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POLITICAL SYMBOLISM IN JUVENILE JUSTICE:  
REFORMING FLORIDA'S JUVENILE DETENTION CRITERIA

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ABSTRACT

A recent reform in Florida's juvenile detention criteria was over-turned during the subsequent legislative session. This paper describes both the initial reform and its reversal and suggests that symbolic political rewards may often be more important than the actual consequences of a policy. Recommendations are made for accomplishing policy reform in a traditional political culture.

INTRODUCTION

In the late 1970's, a child entering the juvenile justice system in Florida was more likely to be placed in secure detention than a child in any other state (Florida Center for Children & Youth, 1980). By 1980, "reform" legislation had been passed which reduced the number of admissions by twenty-one per cent and decreased the average daily population by twenty-six per cent. Only a year later, however, new "tougher" legislation had been passed which led to an ultimate increase in secure detentions of forty-seven per cent and to a growth of thirty-nine per cent in the detention population (Department of Health and Rehabilitative Services, 1982). This article provides a case history of these two important changes in Florida's juvenile justice legislation which were accomplished within the short space of a year. This case illustrates some of the problems which confront liberal, reform-minded coalitions when they oppose the power of

local politicians and political organizations within the context of a state legislature.

### Juvenile Detention

Detention is roughly analagous to jail in the adult criminal justice system, inasmuch as it provides custody for juveniles accused of committing delinquent acts. It is different from jail in that detention in most jurisdictions cannot legally be used for the punishment of children who already have been adjudicated as delinquent by the court, while adults with short sentences are frequently incarcerated in jail (Sarri,1974).

Detention is not intended as a punishment for children since, like adults, they are presumed innocent at the pre-trial stage. Until the turn of the century, children who were deemed criminally responsible for illegal acts were also tried and punished much the same as adults. With the creation of juvenile courts and the further specialization of legal codes regarding juvenile behavior, a separate system for trying and treating juvenile offenders gradually developed (Platt,1977). Not until the Kent decision in 1966 did our legal system recognize some responsibility for the protection of the rights of children under the juvenile justice system (Kent vs United States 383 U.S. 541 [1966]). Over the next few years, further court decisions, state and federal laws, and administrative practice further defined the function of juvenile detention so that ideally juvenile offenders: 1) could expect much the same protection of their legal rights during detention as adults, 2) were subject to pre-trial detention only in very limited conditions (Anbry, 1971), and 3) were separated from adult offenders. Those children accused of status offenses, i.e., behaviors not defined as criminal activity for adults, are also entitled to separate facilities from those children accused of criminal offenses (42 U.S.C. 5633).

### Detention in Florida

These legal and humanitarian ideals regarding detention were rarely met anywhere in the nation, and they were certainly not reached in Florida. An LEAA-funded study of children in adult jails in Florida by a private research/advocacy organization, the Florida Center for Children and Youth, disclosed that one of the state's major problems was that half of the jails violated minimum federal standards for juvenile detention, and 95% of the adult jails used violated minimum state standards for use as juvenile facilities (1979). Among the problems encountered in these substandard facilities were overcrowding, sexual abuse, lack of supervision, and suicide ("Faulty Jails", 1980).

Florida also operated twenty regional, maximum-security juvenile detention facilities with a combined capacity of more than 1,000 youths.

#### Previous Research on Juvenile Detention

In one of the most comprehensive studies of juvenile detention in the United States, Sarri documented widespread problems in the administration of laws regarding detention, as well as the importance of situational or structural factors in the detention decision (1974). For example, the time and location of the apprehension and the location of the detention facility were at least as important as the severity of the offense. A later study by Kramer and Steffensmier supported the importance of these factors, in addition to discovering that juvenile status offenders were more likely to be detained than were juveniles accused of criminal behavior (1978). (Status offenders are also just as likely to be incarcerated as juvenile delinquents (McNeece, 1980)).

Other research at the National Assessment of Juvenile Corrections concluded that juvenile offenders who were detained were less likely to have their legal rights protected by the court or by the public defenders than were juveniles who were not detained (McNeece, 1976). Kihm found in a later study of detention criteria that the re-arrest rates and failure-to-appear rates for juveniles who were released pending adjudication were not significantly different from the rates for detainees (1980). This finding erodes one of the major reasons for the use of detention --insuring that the offender is present for an adjudication hearing and that he or she is not involved in subsequent delinquent activity prior to adjudication. Unfortunately, as we shall see in the following pages, most Florida lawmakers did not choose to utilize this information in the development of new juvenile justice policies.

