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## ISSUES IN JUVENILE JUSTICE

### TOWARD A MORE UTILITARIAN JUVENILE COURT SYSTEM

*Rod Smith\**

In *Paradise Lost*, one finds a Miltonic vision of a parliamentary debate during which the participants in Pandemonium are suddenly miniaturized.<sup>1</sup> This scene is a fitting metaphor for Florida's current discussion over the future direction of juvenile justice. The juvenile justice debate seemingly shrinks all parties as they recite arguments carefully crafted to capture a greater political audience-share from a public understandably anxious about juvenile crime. The leadership of Florida can only avoid shrinking from or during the debate by expanding its vision for juvenile justice.

First, consider the dimensions of Florida's juvenile justice problems. In 1997, the Florida Inter-University Consortium for Child, Family, and Community issued an interim report on chronic juvenile offenders which stated:

According to a report prepared for the U.S. House of Representatives Judiciary Subcommittee on Crime, Florida has led the nation in Index crimes (i.e., murder, burglary, strong-armed robbery, aggravated assaults, motor vehicle theft) for more than a decade (Florida Statistical Analysis Center [FSAC], 1996). In 1994, Florida

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\* Adapted from keynote address given by Rod Smith, State Attorney, at the Juvenile Justice Symposium Sponsored by the University of Florida Journal of Law and Public Policy, Mar. 17, 1999. Special appreciation to Kim Eckert for assisting in researching this article.

1. JOHN MILTON, *PARADISE LOST*, BOOK 1, lines 758-93 (Merrit Y. Hughes ed., The Odyssey Press 1935) (1667).

ranked second in the nation for juveniles arrested for violent crime (FSAC, 1996). While Florida accounts for 5% of all juveniles arrested in the United States, Florida also accounts for 25% of all juveniles who are transferred to adult courts for felonies (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 1995). From 1985 to 1995, the juvenile population in Florida increased by 39%, but juvenile arrests increased at alarming rates (FSAC, 1996). In this decade:

Juvenile arrests for murder increased by 122%

Juvenile arrests for robbery increased by 97%

Juvenile arrests for aggravated assaults increased by 109%

Juvenile arrests for motor vehicle thefts increased by 85%

The Florida Department of Juvenile Justice reports that these alarming trends continue presently with the number of youths referred for delinquency increasing in the last year by 30% overall, and 63% for drug involved delinquency referrals. Over the past five years, felony marijuana cases have increased 105%. Additionally, following a disturbing national trend, females are one of the most rapidly growing members of delinquency cases. In the past year white female delinquency cases have increased by 61% and black . . . female delinquency cases have increased by 45% (Florida Department of Juvenile Justice, 1997).<sup>2</sup>

In 1995, less than five percent of the U.S. population under the age of eighteen lived in Florida, yet this state accounted for more than fourteen percent of violent juvenile delinquent acts.<sup>3</sup> The 1995 national rate of violent acts per 100,000 juveniles was 136; in Florida that number was 412.<sup>4</sup> In October 1998, Florida's Department of Juvenile Justice (DJJ) reported that Florida ranked second in the nation in violent juvenile crime.<sup>5</sup> While some encouragement can be taken from the fact that between 1995 and 1997 the reported violent juvenile crime rate declined slightly, Florida still did not improve its position relative to the performance of other states.

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2. See FLORIDA INTER-UNIVERSITY CONSORTIUM FOR CHILD, FAMILY, AND COMMUNITY STUDIES, INTERIM REPORT TO THE JUVENILE JUSTICE ADVISORY BOARD 5 (1997) [hereinafter FLORIDA INTER-UNIVERSITY CONSORTIUM].

3. See FLORIDA DEP'T OF JUVENILE JUSTICE, MANAGEMENT REPORT NO. 64, VIOLENT JUVENILE DELINQUENCY: A FIVE-YEAR REVIEW 1992-1993 THROUGH 1996-97, at 1 (1998) [hereinafter FIVE-YEAR REVIEW].

4. See *id.*

5. See FLORIDA DEP'T OF JUVENILE JUSTICE, MANAGEMENT REPORT NO. 81, HOW DO JUVENILE ARREST RATES IN FLORIDA COMPARE TO THOSE OF OTHER STATES? 1 (1998).

