



**REMARKS OF ROBERT L. LISTENBEE
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OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
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*REMARKS AS PREPARED FOR DELIVERY***

Good afternoon. My name is Bob Listenbee, and I am the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or OJJDP.

Before accepting this appointment, I spent 16 years as the Chief of the Juvenile Unit of the Defender Association of Philadelphia—and 27 years as a trial lawyer.

Today, I’m also the lucky guy who gets to interrupt the lunch of a room full of prosecutors. Let me reassure you that I wouldn’t pull you away from dessert if this weren’t important. I am here to recruit you.

You see, OJJDP is charged with advocating for our country’s most vulnerable children—the victims of abuse and neglect; the kids trying to survive in tough neighborhoods and failing schools; and the youth who make mistakes and enter our juvenile justice system. And we need your help.

As accomplished prosecutors and the leaders in your field, you know the odds we are facing. You’ve actually met more than a few of the 1.6 million youth who are arrested in a single year (Juvenile Arrests, 2010, OJJDP).

And you know that our nation’s attempt to be tough on crime— even juvenile crime—has left us with plenty of overflowing detention centers and little in the way of positive results.

I think we can all agree that the juvenile justice system should not be focused on locking up kids and throwing away the key. Instead, it should be dedicated to finding the keys to success.

I believe you are one of those keys. As prosecutors, the power you wield can save kids from their circumstances and from themselves.

Today, I want to discuss the future of our juvenile justice system and the vital role you play in that future. Specifically, I'd like to address three things:

- OJJDP's vision for at-risk and system-involved youth.
- How you are key players in realizing that vision.
- What OJJDP is currently doing to make that vision a reality.

OJJDP VISION:

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.

Sounds simple, but it couldn't be harder.

First, protecting children from violence is one of our top priorities and biggest challenges.

In 2008, OJJDP sponsored a major research effort called the National Survey of Children's Exposure to Violence, or NatSCEV.

The survey results were disturbing. They showed that more than 60 percent of children were exposed to violence in the past year as victims or witnesses; nearly 40 percent were direct victims of two or more violent acts in the past year.

These victims too often go unnoticed and untreated— and many go on to become perpetrators.

Second, we know that contact with our juvenile justice system is anything but beneficial for too many kids.

Many juveniles enter the system because of minor, nonviolent offenses (Juvenile Diversion Guidebook, Models for Change, p. 7)

Once in the system, they may receive inadequate care that doesn't address the root of their problems, and they may even encounter abuse.

The long-term outcomes are dismal.

Recidivism rates for these kids can run as high as 70 percent, according to some experts.

Research has also shown 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 as an adult.

These realities make what sounds like a simple vision a massive undertaking.

That is where you come in.

ROLE OF PROSECUTORS IN REALIZING VISION:

We must work to fix the juvenile justice system for those who need it. However, it is even more important that we work together to keep kids out of the system – and to address their problems and challenges in more developmentally appropriate ways.

Now, let me be clear, while we need to keep more kids out of the system, we also **MUST** hold them accountable for their actions. And we cannot forget the needs and rights of victims.

Kids who are a legitimate threat to community safety may have to be confined, but many kids—and their communities—will benefit from alternatives to incarceration.

Research and experience shows that juvenile offenders can be rehabilitated and redirected away from a life of crime.

The MacArthur Foundation's Models for Change Initiative has been an important and successful player in efforts to improve the juvenile justice system for decades. I know firsthand that their extensive work in Pennsylvania was invaluable.

As I'm sure most of you are aware, they have developed a comprehensive Juvenile Diversion Handbook – which provides a detailed roadmap for jurisdictions in their efforts to establish or improve diversion programs.

From points of referral to the level of intervention provided, there are many decisions to be made.

However, the one thing that is consistent across all good diversion programs is the acknowledgement that all youth make risky – even bad – decisions – and that they should not pay for those moments of indiscretion for the rest of their lives.

Ms. Susan Broderick—who was essential to bringing us all together today – recently wrote on this topic and how JPLN can help continue the positive reforms that Models for Change has spearheaded (“Crucial Role of Prosecutors in Juvenile Justice,” Juvenile Justice Information Exchange).

The newly created National Resource Center for Juvenile Prosecutors is already working on several prosecutor education programs, including developing a certificate program on juvenile diversion practices based on the Models for Change Guidebook.

Education efforts like these, as well as strong collaborations, are essential to our reform efforts.

