

EFFECTIVE COMMUNICATION

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

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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 explores how good communication promotes engagement, increases motivation and positive outcomes, specifically:
 - ✓ 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.

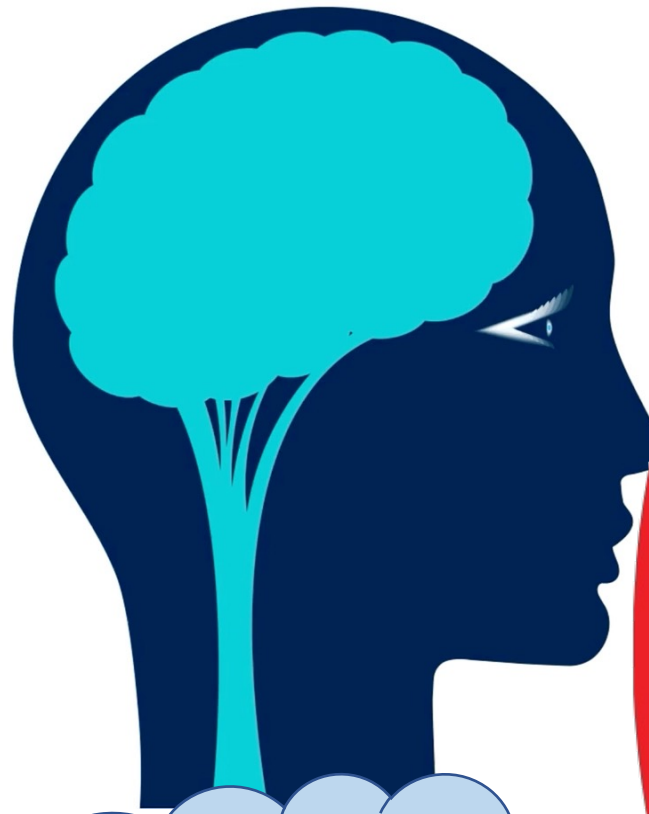


**"It is
possible!"**

Maintenance

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

Action



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

Preparation

**"No, not
me."**

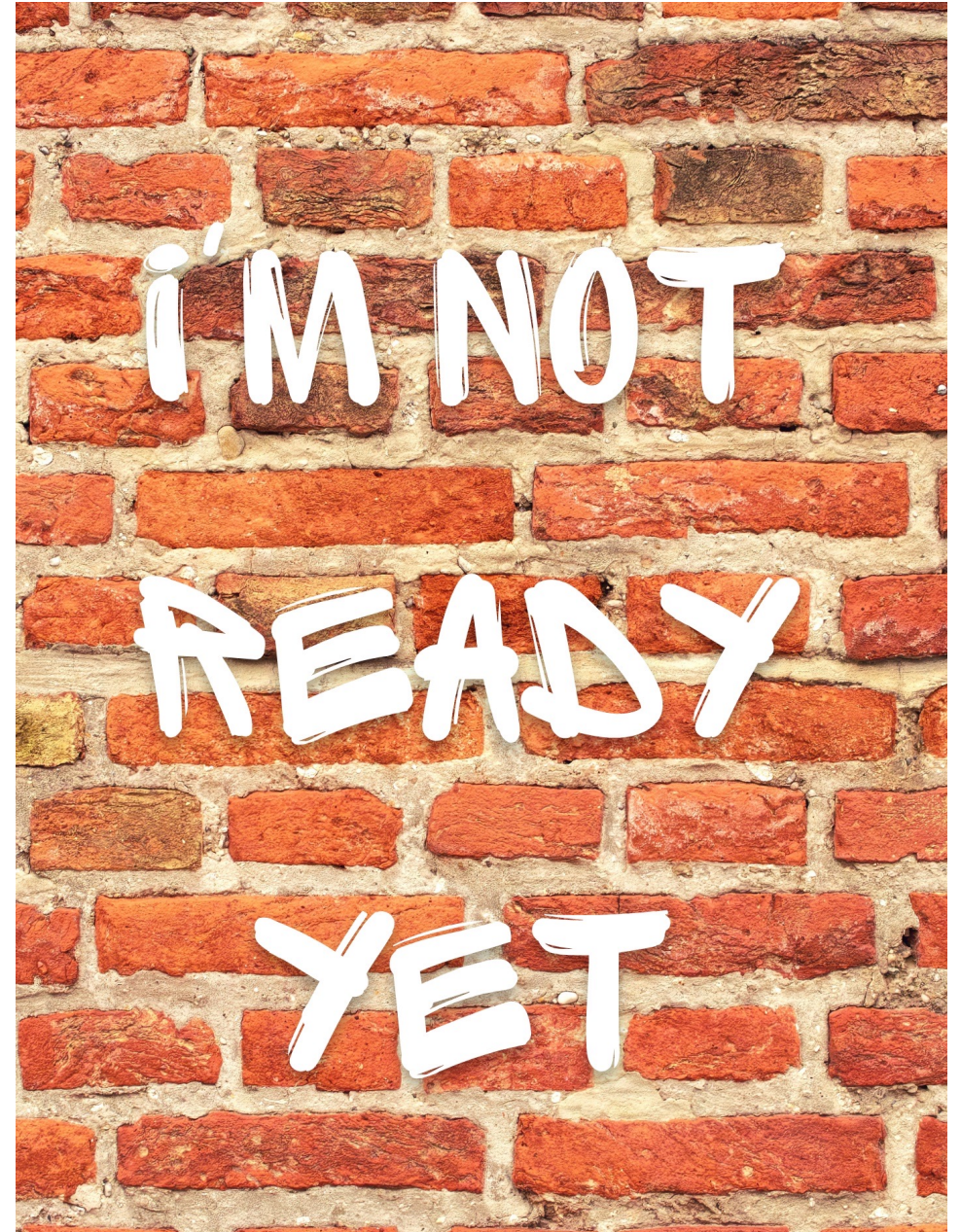
Pre-contemplation

**"Well,
maybe."**

Contemplation

Common Initial Attitudes/Behaviors

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- Withdrawn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