### REFORM, 1980

#### The Background for Reform

Prior to the 1980 changes in the juvenile detention law, Florida statutes had provided five criteria for detention placement. They were:

- (a) To protect the person or property of others or of the child;
- (b) Because the child has no parent, guardian, responsible

relative, or other adult approved by the court, able to provide supervision and care for him. If a child is to be detained pursuant to this paragraph alone, a crisis home only may be used;

- (c) To secure his presence at the next hearing;
- (d) Because the child has been twice previously adjudicated to have committed a delinquent act and has been charged with a third subsequent delinquent act which would constitute a felony if the child were an adult; or
- (e) To hold for another jurisdiction a delinquent, child escapee or an absconder from probation, community control program or parole supervision or for a child who is wanted by another jurisdiction for an offense which, if committed by an adult, would be a violation of law (Chapter 39.032, Florida Statutes).

These criteria were originally intended to limit the use of detention to children who might pose a threat to the community or to themselves, or who were not likely to appear for an adjudication hearing if released. The criteria, vaguely worded and subject to broad interpretation by intake workers and courts alike, led to the inappropriate use of detention. A report from the Florida Department of Health and Rehabilitative Services (DHRS) in 1978 showed that 371 abused or neglected children and 754 status offenders had been housed in secure detention during the first half of that year, contrary to both Florida law and federal standards (1979a). During this same time, several of the regional detention facilities were under court orders to reduce their populations because of overcrowded and unsafe conditions. This situation lent an air of urgency to the need for reform.

The next year another HRS study reviewed the decisions of intake workers to place children in detention. In one of the ten HRS regions studied, the monitors disagreed with 61% of the decisions to detain. Another study reported that 38% of the detained children in Daytona Beach were questionably, inappropriately, or illegally placed (DHRS, 1979b). The latter report resulted in a class action suit against local detention officials (H.C. vs. Jarrad, et. al., N.D. FL. TCA-79-0830).

#### Building a Reform Coalition

During 1978-79, the Florida Center for Children and Youth assisted citizens groups in five communities in monitoring the processing of children in their regional detention centers. In all of the five sites, a large proportion of the children processed were accused of minor offenses such as curfew vio-

lations, truancy, liquor possession, etc. A substantial number of the children detained were status offenders, children who had committed no criminal acts. In Broward County (Ft. Lauderdale) the Human Rights Advocacy Committee found that 30% of the cases they reviewed represented children who were placed in detention contrary to HRS policy or state law. This overuse of detention was costly in both human and economic terms. In addition to the restrictions on individual liberties, detention was estimated to cost \$35.00 per day per youth (FCCY, 1980).

At the same time, the Florida Chapter of the National Association of Social Workers (NASW), the Florida Association for Human Services (FAHS), and the League of Women Voters were also active in generating support to revise the detention criteria during the 1980 legislative session. NASW was particularly active in contacting legislators and soliciting their support for adopting the detention standards developed in 1976 by the Committee on Standards for the Administration of Juvenile Justice, a committee of the National Advisory Committee on Juvenile Justice and Delinquency Prevention (U.S. Department of Justice).

All three of the major participating organizations in the drive to reform the state's detention criteria - - the Florida Center for Children and Youth, the Florida Association for Human Services, and the National Association of Social Workers - - had a long history of involvement in policy development in Florida, and they were generally well-regarded by members of the legislature.

Meanwhile, the FCCY report on the status of children in adult jails in Florida (page above) was timed for release at the opening of the 1980 legislative session. FCCY recommended that the best way to solve the various problems associated with the placement of children in jails was to make room for them in the juvenile detention centers. This could be easily accomplished, according to FCCY, by implementing specific, offense-based criteria for the use of secure detention. There was broad legislative interest in these issues and some support for the specific proposals. Senator Dunn, a long-time advocate for improved juvenile justice, agreed to add language to a bill he had already filed that would severely restrict the conditions under which a juvenile could be placed in any detention facility. (The bill which finally passed and was signed by the governor also contained several provisions which did not relate to detention, but the main thrust of that bill was detention.)

