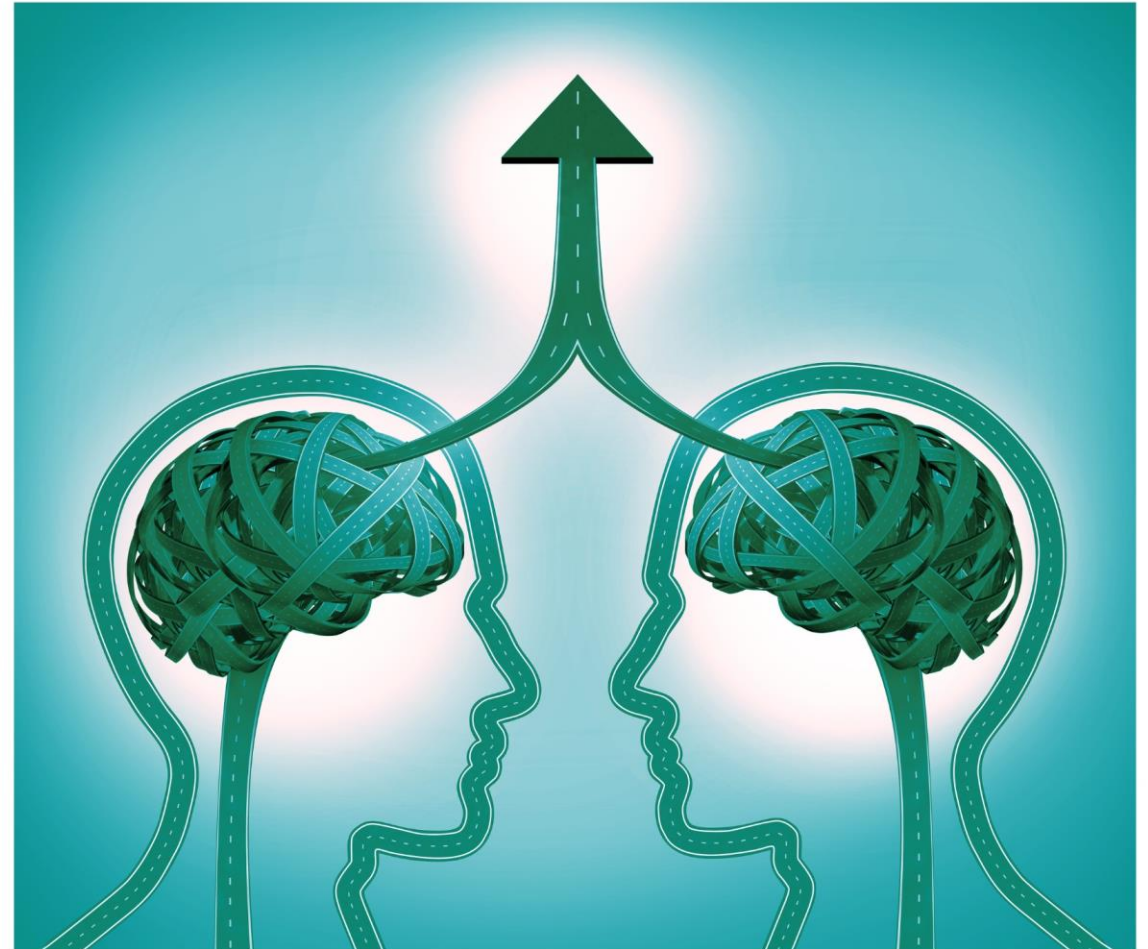


Lambert and Barley 2001; Soto 2011; Albarracín 2020 (Rosenthal and Jacobsen (1968))

Who on the treatment court team can use a therapeutic alliance approach?

- Treatment provider
- Case Manager
- Supervision Officer
- Peer Mentor
- Program Coordinator
- Judge
- Defense Attorney
- Prosecutor
- Law Enforcement

➤ **ALL OF US!**



How We Create the Therapeutic Alliance

- For ALL team roles: Communicate we will be working together with participants—helping them help themselves.
- Express empathy and a willingness to listen.
- Show we understand participants' experiences and perspectives.
- Help the participant address barriers & solve some urgent problems immediately.
- **Forge a relationship based on trust.**
Instill hope.





**Communication Best
Practices for ALL of Us,
Especially Those Providing
Direct Services**

Understand With Whom You Are Speaking



- SUD, MH & trauma impacts brains' ability to interpret, process, retain & communicate info.
- Providing praise and validation is important.
- What does, "You're doing great" mean? Be specific.
- Clients may not know what "normal" is.
- Chaos may be their "normal".
- They may not yet recognize or value prosocial behavior.

How we demonstrate empathy, alliance & positive regard

Studies show participants
respond best to:

- Warmth
- Sincerity
- Empathy
- Respect
- Flexibility
- Enthusiasm
- Humor (not sarcasm!)
- Optimism
- Commitment to help
- Patience!





It's Not Just WHAT We Say... Your Face, Attitude, and Body Language Matters

- Smile, lean in, make eye contact, be present (a big part of reflective listening)
- Watch for “leaking” body language. We communicate a lot subliminally
- People with trauma, mental health disorders may misread body language, facial expressions and social cues.
- Watch your own patterns of thinking – including labelling.

