

# Crime Victims United of Oregon, December, 2008

## LEGISLATIVE CONCEPT

### *Improving treatment effectiveness and accountability through the use of random assignment*

As mandated by Senate Bill 267 (2003), 50 percent of DOC, OYA, OCCF, DHS and OCJC treatment programs must be “evidence-based” in the 2007-2009 biennium. These agencies have submitted the required biannual reports certifying that they are in compliance with SB 267. The most recent reports were published in September, 2008.

The agency reports are full of lofty generalities but they do not specify precisely which programs are evidence-based or precisely what the evidence is. They also do not specify the expected outcome of each evidence-based program or the actual outcome. One is left with the impression that the statutory formalities of SB 267 are being met with little assurance that this translates into actual benefits in the field.

The Oregon implementations of these programs have not been rigorously evaluated. And none of these programs have been evaluated using the gold standard of all research – random assignment.

### ***The Need For Random Assignment***

The necessity of using random assignment to evaluate treatment is a given in the fields of medicine and pharmacology. In the fields of addiction and criminal treatment, however, there is great resistance to its use.

A paper from the Academy of Experimental Criminology states the case for the use of random assignment:

*Random allocation thus allows the researcher to assume that the only logical explanation for any systematic differences between the treatment and comparison groups are due to the treatments or interventions applied. When the study is complete, the researcher can argue with confidence that if a difference has been observed between treatment and comparison groups, it is likely the result of the treatment itself (since randomization has isolated the treatment effect from other possible causes). In non-randomized studies, it is much more difficult to make this claim because of the difficulty of controlling for both measured and unmeasured factors or influences. For this reason, randomized experiments have often been described as the “gold standard” for evaluation research. (emphasis added)*

And furthermore:

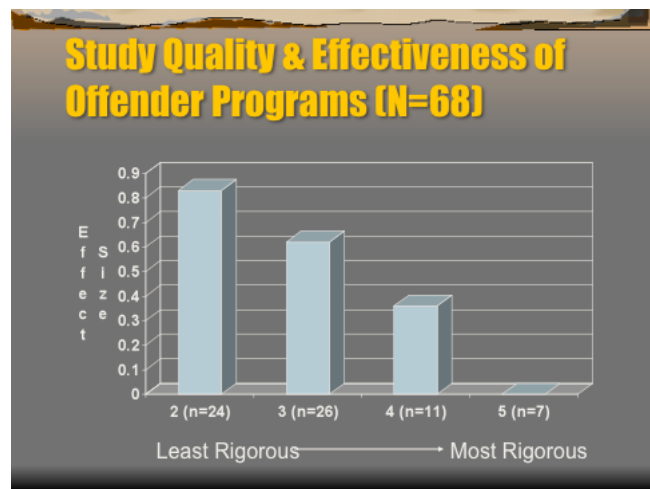
*A review of a large number of criminal justice evaluations suggests that non-randomized studies are likely to systematically over-estimate program success. (emphasis added)*

This point was driven home dramatically by Dr. David Farabee in his July 2007 presentation to the Oregon District Attorney’s Association. Dr. Farabee presented this slide which shows the relationship between reported treatment effect and evaluation rigor:

The slide shows that the least-rigorously evaluated programs (level 2 on the bottom axis) reported great success while those evaluated using random assignment (level 5 on the bottom axis) reported no success.

This raises the question of whether the highly-touted benefits of treatment are real or illusory.

The moral is: If you *really* want to know if a program is *really* effective, you need to evaluate it using *random assignment*. We are not doing that in Oregon.



### **What We Have in Oregon**

A recent report to the Public Safety Strategies Task Force demonstrates that we have a hodge-podge of programs and no means of getting a handle on even the simple question of the level of spending on and participation in the programs, not to mention their effectiveness.

As a result, we now have a lot of programs touted as evidence-based but no confirmation that they are living up to the promise. Yet many accept the effectiveness of these programs as a matter of faith.

We must decide if we want to develop rigorously-verified effective programs or if we merely want the stamp-of-approval provided by the designation “evidence-based.” This choice will affect the safety and welfare of all Oregonians for decades.

### **A First Step Toward Rigorous Evaluation**

As a first step toward addressing this problem, we propose that the Oregon Legislature fund a pilot program based on Hawaii’s Project H.O.P.E. and evaluate it through rigorous random assignment.

Project H.O.P.E. addresses the problems of lack of compliance, absconding and recidivism in the felony probation population using the following methods:

- Weekly randomized drug testing
- Fixed sanctions, such as two days in jail, for violations
- A formal warning in court that violations have consequences
- As short a time as possible between violations and sanctions
- Quick service of bench warrants for absconders
- Treatment services for those who prove unable to comply

While some of these elements are present in our current drug court programs, some are absent, and our present programs have not been rigorously evaluated.

Project H.O.P.E. was evaluated in 2006 and showed very good results. For example, failed drug tests decreased by 90 percent. However, the 2006 evaluation must be considered provisional because it did not use random assignment.

In 2008, Project H.O.P.E. was again evaluated, this time using random assignment. A report on outcomes is expected in 2009.

It is only through rigorous evaluation using random assignment that we can *truly* know if Project H.O.P.E. is effective. The same is true of all programs.

## ***Improving Treatment Effectiveness in Oregon***

The promise of SB 267 is commendable. Now Oregon must proceed to scientifically determine if the reality matches the promise through hard-nosed research using random assignment.

Implementation of Project H.O.P.E. in Oregon would demonstrate the feasibility of rigorous evaluation and the clarity that comes from *truly* determining a program's effectiveness. This pilot project should be the first step in moving from "evidence-based practices" to "rigorous evidence-based practices".

## ***Supporting Documentation***

### **Use of Random Assignment in Criminal Justice**

"Advancing Randomized Trials in Crime and Justice"

Academy of Experimental Criminology

<http://www.crim.upenn.edu/aec/AECCriminologist417.doc>

"Thinking About Crime Prevention"

Lawrence A. Sherman

<http://www.ncjrs.gov/works/chapter2.htm>

### **Project H.O.P.E.**

"What a novel probation program in Hawaii might teach other states"

*American Prospect*, April, 2007

<http://www.prospect.org/cs/articles?articleId=12628>

### **Fallacies About Treatment**

"Reinventing Criminal Justice"

Washington Post, February 11, 2006

<http://www.washingtonpost.com/wp-dyn/content/article/2006/02/10/AR2006021001699.html>

### **Failure of Treatment Without Sanctions**

"Drug treatment grads more likely to reoffend"

San Francisco Chronicle, November 26, 2004

<http://www.sfgate.com/cgi-bin/article/article?f=/c/a/2004/11/26/BAG60A1QLH1.DTL>

"Users kicking Prop. 36, not drugs"

Los Angeles Times, April 1, 2007

<http://articles.latimes.com/2007/apr/01/local/me-prop361>

### **Senate Bill 267 (2003)**

[http://pub.das.state.or.us/LEG\\_BILLS/PDFs/ESB267.pdf](http://pub.das.state.or.us/LEG_BILLS/PDFs/ESB267.pdf)