



**REMARKS OF ROBERT L. LISTENBEE
ADMINISTRATOR
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
AT THE
“CJJ 2013 ANNUAL CONFERENCE: BUILDING SUPPORTIVE
COMMUNITIES TO PREVENT VIOLENCE AND DELINQUENCY”
EVENT
WASHINGTON, D.C.
MAY 3, 2013
*REMARKS AS PREPARED FOR DELIVERY***

Thanks so much for that introduction, Bob Schwartz. And thanks also to Nancy Gannon Hornberger for extending the invitation for me to speak today.

I'm so pleased to be addressing the Coalition for Juvenile Justice Annual Conference. As many of you know, I was on the State Advisory Group in Pennsylvania. From my own personal experience, I know and appreciate the challenges as well as the many successes states experience in their work.

I also served as a member of the Federal Advisory Committee on Juvenile Justice, so I've met many of you personally.

In my new role as Administrator, I look forward to working closely with all of you in the months and years to come.

I'm honored to have been appointed by President Obama as Administrator of the Office of Juvenile Justice and Delinquency Prevention.

I'm also privileged to be working for Attorney General Eric Holder, who has a longstanding commitment—spanning decades of his career—to children's justice and safety. As co-chair of the Attorney General's Task Force on Children Exposed to Violence, I've gotten to know Eric Holder better, and I can tell you he is a wonderful Attorney General to be working for.

My immediate boss, Mary Lou Leary, Assistant Attorney General for the Office of Justice Programs, is so supportive of everything our Office is doing and for years been an ardent advocate for the needs of children.

I'm also very happy that Melodee Hanes has agreed to stay on as Principal Deputy Administrator. Her energy and thoughtfulness are a real asset to our Office and to the juvenile justice field, and I look forward to working with her in the years ahead.

I've received a warm and hearty welcome from the entire staff. I've been truly gratified by their enthusiasm, hard work, and expertise.

Many have asked about what my priorities will be as Administrator.

I've been Administrator for just over a month. And I've advised most folks that I want to wait a reasonable amount of time and consult the experts not only in our office, but also the Assistant Attorney General, Mary Lou Leary, and many of you across the country.

One thing I know for sure. I am 100 percent in support of the Office's vision statement:

The Office envisions a nation where our children are healthy, educated, and free from violence. If they come into contact with the juvenile justice system, the contact should be rare, fair, and beneficial to them.

And a big part of realizing that vision in the context of the justice system is understanding—quite simply—that kids are different than adults.

OJJDP sponsored a study by the National Academies' Research Council, and the Council has come out with a report, *Reforming Juvenile Justice: A Developmental Approach*, emphasizing the importance of developmental approaches to working with children in the justice system.

They point out repeatedly that kids are not mini-adults.

Research has shown that neurobiological processes in the developing brain play a large role in the impulsiveness, susceptibility to peer pressure, and difficulty in assessing long-term consequences that characterize adolescence.

These behaviors generally are transient and recede as youth mature into adulthood. The findings have significant implications for the juvenile justice system.

Because of what the science has shown us about brain development, adolescent offenders are by definition less culpable than adult offenders, and they are more capable of changing their behavior because they're still growing, they're still developing.

So that excellent report is on my nightstand, and I'm very enthusiastic about it. I recommend it to all of you. You can find it on the National Research Council's Web site. Printed versions are coming out in June.

The other publications that I keep close—in fact they're on my nightstand as well—are *Rethinking Juvenile Justice* by Elizabeth Scott and Laurence Steinberg; and also the *Models for Change* series called *Adolescent Development*. Both stress the importance of developmentally appropriate policies and practices in the juvenile justice system.

So that's what's front and center in my thoughts. And an emphasis on developmental approaches will be a guidepost for me and all of us at the Office.

Now I want to talk about three clear priorities that have been set by Mary Lou Leary and the Attorney General. These priorities have been triggered by astonishing findings that are coming out of the latest research.

The Office of Juvenile Justice and Delinquency Prevention supports the National Survey of Children's Exposure to Violence, the most comprehensive study ever conducted on this topic.

It has revealed that 60 percent of children in the United States are exposed to violence, crime, and abuse in a given year, either as victims or witnesses. Almost 40 percent of American children were direct victims of 2 or more violent acts, and 1 in 10 were victims of violence 5 or more times. Nearly 1 in 10 saw a family member assault another family member during the past year.

These numbers are of deep concern to me. The violence our nation's children experience is pervasive. And this exposure is terrible for kids.

Research has shown that regular exposure to violence can interfere with brain development, emotional attachment and healthy relationships, physical health, and educational success.

If these public health needs go unaddressed, this becomes a serious juvenile justice problem. These kids are the frequent flyers in our emergency rooms; they're also often the repeat offenders in our juvenile detention centers, prisons, and jails.