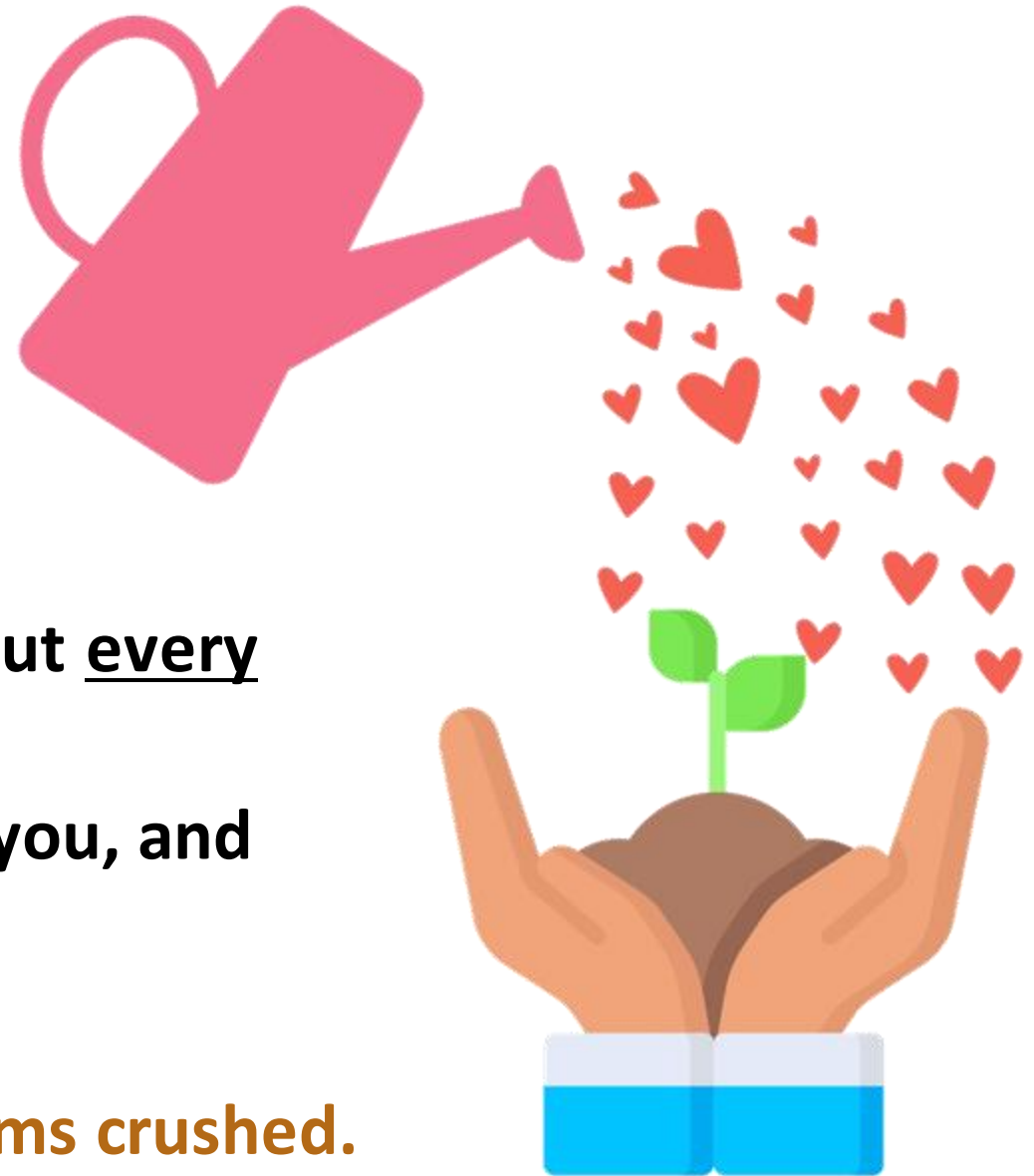
**Our clients will lie,
manipulate us, push
our buttons and break
our hearts. Repeatedly!**

Try to find something positive:

- Something you like or respect about every participant. Write it down.**
- Some little seed of potential that you, and they, can build on.**

If you believe it, they will FEEL it.

Remember most have had their dreams crushed.





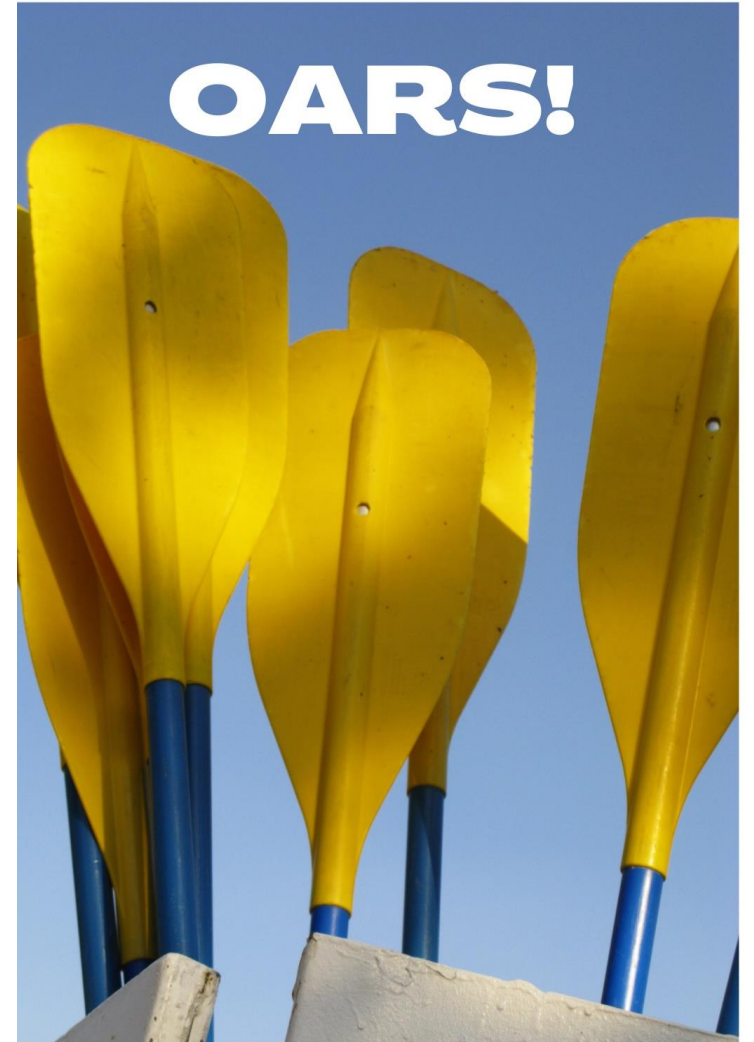
Motivational Interviewing

- Motivated people are more likely to change. But motivation ebbs and flows!
- MI is a highly effective method of communication that **addresses ambivalence about change.**
- The team promotes engagement by avoiding the “Righting Reflex” -- arguing and lecturing.
- Every parent knows that doesn’t work!

