

# County Pretrial Release Programs: Calendar Year 2018

Report No. 19-17

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# OPPAGA

Office of Program Policy Analysis and Government Accountability

# County Pretrial Release Programs: Calendar Year 2018

## EXECUTIVE SUMMARY

Pretrial release programs supervise defendants who have been released from jail while awaiting disposition of their criminal charges. Twenty-nine programs responded to our survey requesting information regarding their 2018 operations. No programs reported receiving state general revenue, while 28 programs reported receiving county funds and 5 programs reported receiving grants.

Ten pretrial release programs were able to provide a detailed breakdown of defendants' criminal history information, which varied among programs. For these programs, the percentage of defendants with violent felony criminal histories ranged from 2% to 41%. Programs in 28 counties reported that judges may order defendants to post bond in addition to being supervised by the programs. Programs also reported varying numbers of defendants that failed to appear in court or were arrested while in the programs.

Pretrial release programs have generally complied with statutory requirements, as 28 programs reported that they maintained the required weekly register, and 28 programs provided OPPAGA with an annual report. In 2018, the Legislature added new required elements to the annual report. Some reporting requirements do not apply to programs that do not make release recommendations and some programs did not report criminal history information due to state and federal restrictions.

### REPORT SCOPE

Section 907.044, *Florida Statutes*, part of the Citizens' Right-to-Know Act, directs OPPAGA to annually evaluate the following aspects of Florida's pretrial release programs.<sup>1</sup>

- How were Florida's pretrial release programs funded?
- What was the nature of the charges and criminal histories of defendants in the pretrial release programs?
- How many defendants served by the pretrial release programs were issued warrants for failing to appear in court or were arrested while in the programs?
- Did the pretrial release programs comply with statutory reporting requirements?

This report assesses the pretrial release programs' compliance with statutory requirements for calendar year 2018.

<sup>1</sup> Prior annual reports can be found on OPPAGA's [website](#).

# INTRODUCTION

Pretrial release is an alternative to jail that allows arrested defendants to be released while they await disposition of their criminal charges. Pretrial release is a constitutional right for most people arrested for a crime and is generally granted in one of three ways.<sup>2</sup>

- **Release on recognizance** allows defendants to be released from jail without posting bond. These defendants are not supervised.
- **Bond** allows defendants to be released by monetary payment to the court (cash bond) or to a private bondsman (surety bond).<sup>3</sup> A surety bond requires the defendant to pay a nonrefundable fee to the bondsman of 10% of the bond amount set by the court. If the defendant does not appear in court, the bondsman is responsible for paying the entire bond amount. Bondsmen are not required to supervise defendants but have a vested interest in ensuring that their clients keep their court dates and do not abscond. Judges may require defendants to post bond and be supervised by a pretrial release program in order to have two layers of accountability.
- **Local pretrial release programs** allow defendants to be released under program supervision. Programs supervise defendants through various methods such as phone contacts, office visits, and electronic or global positioning system (GPS) monitoring. While defendants can be released to programs without posting bond, judges may order defendants to post bond in addition to being supervised by the programs.

The Citizens' Right-to-Know Act, s. 907.043, *Florida Statutes*, defines a pretrial release program as an entity, public or private, that conducts investigations of pretrial detainees, makes pretrial release recommendations to a court, and electronically monitors and supervises pretrial defendants. The act requires each program that meets these criteria to prepare a register, which must be updated weekly, displaying descriptive information about the defendants released through the program. Additionally, by March 31 every year, each program must submit an annual report for the previous calendar year to the governing body and to the clerk of the circuit court in the county where the program is located.

The 2018 Legislature passed Ch. 2018-127, *Laws of Florida*, which added elements to the annual report, including requiring each pretrial release program to report the types of criminal charges of defendants accepted into the program; the number of defendants accepted into the program who paid a bail or bond; the number of defendants accepted into the program with no prior criminal conviction; and the number of defendants for whom a pretrial risk assessment tool was or was not used.

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<sup>2</sup> [Article I, s. 14](#), *The Constitution of the State of Florida*, provides that unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of a municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. Further, s. [907.041](#), *F.S.*, states that it is the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime. Dangerous crimes are described in s. [907.041\(4\)](#), *F.S.*, and include offenses such as arson, aggravated assault, aggravated battery, child abuse, abuse of an elderly person or disabled adult, kidnapping, homicide, manslaughter, sexual battery and other sex offenses, robbery, carjacking, stalking, and domestic violence.

