

County Pretrial Release Programs: Calendar Year 2020

Report 21-11

December 2021



OPPAGA

Office of Program Policy Analysis and Government Accountability

County Pretrial Release Programs: Calendar Year 2020

EXECUTIVE SUMMARY

Pretrial release programs supervise defendants who have been released from jail while awaiting disposition of their criminal charges. As required by statute, OPPAGA conducts an annual study of pretrial release programs and administers a survey to gather information from the programs. Twenty-seven programs responded to the survey requesting information regarding 2020 operations and reported serving over 68,000 defendants. Programs reported gathering defendant information, such as criminal history and other demographics, to screen potential participants. In 2020, programs that screened defendants reported that staff conducted almost 140,000 interviews. Seventeen programs also reported using risk assessments during the screening process.

To remain on pretrial release, defendants must comply with all court ordered conditions until the final disposition of their case. Warrants for their arrest can be issued if defendants do not comply with these conditions, fail to appear for a court appearance, or commit a crime. Twenty-one pretrial release programs reported a rate of 6% or less for participants failing to appear in court. Pretrial release programs reported varying numbers of defendant arrests. For example, the Duval and Flagler county programs reported that 3% of program participants were arrested while in the program, while the Escambia County program reported that 25% of defendants were arrested while in the program. For most pre-trial release programs, the rate of arrests for participants was under 20%.

Pretrial release programs reported program budgets ranging from \$71,009 in Flagler County to \$8 million in Broward County. None of the pretrial release programs responding to the OPPAGA survey reported receiving state general revenue funds and all 27 reported receiving county funds.¹ Additionally, six programs reported receiving grants. Statute requires each pretrial release program to prepare a weekly register, displaying descriptive information about the defendants released through the program, and an annual report. Pretrial release programs generally complied with these statutory requirements, as 26 programs reported maintaining the weekly register, and 28 programs provided OPPAGA with an annual report.²

REPORT SCOPE

Section 907.044, *Florida Statutes*, directs OPPAGA to annually evaluate the effectiveness and cost efficiency of Florida's pretrial release programs. The review includes information related to the characteristics and outcomes of program participants, funding sources and program cost, and an assessment of program compliance with statutory reporting requirements.

¹ The Brevard County pretrial release program reported that due to a reduction in staff, the program was unable to respond to the OPPAGA survey.

² The Brevard County pretrial release program was able to provide an annual report despite not responding to the OPPAGA survey.

BACKGROUND

Pretrial release is an alternative to jail that allows arrested defendants to be released while awaiting 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. (See Exhibit 1.)

Exhibit 1

Types of Pretrial Release



Pretrial Release Is Generally Granted in One of Three Ways

- 1. Release on Recognizance.** Allows defendants to be released from jail without posting bond.
- 2. Bond.** Allows defendants to be released by monetary payment to the court (cash bond) or to a private bail bond agent (surety bond).¹ A surety bond requires the defendant to pay a nonrefundable fee to the bail bond agent of the bond amount set by the court. If the defendant does not appear in court, the bail bond agent is responsible for paying the entire bond amount. Bail bond agents are not required to supervise defendants but have a vested interest in ensuring that clients keep their court dates and do not abscond.
- 3. Local Pretrial Release Programs.** Allow defendants to be released under program supervision. Programs supervise defendants through various methods, such as contact requirements 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.

¹ A cash bond is paid directly to the court 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. After the final disposition of the case, bond money will be refunded, minus any unpaid court fees and costs, and criminal penalties.

Source: OPPAGA analysis of pretrial release literature.

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.

Section 907.044, *Florida Statutes*, requires OPPAGA to conduct an annual study to evaluate the effectiveness and cost efficiency of pretrial release programs in Florida. As part of the annual study, OPPAGA administers a survey to gather additional information not contained in the pretrial programs' weekly registers and annual reports.³ Twenty-seven programs responded to OPPAGA's survey for additional information. More than half (17) are located in the program's county court or sheriff's office/county corrections.

³ In some cases, programs providing this information do not perform all of the activities required by statute but still provide annual reports and respond to the OPPAGA survey. In addition, there are 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.