MI Techniques Work

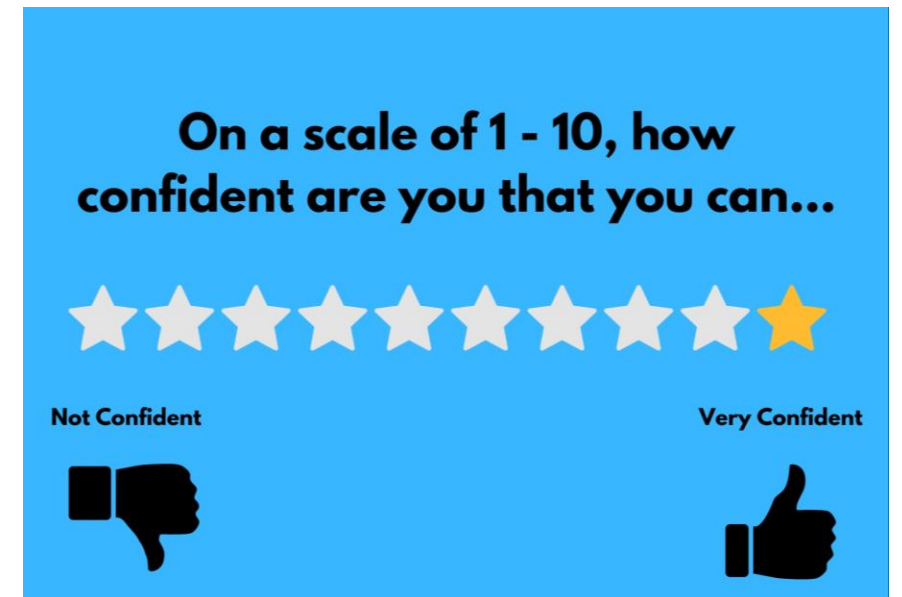
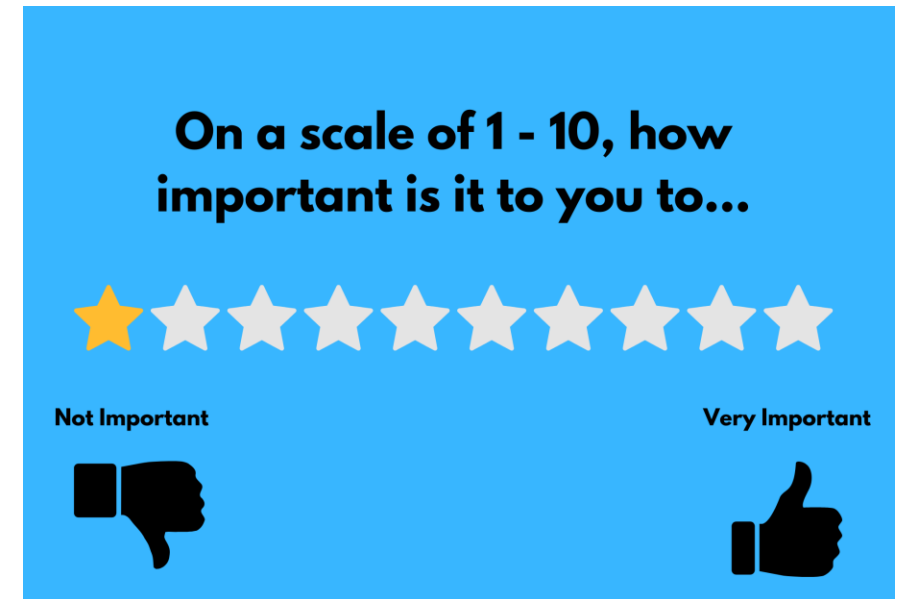
Use MI techniques (OARS):

- **O**pen-ended questions. LISTEN.
- **A**ffirmations: Change talk happens HERE!
 - SEE and praise the positive steps
 - They may be baby steps and hard to spot.
- **R**eflective listening shows you listened.
- **S**ummarizing shows you HEARD.
- **We avoid argument, lectures. Roll with resistance.**
- **We remain solution-focused.**
 - Help *clients see* when their attitudes hamper their goals.



Scaling Questions & Change

- Explores both commitment and confidence.
- Prompt clients to explain why change is a good idea!
- Prompt client to see they have the skills to be successful
- A simple, effective communication technique:
 1. Pose the scaling question.
 2. Ask client why the number wasn't lower.
 3. (Optional) Summarize client's positive assertions, gently probe why the number wasn't higher.



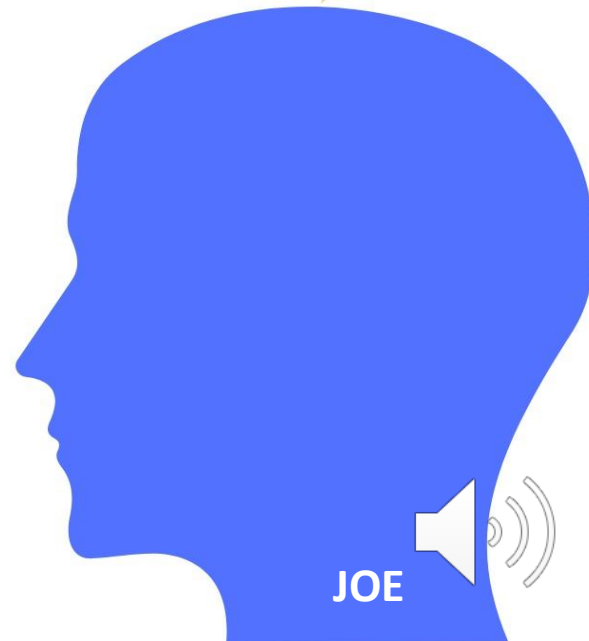
Using Scaling Questions to Raise Commitment

Joe, Ph. 1, has a severe meth SUD, but also drinks heavily and occasionally uses marijuana— and you want to gauge his motivation. He’s had multiple possession & DWI arrests and has cirrhosis of the liver.

On a scale of 1-10, (1 = not important, 10 = most important) how important is it for you to stop using drugs and improve your health? Jail, financial burdens and health problems— wow, tell me about that. That sounds like some pretty strong reasons to change— why wasn't it a 10 then?



Well, I did catch a couple of DWIs and my liver's not so good, but ya like to be able to pay for all these fines and fees— still drink and smoke a little weed and I have some health problems, too.

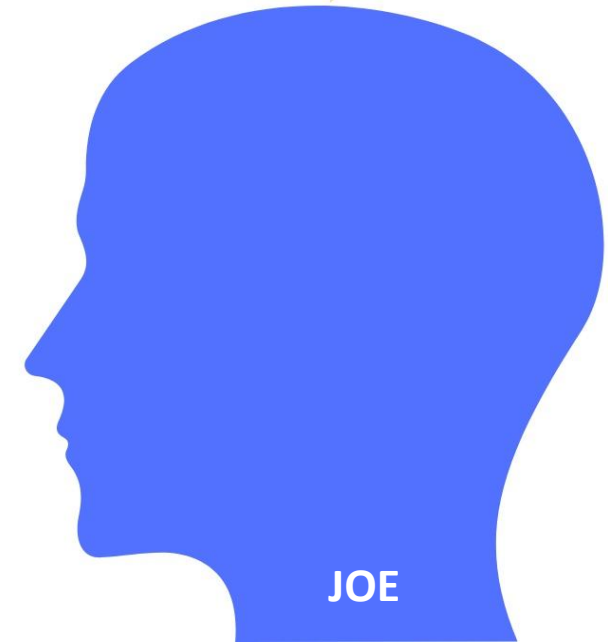


Using Scaling Questions: "Confidence"

Joe, you have come a long way in
A "8"? That's pretty high.
What do you think is very important?
Why not a 6 or a 7?
different now from last year?
changes will be permanent?