Unfortunately for the advocates of the new detention criteria, Senator Dunn was having difficulty getting any of his

legislation to the floor of the Senate because of some changes in the Senate power structure. Senator Beard, however, had proposed a non-controversial bill at the request of the Florida Sheriff's Association, SB409, that would clear up vague and confusing language relating to juvenile placements in adult jails. When SB409 reached the floor of the Senate, Senator Beard, a former sheriff himself, agreed to let Senator Dunn amend his bill onto SB409. The new detention standards allowed detention in cases in which:

- (a) The child is from another jurisdiction and is an escapee, (sic) from a commitment program or absconder from probation, a community control program or parole supervision, for an offense which, if committed by an adult, would be a violation of law, or the child is wanted by another jurisdiction for an offense which, if committed by an adult, would be a violation of law;
- (b) The child requests protection in circumstances that appear to present an immediate threat to his personal safety.
- (c) The child is charged with a capital felony, life felony, or felony of the first degree; or a crime of violence, i.e., murder in the third degree, manslaughter, sexual battery, robbery, aggravated assault; or with two or more serious property crimes arising out of separate transactions;
- (d) The child is charged with a serious property crime; i.e., arson or burglary as defined in s. 810.02(2) and (3); or with the sale or manufacture of or trafficking in a controlled substance; which if committed by an adult would be a felony, and:
  - 1. He is already detained or has been released and is awaiting final dispositions of his case; or
  - 2. He has a record of failure to appear at court hearings; or
  - 3. He has a record of violent conduct resulting in physical injury to others; or
  - 4. He has a record of adjudications for serious property offenses (Chapter 39.032, Florida Statutes).

With little opposition from organized law enforcement, the courts, or the press, the new standards were passed during the 1980 legislative session and went into effect July 1, 1980.

## OUTCOME OF THE REFORM

### Public Reaction

Soon after the implementation of the new standards, strong objections were being raised across the state by almost every part of the juvenile justice system - - judges, law enforcement officers, state prosecuting attorneys, and intake workers. The state's newspapers were almost universally critical of the new standards. The reason for this outcry had nothing to do with the performance of the criteria, for the changes passed by the 1980 legislature had accomplished just what was intended - a reduction in the general use of detention. More important, the average detention population and detention admissions had been greatly reduced (page 1, above) without any increase in the re-arrest rate or the failure-to-appear rate (DHRS, 1981).

Obviously, detention had been used in the past not just as a way of protecting the community or guaranteeing the appearance of the accused juvenile at adjudication hearings, even though those were the only legitimate ends recognized in the statutes. The old standards had allowed for a type of symbolic punishment which seemed to be lacking in the new standards. Under the new criteria, many critics felt that a number of offenses were not included among those violations which warranted detention. Among those were drug possession, grand theft, and possession of stolen property. Under the new legislation children accused of those crimes would now have their day in court before being punished -- much the same as in the adult justice system. Sanctions could then be meted out only after a proper adjudication.

All adults accused of crimes in Florida have a right to bail except when charged with crimes punishable by death or life imprisonment. In fact, most sheriffs in the state operate "release on recognizance" programs which allow the release of an adult without bail pending his or her trial. We know that a small percentage of those adults released on bail or on their own recognizance will either commit subsequent crimes or will fail to appear for trial. The public may not be happy with this situation but it is at least tolerated. When the new juvenile detention standards were implemented and similar rights of pre-trial release were granted to children, there was an immediate widespread protest. One newspaper after another printed stories with headlines such as these:

"Juvenile Justice System Aids Young Killers"  
Florida Flambeau, April 16, 1981



"Juveniles' Antics Frustrate Police"

Tampa Tribune, March 28, 1981

"New Law Helps Teenage Thugs as Victims Lose"

Miami Herald, October 24, 1980

The criticism of the new standards in each of these stories focused on the inability of local officials to detain most juveniles accused of a crime between apprehension and adjudication. In most of the stories, there were implicit assumptions that such juveniles were guilty, would commit subsequent crimes and would have a low rate of appearance for adjudication hearings. In the relatively few instances where these behaviors did occur, newspapers published graphic illustrations of the crimes committed, thus lending support to the public's opinion of the unsoundness of the new law.

Judges, State Attorneys and Law Enforcement Reactions

Law enforcement officials responded by "discovering" a rising crime rate and blaming it on the inability to detain most juvenile offenders. They publicly lamented the fact that under the new detention criteria, "the juvenile offender is back on the street before the victim is out of the hospital." In some cases, police hinted that they were not pursuing juvenile arrests as vigorously as before because of the futility of prosecuting juveniles under the new code. The Police Chief's Association issued a statement calling for an amendment to the criteria which would allow more discretion in decision-making regarding detention. Their statement also indicated a desire for strong input from police officials in detention decisions, a factor which they felt was lacking in the new standards (DHRS, 1981).