Of course, I can't really talk about partnerships between prosecutors and defenders without mentioning my friend and colleague Mr. George Mosee, Jr., Philadelphia's Deputy DA and Juvenile Division Chair.

We worked together for more than 10 years in Philadelphia, and we were able to make lasting and important changes, including the increased use of diversion and the implementation of a DMC curriculum.

We also learned a valuable lesson that they don't teach you in law school: defenders and prosecutors can, indeed, work together. In my new role at OJJDP, I am applying the knowledge I gained in the field to address juvenile justice issues on a national level.

Which brings me to what we are doing—and why we need your help.

WHAT OJJDP IS DOING:

OJJDP has a long history of partnering with other government agencies, nonprofit organizations, states, cities and professional organizations to institute real, lasting change in our juvenile justice system.

Since the JJDP Act was enacted in 1974, detention of status offenders has fallen 97 percent. We have worked with states to make great strides in decreasing the number of youth held with adults or in adult jails.

And as of 2011, every state participating in OJJDP's Formula Grants program was found in compliance with the requirement to reduce disproportionate minority contact.

Finally, since 1997, the first year that such data was collected, the overall population of juvenile offenders has declined by one-third.

These are amazing accomplishments, but there is still much to be done.

More recently, Attorney General Eric Holder has spearheaded an effort called Defending Childhood to address the enormity of the problem of children exposed to violence.

Defending Childhood has three primary goals:

- To reduce children's exposure to violence.
- To raise public awareness about its consequences.
- To advance research on ways to counter its destructive impact.

In 2011, the Attorney General appointed a National Task Force to create a blueprint for addressing children's exposure to violence. I was honored to serve as co-chair of this Task Force with baseball legend and child advocate Joe Torre.

Through testimony and research, we found that kids exposed to violence tend to fail in school. They often cannot get good jobs; they are more likely to get in trouble, and they are at a much higher risk of ending up in the juvenile justice system.

In fact, the vast majority of children who enter the juvenile justice system have been exposed to violence. Addressing their trauma BEFORE these kids enter the system has the potential to break the cycle of victimization and violence.

That's why Defending Childhood also includes support for 8 demonstration sites across the country. These sites are developing and testing communitywide models to combat children's exposure to violence.

For the kids who do come in contact with the system, we are working to better understand how to help them.

Just last month, the National Academy of Sciences released a report commissioned by OJJDP that reviews recent advances in behavioral and neuroscience research and examines the implications of this knowledge for juvenile justice reform.

The findings proved what parents, educators, and anyone who works with teens knows: teens are different; they are not mini adults. They are undergoing rapid neurological changes and experiencing massive behavioral changes. As a result of these changes, teens—

- Have trouble regulating their feelings in emotionally charged situations.
- Have a heightened sensitivity to outside influences, like peer pressure.
- Are less able to understand the future implications of their decisions.

Based on their research, the Academy recommended that we move away from a justice model focused on punishment—and instead focus on approaches that foster positive development and accountability.

Dr. Robert Johnson—Director of the Division of Adolescent and Young Adult Medicine at Rutgers University— said it best while presenting the research findings: “[The] juvenile justice system as it now exists does not respect human development.”

His colleague, Dr. Edward Mulvey from the University of Pittsburgh School of Medicine, went on to note that the frontal lobe—the part of the brain that controls judgment, impulses, emotions and reasoning—doesn't fully mature until a person is about 24 years old.

So now we know; teens aren't just subjectively different; they are objectively—scientifically—wired differently. And our traditional system of juvenile justice is fighting a losing battle against the very laws of nature.

Developmental approaches to juvenile justice include the involvement of a strong parent or parental figure and positive peers. They also give youth opportunities for decision making and critical thinking.

The perceptions of young offenders are also central to a developmental approach. It is important that youth perceive the justice process to be fair, as this will help them accept responsibility for their actions.

As a result of these findings, we are already working to better understand how a developmental approach to juvenile justice would alter OJJDP's grant making, research, and training and technical assistance.

We will seek input from the field on how best to act on these findings. These are just a few of the many ways we are continuing to work to improve our juvenile justice system.

As Administrator, I believe that OJJDP has a crucial role to play in fostering juvenile justice reform. I also know that we need strong, capable partners like you.

There is an incredibly diverse and impressive range of experience and expertise in this room today.

The very existence of JPLN presents an exciting opportunity.

Together, we can reform our juvenile justice system, so that youth can be held accountable for their negative behaviors without being locked up—and locked out of all other opportunities.

Thank you.