Well, now I regularly attend NA. I
I've learned a lot. My sponsor
keeps me on track. I go to NA
twice a week with my sponsor.
I feel good.
stumble.





Communication Barriers & Strategies





ASSUME TRAUMA

- It's not just a "female problem."
- Many do not recognize trauma.
- Many won't talk about it.

➤ **Best Practices:**

- Screen for trauma (ongoing)
- Gender-specific treatment & dockets
- Put everything in writing— and explain. Repeat, repeat.
- Many are in survival mode.
- Create a safe space (OV, lab, court)

Some clients don't want to be touched. Ask treatment.

TRAUMA: WHAT HELPS

➤ APPROACH

- With caution, slowly
- Create a safe space
- Seat client “facing danger”

➤ COMMUNICATE

- What happens next
- Put rules in writing
- Calm, slow, clear. Repeat.
- Use MI techniques

➤ AVOID

- Blindsides
- Over-reacting
- Sarcasm, shaming
- Triggering words, behavior, touch?

➤ RESPOND

- Patience
- Flexibility
- Positivity
- Gentle Humor

“Never forget how scary we are to them.”

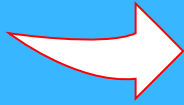


Be Responsive to Differences



- Our participants are diverse!
 - ✓ Social, economic, education, gender
 - ✓ Racial, ethnic, religious,
 - ✓ Age (adolescent brains)
 - ✓ Physical, medical, mental health factors, too
- People from different backgrounds may have a different frame of reference, different norms and expectations
- They may misinterpret our words / intentions

WHAT WE SEE



WHAT WE DON'T SEE



BEHAVIOR

INTERPRETATIONS

CORE VALUES

MODESTY

HISTORY

RELIGION

GENDER ROLES

RELIGION HUMOR

FAMILY VALUES

TABOOS

RULES OF CONDUCT

FORMATIVE VALUES

RELATION TO AUTHORITY

PRIDE

MANNERS

COURTESY

EDUCATION

ECONOMICS

THOUGHT PATTERNS

BODY LANGUAGE

EXPECTATIONS

CONCEPT OF JUSTICE

Perception of Fairness

- Behavior Modification Principle: Humans need and expect fairness
- **Engagement** and **motivation** increase when the process is **perceived** as fair.
 - If not, clients disengage.
- Young clients and those with MH issues require special attention
- Take the time to listen.
- We respond to identical behavior differently.
- Take the time to explain.



Fair Isn't

everyone getting
the same thing.

Fair Is

everyone getting
what they need in order
to be

Successful!

Sanctions & Fairness: Do Due Process!

- It's the law!
- It's fair. Recall PERCEPTION of fairness is really **IMPORTANT!!**
- Advise participants of their rights & make a record.
- Put it in writing & give them a copy.



Sanction Admonishment & Acceptance Form

I, Jimmy McNay, a DWI Court participant in Phase 3 appeared before Judge Diane Bull on 2/21/23. I attest that:

After receiving notice of the allegations and having an opportunity to consult with the team defense attorney and to be heard by the judge, I agree and/ or do not wish to contest that the following violation(s) occurred:

1. Missed UA Level: 3
2. Dishonesty Level: 4
3. Alcohol and marijuana use Level: 4


As a consequence of my actions, I understand that I must receive the following sanction:

- Judicial Admonishment / verbal reprimand
- Community service: 24 hours at County Park Clean-up beginning 2/22/23
- Curfew: 8 pm - 6 am for 7 days days beginning 2/22/23
- House Arrest: _____ days beginning _____
- Jail: _____ hours / days (consecutive / off-work hours / weekends), beginning _____
- Driving restriction: _____ days beginning _____
- Other: _____

I understand my sanction must be completed by this date: 3/07/23

In addition to the sanction listed above, I understand that my treatment plan will change as follows:

- Reassessment *See Ms. Martin at 9:00 am on 2/24/23*
- Change in LOC, namely: _____
- Behavior chain: *See Clarence today immediately after court*
- Essay/Thinking Report/ Research: _____
- Change in aftercare frequency: _____
- Pharmacological intervention (MAT) meeting: _____
- Other: _____



I accept and agree to the foregoing sanction and treatment response and hereby waive my right to consult with an attorney further and any right I may have to contest these matters in an evidentiary hearing.

