



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

Thank you Bob for the kind words. I would also like to extend my thanks to the Academy for inviting me to speak today. I also wish to thank the panel members who invested so much of their time, energy, and expertise in preparing this report.

Thanks to Betty Chemers for all of her support and taking time to share the findings of the report with the staff of the Office of Juvenile Justice and Delinquency Prevention last week.

And for the other presenters on today’s agenda (Ed Mulvey, Shay Bilchik, Bill Smith, Cherie Townsend, Richard Bonnie), I look forward to what you have to say about the report.

I would like to acknowledge and thank Jeff Slowikowski, former Acting Administrator of OJJDP, for his vision in commissioning the report a couple of years ago.

Under Jeff’s direction, the National Research Council of the Academy was charged with the following:

- Reviewing recent advances in behavioral and neuroscience research.
- Drawing out the implications of this knowledge for juvenile justice reform.
- Assessing the new generation of reform activities occurring in the United States.

- And assessing OJJDP's role in carrying out its statutory mission as well as its potential role in supporting scientifically based reform efforts.

When Melodee Hanes, former Acting Administrator of OJJDP, spoke to this group last November, she described this report as a wonderful primer on juvenile justice for the 21st Century. I certainly concur in her assessment.

As Betty reminded us during her presentation last week, this is a long and very detailed report and we are still digesting and working through its contents and recommendations.

However, for me it is an inspiring document in that it is comprehensive and includes a cross section of perspectives from practitioners, academics, legislators, mental health specialists, criminologists, economists, lawyers, judges, victims' rights advocates, prosecutors, systems analysts and many others.

It consolidates much of what we know about:

- youth development
- the adolescent brain
- current practice in juvenile justice
- what works in juvenile justice
- what doesn't work
- and how we can best move our nation forward.

This report is a starting point from which to move forward.

The central premise of the report is stated in very optimistic terms which bear repeating: If the procedures for holding youth accountable for their offending and the services provided to them are designed and operated in a developmentally informed way, this approach will promote positive legal socialization, reinforce a pro-social identity, and reduce reoffending.

However, the Academy was just as bold in its warning about the failure to pursue such an approach: According to the report, if a developmental approach is not taken, “the outcome is likely to be negative interactions between youth and justice system officials, increased disrespect for the law and legal authority, and the reinforcement of a deviant identity and social disaffection.”

Before responding to the central premise of the report, please allow me to share some initial observations regarding the other four recommendations:

The first recommendation calls for state and tribal governments to establish a bipartisan, multistakeholder task force or commission, under the auspices of the governor, the legislature, or the highest state court, charged with designing and overseeing a long-term process of juvenile justice reform. It is presumed that this recommendation recognizes the long standing principles of tribal sovereignty.

It has been said that virtually all juvenile justice work takes place at the state and local levels.

State and local leadership is critical when it comes to designing and overseeing long-term juvenile justice reform.

In anything that we do at OJJDP, we need their buy-in. In these times of financial constraints at the federal and state level, we must always seek to leverage our resources and utilize them wisely.

This is an instance where OJJDP could join with other juvenile justice stakeholders in a national public awareness campaign to highlight the importance of juvenile justice reforms.

Each state has its own priorities, policies, political culture, funding realities, and unique situations that must be considered when implementing any reform regime.

One way that OJJDP could help the field embrace reform is to disseminate information on states that currently have ambitious reform efforts underway or have strengthened their systems utilizing evidence based practices.

We could also use our training and technical assistance resources to educate the field about reform.

The second recommendation calls for strengthening the role of OJJDP in supporting juvenile justice improvements:

As Administrator, I believe that OJJDP has a critical role to play in fostering and encouraging juvenile justice reform.

One of my priorities is the reauthorization of the Juvenile Justice Delinquency Prevention Act within the frame work of Senate Bill 678. We have already moved forward on the Regulations and the Guidance Manual with strong support from the Office of General Counsel.

