

# Identifying risk factors and the use of Cognitive Based Techniques in the Federal Drug Courts

Patricia A. Sullivan, U.S.  
Magistrate Judge District of RI

John Marshall, Chief U.S.  
Probation Officer District of RI

Daniel Leone, Sr. U.S.  
Probation Officer District of CT

John Wackerman U.S.  
Probation Officer District of CT

# How we identify?

## Post Conviction Risk Assessment

- The PCRA is an objective, quantifiable instrument that provides a consistent and valid method of predicting risk of general crime rearrests, violent crime rearrests, and revocation for any case plan period.
- Person Under Supervision self-assessment portion provides a reliable and valid method to assess criminal thinking styles. More specifically it assess for the 7 criminal thinking styles that support criminal behavior.
- These factors are outside of any Mental Health related needs.
- By identifying what drives each individual we can begin to create case plans to target individual criminogenic needs.



# Criminal Thinking Styles & Interventions

| Control   | Egocentrism                                    | Cognitive Immaturity  |
|---|--|---|
| <p>Power Orientation<br/>(Asserting Power over Others)</p> <p>Super Optimism<br/>(Getting Away with Anything)</p> | <p>Entitlement<br/>(Feeling Above the Law)</p> | <p>Mollification<br/>(Making Excuses)</p> <p>Cutoff<br/>(Ignoring Responsible Action)</p> <p>Cognitive Indolence<br/>(Lazy Thinking)</p> <p>Discontinuity<br/>(Getting Sidetracked)</p> |

## Understanding and Targeting General Criminal Thinking

# Power Orientation (Asserting Power over Others)

May have a simplistic world view (strong or weak)

Try to control their surroundings by dominating activities & people, to counteract their feelings of impotence or powerlessness.

Motivated by immediate gratification & interpersonal control

External Control (power) & Internal Control (self-discipline) - put themselves in an "up" position and feel better about themselves by putting others down.

# Power Orientation INTERVENTION

Cognitive  
Behavioral  
Therapy

Problem Solving

FOCUS on the  
development of  
cognitions and skills  
related to self-  
discipline

# Super Optimism (Getting Away with Anything)

Because people get away with the vast majority of their crimes they can engage in a criminal lifestyle for months, sometimes years, before experiencing the negative consequences of their lifestyle.

An attitude of invulnerability develops due to escaping the physical, psychological, and legal consequences of habitual criminality.

They convince themselves that they will to escape consequences.

However, this only makes their eventual fall that much more dramatic.

# Super Optimism INTERVENTION

Through CBT and the use of the Decisional Balance worksheet (costs and benefits), explore negative consequences for their actions.

Work to raise their awareness about the negative consequences of their criminal thinking.

Foster motivation to consider new thinking patterns.



# Entitlement (Feeling Above the Law)

Before crime can become a reality the person must grant themselves permission to commit that particular crime.

May tell themselves that they are entitled to commit crime because they have had a hard life, rough week, or bad day.

Can be creative in how they go about granting themselves permission to commit crime (manipulate a conflict with a spouse or employer) to justify committing a crime.

This often involves a sense of ownership or privilege and frequently entails the misidentification of wants as needs.

# Entitlement INTERVENTION

Through CBT, help distinguish between true needs versus wants.

Develop a personal inventory of values and goals to raise awareness of discrepancies between values and behaviors.

# Mollification (Making Excuses)

Lay blame for their behavior on external sources & use rationalizations and self-justification to avoid responsibility for their actions.

May talk about inequity and unfairness of life. They try to avoid responsibility for their actions by "proving" to themselves & others that they had no choice but to do crime.

In failing to assume responsibility for their decisions & behavior, they are eliminating potential avenues of change and intervention, which in the end, only serves to protect the criminal lifestyle.

# Mollification INTERVENTION

Use CBT, help them see that injustices do not excuse, or justify their behavior.

Encourage them to stop externalizing blame and start taking responsibility for their actions and decisions.

They need to accept responsibility for the consequences of their actions and decisions.

# Cutoff (Ignoring Responsible Action)

Commitment to a criminal lifestyle requires that the person possess the ability to eliminate common deterrents to crime. Cutoff is used to eliminate deterrents just as a person shuts off a light switch to darken a room.

The phrase: "F@%k it" is the most common cutoff observed in inmate populations.

However, other cutoffs are possible. Some people, in fact, use drugs as a cutoff. Alcohol to give yourself false courage, heroin to calm down, or cocaine to pump themselves up prior to committing a crime.

# Cutoff INTERVENTION

Use CBT tools and strategies to help them identify and challenge their thinking patterns, such as "stop and think".

Work to help them develop skills to avoid and cope with high risk situations.