Defendant Date

Team Attorney Date

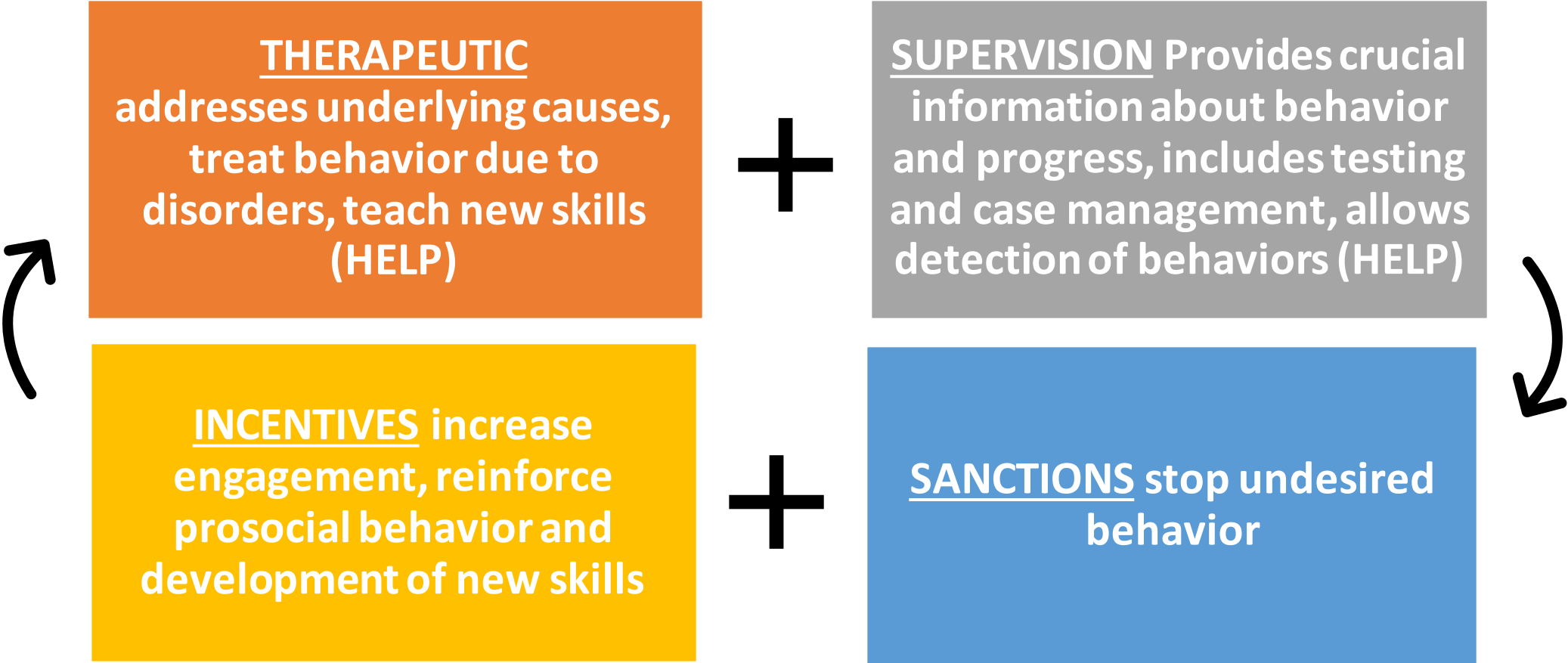
Judge Date



Focus on Learning

- We're modeling respect, citizenship & creating opportunities for personal growth.
- To create a learning opportunity, we must always be quite specific:
 - **WHAT** we liked/disliked and **WHY**
 - **HOW** continuing/stopping that behavior affects **THEIR** goals
- Our focus on learning helps them see how **positive changes help THEM.**
- There are **intrinsic reasons** for engaging in positive behavior beyond avoiding sanctions.

Our Behavioral Response Tools That Motivate Behavior Change – and Work!



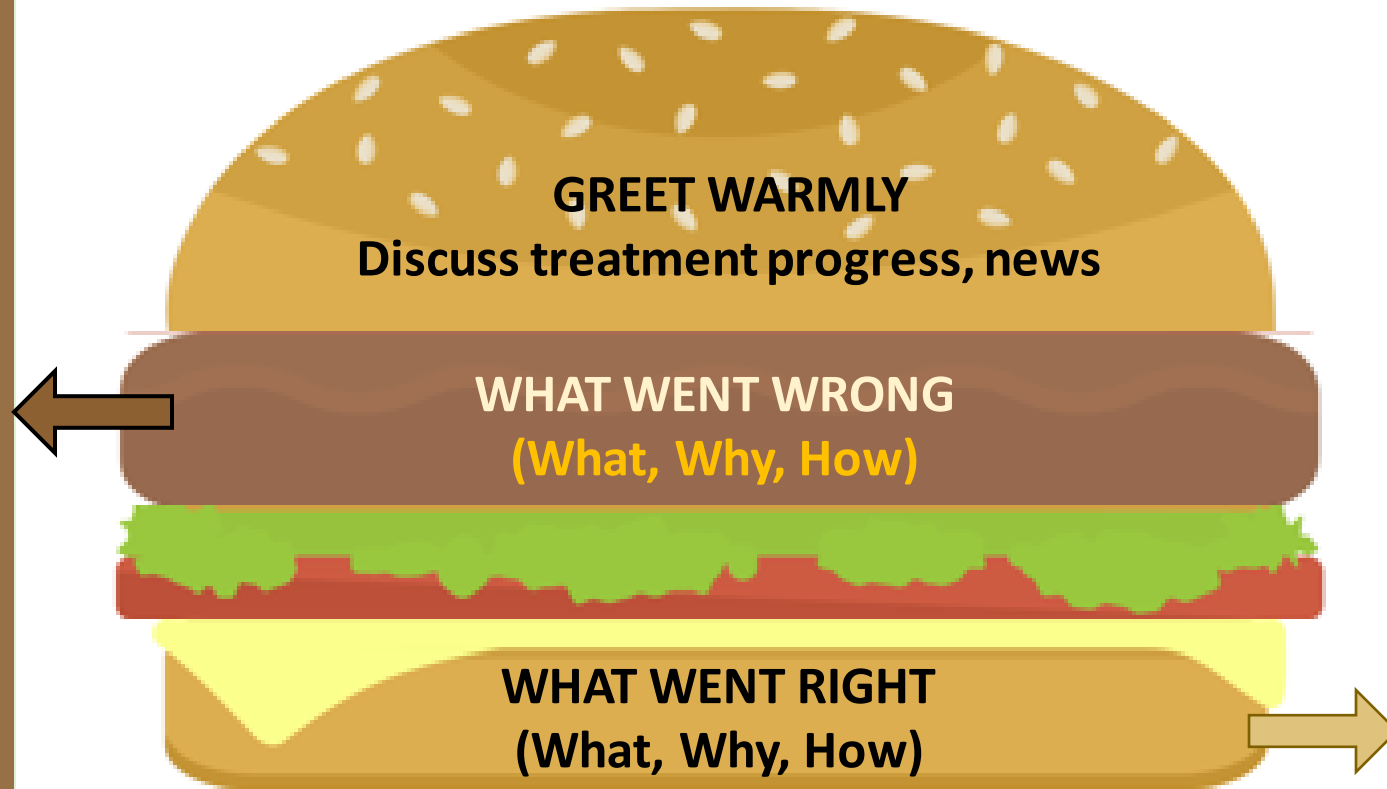
We use these tools in unison!

**But, won't using
incentives, sanctions &
therapeutic adjustments
together be confusing
and dilute our message?**



Use the Sandwich Technique to Create Learning & Avoid Confusion!

1. **WHAT**
behavior we did not like
2. **WHY** we did not like it.
3. **HOW**
continuing this behavior will cause problems
4. **Response**