This bill call for strengthening OJJDPs ability to address disproportionate minority contact or DMC. The language on DMC in SB-678, is very strong.

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.

An examination of recent data shows:

- 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 Alaska Native youth had the highest rate of transfers to adult court of all minorities, at almost twice the rate of white non-Hispanic youth.

It may be that efforts to keep kids out of the system—front end diversion, community based programs, and expunging juvenile records—may have a major impact in our efforts to address DMC.

SB 678 also addresses two other important issues—the valid court order and the right to counsel for all children at every critical stage of the proceedings.

Your report also raised the question of whether there are champions for juvenile justice reform on the hill. I am confident that after three meetings and several other pending invitations for visits that there is very strong support for juvenile justice reform on the hill.

The third recommendation calls for expanding OJJDP's research capacity. We have made big changes to our research coordination and capabilities, and we have sought out new opportunities to expand our program of research.

The importance of research is also evident at OJJDP, where under our new reorganization, we now has a dedicated research staff.

We have a seat on the Office of Justice Programs' Science Advisory Board, which the Attorney General convened under the recommendation of former Assistant Attorney General Laurie Robinson.

OJJDP also participates in the new Office of Justice Programs Research Coordination Council that is a DOJ-wide body of bureau and office heads who coordinate research and statistics across OJP.

For our part, OJJDP is building and maintaining its relationships with other federal research agencies.

We actively participate in a number of federal research working groups. Among them are the Federal Interagency Forum on Child and Family Statistics and the Federal Interagency Workgroup on Youth Programs.

OJJDP also manages the evidence-based working group of the Federal Advisory Committee on Juvenile Justice.

We also co-chair (with the Bureau of Justice Statistics and the National Institute of Justice) OJP's Juvenile Justice Research Workgroup.

This means that we can increase our involvement and participation in these workgroups and in establishing strong partnerships with other agencies.

OJJDP is already implementing many of the report's recommendations related to research:

Regarding the importance of evidence-based programming, OJJDP has always been at the forefront of advancing the body of knowledge.

OJJDP's Model Programs Guide was one of the first evidence-based libraries developed by the federal government to highlight the importance of research and encourage grantees to identify programs that have been demonstrated to be effective.

It was the basis for the award-winning CrimeSolutions.gov.

OJJDP is working to leverage resources and align the evidence standards and criteria used by CrimeSolutions.gov with our Model Programs Guide. OJJDP wants to be sure that we never stifle innovation or promising approaches. Our commitment to innovation is demonstrated in part by our field-initiated research and evaluation solicitations. They invite researchers to identify the gaps in the field and propose research or evaluations to address those gaps.

This year, we invited research and evaluation to understand the ways in which child and adolescent development influences factors leading to juvenile delinquency and juvenile justice system contact and whether the juvenile justice response to youth is developmentally appropriate and effective.

Regarding the fourth recommendation: Improving the data is an enormous order, and it is definitely deserving of further conversation. OJJDP has already begun to address some of these questions. Recently, OJJDP announced that we will sponsor a Fellowship Program on Juvenile Justice Data. We are looking for a social science researcher or statistician to work onsite at OJJDP to work with our federal partners to think through some of these issues.

As the report notes, OJJDP already has invested a lot to develop a comprehensive program of juvenile justice data at the national and state levels.

Much of this information is already available through our online Statistical Briefing Book and other sources.

When it comes to strengthening these data sets, we have two major challenges:

First, we rely on data collectors in the states to voluntarily submit their data to us.

Therefore, when possible, we need to make it easy and beneficial for them to participate.

An example of where we have been extremely successful is with the National Juvenile Court Data Archive. The archive—which has been in existence since the 1920s—is a voluntary archive to which many states and localities with juvenile court jurisdiction contribute data.

With a relatively small amount of money, we have done a lot with this data, and we continue to keep the data contributors engaged. We are always aware that these are not our data. We need permission to analyze and to publish them.