<sup>3</sup> A cash bond is paid directly to the court/jail for the total amount of the bond, in cash. If the arrestee does not appear after posting a cash bond, the money will be forfeited. If a not guilty verdict is rendered or the case is dismissed, or at the conclusion of the trial proceedings, bond money will be refunded minus any fines and court costs.

# QUESTIONS AND ANSWERS

Pretrial release programs generally complied with these statutory requirements, as 28 programs reported that they maintained the required weekly register, and 28 programs provided OPPAGA with an annual report.<sup>4,5</sup> Twenty-nine programs responded to OPPAGA’s survey for additional information. In some cases, programs providing this information may not perform all of the activities required by statute but still provide annual reports and respond to our survey. In addition, there may be other programs in Florida that do not perform all of the statutory requirements to meet the definition of a pretrial release program and are not included in this report.

## How were Florida’s pretrial release programs funded?

During 2018, none of the pretrial release programs responding to our survey reported receiving state general revenue, and 28 program respondents reported that they received county funds. Additionally, five programs reported receiving grants. The Leon County and Manatee County programs received federal Edward Byrne Memorial Justice Assistance Grants, which allowed the Leon County program to partially fund one drug testing technician and pay for supplies and toxicology testing for pre- and post-sentenced offenders, while the Manatee County program was able to partially fund the salaries for two jail screeners. The Okaloosa County program received a grant from the Florida Department of Children and Families, which paid for a portion of the salary for a mental health pretrial officer. The Palm Beach County program received a MacArthur Grant, which paid for the entire salary of three full-time employees whose positions were not filled until mid-year or later; computer and database enhancements for completing risk assessments; bus passes for defendants who had transportation issues; and drug tests for indigent defendants. The Seminole County program received a grant from the Florida Coalition Against Domestic Violence; the grant was used to pay for the daily electronic monitoring fees of indigent defendants on pretrial release who were arrested for domestic violence. (See Appendix A for details on reported program budgets.)

Nineteen pretrial release programs reported that they charged fees to defendants. Counties used these fees to support program budgets, pay vendors for services rendered to defendants, or fund county general revenue. Programs most commonly charged fees for electronic monitoring. (See Appendix B for more information on fees.)

## What was the nature of the charges and criminal histories of defendants in the pretrial release programs?

Section 907.044, *Florida Statutes*, requires OPPAGA to report on the nature of criminal convictions of defendants accepted into the pretrial release programs. We requested the number of defendants who had criminal histories of violent felonies, non-violent felonies, misdemeanors only, and no prior offenses. Most programs reported that they did not collect data at that level, as it was not statutorily required, or they did not categorize data in that manner.<sup>6</sup>

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<sup>4</sup> The Citrus County pretrial release program reported that it did not prepare a weekly register during 2018.

<sup>5</sup> The Putnam County pretrial release program did not submit an annual report for 2018. The program reported that it did not have any referrals or participants in 2018, and the program’s contract expired on August 31, 2018. As of August 2019, Putnam County did not have a pretrial release program.

<sup>6</sup> Pretrial programs are now required, per Ch. [2018-127, Laws of Florida](#), to provide the specific statutory citation for each criminal charge related to a defendant whose case is accepted into a pretrial release program. However, this requirement did not take effect until July 1, 2018, and as a result, only 16 of the 29 programs reported that they included this information in their 2018 annual report.

Ten pretrial release programs were able to provide a detailed breakdown of defendants' criminal history information, with most reporting that the largest percentage of defendants had no prior offenses. However, this varied among programs. For example, as shown in Exhibit 1, the Citrus County program reported that 41% of its defendants had violent felony criminal histories, while the Duval County program reported that 2% of its defendants had violent felony criminal histories.

