

Testimony of

Honorable J. Robert Flores

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Office of Juvenile Justice and Delinquency Prevention
Office of Justice Programs
United States Department of Justice
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Chairman Leahy, Ranking Member Specter, and distinguished Members of the Committee, thank you for the opportunity to appear today on behalf of the Department of Justice's Office of Justice Programs (OJP). I am J. Robert Flores, Administrator of OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP). As you know, OJJDP's mission is to provide national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. We strive to enable the juvenile justice system to better protect the public, hold offenders accountable, and provide prevention and treatment services for youth and their families.

I am pleased to be here today to discuss reauthorization of the Juvenile Justice and Delinquency Prevention (JJDP) Act. Before I discuss the Act and Department of Justice efforts to address juvenile crime and delinquency, however, I would like to briefly mention the Administration's own proposal for improving the juvenile justice grant programs.

The 2008 Budget proposes consolidating the several different juvenile justice grant programs, including those authorized by the JDDP Act, into just one flexible grant, which will permit States, localities, tribes, and non-profit service providers to compete for funding based on local needs, as well as national priorities. The new Child Safety and Juvenile Justice Program would eliminate formulas and earmarks and focus on key priorities, including:

- Reducing juvenile delinquency and crime;
- Protecting children from sexual exploitation and abuse;
- Improving the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment, rehabilitative, and re-entry services tailored to the needs of juveniles and their families; and
- Assisting children victimized by crime and abuse, and promoting school safety.

Many of these priorities also have been the focus of the JDDP Act. Today, in discussing the JDDP Act, I would like to focus on three key areas: the assistance the Department provides to states and communities to improve their juvenile justice systems; our work on collaborative efforts to develop prevention strategies; and the emphasis the Department places on research and evaluation.

Strengthening the Juvenile Justice System

Since the early 1970s, research has shown that placing juveniles in jails or lockups without separating them from the adult population leads to a higher incidence of physical and mental abuse of the juveniles by both the adult inmates

and guards. Moreover, by placing young people together with seasoned adult criminals, the time they spend in detention under these conditions makes rehabilitation even more difficult.

The JJDP Act, most recently reauthorized in 2002 and implemented in Fiscal Year 2004, aims to treat juvenile delinquents in a fair and equitable manner, while ensuring their placement in appropriate facilities, as needed. The 2002 reauthorization reaffirmed the four core requirements that participating states must address to receive grants under the JJDP Act.

First, status offenders must be deinstitutionalized. Juveniles who commit offenses that would not be a crime if committed by an adult, such as underage drinking, may not be held in secure detention or confinement.

Second, states must ensure separation of juveniles from adults in detention and correctional facilities. This requirement provides that juveniles shall not be detained or confined in a secure institution in which they have sight or sound contact with incarcerated adults.

Third, juveniles must be removed from adult jails and lockups. Juveniles generally may not be held in jails and lockups in which adults may be detained or confined. Juveniles may, however, be held temporarily for no more than 6 hours during which time the facility must identify, process, and transfer offenders to a juvenile facility or court or detain the offender pending release to parents.

Fourth, states are required to demonstrate efforts to reduce Disproportionate Minority Contact (DMC). States must show they are working to reduce the disproportionate number of minority youth who come into contact with the juvenile justice system. During my tenure, this has been a priority of OJJDP and some states are making significant progress.

While upholding the four core requirements, the reauthorization of 2002 modified some of the requirements and the penalties for non-compliance. OJJDP worked closely with states to share this information and assist state agencies with training to meet the new mandates. We conducted a series of regional training conferences to explain the changes and answer questions. We also established new guidelines, developed documents, and updated Web pages to help juvenile justice policymakers and practitioners prepare for the legislative changes.

Today, we continue our commitment to help states achieve compliance. OJJDP works proactively with states to ensure they maintain or improve compliance with all of the core requirements of the JJDP Act. This is accomplished through a number of vehicles, including onsite visits by OJJDP staff, technical assistance, and regional and national training conferences, including annual compliance monitoring training. Recently, we trained a large number of juvenile justice professionals in the requirements of the Act. The training provided information to help them address major issues facing the juvenile justice system, including DMC and the appropriate use of detention.

Through these efforts, not only has OJJDP been able to resolve state compliance deficiencies, but we have also reduced the number of nonparticipating states from three to one. Wyoming remains the only state not participating in the Formula Grants program, with Kentucky becoming a participating state in 1999, and South Dakota in 2003.

I am pleased to report that states have made significant progress in meeting compliance with all four of the core requirements of the JJDP Act. The decrease in violations has been dramatic. Comparing the most recent number of violations to the number of violations when states first began participating in the JJDP Act¹:

- Deinstitutionalization of status offender violations are down 96 percent (from 171,183 to 6,234).
- Adult separation violations are down 98 percent (from 83,826 to 1,628).
- Jail removal violations are down nearly 95 percent (from 148,442 to 7,757).