This year, the Archive will conduct a feasibility study to consider the expansion of the archive data to include dependency cases in juvenile court, not just delinquency cases. This has been a very long-term investment. The second challenge is budgetary. We're all limited in our budgets, so, whenever possible, we want to leverage existing resources. That's why secondary data analysis is a major priority at OJJDP.

For example, right now we're working with the Bureau of Justice Statistics to educate our constituencies about the value of the NIBRS [National Incidence-Based Reporting System] data, and encourage localities and states that do not currently submit data to consider doing so in the future.

We recognize the value of using these data rather than the traditional Uniform Crime Reports arrest records because there's a wealth of information that can increase our understanding about juvenile offending.

We also recognize that perhaps our biggest gaps are in the areas of reentry and recidivism. Earlier, I talked about OJP's Science Advisory Board, which has an OJJDP subcommittee. In fact, Ed Mulvey and Jeff Butts—two of the National Research Council's study committee members—are also members of that subcommittee. We intend to take advantage of their expertise to gain additional guidance about how we can improve the juvenile justice data collections at the federal level.

Now let's return to the broader question announced at the beginning of your report: Should OJJDP adopt a developmental approach to all juvenile justice reform?

While I am inclined to advocate for a developmental approach to youth both within the Department, across the federal government, and when working with our state, local, and tribal partners in the field, there are several steps that we must take before undertaking such a major policy initiative:

First, we must work deliberatively with working groups within OJJDP, to develop an understanding of the meaning of a developmental approach to juvenile justice in grant making, research, training and technical assistance and general policy making.

We plan to pursue a similar process with other departments within the Department of Justice and agencies represented on the Coordinating Council which is chaired by the Attorney General. We have also asked the Academy to present its findings at Coordinating Council meeting in July of this year.

Fourth, we will seek further input from the field through structured and informal communications. Several states have undertaken major reforms of their juvenile justice systems within the last decade as outlined in your report. However, not all have used a developmental approach.

Fifth, we have asked the Academy to address three remaining questions: Upon reflection, are there any gaps in the research? We have asked the Academy to utilize implementation science to advise OJJDP about the steps and challenges that we would face in adopting a developmental approach to juvenile justice reform. We have asked the Academy to undertake a cost benefit analysis to determine if there are any potential cost savings to states and tribal governments through the adoption of a developmental approach to juvenile justice reform.

Finally, the release of this report dovetails nicely with three other reports that offer valuable cross-cutting information and recommendations.

Taken together, these reports will provide a broader lens for addressing the challenges and opportunities that we face as we explore ways to improve the juvenile justice system.

In December, the Attorney General Eric Holder's National Task Force on Children Exposed to Violence released its policy recommendations that included introducing trauma-informed approaches to juvenile justice practice.

As co-chair with Joe Torre, I am very familiar with the findings and recommendations of that task force.

The Attorney General has not consigned the task force remarks to a shelf or a desk drawer. Rather, he is actively using those recommendations to inform policy and program development throughout the Department of Justice.

Based on the recommendations, the Department has begun to think about how a developmentally informed juvenile justice system also takes trauma and victimization into account.

For instance, how do we achieve accountability, fairness, and prevention for a young person if we don't consider their history of victimization?

Additionally, perceptions of system fairness become complex if a child is still in a relationship with an abuser who happens to be a parent or guardian.

A second very important report was recently published by the Georgetown Center on Poverty, Inequality, and Public Policy. It is entitled, *Improving the Justice System for Girls: Lessons from the States*. It examines the challenges facing girls in the juvenile justice system and recommends gender-responsive reforms to be enacted at the federal, state, and local levels.

Also, we are looking forward to the release in September of the Academy's Institute of Medicine study on the commercial sexual exploitation of minors in the United States. We expect to work with the Academy to understand the report's strategies to respond to the problem and to develop research, grant making and policy making in this area.

We will look for ways to integrate what we have learned from all of these reports to advance the body of knowledge to the field.

Thank you very much for this opportunity to address the Academy. I look forward to a very fruitful discussion.