



**REMARKS OF ROBERT L. LISTENBEE
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*REMARKS AS PREPARED FOR DELIVERY***

Good afternoon. It’s wonderful to be with you today. It’s good to see so many old friends and colleagues here today. For those of you who are not familiar with OJJDP, I would like to talk for a moment about who we are and the work we do. Congress has charged our office with two primary areas of responsibility.

First, we must address the needs of youth who come into contact with the juvenile justice system and those who are at risk for becoming involved with the system.

At the same time, we must protect children in America who are victims of abuse, violence, and crime. We are a small office, but we are the only component within the Department of Justice who work solely with children and youth.

Over the past two decades, OJJDP’s work focused on:

- Community-based approaches to reducing violence based on risk/protective factor assessments.
- Serious, violent, chronic offenders.
- Gang prevention and gun reduction programs.
- Cycle of violence research that linked child abuse and delinquency and led to increased emphasis on child victimization.

- Growing recognition of the importance of addressing mental health issues and consequences of alcohol and substance use and abuse.

Unfortunately, our coordination across programs was limited. In a few minutes, I will speak about how we have addressed this shortcoming, which has allowed us to reach a broader spectrum of young people.

In recent years, our work at OJJDP is characterized by:

- Centering on holistic, place-based, trauma-informed and positive development approaches to youth justice and prevention.
- Increasing our emphasis on working through cross-agency efforts and public-private partnerships.
- Partnering with youth and families to inform and develop solutions.

We go about this work through a number of avenues, both in the public and private sectors. We actively seek out partnerships with other federal agencies where our mandates regarding children and youth intersect.

Each side brings their expertise, resources, and manpower to the table. In this way, we are able to reach kids and address issues as we never have before. Also, we have forged stronger ties with state and local agencies to support programs that have been shown to work.

Our work with philanthropic groups has opened up a new world of possibilities to better meet the needs of troubled children and youth.

OJJDP's support has embraced:

- Funding demonstration sites of proven programs.
- Supporting training and technical assistance.
- Program evaluations.

OJJDP also serves as a magnet to other federal agencies in projects of mutual interest.

Our conversations with the private sector have defined our areas of common interest and helped us build on each other's expertise. This work has embraced a broad spectrum of work together, including:

- OJJDP has partnered with the Annie E. Casey Foundation to expand the Juvenile Detention Alternatives Initiative throughout the country.
- JDAI supports states and communities as they create and test new alternatives to detention.

At present, 200 communities in 39 states have JDAI programs.

- At its essence, JDAI demonstrates that jurisdictions can safely reduce their reliance on secure detention.
- Some JDAI sites have reduced their reliance on detention by 40 percent or more.
- Some states have reduced their reliance on confinement to state juvenile residential facilities by a similar percentage.
- Public safety has improved at the same time.
- In 2011, OJJDP entered into discussions with the Casey Foundation about expanding JDAI into tribal communities.
- A supplemental award was made to the Burns Institute to work with tribes interested in implementing JDAI.

We are working with the Robert Wood Johnson Foundation to support and expand juvenile drug courts that incorporate their Reclaiming Futures model as part of their treatment regime.

OJJDP and the MacArthur Foundation are funding training and technical assistance for participating Models for Change sites. We have tapped into the

expertise of Casey Family Programs, who have provided us with a senior fellow who is informing and advancing our work around system-involved youth.

These and our other collaborations are especially exciting because the philanthropies see the challenges that we all face from an entirely different perspective.

As organizations, they are very well organized to tap into state and local constituencies to develop advocacy and support at the grassroots level. They invest in research to find out what works and what is worth pursuing. Philanthropies tap into the best minds in juvenile justice to advance their work. They have opened our eyes to new possibilities and opportunities. They have sharpened our focus and helped us ensure better outcomes for system-involved youth. And they have forced us to think in new and innovative ways. They have helped us accelerate change around the country.