The Prosecuting Attorneys Association viewed the new detention criteria as too restrictive, and they believed that too many accused juveniles were being released after apprehension when they actually should have been held in detention. They recommended an expansion of the detention criteria, and they even went so far as to recommend that adult jails once again be used for juvenile detention (DHRS, 1981).

Judges were perhaps the most vocal of all local officials in their opposition to the new criteria. Although it was seldom expressed, one obvious reason for their dissatisfaction was that the new criteria virtually eliminated the exercise of judicial discretion regarding detention. Six of the twenty judicial circuits went so far as to issue court orders broadening the detention criteria and allowing a broader category of juvenile offenders to be detained. As a result, almost a third of the

juveniles detained during the last nine months of 1980 were detained by court order (DHRS, 1981). One local judge issued an advisory opinion (involving no litigants) stating that:

"The legislature did not intend that children (some of which are thugs) when caught in the act of a serious crime such as burglary..... threatening children, scaring old people..... BE TURNED LOOSE ON THE SPOT AND NOT BE DETAINED IN THE JUVENILE DETENTION CENTER ..... It is further ORDERED AND ADJUDGED that any language in the new Act...conflicting with the language authorizing the jailing of a juvenile thug...is hereby declared unconstitutional..." (Nineteenth Judicial Circuit, 80-10 CCJ, 1980).

Although this opinion was quickly invalidated by a state appellate court, it represented a strong and widely held attitude among Florida judges.

Impact of the New Criteria

It should be restated at this point that the actual impact of the new detention criteria on the major problems of overcrowding and inappropriate use of detention was quite positive. As described earlier, the detention population was reduced and the number of admissions was substantially decreased. This allowed the State time and resources to comply with various court orders regarding overcrowding. Abuse and suicide rates also dropped among the detained juveniles. At the same time, there were noted no significant differences in the rates of re-arrest or failure-to-appear for hearings among those juveniles who were now being released compared to those previously detained (DHRS, 1981). Opponents of the new criteria did not want to be bothered with these facts, however. The important change which had aroused their ire was that the punitive value of detention -- at the discretion of local officials -- had been diminished.

BACKLASH, 1981

The Law and Order Coalition

The stage had been set for a nullification of the 1980 reform bill by the opening of the next legislative session. All of those groups which had expressed strong criticism of the 1980

changes had sought out support in both houses of the legislature, and potential sponsors for a new "tough" bill which broadened detention criteria were in plentiful supply. Senator Beard, perhaps hoping to make amends to his constituents for inadvertently sponsoring the 1980 legislation, quickly filed such a bill. (The bill was written by Beard with considerable input from Judge Spicola from his district. Spicola had served as a Senator until his appointment to the bench. Beard was then appointed to fill Spicola's vacant Senate seat.)

#### The Reform Coalition

The same liberal forces which supported the 1980 changes once again coalesced and planned to fight any subsequent change to broaden the detention criteria (or any other change which would make the state's juvenile justice system more punitive.) NASW and FCCY were especially active in coordinating lobbying efforts and organizing expert witnesses to speak against proposed changes in committee hearings.

#### The New Juvenile Code Proposal

The new bill, HB1095, not only sought to broaden detention criteria, but it also included several other "punitive" features which NASW and FCCY viewed as a backlash from the forces of law-and-order conservatism. It also included changes regarding: 1) the processing of juvenile traffic offenders, 2) the placement of juveniles in jail as a sentencing alternative, 3) the judicial determination of post-disposition treatment plans, 4) parental restitution requirements, 5) the publication of names of alleged juvenile offenders, and 6) provisions for processing 16-or-17-year-old juveniles in adult courts at the discretion of the state attorney. This was one of fifteen "get tough" juvenile bills filed in the 1981 legislature ("Juvenile Justice", 1981).

#### The 1981 Legislative Process

HB1095 was developed by the House Select Committee on Juvenile Justice, a newly created committee, which was heavily weighted with law-and-order advocates. (Normally such a bill would have been referred to the Committee on Health and Rehabilitative Services a relatively friendly committee.) The senate counterpart was referred to the Senate Judiciary-Criminal Justice Committee, a committee not ordinarily given jurisdiction over juvenile justice legislation.