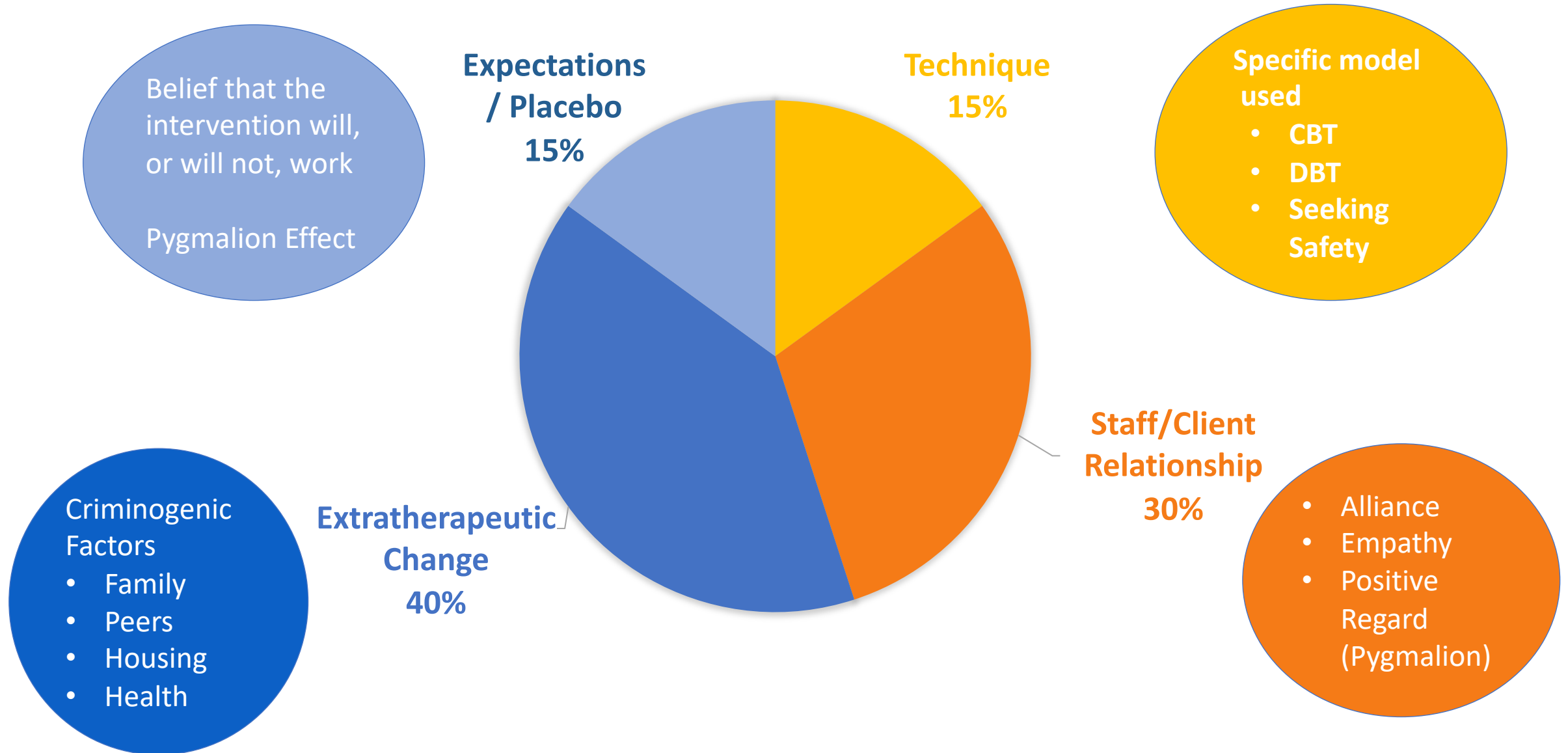
Our Goal

Attitudes/Behaviors

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



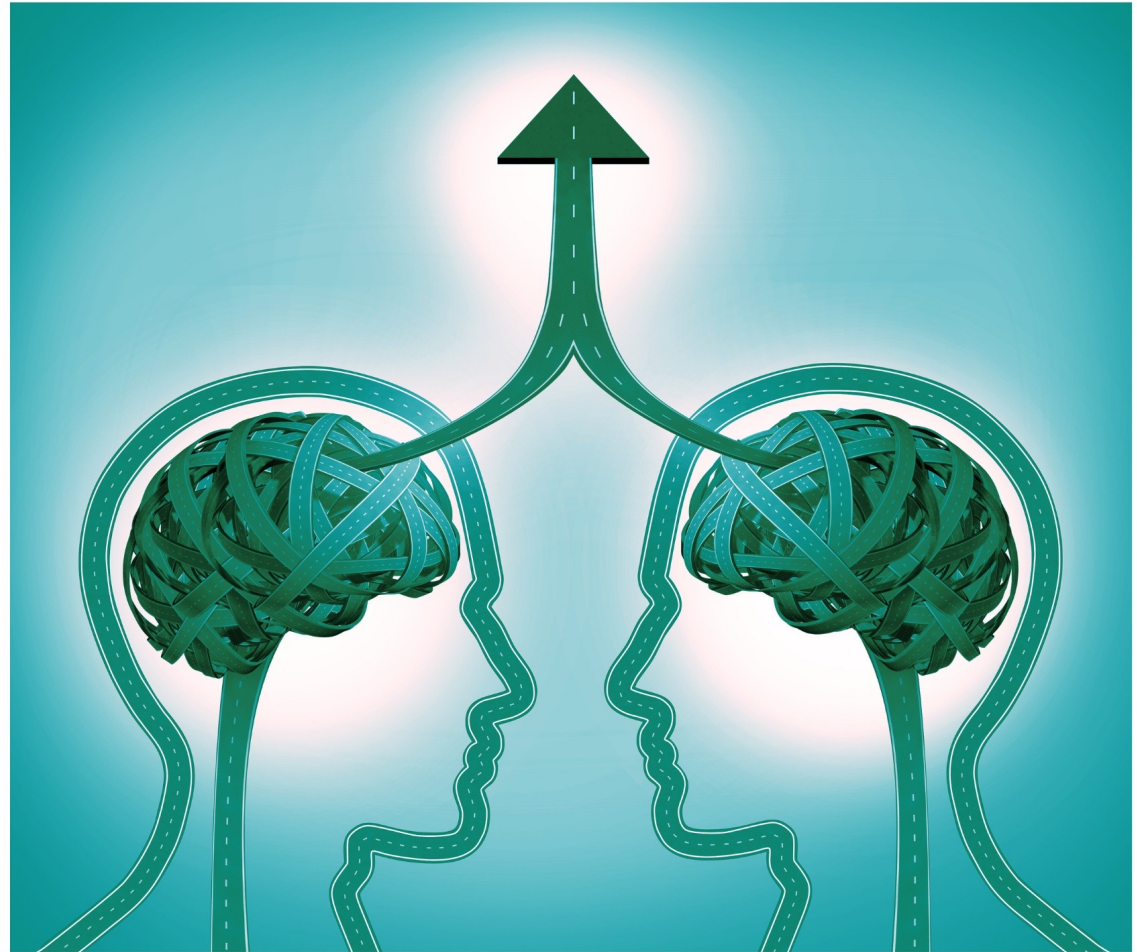
What leads to behavior change?



