

Hello again! This is Derek Firenze with your local news and commentary for Wednesday, July 3, 2024 beamed in from the *Jefferson County Beacon* for KPTZ 91.9FM in Port Townsend, Washington.

Local public defenders are hoping to create positive change using evidence-based solutions. In an attempt to move towards rewards, Attorney Jack Range, a local public defender, has filed a motion and order for the award of incentives in Jefferson County District Court's Behavioral Health Court system. He said he's seen resistance to incentives from the court despite being backed by science to show a decrease in recidivism.

Behavioral Health Court began processing misdemeanor cases in Jefferson County in 2013 by offering people treatment instead of prison sentences after successes with felony cases in Drug Court a decade earlier.

Currently, the public defender's office believes the courts are offering a lack of incentives in comparison to sanctions with their treatment. Sanctions range from a few hours of community service to a few days in jail. A sanction might be given by a judge if someone arrives late to a meeting with their treatment group or fails one of the twice-weekly random drug tests required by the treatment program. Though individuals will often agree to Drug Court as a way to avoid jail time, a sanction can mean spending a day or two in jail. And those can add up. On the surface, avoiding significant time in jail and gaining treatment might seem a sharp enough deterrent, but addiction is a cunning, baffling, and powerful disease. In one case, jail time sanctions were used so often on a defendant that, after years of slip-ups, when they left Drug Court and chose to receive traditional sentencing, they had already spent so much time in jail they were released for time served. This individual had done 217 days in jail and that didn't count all the days they'd done in in-patient treatment.

Not only can this kind of sanction fail to change behavior, it's expensive. Based on data from 2022, the average annual cost for a Federal inmate was \$116.91 per day. Incentives, on the other hand, can cost little to nothing. Verbal praise is the most common incentive used in our local therapeutic courts. When done successfully, it can be a powerful motivator. In Drug Court, Superior Court Judge Brandon Mack sits at the same table with people charged with felonies and treats them as equals. He has unique and individualized conversations with everyone about how their treatment is progressing, digging into the details of both successes and failures with reassurance and humor.

In Behavioral Health Court, where Range has filed for incentives, things look a little different. District Court Judge Mindy Walker sits up high and calls each individual to a seat below one at a time. She uses pretty much the same scripted questions and the same scripted reply at the end of their conversations, saying "You are in compliance. Good job." The motion for incentives lists what else the court could offer including an achievement certificate for a certain number of days sober, or a waiver of legal financial obligations, or even small tangible prizes like a bookmark, a movie pass, or a book. There are even more creative no-cost options like allowing the defendant to use the judge's or prosecutor's parking spot for a day. Citing numerous studies, the definitive guidance used by treatment courts nationwide states that therapeutic courts should be doling out incentives at a rate of four to one for every sanction.

Here's an example of how the 4:1 ratio might look when someone fails a drug test. A judge could start with praise just for showing up to court. Then praise them again for meeting other requirements of probation. Even with the failed drug test, it's recommended to praise them for showing up for the assessment itself before asking about why they failed the test and what measures in the future could help prevent that from happening again. After all that, because of the three successes, the individual could receive three tickets for each of their praise-worthy acts to be put into a drawing from a fishbowl. The research has found that just the chance of winning something out of that fishbowl, even if it has no monetary value, is very incentivizing. Rebecca Marriott was recently hired to be the new therapeutic court coordinator for Jefferson County and is currently working on how

to systemize incentives for the court because she said people could get their feelings hurt if incentives were distributed unfairly. She hopes to finalize the new incentive structure by the end of the summer.

KPTZ 91.9 FM brings you local news at noon and 5 Monday through Friday and at noon on Saturday, partnering on Wednesday to bring you stories from jeffcobeacon.com. You can submit ideas to the Beacon through info@jeffcobeacon.com. This is Derek Firenze. Thanks for listening.