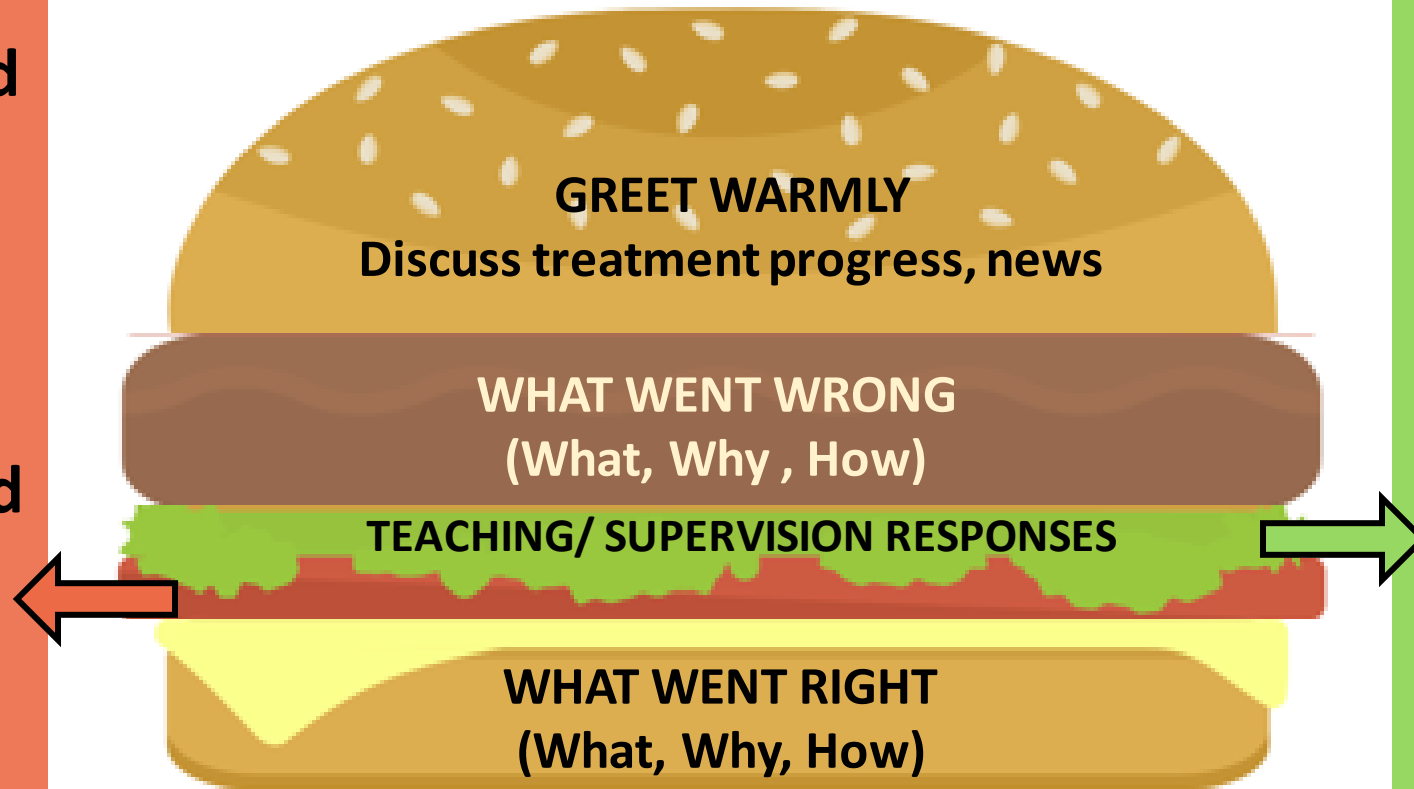


1. **WHAT**
behavior we liked
2. **WHY** we like it.
3. **HOW**
continuing this behavior will help
4. **Response**

Note: Our specific response choices will depend on what the person is capable of right NOW and where they are in the program. (Proximal & Distal Behaviors)

Where do therapeutic & supervision responses fit in the sandwich? Explain:

1. Increases in treatment and supervision are NOT sanctions!
2. They're HELP & solely based on clinical/ criminogenic needs.



1. Decreases in treatment and supervision are NOT incentives!
2. They're evidence you're getting better!

Using the Tools

- This week Jimmy missed a UA and lied, saying he was at the ER with his wife. He wasn't.
- He was ordered to test immediately. Subsequent test was positive for meth.
- But Jimmy went to Sober Bowling night, a community event suggested by his CM, and had a great time.
- **Jimmy may receive both a sanction and incentive, as well as adjustments in treatment & supervision**

How do we Sandwich this scenario?