Moved to act by the results of our National Survey of Children's Exposure to Violence, Attorney General Holder launched the Defending Childhood Initiative in September 2010. And as part of that initiative, he appointed a Task Force on Children Exposed to Violence to hold hearings across the country and offer recommendations for a coordinated national effort to reduce exposure to violence.

I was co-chair of the task force along with the baseball great, Joe Torre, who himself witnessed domestic violence as a child and now is chairman of the board of the Joe Torre Safe at Home Foundation.

I'm happy to report that in December, our task force released a final report with more than 50 recommendations. There are too many recommendations in our report to mention in detail here, but a few examples are:

- Make trauma-informed screening, assessment, and treatment the standard of care at all facilities.
- Stop prosecuting children as adults in adult courts, incarcerating them as adults, and sentencing them to harsh punishments that ignore their capacity to grow.
- Abandon juvenile justice correctional practices like solitary confinement that traumatize children and further reduce their opportunities to become productive members of society.
- Provide juvenile justice services that effectively and compassionately address differences in race, ethnicity, sexual orientation, or gender.
- Set up a special commission with the Department of the Interior to help children in Indian country, where there are extremely high rates of poverty and violence.

I wanted to add a personal note here. In our task force hearings across the country, I was really stunned by the reality of what tribal children have to endure. Members of the Wind River Indian Reservation in south-central Wyoming told us in one hearing that in their community, 66 percent of families have a history of domestic violence, 45 percent of children have run away, nearly 20 percent of children have been sexually abused, and nearly 20 percent of children have attempted suicide.

This is just the tip of the iceberg of the problems many tribal areas face. We have got to address this. So we hope through our tribal commission to make a real and lasting difference.

We who are committed to Defending Childhood had some great news two weeks ago. The Attorney General signed off on our action plan, which is essentially the blueprint that will guide this national effort.

We look forward to working with stakeholders throughout the country to reduce exposure to violence and put this issue of children's exposure to violence front and center in the national conversation.

The second priority set forth by the Assistant Attorney General and the Attorney General is the Supportive School Discipline Initiative, which aims to keep our children in school and out of the justice system.

Again, the Attorney General took action in 2011 to launch this initiative in response to some startling research findings.

A study conducted by the Council of State Governments in Texas, *Breaking Schools' Rules*, tracked nearly one million seventh graders for six years. The study showed that:

- Sixty percent of these public school students were removed from class at least once, and 15 percent had 11 or more suspensions or expulsions between seventh and twelfth grades.
- Only three percent of these disciplinary actions were for conduct for which federal law mandates suspensions and expulsions.
- The overwhelming majority of disciplinary actions —97 percent—were for discretionary offenses, including lateness, truancy, dress code violations, and

less serious behaviors that had in the past been handled within the school system.

- African-American students and those with educational disabilities were disproportionately likely to be removed from the classroom for disciplinary reasons.

Among the most disturbing findings was that suspension or expulsion of a student for a discretionary—that is non-mandated—violation nearly tripled the likelihood of juvenile justice contact within the next academic year.

The Supportive School Discipline Initiative stresses positive approaches to modifying adolescent behavior within the context of school rather than suspending and expelling students.

We've had tremendous success so far in:

- Building a consensus for action among federal, state, and local education and justice stakeholders.
- Collaborating on research and data collection.
- Developing guidance to ensure that school discipline policies and practices comply with civil rights laws and to promote positive disciplinary options.
- Promoting awareness and knowledge about evidence-based and promising policies and practices among state judicial and education leaders.

Our third major priority is the National Forum on Youth Violence Prevention, launched in 2010 at the direction of President Obama.

The initiative was launched because, in spite of consistent decreases in juvenile violent crime arrests nationwide since 1994, many localities continue to seek information and strategies to better prevent and respond to youth violence.

The Forum, currently active in 10 cities, models a new kind of federal and local collaboration, encouraging its members to change the way they do business by sharing common challenges and promising strategies, through comprehensive planning and coordinated action.

Currently active in Boston, Chicago, Detroit, Memphis, Salinas, San Jose, New Orleans, Philadelphia, Minneapolis, and Camden, NJ, the Forum brings together agencies from across the federal government, corporate partners, non-profit groups, neighborhood and faith-based organizations, and youth representatives.

There are a lot of exciting things going on at the Department of Justice and in our Office.

Now, I want to talk about another important development in our Office.

As many of you know, over the last 18 months or so, the Office has been planning a reorganization. I want to share with you some of the thinking behind the reorganization—and how we intend the reorganization to benefit the juvenile justice field.

The Office began its planning process with three issues front and center.