When viewed over the long term, juvenile crime in Florida remains among the nation's worst. Over the last five years, Florida's population of children between the ages of 10 and 17 increased by 12%, while the number of juveniles referred to the DJJ increased by 30%.<sup>6</sup> Despite some recent declines, there are several figures that portend, if unchecked, a bleak future of increasing juvenile violence. Among violent juvenile offenders, an increasing percentage (11.6%) were under 13 years of age.<sup>7</sup> That number, when combined with demographic projections of a 24% increase in the number of Floridians between the ages of 10 and 17 by the year 2004,<sup>8</sup> augurs a potential juvenile crime wave. The 1996 report of The Council on Crime in America issued the following warning, which very much applies to Florida:

[M]ake no mistake: Recent drops in serious crime are but the lull before the coming crime storm. As this report forecasts, this storm is gathering in the form of a demographic bulge of young, highly crime-prone males. Between now and the year 2005 enormous upward pressure will be exerted on crime rates.<sup>9</sup>

Any credible measure of juvenile crime must include a review of its financial impact on Florida taxpayers. In 1994, Florida residents lost over \$37 million to juvenile auto thefts alone.<sup>10</sup> During the same year, juvenile robberies cost Florida victims \$7.6 million.<sup>11</sup> No one has even attempted to measure or monetize the amount that individuals now spend privately to protect themselves from juvenile criminals.

In 1997, Florida's taxpayers paid nearly \$600 million to operate DJJ programs.<sup>12</sup> This enormous expenditure does not include the millions of dollars paid by local school districts and law-enforcement agencies for after-school programs, school resource officers, and constructed safety improvements. Local expenditures for juvenile assessment centers required additional millions of dollars.<sup>13</sup> It is estimated that Floridians pay \$10,000

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6. See HOUSE JUSTICE COUNCIL, FLA. HOUSE OF REPRESENTATIVES, 1998 POST-SESSION RESOURCE BOOK 48 (1998).

7. See FIVE-YEAR REVIEW, *supra* note 3, at 7.

8. See JUVENILE JUSTICE ADVISORY BD., FLA. LEGIS., 1997 ANNUAL REPORT AND JUVENILE JUSTICE FACT BOOK 45 (1997).

9. See THE COUNCIL ON CRIME IN AMERICA, THE STATE OF VIOLENT CRIME IN AMERICA 4 (1996).

10. See FLORIDA INTER-UNIVERSITY CONSORTIUM, *supra* note 2, at 6.

11. See *id.*

12. See JUVENILE JUSTICE ADVISORY BD., 1998 OUTCOME EVALUATION REPORT, VOL. I, at 5 (1998).

13. See FLA. S. COMM. ON WAYS AND MEANS, REP. NO. 97-P-23, JUVENILE ASSESSMENT CENTER OPERATIONAL FUNDING 16, 17 (1997).

annually for each juvenile delinquent under supervision.<sup>14</sup> Florida's aftercare costs, which are paid for transitioning juveniles released from commitment, increased from \$2.5 million in 1990-1991 to \$28.1 million in 1998-1999.<sup>15</sup> Four years after embarking upon the most ambitious commitment facility construction plan in Florida's history, more than 882 adjudicated delinquents remain on a commitment waiting list.<sup>16</sup> Even a conservative cost projection for juvenile programs needed to adequately absorb the approaching demographic bulge could easily raise Florida's annual juvenile justice bill above the one billion dollar mark. Despite huge recent expenditures, in light of a history of rising juvenile crime rates, an approaching "bubble" of at-risk children, and a juvenile recidivism rate exceeding 64%,<sup>17</sup> Floridians should require further improvement in juvenile justice performance.

Before exploring the unfilled promise of Florida's juvenile justice system, a condensed history of how this state got where it is might be helpful. In 1911, toward the end of a national epoch of social reform, the Florida legislature first designated county courts as the state's juvenile courts.<sup>18</sup> Nonetheless, youths were still routinely referred to criminal court because the 1885 Constitution vested exclusive jurisdiction in the circuit courts for most criminal acts.<sup>19</sup>

In 1950, a statewide referendum overwhelmingly adopted an amendment to Article V of the Florida Constitution that not only created juvenile courts with exclusive jurisdiction over juvenile offenses but also defined crimes committed by juveniles to be acts of delinquency.<sup>20</sup> In 1951, the legislature enacted Chapter 39 of the Florida Statutes, thereby creating a framework for processing juvenile delinquents, which still remains as the basic undergirding of Florida's juvenile law.<sup>21</sup> Thereafter, generations of Florida's juvenile offenders were sentenced as delinquents to reformatories.

