



STATE OF FLORIDA  
DEPARTMENT OF JUVENILE JUSTICE

INTEROFFICE MEMORANDUM

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**DATE:** February 3, 2017 **PCI – 14 – 004 (Amendment 1)**

**TO:** Regional Directors and Chief Probation Officers

**FROM:** Paul Hatcher Jr., Assistant Secretary for Probation and Community Intervention  
*Paul Hatcher*

**SUBJECT:** **Florida Statute 985.25(1)(b)**  
Secure detention placement of youth taken into custody on 3 or more separate occasions within a 60-day period

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This memorandum replaces PCI 14-004. It outlines the guidelines for implementation of F.S. 985.25 (1)(b).

985.25 Detention Intake

(1) The department shall receive custody of a child who has been taken into custody from the law enforcement agency or court and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is appropriate.

(b) . . . A child who has been taken into custody on three or more separate occasions within a 60-day period shall be placed in secure detention care until the child's detention hearing.

**Guidelines for Section 985.25 (1)(b):**

- **Defining the Term Occasion:** The term occasion will be defined as **ANY** event(s) resulting in the youth being taken into custody. Screeners will include all referrals that resulted in an arrest. Types of referrals include technical violation(s), court orders, warrants, new offense(s), etc. Example:
  - A youth presented once for three or more different referrals or affidavits would not meet the criterion.
  - A youth presented three separate times for three different referrals or affidavits on the same date or different dates would meet the criterion.

**The statute is referral (arrest) based, not offense date based.**

- **Identifying Correct Referrals –**

JJIS will make this determination with the screeners assistance. For each referral the screener will be asked to respond to the following question as a part of the referral wizard.

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**Rick Scott, Governor**

**Christina K. Daly, Secretary**

*The mission of the Department of Juvenile Justice is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.*

*Has the youth been taken into custody 3 times within the past 60 days per F.S. 985.25 (1)(b)?*

JJIS will use the response to this question in the current wizard and previous wizards to determine if the youth meets the criteria as outlined in the statute.

For this reason, it is important the arrest dates/times entered are accurate as well.

- **The Clean Slate Effect** – There is NO “reset” or “clean slate” provided within the statute. This means each time the youth is screened, the application of the statute must be re-evaluated.
- **Use of Other Criteria** – The use of this statute does not negate previously established screening guidelines. Screener will need to determine if any other criteria are applicable and provide an accurate score (if applicable) using the Department’s guidelines.
- **Detention Hearings** – Youth shall be given a detention hearing within 24 hours each time the statute is used.
- **Overrides** – If screeners answer “yes” to the “360 rule” question, then they will be given the option to provide a justification as to why this youth does not meet the criteria as outline in the statute. Although the current referral may have been the result of an arrest, there could be reasons why previous referrals should not be considered.
  - Examples: Data entry error; multiple referrals actually resulted in one arrest, etc.
- **Narrative** – If applicable, the following statement will appear as a part of the narrative:

(Youth’s name) meets the criteria outlines in F.S. 985.25(1)(b):” A child who has been taken into custody on three or more separate occasions within a 60-day period shall be placed in secure detention care until the child’s detention hearing.
- **Detention Care Recommendation:** Screeners will continue to utilize all available information (criteria, score, information gathered, etc.) to make the most appropriate detention care recommendation for each case.