# Cognitive Indolence (Lazy Thinking)

People who habitually commit crime are as lazy in their thinking as they are in their actions. They take the path of least resistance, although this path is fraught with pitfalls and booby traps.

They have probably taken many short-cuts, knowing full well that these short-cuts may eventually lead to disaster.

They are much more interested in pursuing the short-term benefits of crime than worrying about the long-term consequences of a criminal lifestyle.

They take an uncritical view of their plans and ideas. They may also be easily bored, and may pursue excitement to compensate for a shallow and under-stimulating inner world.

# Cognitive Indolence

## INTERVENTION

CBT

Problem Solving

Develop and reinforce  
their progress  
increasing **AWARENESS**  
of, **EVALUATION** of and  
**MANAGEMENT** of their  
thoughts.



# Discontinuity (Getting Sidetracked)

They are easily sidetracked and distracted by things going on around them.

This lack of consistency in thought and behavior is called discontinuity, and is what often frustrates a person's attempts at long-term change.

They have difficulty maintaining any commitment to change or follow through on commitments and good intentions.

This lack of consistency also gives rise to a "Jekyll and Hyde" pattern in which the person wears two different masks, 1 when committing crime, the other when in non-criminal activities.

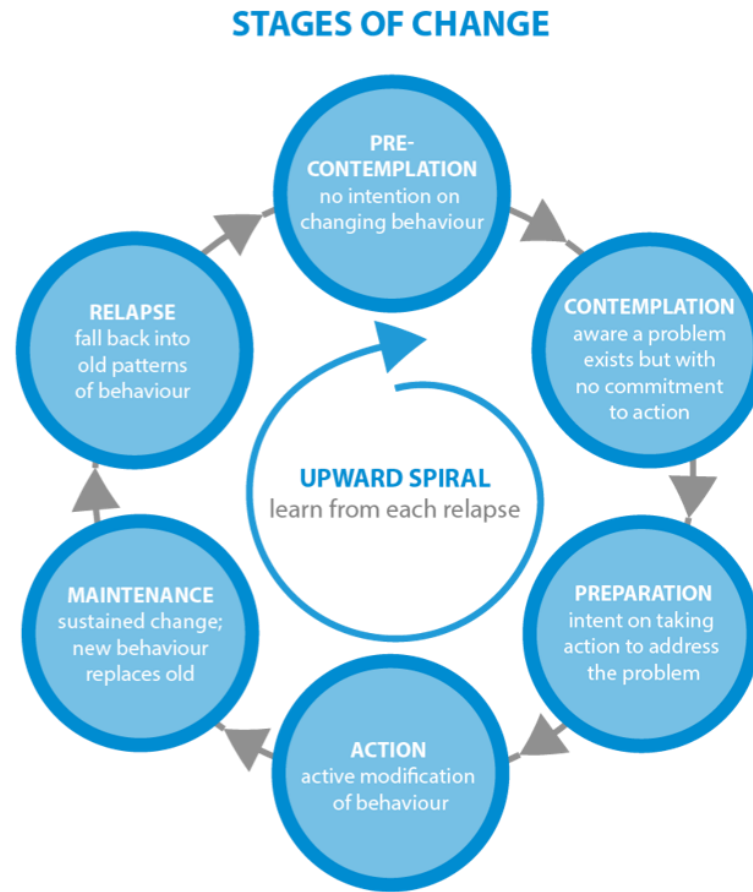
# Discontinuity INTERVENTION

Discontinuity is the most difficult of the eight thinking styles to address! The individual is often oblivious to the inconsistency evident in their thinking.

Use frequent feedback on discontinuous actions and skill-build around goal setting and SMART planning.