### Exhibit 1

#### For 2018, 10 Pretrial Release Programs Provided Defendants' Criminal History Information

County Pretrial Release Program	Criminal History of Most Defendants	Percentage of All Defendants Who Had Violent Felony Criminal Histories	Number of Defendants Served With Reported Criminal History Information
Citrus	Violent felony (41%)	41%	63 of 63
Collier	No prior offense (47%)	8%	283 of 283
Duval	Non-violent felony (79%)	2%	2,635 of 2,635
Highlands	No prior offense (58%)	20%	238 of 256
Hillsborough	Misdemeanor only (38%)	30%	272 of 273
Leon	No prior offense (52%)	14%	1,783 of 1,788
Miami-Dade	No prior offense (75%)	6%	7,473 of 10,492
Polk	Felony (54%)	Unknown	5,074 of 6,277
Sarasota	No prior offense (49%)	10%	2,423 of 3,009
St. Lucie/Okeechobee/Martin <sup>1</sup>	No prior offense (44%)/(46%)/(56%)	Unknown	580 of 786/74 of 102/36 of 65

<sup>1</sup> In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. In October 2018, the program began supervising defendants for Martin County.

Source: OPPAGA analysis of pretrial release program survey responses.

While defendants may be released to the pretrial release programs without posting bond, 28 programs reported that judges were permitted to order defendants to post bond when assigned to the programs. (See Exhibit 2.)

## Exhibit 2

### For 2018, 28 Pretrial Release Programs Reported That Judges May Order Defendants to Post Bond in Addition to Being Supervised by the Programs<sup>1</sup>

County Pretrial Release Program	Defendants Accepted in 2018	Percentage Who Also Posted Bond
Alachua	1,013	1% <sup>2</sup>
Bay	1,534	35%
Brevard	2,286	DNP <sup>3</sup>
Broward	5,322	31%
Charlotte	490	39%
Citrus	46	89%
Collier	237	<1%
Duval	2,405	42%
Escambia	2,016	DNP
Flagler	399	15%
Highlands	238	55%
Hillsborough	223	DNP
Lee	3,131	47%
Leon	1,332	61%
Manatee	1,993	25%
Miami-Dade	7,980	DNP
Monroe	772	1%
Okaloosa	798	64%
Orange	2,026	11%
Osceola	3,021	48%
Palm Beach	4,375	20%
Polk	5,074	84%
Putnam <sup>4</sup>	0	0%
Santa Rosa	346	15%
Sarasota	2,423	37%
Seminole	1,285	97%
St. Lucie/Okeechobee/Martin <sup>5</sup>	599/80/34	86%/9%/53%
Volusia	4,494	23%

<sup>1</sup> The Pinellas County pretrial release program reported that judges are not permitted to order defendants to also pay a bond.

<sup>2</sup> The Alachua County pretrial release program reported that this percentage is only applicable to first appearance releases.

<sup>3</sup> DNP denotes that the pretrial release program did not provide the information.

<sup>4</sup> The Putnam County pretrial release program did not have any referrals or participants in 2018, and the program's contract expired on August 31, 2018. As of August 2019, Putnam County did not have a pretrial release program.

<sup>5</sup> In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. In October 2018, the program began supervising defendants for Martin County.

Source: OPPAGA analysis of pretrial release program survey responses.

## How many defendants served by the pretrial release programs were issued warrants for failing to appear in court or were arrested while in the programs?

Pretrial release programs reported that defendants that they supervised included some who failed to appear in court or were arrested while in the programs. As shown in Appendix A, programs reported varying numbers of defendants who failed to appear. For example, the Hillsborough County program reported that no defendants were issued a warrant for failure to appear, while the Miami-Dade County program reported that 717 defendants (7%) were issued such warrants.

Pretrial release programs also had varying numbers of defendant arrests. For example, the Martin County program reported that 1 defendant was arrested for any offense while in the program, while the Miami-Dade County program reported that 749 defendants were arrested for any offense while in the program.

## Did the pretrial release programs comply with statutory reporting requirements?

In 2018, pretrial release programs generally complied with statutory reporting requirements, as 28 programs reported that they maintained the required weekly register, and 28 programs provided OPPAGA with an annual report.<sup>7,8</sup> Twenty-nine programs responded to OPPAGA's survey for additional information. (See Appendix C for program compliance with s. 907.043, *Florida Statutes*.) Some of the data required to be included in the annual report does not apply to all pretrial release programs. While most programs make recommendations to the court relating to a defendant's appropriateness for pretrial release, some do not. For example, six programs reported that they did not recommend defendants for pretrial release; seven programs reported that they did not recommend against nonsecured release; and seven programs did not recommend defendants for nonsecured release. As a result, these programs could not report data for these required report elements.<sup>9</sup>

