

FLORIDA SHERIFFS ASSOCIATION



Time Limitations for Preadjudicatory Juvenile Detention Care (DJJ 21 Day Solution)

This legislation would make changes to s. 985.24 and 985.26 of the Florida Statutes and allow, not require, judges to hold juveniles in secure detention, or be placed on supervised release (home detention), for more than the current 21 day maximum when juveniles have committed serious crimes. The current 21 day maximum was established in 1978 and is antiquated. The average time it takes today across Florida is about 100 days from arrest to trial. The courts are powerless today to keep juveniles who are a threat to public safety off the street between day 21 and day 100, or the time trial begins.

The bill would also expand the use of electronic monitoring of juveniles, with the goal of keeping more juveniles out of secure detention but providing effective public safety. The bill also increases the partnership between law enforcement agencies and the Department of Juvenile Justice (DJJ) so that local law enforcement helps DJJ and mitigates any additional workload on DJJ.

The current 21 day maximum creates serious concerns for the safety of the juvenile and the communities in which these juveniles live. As an example, based a recent real example in Pinellas County: if 16 year old juvenile was involved in a domestic dispute, fled from police while armed with a gun, pointed his gun at a law enforcement officer and the officer was forced to shoot the juvenile (non-fatally) in response, and the juvenile was charged with aggravated assault on a law enforcement officer, a judge could only order this juvenile with an extensive criminal history held in pre-trial detention for a maximum of 21 days. This is despite the fact that the juvenile pointed a gun at a police officer and had to be shot by the office to prevent the officer from being shot. This is not effective public safety.

This legislation would fill that gap and allow the court to extend the length of secure detention for serious juvenile offenders in 21 day increments up until the charge before the court is adjudicated. The court would still be allowed to transition a juvenile between secure detention and supervised release but would allow a court to place the juvenile on supervised release without a time limitation up until the hearing.

There is nothing in this bill that *requires* judges to place juveniles in secure detention or on supervised release for longer periods of time. The bill only allows judges the discretion to do so, which they now lack under current law. We should trust our judges to make the right decisions and empower them with the tools to protect our communities. The bill also does not affect the current Detention Risk Assessment Instrument (DRAI) and juveniles would still have to score detention under the DRAI to be affected by the bill.

Support HB 7029 by Rep. Brannan and SB 7040 by Sen. Perry