Programs reported employing from 1 (Citrus County) to 60 (Miami-Dade County) staff. These employees hold positions such as pretrial officer, investigator, case manager, supervisor, and administrative staff. In addition, a few programs report specialized staff, such as electronic monitoring officers and a drug screening technician. In 2020, the programs reported serving over 68,000 defendants, ranging from 49 in Citrus County to 8,717 in Broward County. (See Exhibit 2.)

Exhibit 2

Pretrial Release Programs Served Over 68,000 Defendants in 2020

County Pretrial Release Program	Total Served in 2020
Alachua	937
Bay	1,696
Broward	8,717
Charlotte	527
Citrus	49
Collier	275
Duval	2,267
Escambia	1,617
Flagler	532
Highlands	336
Hillsborough	169
Lee	3,860
Leon	2,384
Manatee	3,226
Miami-Dade	8,090
Monroe	1,173
Okaloosa	1,256
Orange	4,148
Osceola	2,002
Palm Beach	4,943
Pinellas	4,919
Polk	4,402
Santa Rosa	389
Sarasota	3,418
Seminole	1,144
St. Lucie/Okeechobee/Martin ¹	782/25/144
Volusia	4,710
Total	68,137

¹In 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.

OPPAGA requested that programs provide information on defendants' criminal histories. Twelve pretrial release programs were able to provide criminal history information, with some reporting that defendants had no prior offenses. Other programs reported that defendants had offense histories that included misdemeanors, non-violent felonies, and violent felonies. For example, the Duval County program reported that 75% of its defendants had non-violent felony criminal histories, while the Escambia County program reported that 57% of its defendants had violent felony criminal histories. (See Exhibit 3.)

Exhibit 3

For 2020, 12 Pretrial Release Programs Provided Defendants' Criminal History Information¹

County Pretrial Release Program	Criminal History of Most Defendants	Number of Defendants Served With Reported Criminal History Information
Citrus	Violent felony (45%)	49 of 49
Collier	No prior offense (40%)	275 of 275
Duval	Non-violent felony (75%)	1,876 of 2,267
Escambia	Violent felony (57%)	1,707 of 1,617 ²
Hillsborough	Non-violent felony (41%)	130 of 169
Leon	No prior offense (54%)	1,555 of 2,384
Manatee	Violent felony (44%)	3,226 of 3,226
Miami-Dade	Misdemeanor only (47%)	5,390 of 8,090
Polk	Felony (58%)	4,402 of 4,402
Sarasota	No prior offense (32%)	2,816 of 3,418
Seminole	Misdemeanor only (51%)	1,144 of 1,144
St. Lucie / Okeechobee/ Martin	No prior offense (46%)/ Felony (50%)/ No prior offense (63%)	574 of 782/ 20 of 25/ 114 of 144

¹ Fourteen pretrial release programs (Alachua, Bay, Broward, Charlotte, Flagler, Highlands, Lee, Monroe, Okaloosa, Orange, Osceola, Palm Beach, Pinellas, Santa Rosa, and Volusia counties) did not provide defendants' criminal history information.

² The Escambia County pretrial release program total includes 90 defendants who were placed in the program who could not post bond or otherwise were not released from jail. As a result, the number of defendants served with reported criminal history information exceeds the total number of defendants served.

Source: OPPAGA analysis of pretrial release program survey responses.

Defendants in some pretrial release programs may also be required to post bond. Judges may require defendants to post bond and be supervised by a pretrial release program in order to have additional layers of accountability. For example, a judge may allow a lower bond amount knowing that the defendant will also be under supervision. While defendants may be released to pretrial release programs without posting bond, 14 programs reported that some defendants were required to post bond when assigned to the programs.

FINDINGS

Program Effectiveness

Pretrial release programming is recognized as an important part of the criminal justice system. Specifically, literature finds that these programs can offer a meaningful intervention to criminal behavior and help target court, prosecutorial, and correctional resources to defendants where regular prosecution is the more appropriate decision. Best practices encourage pretrial release programs to set goals of screening eligible defendants, protecting public safety, and promoting successful program completion.