Twenty pretrial release programs reported providing the nature of any prior criminal convictions of defendants as required in the weekly register.<sup>10</sup> However, the remaining nine programs reported that they did not provide this information. While Florida statutes require programs to disclose the nature of prior criminal convictions of defendants accepted into their programs, some programs did not provide this information because of guidance provided by the Florida Department of Law Enforcement (FDLE). Specifically, in 2010, FDLE determined that s. 907.043, *Florida Statutes*, does not and cannot authorize or permit reporting national criminal history information (information obtained from FDLE pertaining to jurisdictions other than Florida, including federal and other state information) to the public.<sup>11</sup>

Additionally, according to s. 907.041(3)(b), *Florida Statutes*, before a person can be released on nonmonetary conditions under the supervision of pretrial release, the pretrial release program must verify to the court that it has investigated or otherwise verified information such as the accused's family circumstances, employment record, criminal record, and appearances at court proceedings. As shown in Exhibit 3, 14 programs reported that in all

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<sup>7</sup> The Citrus County pretrial release program reported that it did not prepare a weekly register during 2018.

<sup>8</sup> The Putnam County pretrial release program did not submit an annual report for 2018. The program reported that it did not have any referrals or participants in 2018, and the program's contract expired on August 31, 2018. As of August 2019, Putnam County did not have a pretrial release program.

<sup>9</sup> See Appendix C for a list of pretrial release programs that did not recommend defendants for pretrial release, did not recommend against nonsecured release, and/or did not recommend defendants for nonsecured release.

<sup>10</sup> Two of the programs reported providing only Florida criminal history information.

<sup>11</sup> Federal law restricts access to this information, as provided in s. [943.054, F.S.](#), and [28 CFR 20.33](#).

cases, they certified to the court that they had obtained and investigated or otherwise verified these elements before releasing defendants on nonmonetary conditions under the supervision of pretrial release in 2018.

Pretrial release programs that could not certify this information in all cases provided various reasons for being unable to do so. In one case, a program noted that it was not able to provide any information because defendants are normally ordered into the program at first appearance, where the program does not have a presence. Another program noted that it did not screen defendants that go to first appearance for violation of probation; defendants currently in the program that were arrested on a new charge; violations of pretrial release warrants; immigrant holds; out-of-county holds/warrants; defendants being held in jail on another offense; and defendants on probation.

### Exhibit 3

#### For 2018, 14 Pretrial Release Programs Reported That in All Cases They Certified to the Court That They Had Verified Information Before Releasing Defendants Under the Supervision of Pretrial Release

County Pretrial Release Program	Percentage of Cases Certified in 2018	County Pretrial Release Program	Percentage of Cases Certified in 2018
Alachua	100%	Miami-Dade	100%
Bay	0%	Monroe	95%
Brevard <sup>1</sup>	100%	Okaloosa	100%
Broward	100%	Orange	98%
Charlotte	100%	Osceola	100%
Citrus <sup>2</sup>	DNP <sup>3</sup>	Palm Beach	65%
Collier	100%	Pinellas	2%
Duval	100%	Polk	100%
Escambia <sup>4</sup>	87%	Putnam <sup>6</sup>	0%
Flagler <sup>5</sup>	DNP	Santa Rosa	50%
Highlands	38%	Sarasota	100%
Hillsborough	0%	Seminole	11%
Lee	100%	St. Lucie/Okeechobee/Martin <sup>7</sup>	DNP/DNP/DNP
Leon	100%	Volusia	100%
Manatee	45%		

<sup>1</sup> The data provided by the Brevard County pretrial release program is in reference to defendants released into the program prior to a court appearance.

<sup>2</sup> The Citrus County pretrial release program noted that it is unable to certify this information to the court because the judge determines it.

<sup>3</sup> DNP denotes that the pretrial release program did not provide the percentage of cases at first appearance in which the program certified to the court that it had obtained and investigated or otherwise verified elements such as the accused's family circumstances, employment record, criminal record, and appearances at court proceedings in calendar year 2018.

<sup>4</sup> The Escambia County pretrial release program noted that this percentage is based upon the number of defendants investigated and accepted for the calendar year.

<sup>5</sup> The Flagler County pretrial release program noted that defendants are normally ordered into the program at first appearance, where the program did not have a presence.

<sup>6</sup> The Putnam County pretrial release program did not have any referrals or participants in 2018, and the program's contract expired on August 31, 2018. As of August 2019, Putnam County did not have a pretrial release program.