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)

➤ **Research:** Mehrabian's 7-38-55 Communication Model (1967)

- Only 7% of meaning is communicated through spoken **word**
- 38% through **tone of voice**
- 55% through **body language**

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

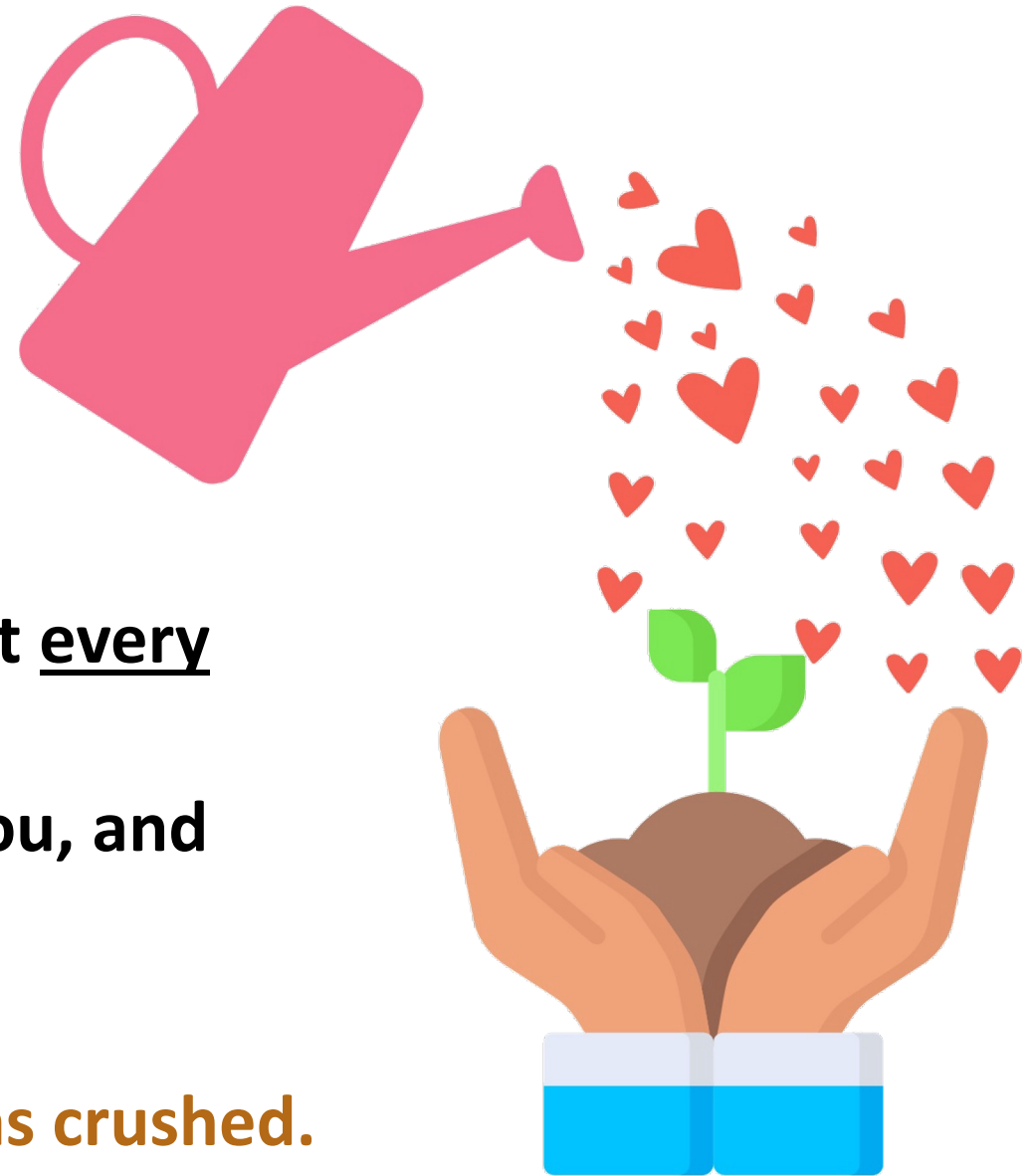
Watch your pattern of thinking!

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.