In 1983, as a result of the *Bobby M* class action lawsuit,<sup>22</sup> Florida's juvenile justice system was court-ordered to make substantial improvements

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14. See FLORIDA INTER-UNIVERSITY CONSORTIUM, *supra* note 2, at 6.

15. See JUVENILE JUSTICE ACCOUNTABILITY BD., FLA. LEGIS., DOC. NO. 99-001-JJAB, 1999 ANNUAL REPORT AND JUVENILE JUSTICE FACT BOOK 142 (1999).

16. See *id.* at 89.

17. See FLORIDA DEP'T OF JUVENILE JUSTICE, MANAGEMENT REPORT NO. 63, DEPARTMENT OF JUVENILE JUSTICE RECIDIVISM REPORT FOR COMMITMENT PROGRAMS: FY 1995-96, at 13 (1997).

18. See generally JUVENILE JUSTICE ACCOUNTABILITY BD., *supra* note 15, at 46-47 (discussing the historical highlights of Florida's juvenile justice system).

19. See *id.*

20. See *id.*

21. See *id.*

22. *Bobby M v. Chiles*, 907 F. Supp. 368 (N.D. Fla. 1995).

in the way it operated juvenile facilities.<sup>23</sup> The reason for the federal court's order in *Bobby M* was a finding that Florida's juvenile facilities were inadequate, if not inhumane.<sup>24</sup>

In 1990, Florida's juvenile justice system was restructured to conform with the standards set by *Bobby M*.<sup>25</sup> The reforms focused on the need for early intervention and prevention, an objective risk assessment instrument, and greater placement capacity.<sup>26</sup> The 1990 reforms were too little and too late. An upsurge in juvenile violent crime rates ensued, most of which should have been attributed to failures in the distant past rather than to the new reforms. At least two cases involving violent juvenile attacks upon foreign tourists, the lifeblood of Florida's economy, shook the state's confidence in its juvenile justice system. Reports of increasing juvenile violence made parents concerned that their children were unsafe at school. A politically important elder population increasingly felt trapped inside their residences after reading or watching stories about juvenile gang violence. Business leaders feared a loss in tourism while law enforcement was openly frustrated by the lack of consequences for young offenders.

By the mid-1990s, a legislature recently dominated by Republicans had committed Florida to a retributive approach to adult crime that included expanded prison construction, increased determinate sentences, and a truth-in-sentencing law aimed at increasing the time criminals actually spend behind bars. These changes were not only popular, they also demonstrably improved adult crime rates. Responding to both a public perception that a more retributive approach worked and a continuing law-enforcement frustration with juvenile offenders, the 1994 legislature enacted the most sweeping changes in Florida's juvenile law since 1951.

The 1994 Juvenile Reform Act transferred all juvenile justice programs from the Department of Health and Rehabilitation Services (HRS), then the state's largest social services agency, to the newly created DJJ. The legislature immediately appropriated \$440 million to increase Florida's juvenile commitment capacity and thereby reduced the list of delinquents awaiting placement.<sup>27</sup> The 1994 legislation created both nonresidential and residential commitment programs designated on the basis of offender history and the seriousness of the offense.<sup>28</sup> The levels were classified as Levels

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23. See JUVENILE JUSTICE ACCOUNTABILITY BD., *supra* note 15, at 46-47.

24. See TASK FORCE FOR THE REVIEW OF THE CRIMINAL JUSTICE AND CORRECTIONS SYSTEMS, FINAL REPORT 65 (1995) [hereinafter FINAL REPORT].

25. See *id.* at 66.

26. See *id.* at 65.

27. See JUVENILE JUSTICE ADVISORY BD., 1996 ANNUAL REPORT AND JUVENILE JUSTICE FACT BOOK 16 (Draft Jan. 19, 1996).

28. See FINAL REPORT, *supra* note 23, at 66-67.

2, 4, 6, 8, and 10.<sup>29</sup> The Level 2 programs were all nonresidential placements, whereas the Level 10 programs were scaled back correctional facilities designed to hold serious delinquents for up to three years.<sup>30</sup>

The 1994 changes were far more than legislative slight of hand. In the past, the primary focus of the juvenile justice system had been the rehabilitative needs of the child. In 1994, the paramount concern of juvenile justice became public safety. Many groups that supported the transfer of juvenile responsibilities to the new DJJ, including prosecutors and law enforcement, were not as concerned about past bureaucratic shortcomings as they were about assuring the public that the juvenile crime problem was no longer going to be left to social workers.