<sup>7</sup> In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. In October 2018, the program began supervising defendants for Martin County.

Source: OPPAGA analysis of pretrial release program survey responses.



# APPENDIX A

## Calendar Year 2018 Pretrial Release Program Budget, Failure to Appear, and New Offense Information

As shown in Exhibit A-1, pretrial release programs' reported budgets and outcomes varied. Comparisons of budgets should be made with caution because of differences in caseloads and responsibilities. For example, the Flagler County pretrial release program, which served 461 defendants in 2018, supervised pretrial defendants but did not conduct investigations of pretrial detainees, make pretrial release recommendations to a court, or electronically monitor pretrial defendants. The Miami-Dade County pretrial release program, which served 10,492 defendants in 2018, conducted investigations of pretrial detainees, made pretrial release recommendations to a court, and supervised pretrial defendants but did not electronically monitor pretrial defendants.

### Exhibit A-1

#### Pretrial Release Programs' Budgets and Numbers of Defendants Who Failed to Appear or Committed New Crimes Varied

County Pretrial Release Program	Calendar Year 2018 Total Budget	Total Accepted in 2018	Total Served in 2018	Issued a Warrant for Failing to Appear in Court	Arrested for Any Offense While in the Program
Alachua	\$1,496,922	1,013	1,420	83 (6%)	90 (6%)
Bay	\$97,986	1,534	1,553	73 (5%)	76 (5%)
Brevard <sup>1</sup>	\$124,000	2,286	DNP <sup>2</sup>	108 (DNP)	295 (DNP)
Broward	\$7,354,042	5,322	7,739	DNP	479 (6%)
Charlotte	\$557,171	490	553	6 (1%)	25 (5%)
Citrus	\$99,782	46	63	1 (2%)	6 (10%)
Collier	\$326,900	237	283	3 (1%)	17 (6%)
Duval	\$953,115	2,405	2,635	76 (3%)	109 (4%)
Escambia	\$688,933	2,016	2,769	78 (3%)	10 (<1%)
Flagler	\$68,287	399	461	4 (1%)	10 (2%)
Highlands	\$112,815	238	256	4 (2%)	26 (10%)
Hillsborough	\$122,499	223	273	0 (0%)	0 (4%)
Lee	\$2,367,518	3,131	3,820	113 (3%)	189 (5%)
Leon	\$1,098,224	1,332	1,788	92 (5%)	71 (4%)
Manatee	\$764,693	1,993	2,493	DNP	95 (4%)
Miami-Dade	\$4,727,894	7,980	10,492	717 (7%)	749 (7%)
Monroe	\$551,799	772	1,121	22 (2%)	10 (1%)
Okaloosa	\$441,151	798	1,050	83 (8%)	55 (5%)
Orange	\$2,444,064	2,026	2,516	93 (4%)	69 (3%)
Osceola	\$714,442	3,021	4,053	302 (7%)	259 (6%)
Palm Beach	\$1,712,816	4,375	5,296	253 (5%)	211 (4%)
Pinellas	\$2,709,320	3,824	4,595	91 (2%)	57 (1%)
Polk	\$1,179,737	5,074	6,277	270 (4%)	36 (1%)
Putnam <sup>3</sup>	\$0	0	0	0 (0%)	0 (0%)
Santa Rosa	\$129,918	346	504	37 (7%)	39 (8%)
Sarasota	\$1,550,289	2,423	3,009	127 (4%)	238 (8%)
Seminole	\$448,815	1,285	1,455	18 (1%)	183 (13%)
St. Lucie/Okeechobee/Martin <sup>4</sup>	\$1,069,525 <sup>5</sup>	599/80/34	786/102/65	DNP/DNP/DNP	27 (3%)/6 (6%)/1 (2%)
Volusia	\$1,600,485	4,494	5,445	146 (3%)	382 (7%)

<sup>1</sup> The Brevard County pretrial release program's services for misdemeanor defendants are provided and administered by contract through Professional Probation Services, Inc. The program's budget reflects the salaries of two felony case managers that are employed by Brevard County Community Corrections.

<sup>2</sup> DNP denotes that the pretrial release program did not provide the information.

<sup>3</sup> The Putnam County pretrial release program did not have any referrals or participants in 2018, and the program's contract expired on August 31, 2018. As of August 2019, Putnam County did not have a pretrial release program.