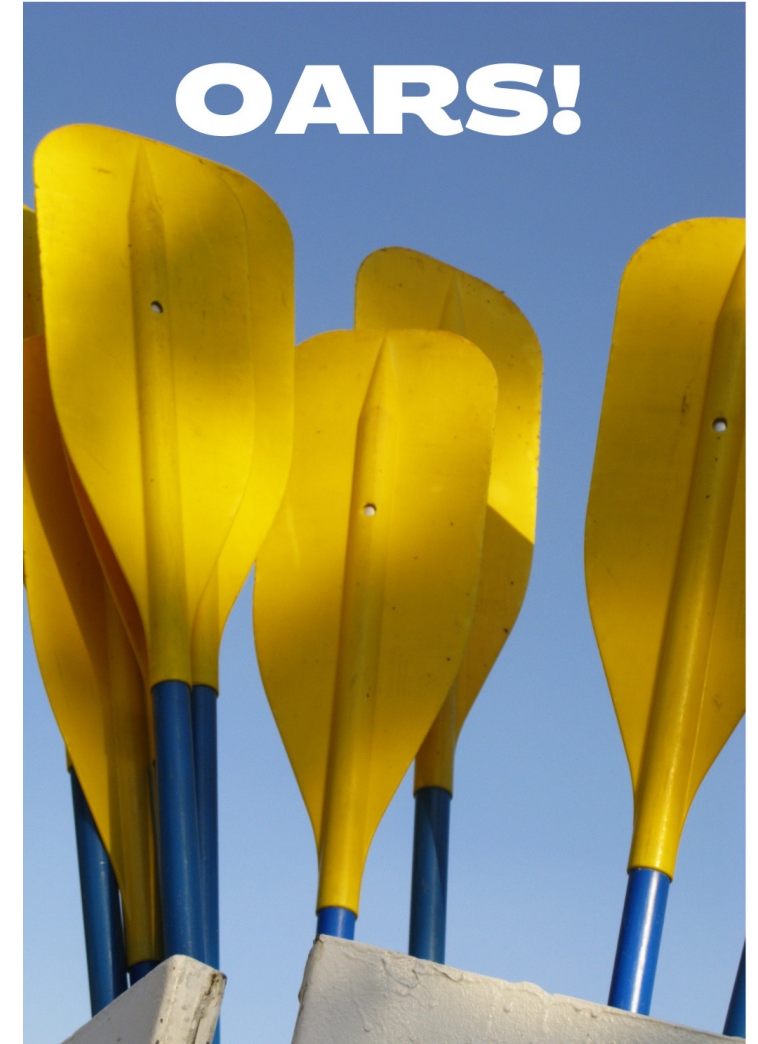
Motivational Interviewing

- 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

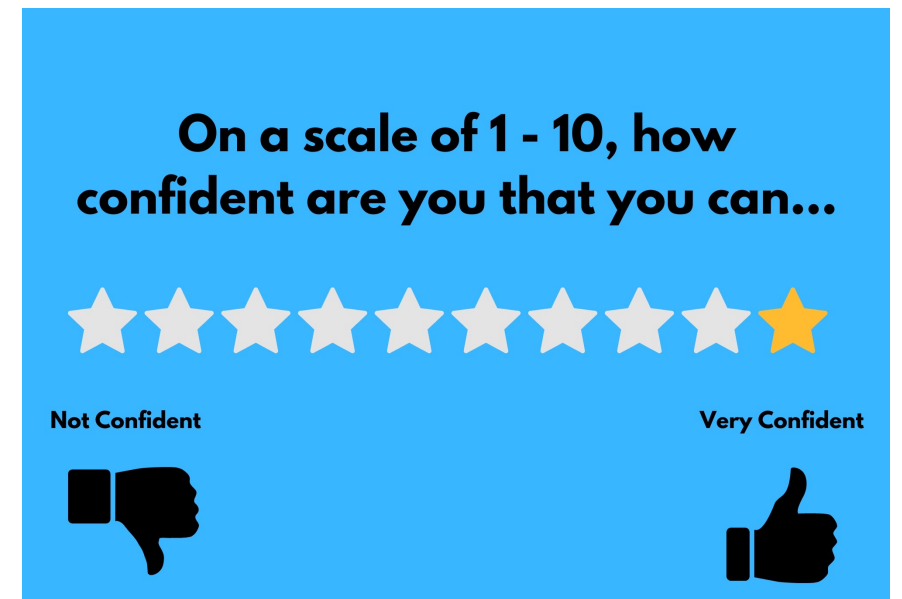
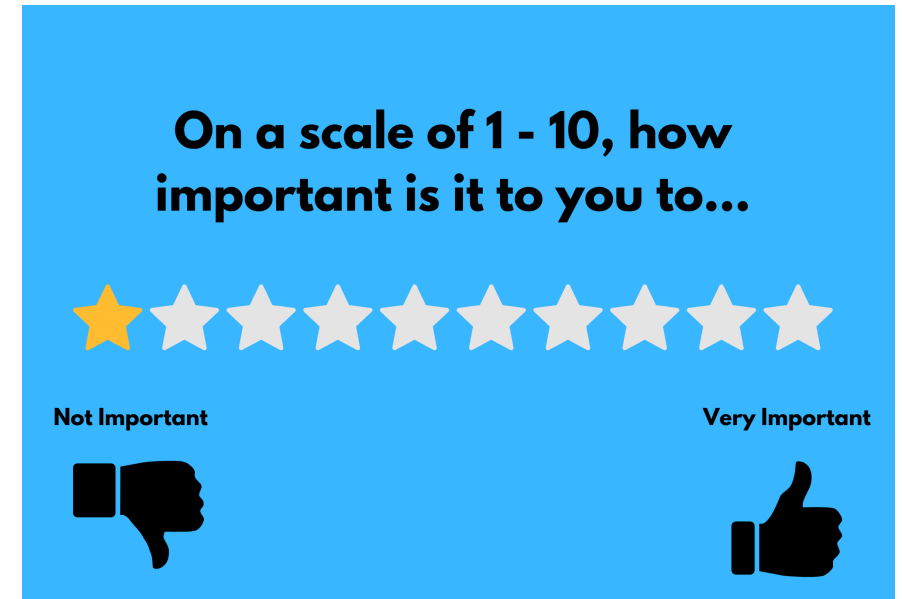
Use MI techniques (OARS):

- **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, etc) how important is it to you to stop using drugs and alcohol?



I guess a “7”, maybe.



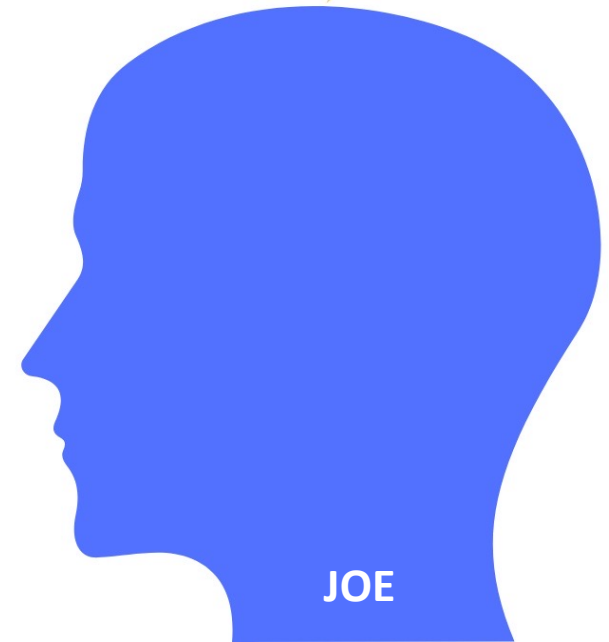
Using Scaling Questions: “Confidence”

That’s amazing! So, why not a “10” then?



STAFF

Well, I had several slips last year.
That has me a little worried.



JOE



Communication Barriers & Strategies





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

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)

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.”



Trauma Do's



- **Trust and Transparency:** Build trust by being honest, transparent, and consistent.
- Avoid deception or manipulation, which trigger mistrust.
- **Empowerment and Choice:** Traumatized people feel powerless. Give participants a sense of control, choice and partnership in their treatment and rehabilitation plans.
- Avoid coercive or punitive approaches, as they are retraumatizing.

- **Avoiding Re-traumatization:** Nothing good has ever happened to them in court.
- ✓ Court proceedings and interactions can retraumatize participants.
- **Understanding Trauma's Impact:** Trauma affects behavior and decision-making, leading to coping mechanisms like substance use.
- **Flexibility in Responses:** Be flexible in responses to behaviors and needs.
- ✓ Understand emotional triggers may lead to inappropriate behaviors
- ✓ A supportive rather than punitive response is more effective.

Trauma Do's



Remember Trauma: What Approaches Reduce Stress and Encourage Conversation?



Trauma Do's



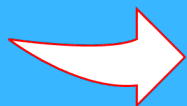
- **Therapeutic and Supportive Interventions:** Use evidence-based therapies and interventions that are trauma-informed, such as trauma-focused cognitive-behavioral therapy, Seeking Safety, or eye movement desensitization and reprocessing (EMDR).
- **Education and Training:** All members of the team, including judges, MUST receive training in trauma-informed care to understand the needs and reactions of participants.