Step 1: Greet Jimmy

GREET WARMLY

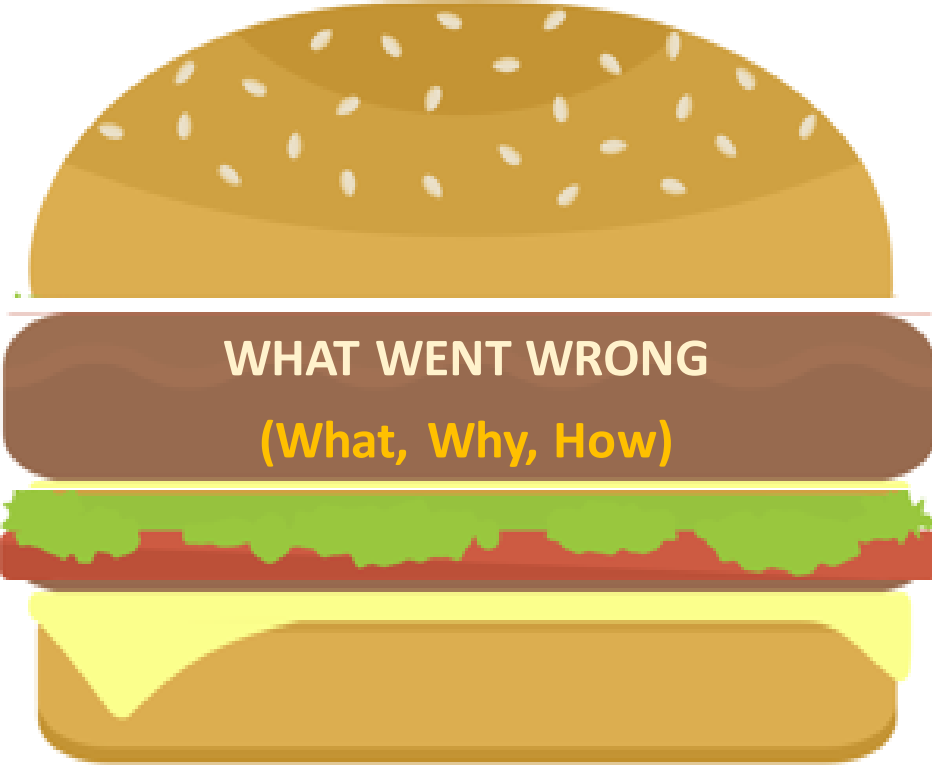
Discuss treatment
progress, news

WHAT WENT WRONG

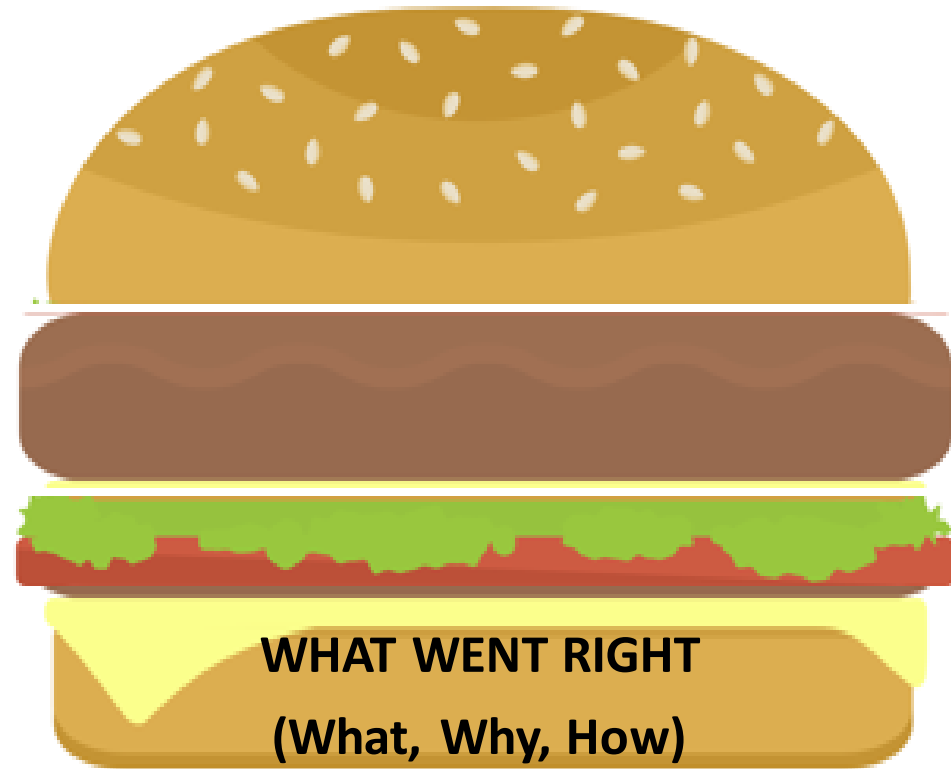
(What, Why, How)



Step 2: What Went Wrong



Step 3: What Went Right



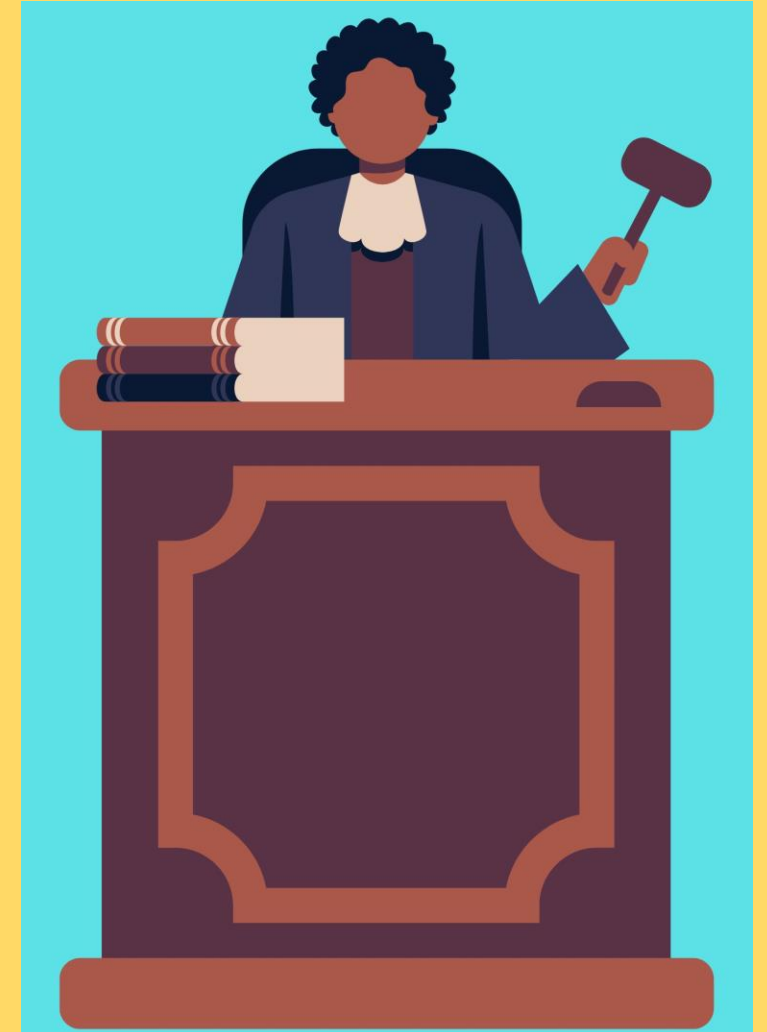
Ending on a Positive Note

- We never miss an opportunity to reinforce positive behavior – **even if other things went wrong.**
- There is always something. **Even if things went badly off the rails, he is here and still willing to try.**
- He is a good person who made a mistake.
- Remind him of his progress.
- Our focus: What do we want Jimmy to learn?



We avoid confusion by being SPECIFIC and helping clients see how change helps THEM achieve THEIR goals!

Best Practices in the Court Review Hearing



What Do We Want Court Review Experience to Be?

The opposite of their past experiences!

- A safe space where they can be truthful
- Where they will **learn** and be inspired
- Where the focus will be on what went right

And when things have gone wrong, a place:

- Where they know they will be heard and treated with respect
- Where consequences for poor decisions will be fair and appropriate
- Where they find understanding and support



It All Begins in Staffing

- Judges need a LOT of info to have meaningful conversations.
- WHAT behaviors are we responding to?
 - WHY did this happen?
- **Don't forget incentives!**
- Where is the client's head?
 - Proximal v. distal
 - Current stage of change
 - Why did the behavior occur?
 - SUD, MH barriers, trauma
- Treatment/ program progress
- Client news, big and small



THE JUDGE AT THE COURT HEARING

- Presides over court proceedings
- The predominant voice
- The team assists, adds kudos as needed.
- The focus is on LEARNING
- Seeks a rapport with each client:
 - **Spends 3-7 minutes with each**
 - Asks about their recovery progress
 - Praises the good and always ends on a positive note & instills hope