<sup>4</sup> In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. In October 2018, the program began supervising defendants for Martin County.

<sup>5</sup> This includes \$90,000 received from Okeechobee County and \$62,000 received from Martin County per interlocal agreements.

Source: OPPAGA analysis of pretrial release program survey responses.

# APPENDIX B

## Calendar Year 2018 Pretrial Release Program Defendant Fees

Exhibit B-1 lists the 19 pretrial release programs that reported charging fees to defendants. Counties used these fees to support program budgets, pay vendors for services rendered to defendants, or fund county general revenue. Programs most commonly charged fees for electronic monitoring.

### Exhibit B-1

#### Nineteen Pretrial Release Programs Charged Fees to Defendants

County Pretrial Release Program	Service	Fee Amount	Total Collected	Fee Assessment	Recipient of Fees
Alachua <sup>1</sup>	Electronic monitoring; GPS monitoring; transdermal alcohol detection monitoring	\$5/day	\$56,271	Per board of county commissioners-approved fee schedule based upon federal poverty guidelines	Vendor
	Curfew monitoring	\$60/month	\$615	Per board of county commissioners-approved fee schedule based upon federal poverty guidelines	Vendor
	MonitorConnect <sup>2</sup>	\$5/month	\$6,480	Per board of county commissioners-approved fee schedule based upon federal poverty guidelines	Vendor
Brevard <sup>3</sup>	Contractor (Professional Probation Services, Inc.) pretrial community supervision	\$10/week	\$3,470	Mandatory unless waived	Program revenue
	Brevard County Community Corrections	\$10/week	\$6,865	Mandatory unless waived	Program revenue
Broward	Electronic monitoring	\$5/day	\$106,778	Mandatory unless waived or the client is using the services of an appointed attorney, typically a public defender	County general fund
Charlotte	Alcohol/ethyl glucuronide test	\$14.95/test	DNP <sup>4</sup>	When court-ordered	County
	Drug test	\$5/test	DNP	When court-ordered	County
	GPS or alcohol device	\$6/day to \$12/day	DNP	Mandatory unless waived	Vendor
	Synthetic drug test	\$19.95/test	DNP	When court-ordered	County
Citrus	Electronic monitoring	\$8/day	\$27,782	Mandatory unless waived	Program revenue
Collier	Alcohol monitoring	\$6.50/day	\$3,701	When court-ordered	County
	Drug screen	\$7.90/test	\$91	When administered	County
	GPS monitoring	\$4.10/day	\$70	When court-ordered	County
Lee	Misdemeanor diversion	\$150 flat fee	\$288,618	Mandatory unless community service is allowed in lieu of cost of supervision	Board of county commissioners
Leon	Administrative fee	\$40/month	\$59,974	Mandatory unless waived	Program revenue
	GPS monitoring fee	\$9/day to \$9.45/day	\$13,184	Mandatory unless waived or allowed to accrue by the court	Vendor
	Secure continuous remote alcohol monitoring	\$12/day	\$28,556	Mandatory unless waived	Program revenue
	Substance abuse testing	\$20/test for urinalysis; \$5/test for alcohol	\$107,135	Mandatory unless waived	Program revenue

County Pretrial Release Program	Service	Fee Amount	Total Collected	Fee Assessment	Recipient of Fees
Manatee	Drug test	\$50 one-time fee	\$9,525	When court-ordered	Program revenue
	Electronic monitoring	\$4.79/day for GPS; \$8.34/day for alcohol	\$22,000	When court-ordered	Vendor
Monroe	Electronic monitoring	\$4.25/day	\$2,965	When court-ordered	County general revenue
	Urinalysis	\$10/test	\$15,680	When court-ordered	County general revenue
Okaloosa	Electronic monitoring	Up to \$12/day	\$17,414	When court-ordered	General revenue
Orange	Drug test	\$17 one-time fee	\$17,745	Mandatory unless waived	County government general fund
	Pretrial supervision telephone reporting	\$6/month	\$3,735	Mandatory unless waived	\$4.20 of each \$6 fee is paid to the vendor and \$1.80 goes to the county government general fund
Osceola	Check-in fee	\$10/month	DNP	Court-ordered	Vendor
	Electronic monitoring	\$5.18/day	DNP	Court-ordered	Vendor
Palm Beach	Cost of supervision	\$10/week	\$129,564	Mandatory unless waived	Program revenue
Pinellas	Alcohol monitoring	\$10/day	\$204,713	Mandatory	Vendor
	Electronic monitoring	\$7/day	\$79,419	Mandatory	Vendor
Putnam <sup>5</sup>	Cost of supervision	\$2/day if weekly reporting; \$4/day if daily reporting; \$60/month if monthly reporting	\$0	By judge	General fund
	GPS monitoring	\$10/day	\$0	By judge	General fund
Santa Rosa	Administrative fee	\$50 one-time fee	\$15,916	Mandatory	Program revenue
	Drug/alcohol test	\$20/test	\$8,410	When tested	Program revenue
Seminole	Electronic monitoring	\$5.60/day	\$39,498	Mandatory unless waived	Program
St. Lucie/Okeechobee/Martin <sup>6</sup>	GPS monitoring <sup>7</sup>	\$2/week to \$30/week	\$1,356	When court-ordered	General revenue fund