During the hearings most of the committee members spoke of the "many concerns" expressed by their constituents regarding the

lax treatment of juvenile offenders. The Chair of the Senate committee stated that:

"I've gotten more letters on this subject than anything since I've been here. People are afraid of children. There's a certain rationality with an adult (criminal), but not with a child" ("Juvenile Justice", 1981)

Senator Beard and other members of the Senate Committee arranged for a carefully selected group of "victims" to testify at committee hearings regarding the harm which had personally befallen them because of the 1980 revisions in the detention criteria ("Who Protects Us", 1981). Opponents of HB1095 attended these hearings, but most of those persons wishing to speak against the bill were never called. Most of the time for taking testimony was devoted to advocates of the bill. (Note: Both authors were in attendance at the Senate committee meeting, wishing to speak against the bill.)

Opponents of the bill planned to make one last attempt to modify some of its more punitive aspects at an expected House-Senate Conference Committee meeting, but several prior "secret" meetings took place between the major participants and their staff in order to avoid bargaining and decision-making in another highly-charged public meeting. A secret compromise was reached and no joint conference committee was named. Only one punitive feature of the final bill was totally eliminated before passage, the section which specifically allowed courts to use detention as a sentencing alternative. The Senate had passed the bill by a 30 to 1 vote, and the House version passed by a 113 to 10 margin ("Get-Tough Juvenile Bill", 1981). It was obviously a very popular piece of legislation.

Opponents also attempted to influence the governor to veto HB1095, some pointing only to the state's regression to an earlier, more punitive use of detention, others citing the certainty of additional expenses accruing from an anticipated growth of detention. Nevertheless, the governor had already publicly voiced his support for "tougher" juvenile laws, and he signed the bill without hesitation.

## CONCLUSIONS

### Impact of the 1981 Changes

Just as the opponents of HB1095 had expected, the broader detention criteria implemented in July, 1981 resulted in in-

creased use of detention. During the first six months, the new criteria resulted in: 1) a 47% increase in admissions to secure detention, 2) a 62% increase in the average daily population in non-secure detention, and 3) a dramatic increase in the proportion of youth screened and detained. Once again there was no significant change in the non-appearance or re-arrest rate (DHRS, 1982). Those rates did not increase with the 1980 reform, nor did they improve with the 1981 broadened detention criteria. Those behaviors are apparently not related to the matter of detention.

### Politics and Symbolism in Juvenile Justice

Perhaps more important to the law-and-order groups lobbying for the 1981 changes, and perhaps even to the public at large, was the restoration of the symbolic function of punishment through pre-trial detention. It has been pointed out quite clearly in the context of other political issues that the symbolic rewards which emanate from political action are frequently more important than any tangible results (Edelman, 1964).

The 1980 reform was pushed through the legislature by a liberal-minded coalition of social workers and youth advocates at a time when the "law-and-order" forces were paying little attention. In fact, some of the more conservative members of the legislature had supported the 1980 changes because they incorrectly perceived SB409 only as a way of separating adult and juvenile offenders, reducing overcrowding, thus removing the threat of various lawsuits and the threat of a loss of federal funding for juvenile programs.

When they learned of the limitations in the power of local officials to use the symbolic function of pre-trial detention, there was a groundswell of opposition. Organizations of judges, law enforcement officials, state prosecuting attorneys, and others coordinated grass-roots lobbying efforts to negate the reform only one year later. The use of detention as a symbol of the local court and police ability to protect the community from the threat of juvenile crime was a function overlooked by the liberal reform groups. It made no difference that juvenile crime had not increased with the 1980 reform (Florida Department of Law Enforcement, 1981), or that re-arrests and non-appearance did not significantly change. What mattered was the missing symbol of the power of state and local authorities to immediately punish accused juveniles, thus ritualistically reinforcing community norms against delinquent behavior and giving the impression of protecting the community against subsequent delinquent behavior.

## Regional Differences in Political Symbolism

Most scholars of public social policy agree that it is much easier to achieve agreement on programs than on objectives, and that when agreement on values underlying programs is necessary, policy compromise is more difficult to reach (Banfield, 1961; Gil, 1976; Wildavsky, 1979; Dluhy, 1981). The basic problem is that agreement on a particular policy is more difficult to achieve whenever there are value conflicts among the participants in the policy process. "Liberal" reform efforts are likely to lead to such value conflicts under certain fairly predictable conditions. For example, issues that touch on such matters as the treatment of criminals (or delinquents), gay rights, and abortion, provide more potential for conflict on the basis of values than do highway construction or teacher education requirements.