OJJDP's historic role in reducing over-reliance on confinement

Congress created OJJDP in 1974 through the passage of the Juvenile Justice and Delinquency Prevention Act. Since its passage, the JJDP Act has changed the way states and communities deal with troubled youth. The original goals of the Act and OJJDP were simple:

- To help state and local governments prevent and control juvenile delinquency and
- To improve the juvenile justice system.

A second and equally important focus of the JJDP Act is to protect youth in the juvenile justice system from inappropriate placements and from the harm—both physical and psychological—that young offenders can experience when they are exposed to adult inmates.

Yet another important element of the Act emphasizes the need for community-based treatment for juvenile offenders. In passing the JJDP Act, Congress recognized that keeping children in the community is critical to their successful treatment.

Within the JJDP Act, there are four core requirements that form the basis of OJJDP's working relationship with the states. Participating states and territories must comply with the four core requirements to receive Formula Grant funding from OJJDP.

The four core requirements are:

Deinstitutionalization of status offenders (DSO).

- That is, you can't lock up juveniles for behavior that would not be considered criminal if committed by an adult.
- This includes possession of alcohol or tobacco, truancy, running away from home, or "ungovernable" behavior.

Separation of juveniles from adults in locked facilities.

- If you must hold juvenile in a jail or detention center, you must keep them out of sight and sound contact with adult prisoners at all times.

Removal of juveniles from adult jails and lockups.

- You can't lock up juveniles in adult jails or detention centers.

Reduction of disproportionate minority contact (DMC), where it exists. States must develop and implement plans to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come in contact with the juvenile justice system.

The goal is to ensure equal and fair treatment for every youth in the juvenile justice system regardless of race and ethnicity. States must visit and collect information from facilities to demonstrate compliance with the JJDP Act.

Every year, each state submits a compliance monitoring report to OJJDP. The report provides compliance data and a detailed description of how the state is meeting the core requirements.

The results?

Since the JJDP Act was enacted in 1974:

- Detention of status offenders has fallen 97 percent.
- The instances of youth being held with adults have declined 98 percent.
- And the instances of youth being held in adult jails and lockups have decreased 97 percent.

As of 2011, every state participating in OJJDP's Formula Grants program was found in compliance with the requirements to reduce racial and ethnic disparities in their juvenile justice systems.

Nothing exemplifies what we have achieved through our joint efforts with the states than our work together to address DMC.

The good news is: over the past decade, states and localities, with assistance from OJJDP, greatly expanded their efforts to identify and assess DMC.

Despite these efforts, though, DMC remains pervasive at all decision points within the juvenile justice system.

Examination of recent data show:

- All minority youth were arrested at almost twice the rate of white non-Hispanic youth in 2008.
- African American youth had the highest arrest rate; they were arrested at more than twice the rate of white non-Hispanic youth.
- American Indian and Alaskan Native youth had the highest rate of transfers to adult court of all minorities, at almost twice the rate of white non-Hispanic youth.

On a more practical note, why try to keep young people from entering the juvenile justice system?

Research and experience has taught us that the minute a youth sets foot in detention or lock up, he or she has a 50 percent chance of entering the criminal justice system again when they are an adult.

That involvement with the juvenile system is the single greatest predictor of later criminality.

Locking up young people can seriously affect their ability to get an education and a good job when they are older.

We have learned a great deal about why kids run afoul of the law, how violence and abuse affect kids, and what we can do to keep kids safe.

Research has shown us that in many cases kids who are victims are at greater risk of becoming offenders. Kids who are exposed to violence, abuse, and neglect begin as victims. The sad truth is that kids who are victims often go on to victimize others as they get older. As often happens, these kids become involved in the justice system.

At OJJDP, we have learned that we can't look at a problem in isolation. This simple understanding has fueled much of our recent program development efforts. To illustrate this point, I want to share with you several of the major initiatives that we are currently supporting at OJJDP. They are:

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

Defending Childhood

We at the Department of Justice are fortunate because we work for an Attorney General who gets it when it comes to children and abuse.

In 2010, Attorney General Holder launched the Defending Childhood Initiative to address children's exposure to violence, both as victims and as witnesses.

Through Defending Childhood, he hopes to change the perceptions of violence and abuse as they affect children in this country.