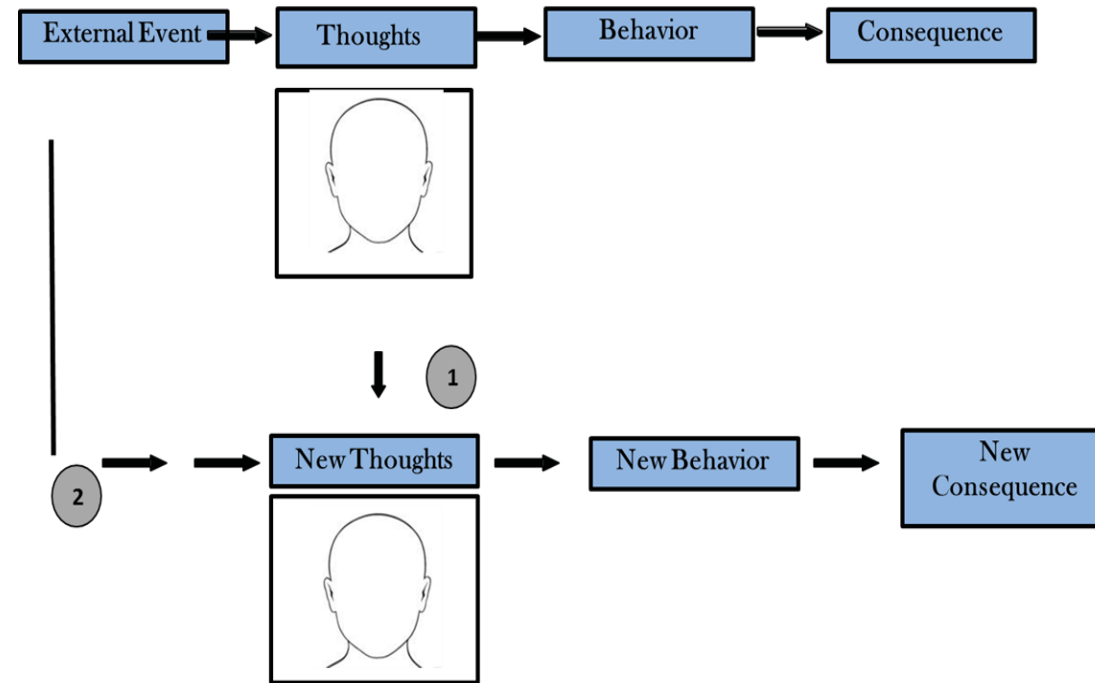
## Use information from assessments and Motivational Interviewing Techniques (STARR)

- ▶ Identify where an individual is in the process of change
- ▶ Utilize techniques to enhance motivation and movement through stages of change
- ▶ Collaborate with treatment providers with intervention skills to assist participants to make changes and be consistent with those changes.



# Intervention SKILLS

- ▶ Teaching Cognitive Model
  - ▶ During Court session
  - ▶ Officer visit
- ▶ Applying Cognitive Model
  - ▶ Through officer interaction OR other activity (i.e.: Movie)
- ▶ Reviewing Cognitive Model
  - ▶ Done during check in with Judge
  - ▶ Through homework assignment
  - ▶ Officer interaction





## All this information... Now What?

- ▶ Use of Intervention skills and techniques
  - ▶ CBT Groups at treatment providers
    - ▶ Moral Reconciliation Therapy (MRT)
  - ▶ Problem Solving worksheets
  - ▶ Cognitive Model-Teach, Apply, Review
    - ▶ Exercises that can be assigned as homework or applied in Court sessions



# HOPE Court Helping Offenders Prepare for re- Entry

District of Rhode Island





HOPE has  
been part of  
Rhode Island's  
state seal  
since 1664

HOPE Court is an alternative to traditional supervision for post-conviction moderate to high-risk offenders.

Its goal is to produce better outcomes for participants and the community than traditional supervision is able to achieve.

Our mission...



# Our team...

## Presiding Judge:

- U.S. Magistrate Judge Patricia A. Sullivan

## Supporting Judge:

- U.S. District Judge John J. McConnell, Jr.

## Federal Public Defender:

- Ass't Federal Defender Joanne Daley

## U.S. Attorney:

- Ass't U.S. Attorney Ly Chin
- Entry Outreach Coordinator David Neill

## Treatment Provider:

- Mary Dixon-Stannard, LICSW

## Probation Office:

- Supervisory U.S.P.O. Heather McLoughlin
- Re-Entry Specialist Derek Dufresne
- Probation Services Technician Jessica Austin
- Chief Probation Officer John G. Marshall

## Our structure and our goals...

- The program is structured as Re-entry Court
- What do participants ultimately gain from the program?

The primary reward for participation is the opportunity to obtain a modification of the original sentence by eliminating a year of supervision

- What are the goals of the program?
  - ▶ Sobriety
  - ▶ Employment
  - ▶ Stable housing and living situation
  - ▶ No new law violations/arrests
  - ▶ Complete fifty-two weeks of satisfactory performance, with a minimum of three months of productive/gainful activity and sobriety during the final phase of the program



# Our participants...

## How are participants chosen?

- ▶ Candidates for the program will be D/RI supervisees or probationers who are identified by the Probation Officer as high risk (PCRA Moderate or High), with drug or alcohol abuse-related conditions as a risk factor (must have a special condition for drug or alcohol testing/treatment).
- ▶ Offenders with a history of violence or firearms are not automatically excluded. Nor are offenders with pending violation charges.
- ▶ Probation circulates PCRA assessment and Team discusses PCRA criminal thinking issues before deciding to accept participant.
- ▶ Each candidate has a pre-participation meeting with the Team to discuss goals and to begin Team observations of thinking style