Respect & 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



BEHAVIOR

WHAT WE
DON'T SEE



MODESTY

HISTORY

RELIGION

GENDER ROLES

RELIGION HUMOR

FAMILY VALUES

TABOOS

RULES OF CONDUCT

FORMATIVE VALUES

RELATION TO
AUTHORITY

INTERPRETATIONS

CORE VALUES

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

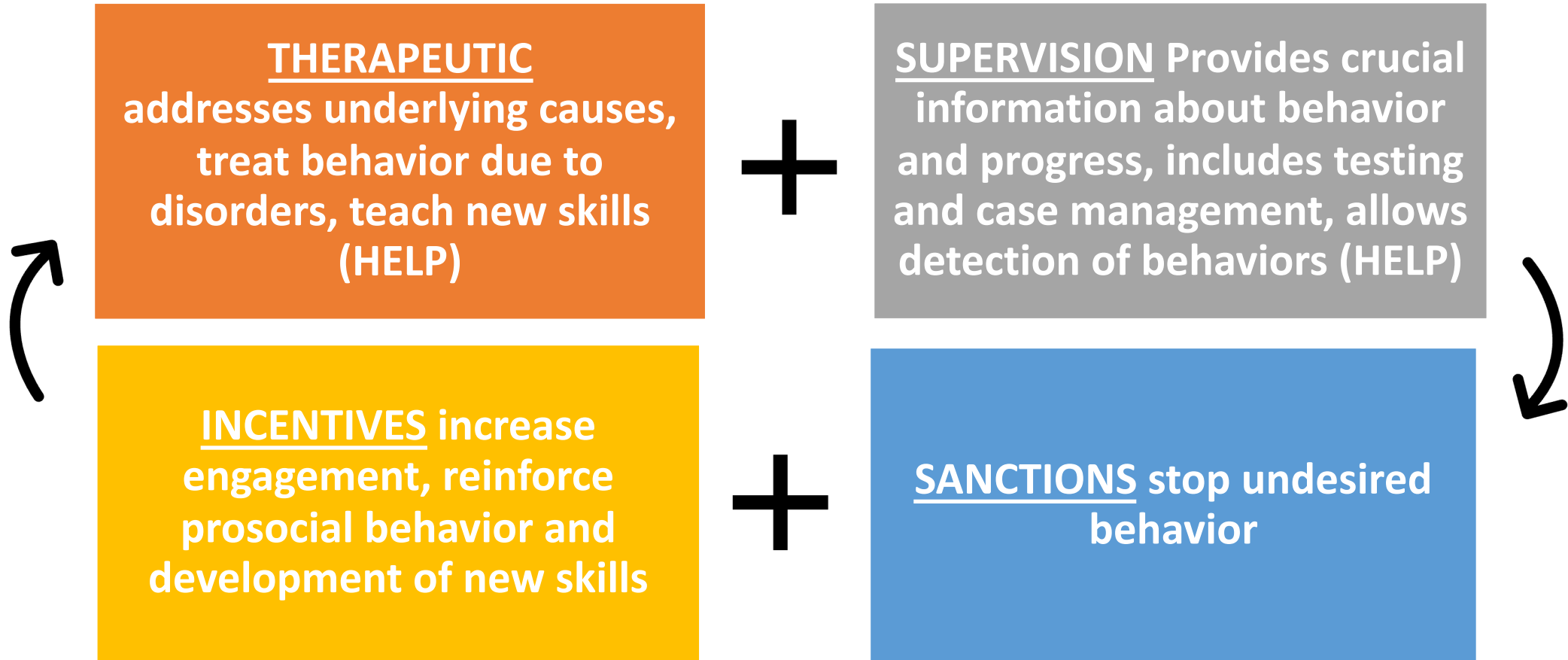
everyone getting
the same thing.

Fair Is

everyone getting
what they need in order
to be

Successful!

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



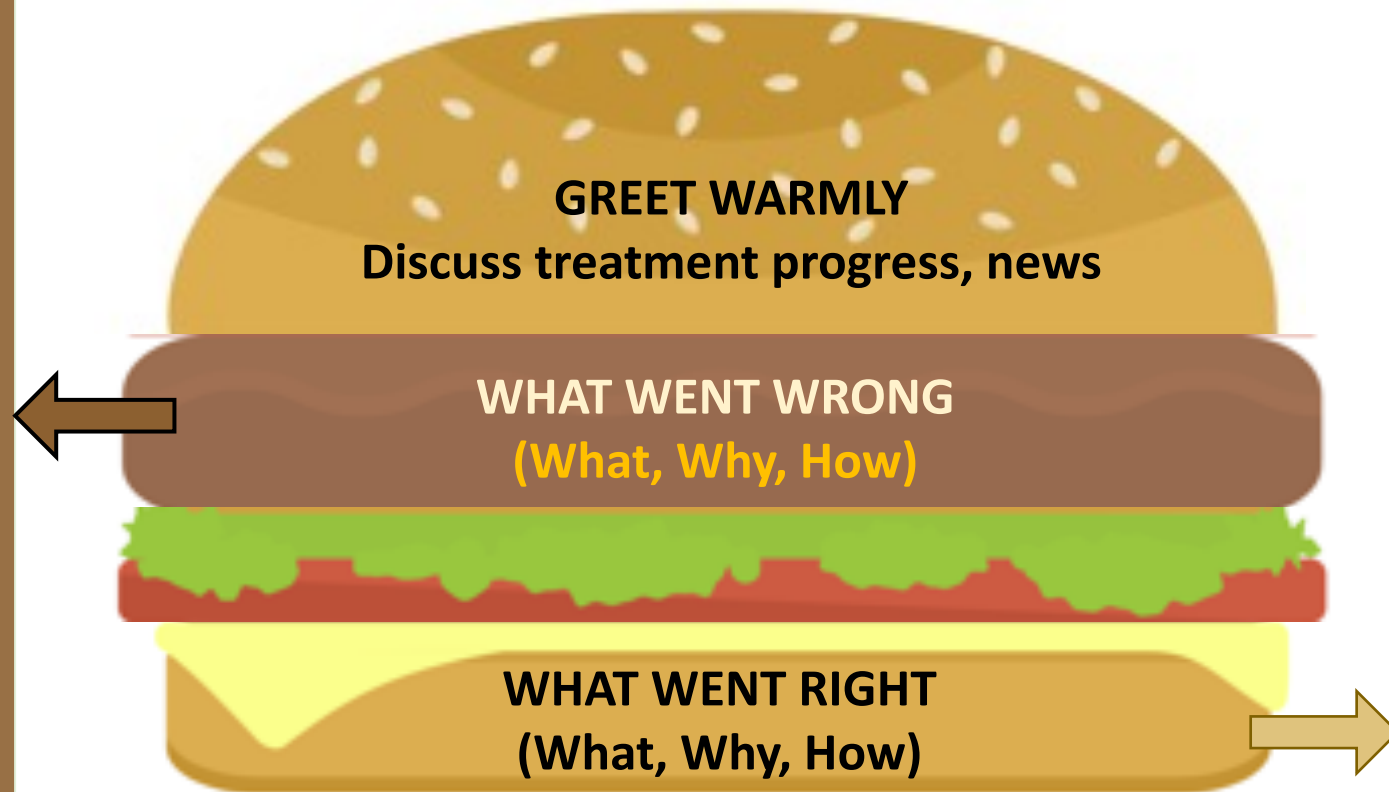
We use these tools in unison!