<sup>1</sup> The Alachua County pretrial release program noted that there are no fees for pretrial supervision. However, if the court orders electronic monitoring, GPS monitoring, transdermal alcohol detection monitoring, or curfew monitoring as a special condition of pretrial release, a portion of the costs for these services is collected from the defendant and forwarded to the vendor.

<sup>2</sup> MonitorConnect is an automated system that allows defendants to communicate with their pretrial release program officers. It provides the defendant with text, telephone, and email alerts about pending court dates and allows defendants to check in without having to speak directly to their officers. Not all defendants are placed onto MonitorConnect, as not all defendants have telephones.

<sup>3</sup> The fees listed apply to pretrial community supervision cases only. Standard pretrial release cases, which require a weekly telephone call, have no fees.

<sup>4</sup> DNP denotes that the pretrial release program did not provide the information.

<sup>5</sup> The Putnam County pretrial release program did not have any referrals or participants in 2018, and the program's contract expired on August 31, 2018. As of August 2019, Putnam County did not have a pretrial release program.

<sup>6</sup> In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. In October 2018, the program began supervising defendants for Martin County.

<sup>7</sup> GPS monitoring was only available in the St. Lucie County pretrial release program.

Source: OPPAGA analysis of pretrial release program survey responses.

# APPENDIX C

## Calendar Year 2018 Pretrial Release Program Compliance With Statutory Reporting Requirements

Section 907.043, *Florida Statutes*, requires each pretrial release program to prepare a register, which must be updated weekly, displaying descriptive information about the defendants released through the program. Additionally, by March 31 every year, each program must submit an annual report for the previous calendar year. Pretrial release programs generally complied with these statutory requirements, as 28 programs reported that they maintained the required weekly register, and 28 programs provided OPPAGA with an annual report.<sup>12,13</sup> Twenty-nine programs responded to OPPAGA’s survey for additional information. Some programs’ annual reports did not contain all required data because some elements did not apply to all programs. Additionally, some programs reported that their weekly registers did not include the nature of any prior criminal convictions of defendants due to state and national criminal history information restrictions. Exhibit C-1 summarizes the number of programs that reported meeting the requirements to maintain and update a weekly register and provide an annual report.

### Exhibit C-1

#### Some Pretrial Release Programs Reported That They Did Not Provide All Required Information

	Number of	
	Pretrial Release Programs That Provided Data	Pretrial Release Programs That Did Not Provide Data
<b>Weekly Register Requirements (s. 907.043(3)(b), F.S.)</b>		
Name, location, and funding source of the pretrial release program	26	3
Number of defendants assessed and interviewed for pretrial release	27	2
Number of indigent defendants assessed and interviewed for pretrial release	23	6
Names and number of defendants accepted into the pretrial release program	28	1
Names and number of indigent defendants accepted into the pretrial release program	26	3
Charges filed against and the case numbers of defendants accepted into the pretrial release program	28	1
Nature of any prior criminal conviction of a defendant accepted into the pretrial release program	20	9
Court appearances required of defendants accepted into the pretrial release program	25	4
Date of each defendant’s failure to appear for a scheduled court appearance	23	6
Number of warrants, if any, which have been issued for a defendant’s arrest for failing to appear at a scheduled court appearance	28	1
Number and type of program noncompliance infractions committed by a defendant in the pretrial release program and whether the pretrial release program recommended that the court revoke the defendant’s release	26	3
<b>Annual Report Requirements (s. 907.043(4)(b), F.S.)</b>		
Name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program	28	1
Operating and capital budget of each pretrial release program receiving public funds	27	2
Percentage of the pretrial release program’s total budget representing receipt of public funds	27	2
Percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program	25	4
Amount of fees paid by defendants to the pretrial release program	27	2
Number of persons employed by the pretrial release program	28	1
Number of defendants assessed and interviewed for pretrial release	27	2
Number of defendants recommended for pretrial release	22	7 <sup>1</sup>
Number of defendants for whom the pretrial release program recommended against nonsecured release	20	9 <sup>2</sup>
Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release	20	9 <sup>3</sup>