03:00



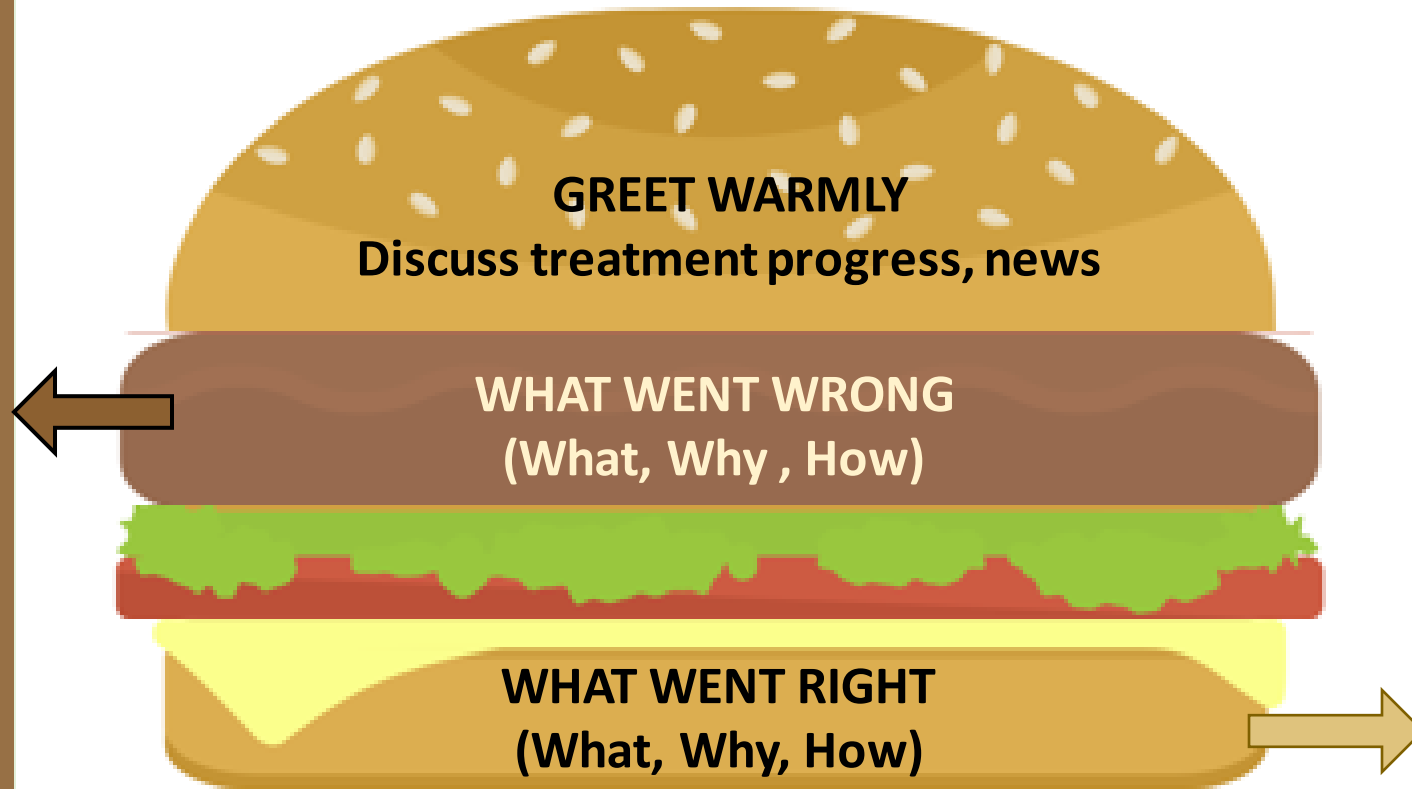
3-7 Minutes, Not 30

- The judge is providing a learning opportunity for ALL
- Don't lose your audience with lengthy discussions
- Talk about treatment, but don't "do therapy"! Don't retraumatize.
- Focus on modeling and reinforcing positive behavior
- Create learning (WHAT, WHY, & HOW)
- Build confidence & instilling hope.



Judges Use the Sandwich Technique to Deliver Responses Avoid Confusion!

1. **WHAT**
behavior we did not like
2. **WHY** we did not like it.
3. **HOW**
continuing this behavior will cause problems



1. **WHAT**
behavior we liked
2. **WHY** we like it.
3. **HOW**
continuing this behavior help

Trauma Competence: What Approaches Reduce Stress and Encourage Conversation?





Turn Your Courtroom Into a Classroom

Best practice: Mike judge, team and participants.

Organize your docket to maximize learning opportunities.

Incentives (“A” Team) go 1st

Why? We value and model prosocial behavior!

Learning happens when we focus on what TO do.

Within “A” Team: MVPs & late phase (5,4) goes 1st

“I did it. So can you.”

D

Use Incentives That Provide Great Learning Platforms for ALL

- “A” Team
- Certificates
- Kudos cards, Decision Dollars and other tokens



Delivery: Creating Learning Opportunities



- Alan is promoting to Ph. 2 today.
- He is on the Star Board (“A” Team) and is a “Rising Star” (MVP) because he is promoting.
- Alan has 21 days of abstinence (more than the 14 days required in Ph. 1.
- He has attended all of his treatment and has been very engaged.
- How can we use incentives & praise to create the learning opportunity?

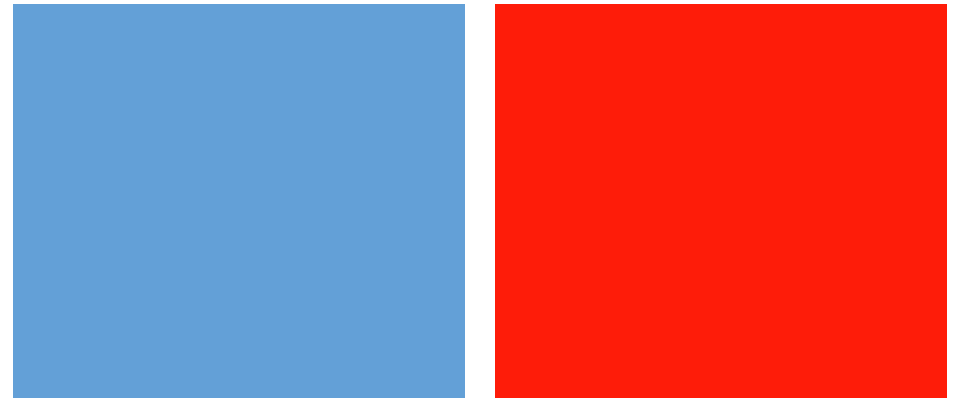
BEFORE WE DELIVER SANCTIONS IN COURT...



- First, **listen** to client's side of the story.
- No final decisions are made until this happens!
- Explain **WHY** the sanction was chosen and is **FAIR**.
- Client will often be distracted and upset.
- Treatment and defense attorney should be right there!! They are essential.
- Give client a written copy.
- Don't rush through it!

Big Picture Stuff

- Our goal is recovery– a LONG process.
- We build a real relationship of respect and trust. Communication is key!
- We're MH, trauma & culturally-competent.
- We always reward progress even if small.
- We deliver responses in positive ways that will motivate engagement and change.
- We are fair, patient, and instill hope.



“At the end of the day people won’t remember what you said or did, they will remember how you made them feel.”
- *Maya Angelou*

How can we help make the changes permanent, beyond treatment court?



Link to PDF & Handouts

<https://ln5.sync.com/dl/646193600/hx6c7qxd-54jawcxg-8sat9ijv-uk73wczh>





QUESTION?

Allrise.org

Hon.DianeBull@gmail.com