Another important factor is the geographic context of the policy development process. Elazar has thoroughly described the geographic distribution of political cultures in the settlement of America, and the subsequent migration patterns of those cultures throughout the continent (Elazar, 1966). Within the southern states the dominant political culture is identified as "traditional"; it grew out of a conservative, plantation-centered agricultural system. This culture tends to perpetuate the dominance of an elite-oriented political order, and political leaders play conservative and custodial rather than initiatory roles (Elazar, 1966, pp. 79-116). In contrast the upper Midwest is dominated by a "moralistic" political culture in which "both the general public and the politicians conceive of politics as a public activity...properly devoted to the advancement of the public interests" (Elazar, 1966, p. 90).

Although the mobility of our citizens has undoubtedly led to the erosion and displacement of dominant political cultures in every state in recent years, there is no doubt that generally Michigan, Wisconsin, and Minnesota have a different approach to politics than do Virginia, Arkansas, and Florida. Despite the steady flow of Northeasterners into South Florida and the movement of "hillbillies" into Southern Michigan, these two states are vastly different in their politics. Although one might find it impossible to precisely calculate the effects of differences in political cultures on policy outcomes, one could get a rough idea of those differences by examining a limited number of common policies in each state and/or region.

The political culture in Florida is still predominantly "traditional", and was not conducive to a liberal reform effort in the late 1970's. As evidence of the conservative political

climate, one could cite the failure of the legislature to pass the Equal Rights Amendment, the overwhelming rejection by voters of a referendum to allow casino gambling, the rejection of a gay rights ordinance in Miami (one of the state's most liberal communities), and the continued use of capital punishment.

#### Advocacy Strategies for Unpopular Causes in a Traditional Political Culture

Reformers interested in liberalizing social policies in a state should consider how other relevant social issues have been resolved before developing a strategy for reform. Such issues might include state legislative action concerning the Equal Rights Amendment, the legal rights of homosexuals, the incarceration of juvenile and adult offenders, and the provision of services to disadvantaged, handicapped, and minority groups. Public opinion polls are also very useful in determining whether the right climate for policy reform is present.

If the policy in question is one which is likely to encounter opposition from a dominant political elite because of a clash in values, then it is obviously in the reformers' best interests to avoid raising a question of values (or program/policy objectives) if at all possible. A reform of a state's juvenile detention criteria could be pressed on the basis of its practicality (allowing intake workers to be shifted to supervising probationers) or cost-efficiency (cutting perhaps by one-half the number of youths detained in a regional facility at \$35.00 each per day).

Avoiding publicity and media coverage is also a wise strategy if the policy change raises questions which could push policy-makers into a position of opposing the change. The new detention criteria would probably have encountered less criticism if it had not been for the widespread coverage in the press. As indicated earlier, most of this coverage was biased and one-sided, giving the citizens an impression that "juvenile killers" were being whimsically turned loose on the community. Members of the reform coalition even held meetings with editorial boards throughout the state in an attempt to obtain fair and accurate reporting of the consequences of the revised code. Unfortunately, it is easier to sell newspapers with headlines such as "Who Protects Us? Asks Mother of Raped Son" than with editorials noting the success of the new policy in reducing costs, increasing individual liberties, maintaining a low "no-show" rate for court appearances, etc.

Where a great potential for value conflict exists, reformers should consider the possibility of a policy change

through bureaucratic rather than legislative means. This technique is particularly appealing if there is an enlightened professional bureaucracy which exercises discretion in the administration of the policy. Unfortunately, such a bureaucracy seems less likely to be found in states with a traditional political culture. Even in the deep South, however, one occasionally finds small enclaves of professional social workers within a large unprofessional bureaucracy. If the values of these small groups of professionals are congruent with the reform efforts, than perhaps a bureaucratic manipulation of the policy is possible.

A closely related strategy is possible whenever policy decisions are highly decentralized. For example if each county is responsible for developing and enforcing criteria for juvenile detention, one might attempt to locate a progressive county in which officials could be persuaded to consider a policy change. By working closely with local officials and making every attempt to insure the success of the reform effort at that level (along with fair and accurate reporting in the local press), an appeal could be made later to other counties, using the first county as a model for policy change.

