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Evidently, it's not so Evident

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Evidence. To the criminal justice practitioner, it is grounded in one's lexicon. Law enforcement officials rely on evidence to make an arrest. They must have enough evidence to bring a case to the prosecutor for charging. The prosecutor needs enough evidence to convince a jury to convict. Even on the corrections side of the equation, there is a reliance on evidence. Documented evidence of an infraction to take an inmate's good time. Evidence of a probation violation to report an allegation to the court. From an arrest to the expiration of an individual's sentence, the criminal justice practitioner relies on evidence.

Why then, the reluctance of those in the arena of criminal justice...the reluctance to trust in and embrace evidence-based practices? Before attempting an answer to that question, a brief tutorial as to the history and definition evidence-based practices. This is important, in that one of my suspicions is that agencies struggle with evidence-based practices partly due to the fact that they are not properly defining EBP.

Many practitioners and agencies are familiar with the term *Best Practices*. To be clear, Best Practices are not Evidence Based Practices. Best Practices can be defined as the collective experiences and knowledge of professionals in the field. A group of police chiefs meets every year at a statewide chief's conference. They share war stories and information as to initiatives they are undertaking to fight the opioid epidemic. However, these initiatives are not based on any research or scientific evidence. Therefore, these are not evidence-based practices. The U.S. Department of Justice admits that "the vast majority of prevention, intervention and treatment as well as supervisory programs related to drug abuse, juvenile delinquency and adult crime have not been rigorously evaluated" (Campos, 2011).

A closer cousin to EBP is the term *What Works*.

To their credit, What Works initiatives use outcomes to measure effectiveness. However, they don't specify what those outcomes are e.g. lowering recidivism.

For this reason, the Federal government as well as other government and non-profit entities are endeavoring to implement *evidence-based practices*. Which brings us back to the issue of a definition. The National Institute of Correction's definition of an EBP implies that:

- 1) There is a definable outcome(s).
- 2) It is measurable; and
- 3) It is defined according to practical realities e.g. recidivism, victim satisfaction, etc. (Evidence-based practices, 2009)

In the field of corrections, evidence-based practices came of age in 1987 when Paul Gendreau and Robert Ross published *Revivication of rehabilitation: Evidence from the 1980's* in Justice Quarterly. This entailed a survey of over 200 studies on rehabilitation from 1981 to 1987. Their examination of the effect sizes of correctional treatment programs highlighted that some programs were in fact more effective than others.

Despite this and the volume of meta-analysis over the last 40 years, many CJ practitioners continue to put little faith into evidence-based practices. Practices, which if implemented with fidelity, will translate into increased public safety. Not the type of outcome one would think would be difficult to sell to criminal justice professionals.

Perhaps it is due to the issue of practitioners mistaking anecdotal for empirical evidence. Anecdotal evidence is based on random examples of an individual's personal experience. "You know my uncle ate red

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meat all his life, and he lived to be 92 years old.” Not proof based, but rather observational. “My roommate in college got into a car accident once. Wasn’t wearing a seatbelt. Walked away with just a few scratches.” No scientific experimentation involved, merely a lone observation.

In the field of corrections, this same embrace of anecdotal evidence has allowed practitioners to keep EBP initiatives at arm’s length. “Bob enrolled one of his client’s in that cognitive behavioral intervention group, and guess what? I saw that he was arrested over the weekend, and now Bob has to drop everything to file a probation violation with the court. See, that EBP stuff is all smoke and mirrors.”

The good news is, the field of corrections is making great strides in moving towards the implementation and maintenance of the latest and greatest evidence-based practices. The bad news is, folks at times are playing fast and loose with that term. We have introduced and gotten staff comfortable with the nomenclature of EBP but are straying from that pesky definition again. David Wilkinson has authored an excellent blog in *The Oxford Review* examining this issue. Its title is rather self-explanatory, and reflective of the issue: *Finding evidence to support your argument does not make an evidence-based argument*. He notes what he refers to as the “unidirectional argument.” Simply stated, it looks like this. “I have a theory, I have found evidence that supports my theory. My theory is evidence based” (<https://www.oxford-review.com/blog-not-evidence-based/>)

This becomes troubling when used to defend practices and programs as evidence based. That version looks like this. “We have a program, there is some evidence to support portions of the program. We have an evidence-based program.” Not so fast. Wilkinson refers to this as “the fallacy of incomplete evidence”. This happens when individuals are only given, or only choose to seek out evidence, that backs their point of view. This cherry picking in turn leads to confirmation bias, whereby those individuals not only filter but actively seek out additional evidence that supports their belief (<https://www.oxford-review.com/blog-not-evidence-based/>)

Again, in practice it might look like this. “We have a program that teaches our females clients how to cook.” If queried as to whether or not that is an evidence-based program,

the reply might sound something like this. “Well we know that there is research indicating that family dysfunction is a risk factor. And that if mothers know how to prepare delicious meals, that will promote family unification around meal time. Quality family time translates into kids being exposed to less risk. Therefore, our pastry program is evidence based.” Here we see the unidirectional argument, the fallacy of incomplete evidence, and confirmation bias all rolled into one delicious casserole.

Let’s look at this program through the lens of the definition of EBP provided to us by the National Institute of Corrections. *Does the practice have definable outcomes?* Actually, in this case yes. Although those outcomes are things related to the program participant’s culinary acumen. *Is it measurable?* Again, arguably yes. The participant’s skills in the kitchen could be measured against the baseline of what they knew as to kitchen skills prior to entering the program. And finally, *Is it defined according to practical realities e.g. recidivism, victim satisfaction, etc.?* In this case, no. The success of the program is not defined via reductions in recidivism. Nor is it defined by measuring victim satisfaction or restorative justice. Therefore, it is not an evidence-based program.

It is also important to point out the difference between programs and activities. In correctional settings, there is value in providing the inmates or residents with activities. The danger though is when these activities (pet therapy, acting classes, gardening) are mistaken for programs. Programs which should be evidence based. Particularity when these programs become popular and visible with stake holders. Stake holders like Judges, and elected officials who see the shiny bauble and mistake it for something which will make our communities safer.... something that is evidence based.

Author Biography

Joseph Arvidson, MS, GCERT, is Executive Director of The Paragon Group, LLC. The Paragon Group strives to promote and advance evidence-based practices in the arena of criminal justice.

Their scope of services include speaking engagements, training and consulting as to RNR and desistance-based models. Mr. Arvidson’s training and consulting clientele have ranged from Federal Probation to local for profit and non-profit agencies. His career in Corrections spans over 30 years. He has extensive experience training and facilitating a variety of Evidence Based Practices ranging from Cognitive Skills programs, Motivational Interviewing, and Risk Assessment. He is a Master Trainer of the Level of Services/Case Management Inventory and trainer of the Dynamic Risk Assessment for Offender Reentry tool. Mr. Arvidson has been an adjunct faculty member at Concordia University and Metropolitan State University since 2000, where he teaches a number of graduate and undergraduate level Criminal Justice courses. Mr. Arvidson received both his B.A. and M.S. degrees from St. Cloud State University in the discipline of Criminal Justice Administration. He also attained a Graduate Certificate in Project Management from Metropolitan State University. He currently serves as member of Concordia University’s Criminal Justice Executive Advisory Board. Mr. Arvidson is co-host of *The Criminologists* podcast.

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