**Behavioural contract protocol – sanctions and incentives**

To be effective and responsive to both participants’ needs and community expectations, the treatment program must operate within a transparent framework of boundaries and accountability to which the participant voluntarily agrees (‘the behavioural contract’). Positive progress is appropriately rewarded, or ‘incentivised’, just as negative behaviour must be ‘sanctioned’.

In setting this framework, the Court is mindful that there are short-term goals which are more readily achieved early in the life of a treatment order and long-term goals which might be difficult to achieve in the early stages, but which are necessary to complete an order successfully. Incentives and sanctions will be adjusted to reflect the point in the order at which the behaviour occurs.

There are some behaviours which are entirely unacceptable and will result in breach or even termination of an order. Successful completion of a treatment order, on the other hand, is a very significant achievement which warrants formal recognition by the Court on behalf of the community.

The ultimate sanction is cancellation of the treatment order and imposition of full-time imprisonment. Short of that are a series of stepped sanctions, including shorter periods of imprisonment, which may accumulate or be imposed immediately. The shortest period of actual incarceration will be seven days. The maximum period short of cancellation is 14 days. These periods may be imposed more than once during a treatment order. Lesser sanctions may include curfew, restriction of access to places, prohibition of association with certain people, increased contact with community corrections or the Court, public warning, reprimand or reflective work*.*

Rewards will generally take the form of public acknowledgment of success and waiving or reducing sanctions. The ultimate reward is graduation from the treatment program. The Court will also consider material rewards where appropriate, adapted to and/or in consultation with each participant.

What follows is a diagram (**D1**) that illustrates behavioural expectations and examples of sanctions and rewards which might be ordered in response to identified behaviours. They are subject to discretion, having regard to the participant’s conduct, individual circumstances, past performance on the order, and any other relevant factors. **D2A-C** are ‘phased response’ tables that will guide Court orders regarding sanctions and incentives.

**D1.**

**D2A.**

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| **Testing Based Sanctions** | **Conduct** | **Court Response** |
| Positive urinalysis results – with admission | Phase 1 | 1st – warning2nd – reflection and warning3rd – +1 sanction day |
| Phase 2 | 1st – warning2nd – +13rd – +6 |
| Phase 3 | 1st – phase 2 conditions for 4 weeks2nd – +63rd – **cancellation** |
| Positive urinalysis results – without admission | Phase 1 | 1st – reflections and warning2nd – +13rd – +3 |
| Phase 2  | 1st – Phase 1 conditions for 4 weeks2nd – +33rd – +6 |
| Phase 3 | 1st – +62nd – +63rd – **cancellation** |
| Fail to attend for urinalysisFail to provide urinalysisDilute sample | Phase 1 | 1st – reflection and warning2nd – +23rd – +6 |
| Phase 2  | 1st – phase 1 conditions for 4 weeks and +12nd – +6 |
| Phase 3 | 1st – +142nd – **cancellation** |
| Tamper or interfere with urinalysis testing | Phase 1 | + 6 days |
| Phase 2 | +7 days |
| Phase 3 | **Cancellation** |

**D2B.**

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| **Behaviour based sanctions** | Non-attendance at appointments | Phase 1 | 1st – warning2nd – reflections and reprimand3rd – +1 day |
| Phase 2 | 1st – reflection and reprimand2nd – +3 days3rd – +3 days |
| Phase 3 | 1st – +62nd – +3 |
| Disrespect to treatment team, court staff, Judge or other participants | Phase 1  | 1st – warning2nd – reflect and reprimand3rd – +1 |
| Phase 2 | 1st – +1 day and apology2nd – +2 day and apology |
| Phase 3  | 1st – +2 day and apology2nd – +3 day and apology |
| Attempted intimidation or aggression to treatment team, courts staff, Judge or other participants | Phase 1  | 1st – +7 day sanction2nd – **order cancellation** |
| Phase 2 | 1st – +7 day sanction2nd – **order cancellation** |
| Phase 3  | 1st - +7 day sanction2nd – **order cancellation** |
| Medication use not as prescribed | Phase 1  | 1st – warning2nd – reflection3rd – +1 day |
| Phase 2 | 1st – +1 day2nd – +2 days |
| Phase 3  | 1st – +2 days2nd – +3 days |
| Non-compliance with order conditions (eg curfew), directions (eg non associations) or court sanctions (eg not completing tasks given as part of sanction process) | Phase 1  | 1st – +1 day2nd – +2 days3rd – +3 days |
| Phase 2 | 1st – +1 day2nd – +3 days |
| Phase 3  | 1st – +3 days2nd – +6 days |
| Non-compliance with occupancy conditions | Phase 1  | +6 days |
| Phase 2 | 1st – +7 days in addition to current sanction2nd – **order cancellation** |

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|  | **New offending** | Any phase | **Depends on offence** |
| Fail to advise team of change of contact details within 48 hours | Phase 1 | 1st – warning and reprimand2nd – +2 |
| Phase 2 | +3 days |
| Phase 3  | + 6 days |
| Leave or remain outside of the ACT without permission | Phase 1  | +6 days |
| Phase 2 | 1st – +7 days2nd – **cancellation** |
| Phase 3  | 1st – +7 days2nd – **cancellation** |
| Bringing contraband into custody while serving sanctions | Phase 1  | +7 days in addition to current sanctions |
| Phase 2 | 1st – +7 days in addition to current sanction2nd – **order cancellation** |
| Phase 3  | 1st – +7 in addition to current sanctions2nd – **cancellation** |
| Behavioural issues (aggression) while serving sanctions | Phase 1  | 1st – +7 days in addition to current sanctions |
| Phase 2 | 1st – +7 in addition to current sanctions2nd – **cancellation** |
| Phase 3  | 1st – +7 in addition to current sanctions2nd – **cancellation** |

**D2C.**

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| **Behaviour based incentives** | **Conduct** | **Phase 1** | **Phase 2** | **Phase 3** |
| Active engagement with the treatment team | Acknowledgement and praise | Acknowledgement and praise | Acknowledgement and praise |
| No missed treatment/appointments for previous four weeks | -4 days | -2 days | Acknowledgement and praise |
| Voluntary attendance in therapeutic activity outside of treatment program requirements (eg extra SMART meetings, volunteering) | -4 days | -2 days | Acknowledgement and praise |
| Restitution to the victim or community | -3 days | -3 days | -3 days |
| Home visit discloses neat, well maintained accommodation | -1 day | -1 day | Acknowledgement and praise |
| Honesty contrary to participant’s interests (eg reporting a crime) | -2 days | -1 days | Acknowledgement and praise |
| 3 x Negative UDS  | -1 days  | Acknowledgement and praise | Acknowledgement and praise |