More recently, the legislature has increased the number of juvenile defendants that are transferable to adult court and authorized secure "consequence units" for youths taken into custody for alleged violations of community control or aftercare.<sup>31</sup> Monies also have been allocated to place those youths with an "established pattern of significant disruptive behavior" and those who are chronic runaways in staff-secure shelters.<sup>32</sup> A pilot project to place juvenile contemnors in secure custody was implemented.<sup>33</sup> Florida, like much of America, has arrived full circle in dealing with juveniles. An era of reform and rehabilitation has been rejected and has been replaced by "get tough" and "tough love." Not surprisingly, a former police chief from urbanized South Florida was appointed as the initial director of DJJ.<sup>34</sup>

There have been some limited signs of success with Florida's increasingly punitive approach. From 1996 through 1998, a 9% reduction in juvenile crime was reported.<sup>35</sup> However, as some of that reduction might have been demographically predicted, a question remains as to whether this reduction was entirely attributable to the state's new commitment-centered philosophy. Critics point out that any agency, including the discredited and renamed HRS (now Department of Children and Families), would likely show a modicum of success with the massive infusion of money that DJJ had received. Others point out that funding for prevention has been severely neglected. Nothing, according to those critics, suggests that the state will deter future juvenile criminals simply by warehousing current chronic

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29. See HOUSE JUSTICE COUNCIL, *supra* note 6, at 54-55.

30. See *id.*

31. See FLA. STAT. § 985.231(1)(a)1.c (1997); 1998 Fla. Laws ch. 98-55.

32. See FLA. STAT. § 984.225(1)(a)-(b) (1997); 1998 Fla. Laws ch. 98-280.

33. See FLA. STAT. § 984.226; 1998 Fla. Laws ch. 98-280.

34. See FLORIDA DEP'T OF JUVENILE JUSTICE, ANNUAL REPORT 1996-97, at 5 (1997). In 1994, former Miami Police Chief Calvin Ross was named by Governor Chiles as the first Secretary of the DJJ. See *id.*

35. See FLORIDA DEP'T OF JUVENILE JUSTICE, ANNUAL REPORT 1997-98, at 11 (1998).

offenders or changing the name of juvenile residential facilities to "juvenile prisons." Those critics are right!

Florida's current approach has favorably impacted juvenile crime rates, but alone it will not significantly deter future juvenile or adult offenders. Even after factoring in the impact of increased commitments, juvenile crime rates are, and will remain, at unacceptable levels, especially considering the "Hawthorne effect"<sup>36</sup> operating in relation to a newly created agency. The current approach is replete with programmatic disappointments. For example, juvenile boot camps were the "idea de jour" in 1996 and 1997. The public and law enforcement embraced the idea of a paramilitary camp designed to scare advanced juvenile delinquents away from crime. Despite extensive contraindicative studies from other jurisdictions,<sup>37</sup> Florida encouraged and funded boot camp construction. The results have been disappointing though predictable. While a limited number of boot camps have been successful, such as those in Martin or Polk counties, they are programs where boot camp is used as a component of an overall rehabilitative strategy.<sup>38</sup>

The most encouraging news about boot camps has been the academic improvement achieved during the step-down phases.<sup>39</sup> This suggests that exposing front-end offenders to a short-term boot camp experience, followed by effective academic step-down is the best utilization of boot camps. Recidivism rates for boot camps without effective step-down and/or aftercare have been reported to be as high as 71%, and rearrest within one year of release was often for crimes more serious than the original offense.<sup>40</sup> The mystery lies in why it was thought that simply placing a 16- or 17-year-old delinquent in a boot camp for four months would alter a lifetime of criminal behavior, especially when the boot camp graduate was then released to the same mean streets where the juvenile had learned to be a criminal. The only

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36. See FRITZ JULES ROETHLISBERGER & WILLIAM JOHN DICKSON, *MANAGEMENT AND THE WORKER* (1939) (discussing the Hawthorne Effect, which derived its name from a study by Western Electric at its Hawthorne plant and observed that agencies and companies perform better when involved in a study).