Although compliance with DMC requirements cannot be measured in terms of violations, based on the States' Fiscal Year 2007 Formula Grants Three-Year Plan Updates, every state participating in the Formula Grants program is in compliance with the DMC requirement.

However, when a state is not in compliance, we are required to reduce that state's allocation. We are aware, based on conversations with State Representatives and OJJDP staff, that reducing the allocation places a hardship on states. We want to assure this committee that such a reduction of funding is done only as a last resort, to comply with rules set forth in the JJDP Act.

Enforcing the core requirements is essential to ensuring that juvenile delinquents receive basic protections when it is necessary to temporarily place them in jails and lockups or confine them in juvenile detention and correctional facilities. At the same time, these juveniles will be held accountable for their behavior, which will ensure the safety of both the community and the juveniles themselves. The JJDP Act has led to important results in this area, results that we believe we can build on with our proposal for a new Child Safety and Juvenile Justice Program.

Partnering to Prevent Delinquency and Child Victimization

In addition to working with states to address the core requirements, another area of focus is partnering with other federal agencies, states and local jurisdictions, and non-profit organizations to plan and implement delinquency prevention initiatives. Preventing delinquency before it occurs, and intervening swiftly and appropriately when it does, are critical components of an effective response to juvenile delinquency and violence. OJJDP strives to work with our federal, state, local, and non-profit partners to find ways to access programs and resources housed at other agencies. We believe it is a matter of necessity, and it is starting to pay dividends.

At the federal level, we have worked to coordinate programs related to delinquency prevention.

For example, the Coordinating Council on Juvenile Justice and Delinquency Prevention is an independent advisory committee within the executive branch of the Federal government. The Council's primary function is to coordinate federal programs related to delinquency prevention, missing and exploited children, and detention and care of unaccompanied juveniles.

Over the past few years, the Council has joined with the Departments of Labor, Health and Human Services, and Education in the Shared Youth Vision, and has provided funding to assist in coordination efforts that helped propel this initiative. This initiative works with state governments to encourage coordination among state juvenile justice, workforce development, education, and human service agencies in serving high-risk populations, such as juvenile offenders and foster care youth.

Another such collaboration involves the Federal Mentoring Council. Two years ago, the Council agreed to fund an effort by the Corporation for National and Community Service and the Department of Health and Human Services' (HHS) Children's Bureau to organize and coordinate the many mentoring initiatives being carried out by the federal government. Together, we identified all federally funded mentoring efforts and current activities, but more importantly, we are coordinating and building upon our efforts.

OJJDP also represents the Department of Justice on the Helping America's Youth interagency workgroup. Helping America's Youth is an Administration initiative announced by President Bush in his 2005 State of the Union Address and led by our First Lady, Mrs. Laura Bush. This federal effort reaches local coalitions looking to address juvenile delinquency and other youth issues through an online tool--the Community Guide to Helping America's Youth--that was developed by the youth serving agencies. One component of this tool is a registry of evidence-based interventions for youth that was patterned after OJJDP's Model Program Guide. OJJDP has also helped to identify successful programs for Mrs. Bush to visit as she has traveled the country speaking out about the needs of America's youth.

OJJDP has also increased its direct partnerships to reach populations of young people who, until now, were not a primary focus of prevention efforts. One such example is the joint work on underage drinking that we are undertaking with the United States Air Force. Over the past two years, OJJDP and the United States Air Force have collaborated to keep underage youth who are attached to the Air Force, whether dependents or enlisted personnel, from consuming alcohol. As we continue this relatively new effort and collect data, we will determine whether it should and can be expanded to the other services.

In addition to federal partnerships, OJJDP supports collaboration at the state and local levels. An example of such collaboration is our anti-gang effort. In Fiscal Year 2003, OJJDP initiated the Gang Reduction Pilot Program (GRP) to reduce youth gang activity in four disadvantaged neighborhoods by combining local, state, and federal resources. Unlike many previous efforts where communities chose to address enforcement, prevention, or intervention, this effort brought all major sectors together and used the strengths of each to address the needs of the communities. Moreover, we launched the anti-gang pilot projects in the most challenging of areas--Los Angeles, CA; Milwaukee, WI; North Miami Beach, FL; and Richmond, VA.

Funding for these pilot sites was flexible, allowing the targeted neighborhoods to fill gaps in prevention programming and law enforcement resources. Funding was supplemented by training and strategies to help local officials identify and use existing resources to address their needs. Federal funding also helped communities build capacity, organize efforts, access new funds, and understand the resources currently available in their own communities. Community leaders, who initially thought they had no such resources, realized they had what they needed to get the job done, by taking inventory of their community, reaching out to partners, and working alongside other sectors. As a result, local partners will be able to sustain the program after federal funding ends.

Private, city, state, and non-profit agencies and officials are committing funds and resources to expand this effort in their cities. For example, in Richmond, many nonprofit, faith-based and community-based organizations, and businesses have joined the community coalition and brought their own resources to the table. One of the most important partners has been the addition of the largest health care provider in Richmond. As a result of support from the police department and public housing operators, the hospital corporation now provides a free medical van that makes healthcare accessible not only to gang-involved youth and their families but to anyone living in the public housing.

