



**REMARKS OF ROBERT L. LISTENBEE
ADMINISTRATOR
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
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“JDAI NATIONAL INTER-SITE CONFERENCE” EVENT
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*REMARKS AS PREPARED FOR DELIVERY***

Thanks so much for that introduction. I’m thrilled to be addressing the JDAI National Inter-Site Conference today. Thanks, too, to Bart Lubow for extending the invitation.

I’m honored and privileged to have been appointed by President Obama as Administrator of OJJDP. While OJJDP is a relatively young organization, it has distinguished itself as a leader in the field of juvenile justice, and the research that it has conducted is so comprehensive and far-reaching that it has become a go-to source for all of us who work in the field.

I am very honored also to be working for Attorney General Holder, who has a long and continuing commitment to children’s justice and safety. I have gotten to know the Attorney General better in my role as co-chair of his National Task Force on Children Exposed to Violence, and 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 OJJDP is doing and has been a long-time advocate for the needs of kids.

She has extended to me a very warm welcome, and has shown unwavering support as I assume my new role at OJJDP.

I’m very happy that Melodee Hanes has agreed to stay on at OJJDP as Principal Deputy Administrator. Her energy and thoughtfulness are a real asset to OJJDP and 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 staff of OJJDP. I've been truly gratified by their enthusiasm, their hard work, and their expertise. This team will be indispensable to me—to all of us—as we work to promote justice and safety for all of America's children.

OJJDP is moving forward in a lot of areas. Through our partnership with the Annie E. Casey Foundation and our training and technical assistance grants to the W. Haywood Burns Institute, the Center for Children's Law and Policy, and the National Partnership for Juvenile Services, OJJDP has been working to:

- Promote alternatives to juvenile detention.
- Reduce reliance on secure confinement.
- Stop racial disparities and bias.

The work of JDAI mirrors in many ways what I spent so many years trying to accomplish as a public defender—and what I plan to continue working on at the national level at OJJDP.

It gives me tremendous hope to see the positive changes that are already happening through JDAI. JDAI is a data-driven initiative that is consistent with our best evidence-based practices.

As of 2011, JDAI sites (there were 94 sites in 2011) had reduced detention populations by 41 percent and commitments to state facilities by 38 percent. And these declines have come without sacrificing public safety.

In fact, your sites are reporting reductions in juvenile intake cases, juvenile arrests, and delinquency petitions, including felony petitions. I want to congratulate the JDAI sites on this great progress!

But I don't need to tell you that there's still a lot of work for all of us to do. For one thing, we need to make sure that, in the process of implementing alternatives to detention, we don't broaden the juvenile justice net and place more kids under court supervision than necessary.

For another thing, the fact is that today the majority of kids in the United States still are locked up for nonviolent offenses like drug, property, and status offenses.

Kids are so often unnecessarily or inappropriately detained at great expense—with long-lasting and negative consequences not only for public safety—but also negative consequences for the healthy development of these kids.

These kids are often sent to facilities far away from their families, friends, and communities, a particularly serious problem in Indian country and rural areas. Their education is interrupted.

In adult facilities, they run a significantly higher risk of suicide, physical assault, and rape. Kids in adult facilities are often put in solitary confinement, where they can languish for years with virtually no contact with other people, receiving their meals through a slot in the door.

It's totally unacceptable.

Bart Lubow's shop has put out an excellent publication, "No Place for Kids." I'm sure many of you have read this. And the publication lays out—point by point—that these correctional facilities are downright dangerous for children, ineffective at promoting public safety, and wasteful of taxpayer dollars.

At the end of the day, kids and their families just want fair and equitable treatment.

When I was at the Defender Association of Philadelphia, we looked to see the extent to which *In re Gault* has been implemented across the United States.

Even though *In re Gault* came into effect in 1967, there are many jurisdictions where children are not adequately represented by counsel at detention hearings, adjudicatory hearings, and dispositional hearings.

In some jurisdictions, children are no longer represented by counsel after disposition hearings. As a result, many children languish in placement for extended periods of time, often without just cause.

We must do more to ensure the right to competent, zealous counsel at all significant stages of the trial process.