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



Use the Sandwich Technique to Deliver Responses to 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

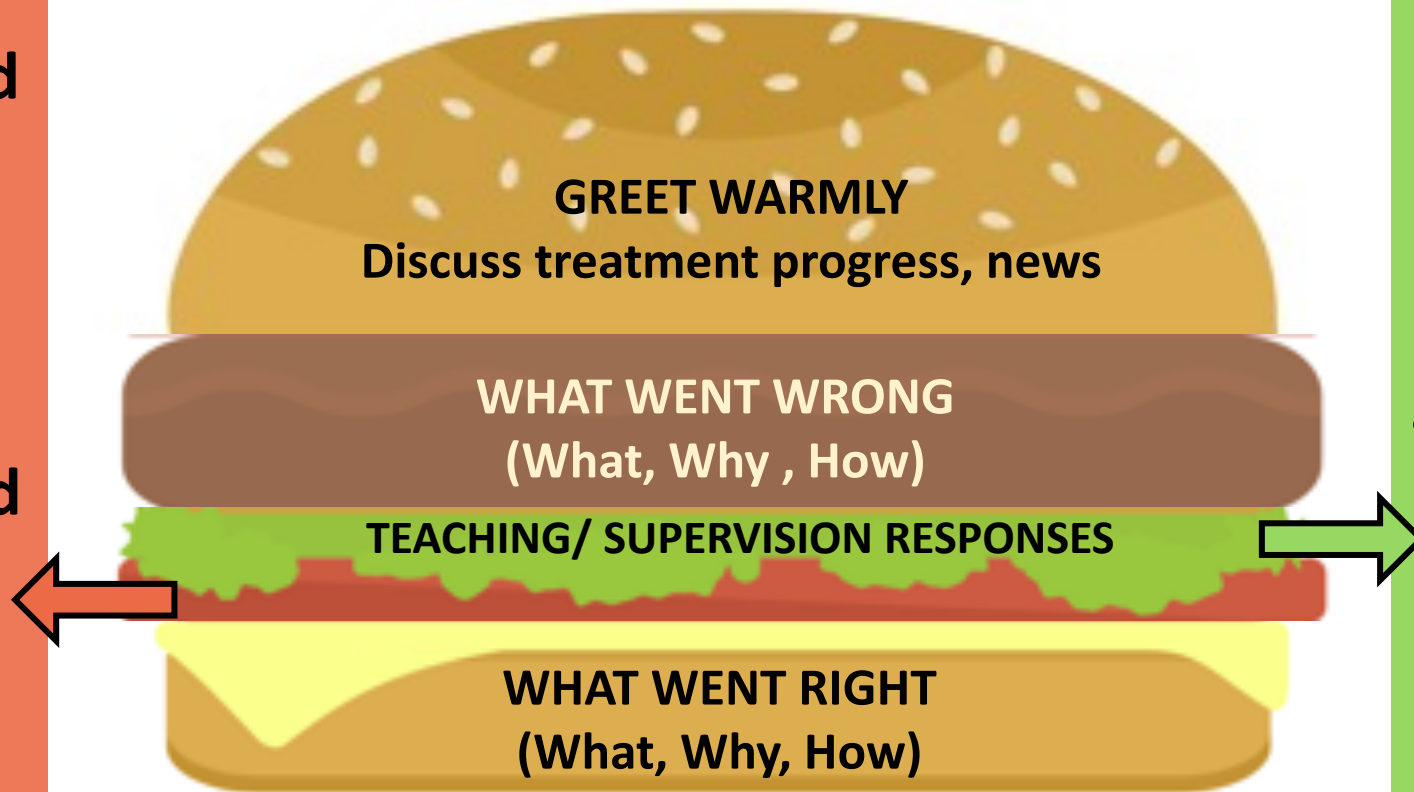


1. WHAT behavior we liked
2. WHY we like it.
3. HOW continuing this behavior will help
4. Response

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?



He is scared. Assuage his concerns.

- “Jimmy, I’m so glad you’re here.
- We’re going to talk about some of the great decisions you made this week– and also the not so great.
- First, I want you to know you are not getting a jail sanction.

Talk about treatment, news

- Your counselor tells me your group is working on **practicing refusal skills**. Tell me about that. How can you use this skill?
- I also hear there’s a new puppy in the house. Tell me how that’s helping your recovery.”

Step 1: Greet Jimmy



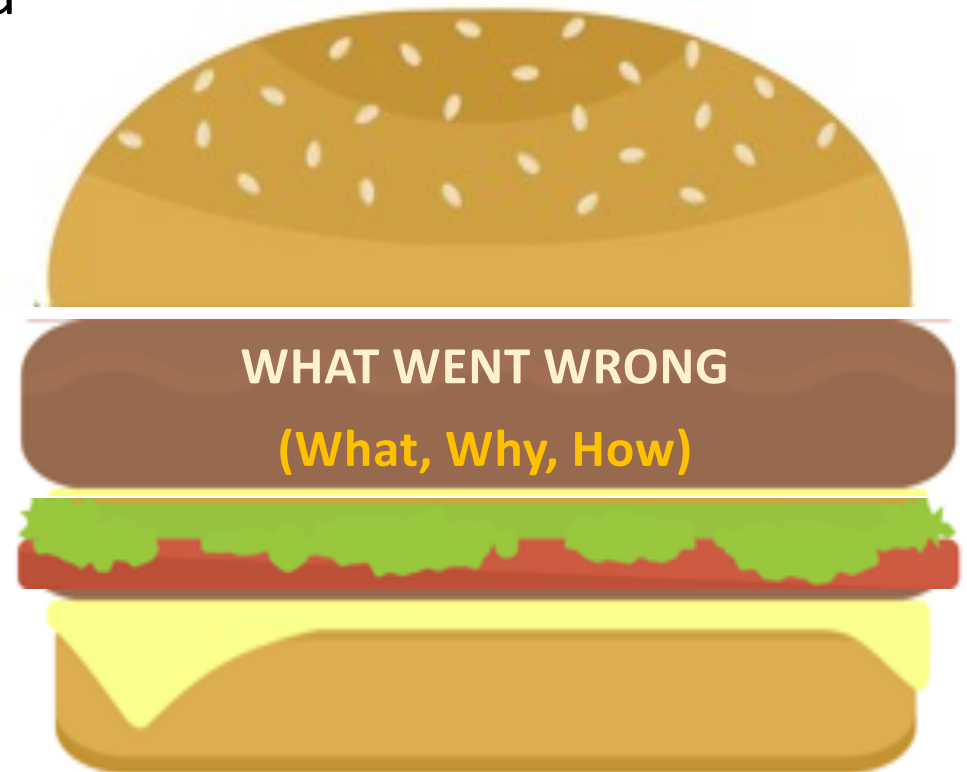
WHAT he did and **WHY** it's a problem:

- “There are 3 behaviors we’re concerned about:
- “**You used meth** and that is **not healthy** for you or your recovery.”
- “Even more concerning, **you did not show up for testing** and **you were dishonest**.”
- “**We can’t help you** if you don’t show up and if you are not honest.” (Explain **WHY** we test– it’s help, not “Gotcha”)

HOW continuing this behavior will cause problems for Jimmy: (Tie in his goals.)

- “Can you see **HOW** continuing this will cause problems for you?”