37. See PENAL AFFAIRS CONSORTIUM, "BOOT CAMPS" FOR YOUNG OFFENDERS (visited Mar. 26, 1997) <<http://www.penlex.org.uk/pacboot.html>> (restricted web site) (on file with author).

38. See FLORIDA DEP'T OF JUVENILE JUSTICE, *MANAGEMENT REPORT NO. 63*, *supra* note 17, at 84 (based on actual Juvenile Justice Advisory Board site visits as well as visits to the Palm Beach Eagle Academy).

39. See *Word Still Out on Juvenile Boot Camps*, GAINESVILLE SUN, Jan. 11, 1996, at 1B; see also FLORIDA DEP'T OF JUVENILE JUSTICE, *MANAGEMENT REPORT NO. 55, POLK COUNTY JUVENILE BOOT CAMP-FEMALE PROGRAM: A FOLLOW-UP STUDY OF THE FIRST SEVEN PLATOONS 23* (1997) (providing an example of the step-down program's academic achievement).

40. See RES. DIG., ISSUE NO. 13, JAN. 1998, *Overview of the Department of Juvenile Justice Recidivism Report for Commitment Programs, FY 1995-96* (Florida Dep't of Juv. Just. Executive Serv., 1998).

thing a boot camp experience did was to make older juveniles a little smarter, faster, and stronger the next time the police had to catch them.

The reason juvenile justice is too often behind the crime rate curve is that it is entirely reactive when it should be proactive. Worse yet, in taking this reactive approach Florida has implemented and maintained too many outdated and unsuccessful programs. At a recent national crime conference held at the University of Colorado, the focus of the meeting was "10 programs that don't work and 10 programs that do."<sup>41</sup> Of the programs identified by experts as "not working," several are extensively relied upon in Florida. Although many types of boot camps and wilderness challenge programs have been demonstrably unsuccessful in curtailing recidivism,<sup>42</sup> Florida continues to invest in both. Even though waivers to criminal court have proven to have little effect in diminishing juvenile crime,<sup>43</sup> recently proposed legislation would require prosecutors to mandatorily waive more juveniles to the adult system and eliminate the court's ability to consider juvenile sanctions for such offenders.<sup>44</sup> Even programs that have consistently performed below DJJ expectations have received continued funding.<sup>45</sup>

The greatest impediment to success in the juvenile area is inherent in the way the current juvenile justice system is structured. The only way a juvenile is committed to a DJJ program is as a result of one or more, usually several, serious acts of delinquency. When the youth goes to court, the juvenile judge must operate in light of the due process rights guaranteed to every juvenile defendant. In most cases, a public defender, whose oath of advocacy necessarily requires him or her to focus on defending the youth against the pending criminal charges, is appointed. The juvenile prosecutor's primary concern, in a system that too often measures success by the rapid movement of case files and by conviction rates, is attaining a successful disposition of the case. "Successful" means that the case closed rapidly in some manner that allowed the juvenile prosecutor to report a conviction.

The first concern of the juvenile judge, with some admirable exceptions, is with docket control and procedural compliance. If there is a trial, it is a bench trial. This system is troubling to juvenile advocates who see the youth as being exposed to a greater likelihood of incarceration than their adult

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41. See generally Center for the Study of the Prevention of Violence, Univ. of Colorado, CSPV Position Summary & Fact Sheets (1998) (on file with author).

42. See FLORIDA DEP'T OF JUVENILE JUSTICE, MANAGEMENT REPORT NO. 63, *supra* note 17, at 56-57.

43. See FLORIDA DEP'T OF JUVENILE JUSTICE, MANAGEMENT REPORT NO. 64 *supra* note 3, at 31 (indicating that the overall percentage of juveniles transferred to adult court is minimal and consequently could be of small effect on statewide juvenile crime rates).

44. See Fla. H.B. 4193 (1998); Fla. H.B. 205 (1998).

45. See generally STAFF OF THE COMM. ON CRIMINAL JUSTICE, REPORT ON THE COST EFFECTIVENESS OF JUVENILE JUSTICE COMMITMENT PROGRAMS, REP. NO. 97-P-22 (1997).

counterparts without the protection of a jury trial. Those same advocates for juveniles argue compellingly that the juvenile's rights are severely diminished since a bench trial conviction can be considered later, if and when the juvenile becomes an adult offender. If a youth is found delinquent, the court is then faced with a commitment assessment instrument that too often is given only slight weight once the court learns that there is no opening at the appropriate commitment level. The prosecutor and the judge, faced with the unacceptable prospect of placing the youth on a waiting list, readily opt for commitment to any available program. It is of little surprise that a youth in need of a Level 8 or Level 10 placement both disrupts and recidivates after being committed to a Level 6 program.