Whether it's in the courts or in facilities that confine youth, we keep forgetting 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 positive youth development.

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 individuals 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.

The Council's report emphasizes that the three most important components of healthy psychological development for adolescents are:

- The involvement of a supportive adult authority figure.
- Association with prosocial peers.
- Activities that encourage autonomous decisionmaking.

These three necessities are virtually nonexistent in most facilities that confine youth.

An approach that emphasizes positive youth development rather than a reliance on detention and incarceration and other harsh forms of punishment is the best way to achieve the juvenile justice system's goals of:

- Holding youth accountable for their actions.
- Preventing further offending.
- Treating youth fairly.

At OJJDP, our priorities are to reinforce a prosocial identity, keep kids in touch with their families and other caring adults (family engagement), provide as little

disruption as possible in their schooling, help them develop vocational skills, and provide where necessary substance abuse and mental health treatment.

We want to build on their strengths, the strengths of their families, the strengths of their cultures of origin. We want positive youth outcomes.

OJJDP's new vision statement says it all:

“OJJDP 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.”

At OJJDP, we're restructuring our Office to better reflect the full breadth of the work we do every day, and positive youth development is the lens through which we view all our work—whether it's overseeing programmatic grants and policy initiatives that focus on prevention and safety; or promoting juvenile system reform and improvement; or partnering with states and communities in addressing youth crime and violence.

Many have asked what my priorities will be at OJJDP. I've been at OJJDP just over 3 weeks. And I've advised most folks that I want to wait a reasonable amount of time and consult the experts not only at OJJDP, but also the Assistant Attorney General, Mary Lou Leary, and many of you across the country.

So far, we have three clear priorities that have been set by Mary Lou Leary and the Attorney General:

OJJDP's National Survey of Children's Exposure to Violence revealed that 60 percent of kids in the United States are exposed to violence, crime, and abuse in their homes, communities, and schools. These kids tend not to do well. They run a higher risk of failing in school, substance abuse, and emotional problems. And many of them end up on the doorstep of the juvenile justice system.

The Attorney General was astonished by the survey findings, and in September 2010 he launched the Defending Childhood Initiative.

In 2011, he appointed a National Task Force on Children's exposure to Violence to hold listening sessions across the country and offer recommendations for a coordinated national effort to reduce exposure to violence.

I'm happy to report as co-chair of the task force, that in December, we 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 treating juvenile offenders as if they were adults, prosecuting kids 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 are sensitive to cultural and racial differences.
- Set up a special commission to address the specific needs of kids in Indian country, where there are extremely high rates of poverty, substance abuse, domestic violence, and suicide.

Just last week, the Attorney General directed us to move ahead with an implementation plan. 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.

OJJDP is also taking the lead on the Supportive School Discipline Initiative, also known as SSDI. Launched by the Attorney General and Education Secretary Arne Duncan in 2011, SSDI aims to reform current school discipline practices that push kids out of school and into the juvenile justice system.

The initiative stresses positive approaches to modifying adolescent behavior within the context of school rather than suspending and expelling students, which puts them at much higher risk of entering the system—what we all know of as the school-to-prison pipeline.

We've made enormous progress in:

- Building a consensus for action among federal, state, and local education and justice stakeholders.
- Collaborating on research and data collection that may be needed to inform this work.
- Developing guidance to ensure that school discipline policies and practices comply with the nation's civil rights laws and to promote positive disciplinary options to both keep kids in school and improve the climate for learning.
- Promoting awareness and knowledge about evidence-based and promising policies and practices among state judicial and education leaders.

The third major priority is the National Forum on Youth Violence Prevention, launched in 2010 by the Departments of Justice and Education 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 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.

So, as you can tell, there are a lot of exciting things going on at OJJDP and at the Department of Justice.

I look forward to using the national stage to move these and other critical priorities forward in the coming years.

As the only federal agency focused on at-risk and delinquent youth, OJJDP is uniquely positioned to use the bully pulpit of the federal government to stand up for children—to make the world a safer and more just place for kids and their families.

Thank you so much for all you are doing through JDAI to promote more humane and fair treatment of children who come into contact with the justice system.

I'm excited about the opportunities we have ahead of us, and I look forward to working closely with all of you.