Similar positive changes occurred at the Los Angeles GRP site. Because of the success of GRP in tandem with the Los Angeles Police Department's CLEAR Program, in April of this year, Los Angeles Mayor Antonio Villaraigosa announced the launch of a \$168 million anti-gang initiative modeled on the GRP test site in his city. Through GRP, we hope to demonstrate that community collaboration across sectors and programs can achieve results that no single agency, program, or funding source can achieve on its own.

Another example of OJJDP's partnerships is in the area of child exploitation. The Internet Crimes Against Children (ICAC) Task Force program helps state and local law enforcement agencies develop effective responses to Internet-based child enticement and pornography. In October, OJJDP awarded 13 ICAC grants to law enforcement agencies, establishing task forces in all 50 states. The purpose for this increase was to address the ever-increasing number of online predators.

While federal funding supports the ICAC network, the partnerships and contributions of nearly 1,800 law enforcement agencies make this national effort work. These partnerships are achieving major milestones. In Fiscal Year 2007 alone, ICAC investigations led to more than 2,350 arrests and nearly 10,500 forensic examinations. Since June 2004, ICAC task forces have identified nearly 4,400 children who were victims of either sexual abuse or some form of physical abuse or neglect. Since the program's start in 1998, ICAC task forces have made more than 10,500 arrests.

The hallmark of OJJDP is its ability to leverage and launch efforts to improve the lives of youth who are at risk of entering the juvenile justice system and those already within it. This could not be done without strong partnerships with the non-profit sector. While many of these organizations are also our grant recipients, they bring resources and attention to issues that OJJDP could not attract by itself. Our partners add billions of dollars to our efforts to help youth through volunteers, charitable contributions, and their ability to act as a magnet for other services and programs. Through partnerships with other federal agencies, state and local governments, and non-profit organizations, we carry out our commitment to help communities intervene early and effectively in children's lives.

Understanding Juvenile Issues and Evaluating Strategies

Our goal at OJJDP is to replicate programs and strategies deemed effective on the basis of stringent, research-based criteria. We support research programs that examine risk and protective factors for tribal youth, the effectiveness of

promising programs for drug prevention and youth gang reduction, and effective strategies for combating juvenile female delinquency and violence.

In Fiscal Year 2003, we launched a project to address female delinquency and its consequences. As part of the project, we convened a Girls Study Group composed of researchers and practitioners. This study group was charged with reviewing existing literature, analyzing Federal programs that address female offenders, identifying effective or promising programs, and developing program models to prevent and reduce female offending.

The Department committed more than \$2 million to this effort. Our goal is to have a complete picture of the circumstances faced by delinquent girls today. We expect that some of what we will learn will surprise us, challenge us, and in some ways launch us in new directions. Already, we see that the increase in arrest rates for girls may be explained in large measure by changes in policing that resulted from changing community demands. Whatever the cause, the number of girls entering the juvenile justice system is increasing, and states and localities need guidance on how best to handle the increase. We are currently in the process of putting together a series of bulletins on the Girls Study Group findings. We expect results to be released in Fiscal Year 2008.

Through efforts such as the Girls Study Group, the juvenile justice field is making great strides in increasing its knowledge of the issues facing youth, identifying what programs work, and assuring that practitioners receive the information they need. One way OJJDP provides such information is through the development and provision of the Model Programs Guide, a tool that identifies programs and approaches that have been tested and found to work. Available through OJJDP's Web site, the Model Programs Guide served as the basis for a tool now featured in the Community Guide to Helping America's Youth. The Community Guide, created by the Federal agencies under the First Lady's leadership as part of the Helping America's Youth initiative, is a strong example of inter-agency collaboration to better serve our youth. This effort accomplishes one of the goals of the White House Task Force on Disadvantaged Children and Families--bringing together agencies to eliminate duplication and ensure that agency efforts are maximized through collaboration and partnership.

The Road Ahead

In closing, the continuing decline in juvenile arrest rates is encouraging. Despite some high-profile cases, our kids are doing well. They are resilient, and our families and communities are developing new ways of addressing crime and delinquency that are in line with research and evaluation.

The most recent data show that the juvenile arrest rate for violent crime in 2005 was 49 percent below its peak in 1994. Still, the Department of Justice recognizes that much remains to be done to prevent, intervene in, and treat delinquent behavior. We are committed to supporting programs that have the greatest potential for improving the juvenile justice system and combating juvenile delinquency. We will continue to do so by building a comprehensive, coordinated network of state, local, and tribal juvenile justice systems and delinquency prevention programs.

Mr. Chairman, I appreciate the opportunity to testify before the Committee on this important subject. I would be pleased to answer any questions. Thank you.

¹ The most recent figures for violations are based on 2004 and 2005 data. The year of baseline data varies by state, and depends on when valid and reliable monitoring data were first available. This determining factor is related to when each state and territory began participating in the Formula Grants Program. For the vast majority of states, this occurred between 1974-1979.