<sup>12</sup> The Citrus County pretrial release program reported that it did not prepare a weekly register during 2018.

<sup>13</sup> The Putnam County pretrial release program did not submit an annual report for 2018. The program reported that it did not have any referrals or participants in 2018, and the program’s contract expired on August 31, 2018. As of August 2019, Putnam County did not have a pretrial release program.

Annual Report Requirements (s. 907.043(4)(b), <i>F.S.</i> ) (Continued)	Number of	
	Pretrial Release Programs That Provided Data	Pretrial Release Programs That Did Not Provide Data
Number of defendants assessed and interviewed for pretrial release who were declared indigent by the court	25	4
Name and case number of each person granted nonsecured release who	26	3
a. failed to attend a scheduled court appearance;		
b. was issued a warrant for failing to appear; and		
c. was arrested for any offense while on release through the pretrial release program.		
Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program	18	11
<b>Per Ch. 2018-127, <i>Laws of Florida</i>, the Following Annual Report Requirements Took Effect July 1, 2018</b>		
Number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond	23	6
Number of defendants for whom a risk assessment tool was used in determining whether the defendant should be released pending the disposition of the case and the number of defendants for whom a risk assessment tool was not used	16	13
Specific statutory citation for each criminal charge related to a defendant whose case is accepted into a pretrial release program, including, at a minimum, the number of defendants charged with dangerous crimes as defined in s. 907.041, <i>F.S.</i> ; nonviolent felonies; or misdemeanors only. A “nonviolent felony” for purposes of this subparagraph excludes the commission of, an attempt to commit, or a conspiracy to commit any of the following.	16	13
a. An offense enumerated in s. 775.084(1)(c), <i>F.S.</i>		
b. An offense that requires a person to register as a sexual predator in accordance with s. 775.21, <i>F.S.</i> , or as a sexual offender in accordance with s. 943.0435, <i>F.S.</i>		
c. Failure to register as a sexual predator in violation of s. 775.21, <i>F.S.</i> , or as a sexual offender in violation of s. 943.0435, <i>F.S.</i>		
d. Facilitating or furthering terrorism in violation of s. 775.31, <i>F.S.</i>		
e. A forcible felony as described in s. 776.08, <i>F.S.</i>		
f. False imprisonment in violation of s. 787.02, <i>F.S.</i>		
g. Burglary of a dwelling or residence in violation of s. 810.02(3), <i>F.S.</i>		
h. Abuse, aggravated abuse, and neglect of an elderly person or disabled adult in violation of s. 825.102, <i>F.S.</i>		
i. Abuse, aggravated abuse, and neglect of a child in violation of s. 827.03, <i>F.S.</i>		
j. Poisoning of food or water in violation of s. 859.01, <i>F.S.</i>		
k. Abuse of a dead human body in violation of s. 872.06, <i>F.S.</i>		
l. A capital offense in violation of Ch. 893, <i>F.S.</i>		
m. An offense that results in serious bodily injury or death to another human		
n. A felony offense in which the defendant used a weapon or firearm in the commission of the offense		
Number of defendants accepted into a pretrial release program with no prior criminal conviction	16	13

<sup>1</sup> Six pretrial release programs (Flagler, Hillsborough, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) included in this figure reported that they did not recommend defendants for pretrial release.

<sup>2</sup> Seven pretrial release programs (Duval, Flagler, Hillsborough, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) included in this figure reported that they did not recommend against nonsecured release.

<sup>3</sup> Seven pretrial release programs (Duval, Flagler, Hillsborough, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) included in this figure reported that they did not recommend defendants for nonsecured release.

Source: OPPAGA analysis of pretrial release program survey responses.

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# OPPAGA

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