Step 2: What Went Wrong



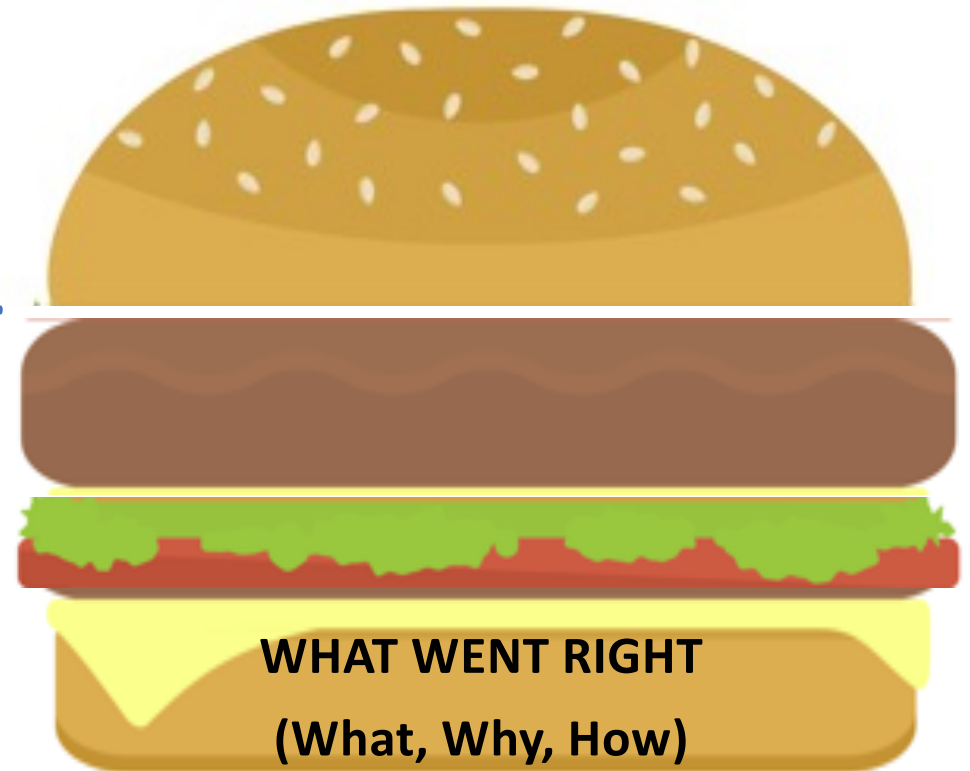
WHAT he did RIGHT and **WHY** it's GREAT:

- “There are 3 things you did that are GREAT:
- “**You went to Sober Bowling** and **had a great time**. You are learning how to have fun without drugs and alcohol”
- “You **spent time with the peer mentors** and **made some new friends who are in recovery**. Learning how to make friends with people who support your recovery will help you reach your goals.

HOW continuing this behavior will cause problems for Jimmy: (Tie in his goals.)

- “Can you see **HOW** continuing this will help you?”

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?

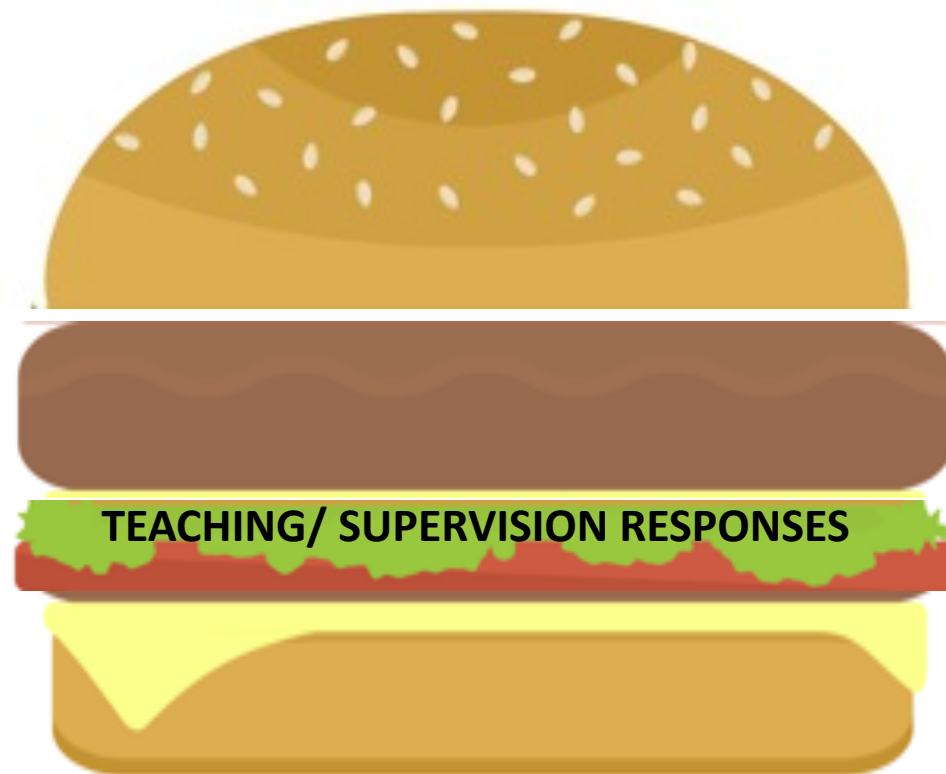


We avoid confusion by being SPECIFIC and helping clients see how change helps THEM achieve THEIR goals!

Was something missing from our sandwich?

- Will we make changes in the TREATMENT plan (higher LOC or teaching responses like a Thinking Report)?
- Will we make changes in SUPERVISION (more/different testing, OVs, home visits)?
- Explain to Jimmy this is **HELP** not a sanction.
- And, **when we ease** these things it's not an "incentive", **it's proof he's getting better.**
- **Make sure Jimmy understands this!**

Step 2.5: Other Responses



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
- A place where they will **learn** and be inspired
- A place where the primary 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
 - 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

03:00

- 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



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 try to "do therapy"!
- Focus on modeling and reinforcing positive behavior
- Create learning (WHAT, WHY, & HOW)
- Build confidence & instilling hope.