The first issue had to do with the current economic environment in the federal government. As with agencies across the government, our leadership is well aware that the Office needs to be ever-more strategic in its allocation of resources. So one question was: How to make the best use of all the tools in our toolbox? How to continue offering the highest quality services and support to the juvenile justice field?

The second issue we considered was that the Office boasts tremendous non-fiscal resources in the form of:

- Superb human capital (staff expertise in many areas).
- A wide-ranging research and data collection effort.
- Extensive training and technical assistance (TTA) programs.

As the only federal agency focused on at-risk and justice-system involved children, we are in a unique position to serve as the voice for America's children. We also are administering a growing number of interagency partnerships—with Education, Health and Human Services, and many others— that are coming up with real and

comprehensive solutions to the complex and interrelated challenges faced by at-risk youth. So, looking at all of this, another question was: How can we maximize the benefit of our considerable NON-fiscal resources to the juvenile justice field?

A third consideration was that research over the last 15–20 years has given us evidence-based practices—strategies that work, that have a proven track record—for helping at-risk youth and for getting those who have broken the law back on track. So our challenge was: How do we seize this “moment” of scientific knowledge to ensure that evidence-based practices are pushed out to the juvenile justice field effectively?

The reorganization is a big step forward in helping us to answer these questions and address a range of challenges.

A guidepost for us has been to better align similar functions and ensure better integration of research, policy, program, and capacity-development activities.

Looking at things from the 30,000 foot view, the new structure consists of three components:

- Office of the Administrator. The Office of the Administrator includes the core leadership of the Office.
- Programs Office. The Programs Office has three divisions—
- Youth Development, Prevention, and Safety. This division handles policy and programs all along the continuum of children’s experiences before they reach the juvenile justice system. It emphasizes not only protecting children from victimization, but also highlights OJJDP’s emphasis on positive youth development. It oversees child protection programs like Internet Crimes Against Children and AMBER Alert, but also all of our mentoring programs for children who are at risk.

The second component in the Programs Office is the Juvenile Justice System Improvement Division. This division administers programs and funding that connect directly with the juvenile justice system. The significant work we are doing with law enforcement, judges, corrections, and other components of the juvenile justice system are now all being brought together and coordinated in this division. Some examples of the programs administered in this division are: the Juvenile Detention Alternatives Initiative, the National Center for Youth in

Custody, reentry initiatives, and our work with the National Council of Juvenile and Family Court Judges and drug courts.

The third division in the Programs Office is State and Community Development. This division helps states and communities to coordinate local efforts to improve the juvenile justice system.

Formula and block grants are housed here. We intend to maximize the sharing of staff expertise and knowledge and strengthen our relationships with the states and tribal communities. This is very, very important to us.

The State and Community Development team is composed of program managers with diverse and extensive experience in prevention, child protection, and community-based programs.

Staff will function not only in their traditional roles as managers of formula and block grants, but as “consultants” to the field. Their assistance to the states will include:

As I said, we’re determined to strengthen our relationship with the states and tribal communities and to facilitate exchange with you. We also want to support peer learning.

- Ongoing dialogue regarding the needs of states and emerging practices.
- The identification of helpful resources and sources of funding in the federal government and the private sector.
- Better coordination of the Office’s TTA resources with states and localities.

We want to take advantage of the successes you have realized and the challenges you have wrestled with, and the lessons you have learned through those challenges.

Formula and block grants are just one part of State and Community Development’s work. The division also manages many of our signature initiatives, including:

- Defending Childhood.

- The Supportive School Discipline Initiative.
- The National Forum on Youth Violence Prevention.

These initiatives are advanced through cross-agency work and are not provided much funding by our Office.

Funding is not the primary asset we bring to the table; rather, it is our expertise in issues of children's justice and safety.

The reorganization is important in that it highlights the ability of these initiatives to achieve results separate and apart from funding.

So we've covered the Office of the Administrator and the Programs Office.

The third office in the new structure is the Operations Office. The Operations Office is composed of two divisions, Budget and Administration (which includes audit and compliance) and Innovation and Research.

Let's start with Budget and Administration.

The significant change here is that we are pulling the Audit and Compliance functions out of the programs side and we now have a small, highly skilled group working solely on audits and compliance to fulfill the JJDP Act's core requirements. Program management and audit and compliance are two distinct sets of expertise. Now, our structure reflects this important fact.

These changes will help us expedite and strengthen our work with the states in audit and compliance, and offer you a range of specialized assistance and expertise.

The other Division in Operations is the Innovation and Research Division, which brings together our research, training and technical assistance, performance measurement, and communications efforts.

Our robust research, data collection, and evaluation efforts were previously carried out in different divisions.

These efforts will be strengthened by being housed in their own organizational unit. This aspect of the reorganization will help the Office to better explore what the research is teaching us.