# Our program requirements...

## Phase I

- 2 meetings with Probation per week
- Attend substance abuse/mental health treatment as deemed necessary
- 2 drug/alcohol tests per week
- Attend HOPE Court bi-weekly
- Obtain stable residence, necessary insurance, license, etc.
- Begin a life skills, employment or education program

## Phase 2

- 1 meeting with Probation per week
- Attend substance abuse/mental health treatment as deemed necessary
- 1 drug/alcohol test per week
- Attend HOPE Court bi-weekly
- Commence **MRT**

# Our program requirements (2)

## Phase 3

- 1 meeting with Probation/Court per week, if unemployed
- Attend substance abuse/mental health treatment as deemed necessary
- Enrollment in Color Code Program (reduced testing)
- Attend HOPE Court bi-weekly
- Complete MRT

## Phase 4

- Meeting with Probation as deemed necessary
- Attend substance abuse/mental health treatment as deemed necessary
- Enrollment in Color Code Program (reduced testing)
- Attend HOPE Court monthly
- Maintain employment/3 months of productive activity
- Maintain 90 days sobriety
- Complete an approved written relapse prevention/safety plan
- Complete exit interview

- Award of “weeks” as participant moves through the program.
- Judicial praise.
- Phase graduation certificates and token gift card presented upon completion of each phase.
- Graduation plaque and token gift card presented upon program completion.
- Reduction of reporting requirements.
- Reduction of drug testing.
- Other rewards to be determined by the Court.
- One (1) year supervision reduction.

# Our incentives...

# Our sanctions...

- Loss of “weeks” and lack of progress in program.
- Judicial reprimand.
- Writing assignments.
- Increase reporting or frequency of meetings with Probation.
- Increased frequency of UA collection.
- Use of alternative drug testing procedure.
- Curfew; home confinement.
- Electronic monitoring.
- CCC placement.
- Incarceration of varying length (from an hour to max of 3 days/cap of 10 days in total).

## Our data...

- ▶ Total participants since inception: 45
- ▶ Violent crimes in criminal history: 65%
- ▶ Current number of participants: 10
- ▶ Graduates since inception: 12 (35.2%)
- ▶ Average length of time in HOPE Court for graduates: 491 days (76 weeks)
- ▶ Terminations since inception: 23
- ▶ Most terminations (65%) occur in Phase I
- ▶ Only one termination occurred in Phase IV



## More data...

Of 12 graduates...

- Successful Completion of TSR: 8 (66.7%). 4 Moderates and 4 Low Moderates at time of graduation.
- Currently on TSR with successful progress: 2 (16.7%). 1 Mod and 1 Low Mod at time of graduation.
- Currently on TSR with technical violation conduct: 1 (8.3%). Mod at time of graduation.
- Deceased while on TSR: 1 (8.3%). Mod at time of graduation.
- Post-graduation violation: 0

## More data . . .

- 45 participants accepted since inception; 1 elected not to participate after initial team meeting.
- Of 44 participants, 10 are active.
- Of 34 completed participants, 12 have graduated (35.2%).
- Of 34 completed participants, 22 have left or been terminated prior to graduation (64.7%).
- Of 34 completed participants, 23 did not have a change in PCRA score while in program (67.7%).
- Of the 23 who did not have a change in PCRA score while in the program, 3 increased in risk after leaving the program and 3 decreased in risk after leaving the program.
- Of the 12 participants who have graduated, 6 did not experience a change in PCRA score and 6 have experienced a reduction in PCRA score.

# PCRA outcomes assessment...

|   | High  | Moderate | Low Moderate |
|---|-------|----------|--------------|
| PCRA score at entry<br>(44 total participants)      | 29.5% | 65.9%    | 4.6%         |
| PCRA score at entry<br>(34 past participants)       | 38%   | 59%      | 3%           |
| PCRA score at exit<br>(34 past participants)        | 20.6% | 61.8%    | 17.6%        |
| Most recent PCRA<br>score (34 past<br>participants) | 23.5% | 52.9%    | 23.5%        |

- CJA assistance/access for every participant who is facing a potential deprivation of liberty sanction.
- Infrastructure that provides volunteer legal services as needed.
- Adherence to 10 key drug court principles.
- Team approach to process/impose sanctions and rewards.
- Effort to use **RNR** (Risk-Need-Responsivity) to guide decisions.
- Flexibility of program to address language barriers and developmental disabilities.
- Completion of FJC QI program in 2017; served as QI host court in 2019.

# Our accomplishments...

# Our challenges ...

- ▶ Improve referral process.
- ▶ Motivate low level drug users to make big changes.
- ▶ Identify additional community supports for participants.
- ▶ Find earlier/consistent method to utilize BIW (Barrier Identification Worksheet) to assist participants.
- ▶ Effectively incorporating STARR into program.
- ▶ Address mental illness and medication needs.