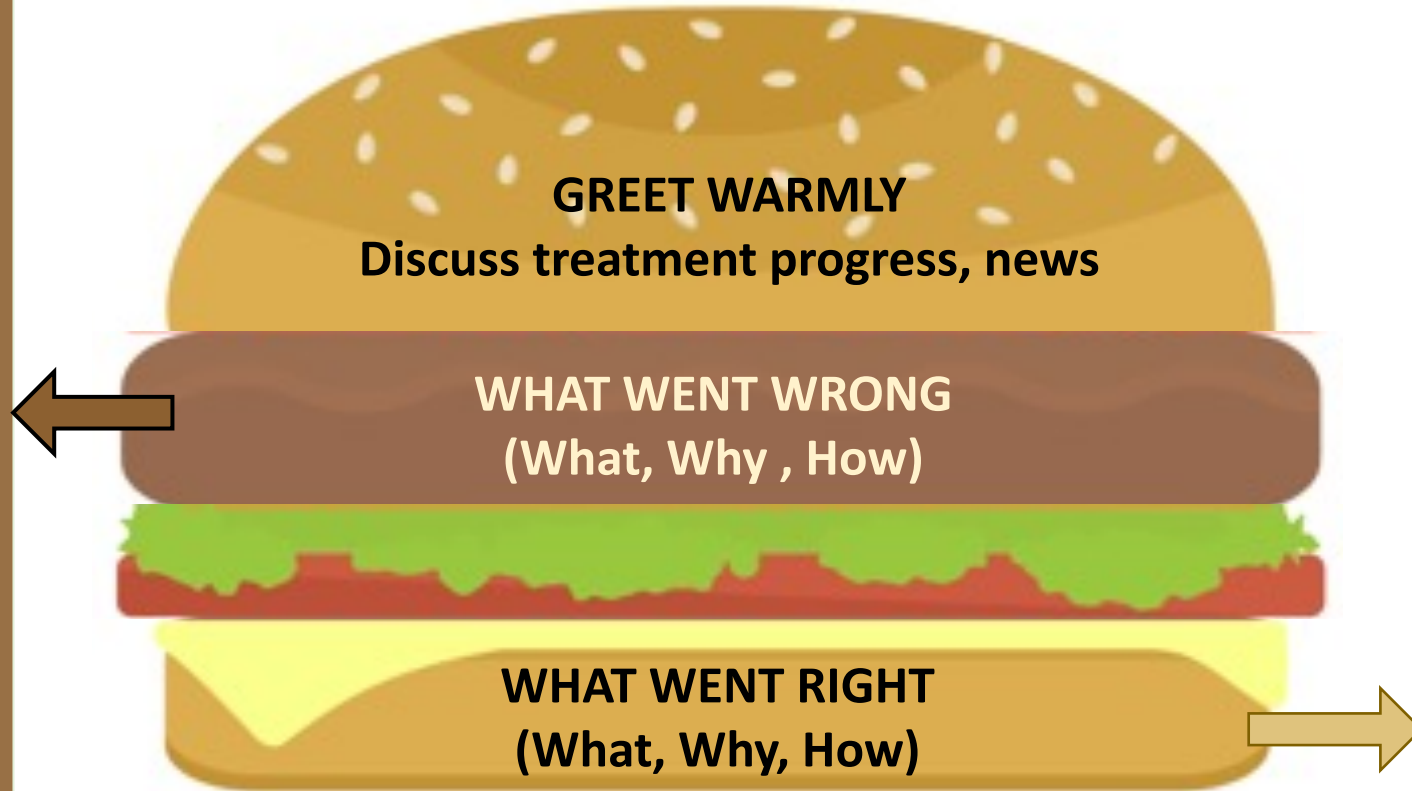


Focus on Learning

- 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.

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

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!

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: _____



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



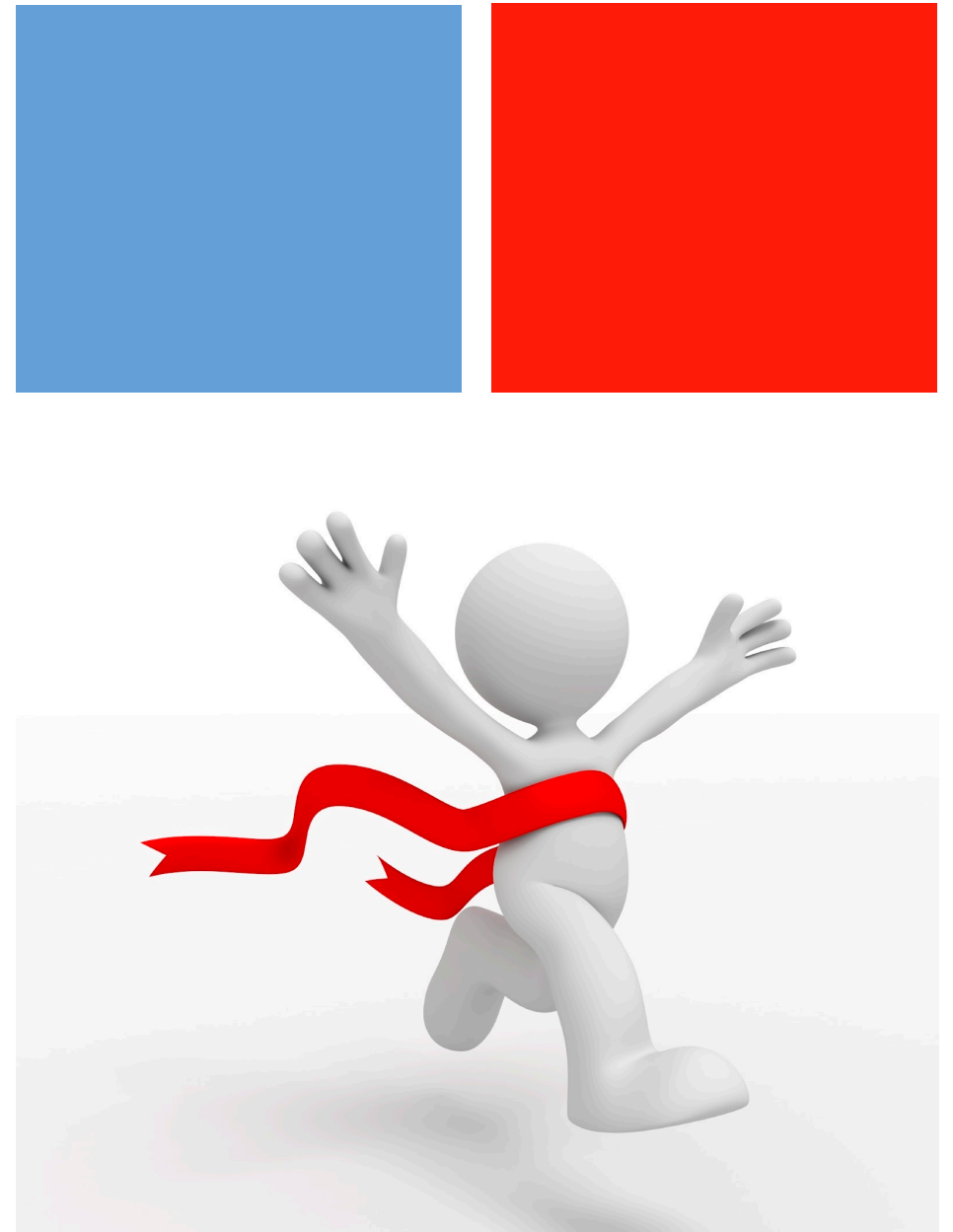
Delivery: Creating Learning Opportunities



- 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?

Big Picture Stuff

- Our goal is recovery– a LONG process.
- We build a real relationship of respect and trust. Communication is key!
- We are MH, trauma & culturally-competent.
- We always reward progress even if it's 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?**





QUESTIONS?

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TALK, TIPS & TROUBLESHOOT
WITH JUDGE DIANE BULL & FRIENDS

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