There is an inherent problem with a judicial system so adversarial that it does not simultaneously consider the best interests of the child and the public safety issues. Assume for a moment that a 13-year-old is charged with possession of narcotics. Assume further that the basis for the arrest turns out to be an unconstitutional search or that the evidence does not support a finding of constructive possession because other family members, including the parents, share the area from which the drugs were seized. The prosecutor will most likely have to dismiss the charges. The public defender, if a case is filed, will move to suppress the evidence or for dismissal of the charges. The judge, if the evidence supports it, must grant either suppression or dismissal.

As a result of the foregoing, the youth has been afforded ample due process but only a simulacrum of justice. The technicalities of the law have been satisfied, but the real needs of the child remain unaddressed. The child will be released with everyone in the courtroom realizing that he or she is going back to a home where drugs are being used and to a parent or parents who are negligent or even complicit. The current system is willing to neglect the child's needs and to even permit the child's return to certain jeopardy because, contrary to a widely held myth, home and family are too often the most dangerous place for a child.

Let me suggest a very different model for our juvenile justice system, one that recognizes that the best interests of the child and public safety are not incompatible. It is a model that the Florida legislature first considered years ago,<sup>46</sup> one that is already being piloted to some degree in certain parts of the state.<sup>47</sup> First, in every case when a petition for delinquency is filed, the child should have a guardian ad litem appointed to make recommendations to the court as to the best interests of the child. The appointment

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46. See FLA. STAT. § 984.226 (1998); 1998 Fla. Laws ch. 98-280.

47. The Eighth Judicial Circuit now provides Children's Legal Services for District 3 of the Department of Children and Families. This includes all petitions for termination and dependency.

must operate beyond the pending criminal issues. Procedurally, the same court would sequentially consider delinquency, ungovernability, and dependency. For instance, even if the evidence did not support a finding of delinquency, the court would be empowered to immediately consider alternatives beyond releasing the child back to questionable circumstances. A consolidated juvenile court system would first focus on public safety issues. Then, in appropriate cases, the judge would proceed to consider any additional needs the child may have.

A court model requiring an expansive, even conciliatory approach to delinquency cases would increase the resources and options available in every case. Juvenile prosecutors, in addition to petitioning for delinquency, could file "Children in Need of Services" (CINS-FINS) petitions for ungovernable children, or dependency petitions, or counts — something prosecutors in this state did in the recent past.<sup>48</sup> The same court considering a delinquency charge would be fully apprised of truancy issues. Juvenile judges would have expanded jurisdiction and placement options. The number of separate findings dealing with the same juvenile would be reduced as would the costs to the state for expert witnesses and evaluations. The child would be subjected to expanded supervision with greater oversight and aftercare options. Fewer youths would walk out of juvenile court with the feeling they had beaten the system; fewer parents would shake their heads in disbelief because the ungovernable behavior of their child had just been reinforced; fewer victims would feel frustrated that nothing had happened; and fewer law-enforcement officials would feel anger at a system that neither punished nor helped a youth headed toward trouble.

The cross-utilization of facilities and programs between DJJ, the Department of Children and Families, the Department of Health, and the local school authorities would better enable each to deal with troubled youth. A more collaborative, less adversarial approach would assume that every aspect of a child's behavior and background should be considered by the court. The juvenile court's focus could then be more corrective than punitive, more substance than form. The effectiveness of punishment by a system that was able to meaningfully intervene and redirect a child headed for trouble would be enhanced. The mantra of the juvenile system would change from "I did all I could do" to "we did what needed to be done!" Over 130 years ago Abraham Lincoln made a statement that ought to be the approach Florida takes to creating a more utilitarian juvenile justice system: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion.

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48. See 1992 Fla. Laws ch. 92-170.

As our case is new, so we must think anew, and act anew.”<sup>49</sup>

After all, all that is at stake is the safety and success of future generations of Floridians.

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49. Abraham Lincoln, *Second Annual Message to Congress, Dec. 1, 1862*, in *THE LINCOLN ENCYCLOPEDIA* (Archer H. Shaw ed., 1950).