Defending Childhood directs resources within the Department of Justice and other federal agencies to reduce children's exposure to violence, raise public awareness about its consequences, and advance research on ways to counter its destructive impact.

The Attorney General understands that to break the cycle of violence that can follow and stain a young person throughout their life, we need to address abuse and violence and their effects early in life.

In 2009, OJJDP began releasing the findings of the first National Survey of Children's Exposure to Violence or NatSCEV.

NatSCEV is a nationwide survey of how often children are exposed to violence and the types of violence that they are exposed to both as direct victims and as witnesses.

What we learned is shocking. We found that children's exposure to violence is unacceptably high. For example, 60 percent of kids in this country were exposed to violence, crime, and abuse in the year preceding the study. Almost 40 percent of American children were direct victims of two or more violent acts in the past year, and 1 in 10 was a victim of violence 5 or more times. More than 25 percent had been exposed to family violence during their life.

We're also now learning about the profound consequences of children who endure multiple types of violence. We're learning that a child exposed to violence in multiple life domains (for instance at home, at school, and in their community) may be at greater risk than a child who is a direct victim of violence.

These children, who may literally have no place in their life in which they feel safe, are more likely to:

- abuse drugs and alcohol
- suffer from depression, anxiety, and post-traumatic disorders

- fail or have difficulty in school
- and become delinquent and engage in criminal behavior.

We also know that early intervention works in countering the effects of this violence.

The help we offer children at the front end can be critical. OJJDP is providing the training and technical assistance to 8 demonstration sites across the country that are implementing best practices as part of Defending Childhood.

And, as I mentioned earlier, we've got some of the best researchers in the country working on this issue in OJJDP's NATSCEV—which continues to release findings informing our work on the issue.

Over the past couple of years, I served as co-chair with Joe Torre on the National Task Force on Children Exposed to Violence. It was comprised of 13 prominent individuals, including public servants, physicians, researchers, law enforcement professionals, foundation directors, and military officers. In December, the task force issued a report to the Attorney General on our findings and recommendations.

These recommendations currently are guiding policy development at OJJDP, DOJ, and other federal agencies. They also are serving as a blueprint for addressing children's exposure to violence across this nation.

National Forum on Youth Violence Prevention

I don't need to tell you that gangs and youth violence are major issues for those of us concerned about youth delinquency. Addressing the violence that blights so many communities is a top priority of the Attorney General and the Obama Administration. All 50 states and the District of Columbia report gang problems.

Our research indicates that gang activities have increased for 5 of the past 7 years.

Addressing community violence is too big a problem for any one department or one agency to tackle alone.

It requires everyone to work together, to share expertise and resources. It requires a partnership.

The Forum brings together teams from 10 cities to share their experiences and information about evidence-based practices and to develop comprehensive plans to reduce youth and gang violence.

We're bringing together people from across the spectrum—mayors, law enforcement officials, educators, public health providers, faith-based representatives, parents, and teens—and we're sharing ideas about how to leverage resources to address this problem.

We are bringing federal resources and experience to the table, as well. Our federal Forum partners include the Departments of Education, Labor, Housing and Urban Development, and Health and Human Services, and the White House Office of National Drug Control Policy.

I should mention, though, that the Forum isn't about money – it's about maximizing existing resources. When communities engage partners across disciplines and use a data-driven, balanced approach—one that emphasizes prevention, intervention, enforcement, and reentry—they can reduce violence and improve outcomes for our youth.

The message we're sending is that youth violence is not inevitable.

Supportive School Discipline Initiative

Over the last three decades, there's been a literal sea-change in the way school discipline is meted out.

In the 1980s, many schools adopted zero-tolerance policies that require the use of specific disciplinary measures—many of them severe and punitive—to improve school safety.

These policies were originally designed to make sure that students did not bring weapons to school.

School districts have expanded the net to include disruptive behavior, swearing, inappropriate dress, and many other non-violent, non-serious infractions.

Millions of U.S. public school students from kindergarten through the 12th grade are suspended or expelled every year.

