

Senate Judiciary Committee Hearing Opening Statement:
Andrea R. Coleman

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Good morning. I would like to thank the Senate Judiciary Committee for allowing me to speak today. My name is Andrea R. Coleman and I am the Disproportionate Minority Contact or (DMC) Coordinator for the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention or (OJJDP). Prior to joining the Department in 2007, I served as the DMC Coordinator for the great state of Kentucky. I have over fifteen years' experience working with at risk and delinquent youth in various settings.

In 2009, I received the *Assistant Attorney General's Award* in recognition of my outstanding contributions to the mission and goals of the U.S. Department of Justice's Office of Justice Programs or (OJP). As a Subject Matter Expert in this area, I have worked to help state and local efforts to reduce the disproportionate number of minority youth who come into contact with the juvenile justice system, pursuant to Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention or (JJDP) Act.

OJJDP is a distinctive Federal agency because it has the statutory duty to hold states accountable for violations of the DMC requirement by withholding a portion of their Title II Formula Grants. Unfortunately, based on my years of experience in reviewing DMC Compliance Plans submitted by the states, I have often wondered how OJJDP can in good conscience allow certain states to receive full funding despite clear evidence of violations of core requirements.

For example, Illinois has continued to receive full funding even though I made several recommendations of noncompliance starting in 2008. I made these recommendations because Illinois submitted DMC plans that did not meet program requirements such as not submitting enough data to determine whether DMC even exists. However, my supervisors overturned my recommendations and gave the state full funding.

Unfortunately, this practice of not holding states accountable continued even after Mr. Robert Listenbee became Administrator of OJJDP in 2013. I and other OJJDP staff recommended findings of non-compliance against Illinois and other states. However, Mr. Listenbee overturned these recommendations without providing any substantive information in support of that decision and per a brief meeting with the head of OJP's Office of General Counsel or (OGC).

Even further, Mr. Listenbee and his leadership team announced that all states would get "a pass" for their compliance with the DMC requirement with respect to their funding for Fiscal Year 2014. As recently as last week, OJJDP staff was told that this blanket "pass" would be issued again for Fiscal Year 2016 funds.

This means that states like Illinois that have not met funding requirements will receive grants, in the same manner as states that have met – or even exceeded – those requirements, such as Connecticut, Iowa, and Utah. This strikes me as unfair. Other states have flatly stated to me that they will not even attempt to achieve compliance with certain regulatory requirements because they know that OJJDP will not ever enforce them.

This decades' old failure continues because Mr. Listenbee has focused more on his relationship with advocacy groups, rather than on states. For example, Mr. Listenbee did not want states to participate in a stakeholders meeting in March 2014 until I forced the issue. When

he finally relented, Mr. Listenbee only wanted to invite state DMC officials who were minorities, which would have excluded the Juvenile Justice Specialist for the state of Connecticut, who has worked for over 35 years to elevate that state's DMC work to national recognition.

According to a letter that was sent to Chairman Grassley in October, the reason that no state will be found out of compliance with the DMC requirement is because a new compliance monitoring tool is being developed.

However, I am the one who developed this tool, way back in 2011. The tool is called the DMC Compliance Determination Assessment Instrument or the (CDAI). Even after the CDAI was piloted, no senior leader would grant final approval. A proposal was submitted to Mr. Listenbee and his senior leadership team in June 2013 and again in February 2014 – in addition to various other status inquiries – but, all to no avail.

When Mr. Listenbee was appointed to be Administrator in March 2013, I, like many staff members, was excited that he would bring his expertise and vision to OJJDP, particularly with addressing DMC. However, compliance monitoring issues have been exacerbated under his tenure and individuals who speak up suffer retaliation. After I made recommendations of non-compliance in 2013 and voiced concerns in 2014 and 2015, my job duties were reassigned to another staff member even though I still hold the formal title as OJJDP's DMC Coordinator.

These experiences have been extremely difficult for me, to say the least. But, what I don't want to get lost in all of this, is the unfair treatment of youth, regardless of their race and ethnicity, who come into contact with our nation's juvenile justice systems. And that is why I'm here to testify today: to make sure that the agency that I proudly work for achieves its mission on behalf of our youth. So, I want to thank you all again for giving me the opportunity to be here. I look forward to answering your questions.