If all attempts to reform policy fail using conciliatory methods such as these, reformers can fall back on the possibility of accomplishing change through adversarial means such as litigation. Such efforts have been more-or-less successful in states like Texas (*Morales vs. Turman*, 364 F. Supp. 166 (1973)) and Alabama (*Pugh vs. Locke*, 406 F. Supp. 318 (1976)), especially in the area of correctional policy.

Strategies involving cooperation and public education are still in order, of course, in those situations in which a strong conflict of values between reformers and decision-makers is not likely to occur. The methods outlined above may be of more use in a traditional political culture such as Florida has, especially when the reform involves value-laden policies such as corrections.



REFERENCES

- Anbry, Ernest L.  
1971 "The Nature, Scope and Significance of Pre-Trial Detention in California." Black Law Journal 1:160-165.
- Banfield, Edward C.  
1961 Political Influence: A New Theory of Urban Politics. New York: The Free Press.
- Department of Health and Rehabilitative Services (DHRS)  
1979a Dependency-Delinquency Intake Monitoring: Summary of Third Round. Youth Services Program Office, Tallahassee, FL: DHRS.  
1979b Special Investigative Report Concerning Detention Population in Volusia County. Youth Services Program Office, Tallahassee, FL: DHRS.  
1981 A Report on the Impact of Detention-Related Changes Made in the Juvenile Justice Act in 1980. Office of Evaluation and Children, Youth and Families Program Office, Tallahassee, FL: DHRS.  
1982 Evaluation of the Impact of Major Changes Made by the 1981 Legislature to the Juvenile Justice Act. Office of Inspector General, Office of Evaluation, Tallahassee, FL: DHRS.
- Dluhy, Milan J.  
1981 Changing the System: Political Advocacy for Disadvantaged Groups. Beverly Hills: Sage Publications.
- Edelman, Murray  
1964 The Symbolic Uses of Politics. Urbana, Illinois: University of Illinois Press.
- Elazar, Daniel J.  
1966 American Federalism: A View from the States. New York: Thomas Y. Crowell Company.
- "Faulty Jails Threaten Youth Funds"  
1980 Jacksonville Journal, March 11.
- Florida Center for Children and Youth, Inc. (FCCY)  
1979 Juvenile Injustice: the Jailing of Children in Florida. Tallahassee, FL: FCCY.  
1980 Punishment Without Conviction: The Over-Use of Juvenile Detention. Tallahassee, FL: FCCY.
- Florida Department of Law Enforcement (F.D.L.E.)  
1981 Crime in Florida: 1980 Annual Report. Tallahassee, FL: F.D.L.E.

- Get-Tough Juvenile Bill Passes  
1981 Tallahassee Democrat, June 6.
- Gil, David G.  
1976 Unraveling Social Policy. Cambridge, Mass: Schenman Publishing Company.
- Juvenile Justice: Blowing in Ill Wind  
1981 Miami Herald, April 19.
- Kihm, Robert C.  
1980 Testing the Effectiveness of National Standards Detention Release Criteria. Champaign, Illinois: Community Research Forum.
- Kramer, John H. and Steffensmier  
1978 "The Differential Detention/Jailing of Juveniles: A Comparison of Detention and Non-Detention Courts." Pepperdine Law Review 5:795-807.
- Legislatures Heels Scoff Graham's Plans  
1981 Sentinel Star, May 3.
- McNeece, C. Aaron  
1976 Juvenile Courts in the Community Environment. Unpublished doctoral dissertation, University of Michigan.  
1980 "The Deinstitutionalization of Juvenile Status Offenders: New Myths and Old Realities." Journal of Sociology and Social Welfare 7(2): 236-245.
- Platt, Anthony  
1977 The Child-Savers: The Invention of Delinquency. Second Edition. Chicago: University of Chicago Press.
- Sarri, Rosemary C.  
1974 Under Lock and Key: Juveniles in Jails and Detention. Ann Arbor, Michigan: National Assessment of Juvenile Corrections.
- U.S. Department of Justice  
1976 Report of the Committee to the Administrator on Standards for the Administration of Juvenile Justice. Law Enforcement Assistance Administration, National Institute for Juvenile Justice and Delinquency Prevention, Washington: Government Printing Office.
- Who Protects Us, Asks Mother of Raped Son  
1981 Tallahassee Democrat, April 16.
- Wildavsky, Aaron  
1976 The Politics of the Budgetary Process, 3rd Edition. Boston: Little, Brown and Company.