The Council of State Governments released study findings recently that proved beyond any doubt something we've all suspected for a long time.

The excessive and inappropriate use of suspension, expulsion, and in-school arrests is pushing kids out of school and into the juvenile justice system.

This practice has come to be called the school to prison pipeline. The study found that only 3 percent of disciplinary actions in schools were for conduct for which federal law mandates suspensions or expulsions.

The other 97 percent of disciplinary actions were made at the discretion of school officials. In addition, the study found that children with disabilities were disciplined more harshly for similar or less serious infractions than were their peers.

The same was true for minority students. The researchers also found that when a student was suspended or expelled, the chances that he or she would become involved in the juvenile justice system increased significantly.

We really don't want to see kids derailed from their school life. Schools should be gateways to opportunity—not gateways to the juvenile justice system.

This is where our Attorney General shows yet again that he “gets it” when it comes to kids. When he heard the results of the Council of State Governments study, he decided he had to do something.

In July 2011, Eric Holder and Education Secretary Arne Duncan launched a partnership between their departments to find solutions—to keep kids in school and out of court.

A lot has happened over the past 2 years. Within a month of launching the initiative, we had staffed a Justice–Education working group and several cross-agency teams to carry out the work of the initiative.

With funding from OJJDP, Atlantic Philanthropies, and the California Endowment, the Council of State Governments held focus groups to build consensus on how to transform punitive discipline into positive behavior management practices.

A whole range of stakeholders are involved in the discussions—law enforcement professionals; community members; educators; representatives from federal agencies; private foundation executives; court officials; and juvenile justice practitioners.

The Council is preparing a report based on these important discussions with recommendations for improving school discipline policies and practices.

We will provide the report to state and federal legislators, policymakers, and national organizations like the Council of Chief State School Officers, the National Conference of State Legislators, and the National Governors' Association.

We're also working on a toolkit for schools to use as they address discipline issues—and we're supporting an effort to engage judges to work with schools and communities to cut referrals of students to court for non-serious, non-violent actions.

We're using everything at our disposal—information, education, training and technical support, and guidance—to help everyone—school nurses, teachers, principals, school resource offices, probation officers, judges, parents, and students—get access to the tools they need to make the changes.

If there's a theme that runs through everything I've said today it's that the challenges we face are too big—too many—and too complex—for any one of us to tackle alone.

That's why we at OJJDP continue to pursue partnerships among our colleagues in the federal government, and to work closely with states, localities, and the nonprofit and philanthropic communities.

It is no secret that these are lean times. It appears that sequestration will be with us for the foreseeable future. But the silver lining in this cloud is that budget cuts have forced OJJDP to ask:

Which approaches really work for our youth and which do not? Which approaches both enhance public safety and are a wise use of taxpayer dollars?

Many states are finding that incarcerating youthful offenders is an expensive habit that they can no longer afford. By some estimates, it can cost upwards of \$80,000 per year to house a young person in a residential facility.

Incarceration is not terribly effective in reducing juvenile offending.

Kids come out of locked facilities and some experts suggest that recidivism rates for these kids can run as high as 70 percent.

This makes sense when you consider that these youth are:

- Cut off from family members and community support.
- Disengaged from school.
- Completely cut off from healthy outcomes.

Confinement can contribute to deteriorating mental health conditions in these youth.

Other youth and staff may physically or sexually victimize them. This is not a public safety track record that inspires confidence. There are other cheaper, more treatment-oriented approaches to holding youth accountable for their behavior.

Nevertheless, we may never free ourselves totally from secure facilities. For that reason, we must take steps to ensure that the kids that we incarcerate are the ones who truly need to be there while we ensure the safety of those residing and working in facilities.

To this purpose, OJJDP established the National Center for Youth in Custody or NC4YC in October 2011 to provide free training and technical assistance to any jurisdiction wanting to improve conditions of confinement for youth.

These are exciting times at OJJDP. I have been on the job at OJJDP for a couple of months, but I must say I am encouraged by what I see.

Together, we will make a great difference for our children. Thank you.