What the research teaches us can then better inform TTA and best practices.

And best practices in turn help shape the Office's priorities, which are then communicated to the juvenile justice field through publications, speeches, Webinars, and our Web site.

Research, TTA, and communications are all connected. As one of our staff said, these three activities are a "river" that runs through and supports everything we do.

The new organizational structure now reflects that fact. So there's the 30,000 foot view of the changes underway.

Change is never easy. It takes a while for everything to fall into place. So, I hope I can ask for your patience as we make this transition.

Your patience will be worth it. I have every expectation that this transition will position us to more efficiently carry out our work and to better serve children, families, and communities.

I mentioned our current economic environment earlier, and I think it's important to address where we are with the budget.

The fact is that our Office has fared quite well during this challenging time for the federal government.

This speaks well for our Office and its work.

Unlike many other agencies, the Office of Juvenile Justice and Delinquency Prevention received a slight increase in fiscal year 2013. Specifically, the Title II Formula Grants program increased by \$4 million.

With the sequestration decrease (about 5 percent), this brings us close to the same level as last year. Given the current economic environment, this is a positive sign for the Office and juvenile justice programs.

Unfortunately, even with this increase in 2013, the 2012 and 2013 appropriations for the Formula Grants and Juvenile Accountability Block Grants programs are substantially lower than those in FY 2011.

We realize that these funding levels can be very challenging for states as they work hard to address juvenile delinquency and victimization.

Despite this, we are committed to doing what we can to ensure that states receive adequate levels of funding through these programs, and to provide high quality training and technical assistance where needed.

Now I'd like to talk about the President's fiscal year 2014 budget. . . .

I'm happy to report that the 2014 budget reflects this Administration's firm commitment to youth justice and safety.

The President's budget brings core juvenile justice funding—Formula Grants and Juvenile Accountability Block Grants—back to levels of 2011 and earlier. The budget also restores funding for Title V/Community Prevention Grants.

In addition, the President's budget includes a new competitive Juvenile Justice Reinvestment Initiative for states, in addition to the existing formula and block grants. This initiative supports state efforts to implement evidence-based reforms designed to save system costs.

The President's budget also includes funding for a brand new Girls Delinquency Program, and states will be receiving additional funding for disaster planning in the juvenile justice system.

In addition, there's a substantial increase for Children's Exposure to Violence (up to \$23 million), the Community-Based Violence Prevention Initiative (up to \$19 million), and the 2014 budget doubles funding for the National Forum on Youth Violence Prevention.

The other piece of good news is that our staff will not be furloughed this year, which means our activities will continue full steam ahead. We don't know what next year will bring, but we are pleased that this is the case for this year.

So that's a basic overview of our budget situation.

Now I know Nancy also wanted me to speak to you about the future of the JJDP Act.

Since the JJDP Act was first enacted in 1974, we've made tremendous progress in children's justice and safety:

The detention of status offenders has decreased nearly 98 percent.

Instances of youth held with adults have decreased 99 percent.

Instances of youth held in adult jails and lockups have decreased nearly 98 percent. In fiscal year 2012, all states in OJJDP's Formula Grants program complied with the requirements for reducing racial and ethnic disparities.

Now . . . that's a success story.

Those who were responsible for the original JJDP Act were truly visionaries. And their vision has in many ways been realized.

I have an interesting question I'd like to throw out to you.

What should the next reauthorization address? What can we do, what can we add, what course can we chart today that will have an impact on the next generation?

While Senate bill 678, the JJDP Reauthorization Act of 2009, is a marvelous and valued effort, the knowledge that the latest research is giving us, whether it's research on the causes and consequences of violence, or the impact of school disciplinary practices, or a range of other areas, may mean we should cast a fresh glance, look at everything once more, and ask ourselves: What are the goals we should set going forward for America's children?

Sometimes we get so caught up in the issue of allocating and receiving dollars that we miss the forest for the trees.

I know these are tough questions, but it's something we all might want to be thinking about . . . perhaps moving forward with new goals, new purposes . . . for the reauthorization.

We would love to have your input on this. We look forward to hearing your ideas. Please feel to contact us with your thoughts.

As many of you know, the reauthorization has been stalled in Congress. And we certainly plan to work with the folks on the Hill to see how we might be able to move forward.

But in the meantime, that certainly doesn't mean our work and your work in the field comes to a standstill. No.

At OJJDP, everyone on staff is moving ahead with every bit as much energy as before to realize our vision of making this country a place where our children are healthy, educated, and free from violence.

And we're working with every ounce of energy we have toward the day when children's contact with juvenile justice system is rare, fair, and beneficial to them.

It's a long road we have ahead of us. But I look forward to walking down that road with all of you and all of our other partners in the juvenile justice field.

Thank you.