Screening

Pretrial program best practices encourage screening eligible individuals. Screening can include gathering defendant information from available records or interviews and applying assessment or eligibility criteria or other methods to determine program placement. Programs gather defendant information on substance abuse and mental health history, length of time residing in the community, and employment and educational status. Programs also obtain information on the defendant's criminal history, including nature of the current charges and any pending charges, prior arrests and convictions, and court appearance history, including failures to appear. Programs may also obtain victim input and information verification from the defendant's family or other contacts. In 2020, programs that screened defendants reported that staff conducted almost 140,000 screening interviews. Seventeen programs reported using risk assessments during the screening process. Risk assessments use information on defendant characteristics, their environment, or their circumstances, to create a risk profile or score that estimates the likelihood an outcome will occur.⁴ In the context of pretrial risk assessment, this can be defined as the risk of a defendant not appearing in court or being rearrested in the pretrial period.

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 criminal record, and appearances at court proceedings. Thirteen programs reported that in all cases, the program certified to the court that it obtained and investigated or otherwise verified these elements before releasing defendants on nonmonetary conditions under the supervision of pretrial release in 2020. (See Exhibit 4.) Pretrial release programs that could not certify this information in all cases provided various reasons for being unable to do so, including being unable to make contact with family or references prior to first appearance and a lack of cooperation between family members and employers. One program reported that in some instances defendants are ordered to be released with or without verified information, while another reported that it does not interview defendants who have been arrested for violation of probation or failure to appear charges, court ordered bond revocations, out-of-county warrants, or out-of-state fugitive warrants. Additionally, defendants may refuse to be interviewed or not be available because of medical or housing issues, or defendants may be uncooperative during bookings or interviews. Seventeen programs reported making recommendations to the court regarding the release or detention of defendants.

⁴ In September 2021, the Association of Pretrial Professionals of Florida (APPF), in conjunction with the University of West Florida, revalidated the Florida Pretrial Risk Assessment Instrument, which measures the likelihood of pretrial misconduct (failure to appear or arrest for a new law violation). Alachua, Charlotte, Collier, Escambia, Manatee, Miami-Dade, Monroe, Orange, and Osceola counties participated in the data collection for this revalidation.

Exhibit 4

For 2020, 13 Pretrial Release Programs Reported That in All Cases, the Program Certified to the Court That It Verified Information Before Releasing Defendants Under the Supervision of Pretrial Release¹

County Pretrial Release Program	Percentage of Cases Certified in 2020	County Pretrial Release Program	Percentage of Cases Certified in 2020
Alachua	100%	Miami-Dade	100%
Bay	0%	Monroe	95%
Broward	100%	Okaloosa	100%
Charlotte	100%	Orange	99%
Collier	100%	Osceola	95%
Duval	100%	Palm Beach	20%
Escambia	70%	Pinellas	1%
Flagler ²	0%	Polk	100%
Highlands	35%	Santa Rosa	50%
Lee	100%	Sarasota	100%
Leon	100%	Seminole	41%
Manatee	100%	Volusia	100%

¹ The Citrus, Hillsborough, and St. Lucie/Okeechobee/Martin county programs did not provide the information.

² The Flagler County pretrial release program noted that it only provides supervision services.

Source: OPPAGA analysis of pretrial release program survey responses.

Public Safety

Providing for public safety is one of the underlying goals of both the pretrial system and the larger criminal justice system. To remain on pretrial release, defendants must comply with all court ordered conditions until the final disposition of their case. If they do not comply, a warrant can be issued for their arrest. In addition to making court appearances and not being rearrested, pretrial release programs can impose other release conditions, such as checking-in with program staff, participating in mental health treatment, and submitting to drug and alcohol screening. During 2020, programs reported that 7,772 defendants were non-compliant with these types of program conditions.⁵ (See Exhibit 5.) Programs reported that, in some instances, they recommended that defendants be revoked from programs for this non-compliance. For example, in 2020, the Bay and Volusia county pretrial release programs reported recommending revocation of pretrial release for 17% (288 of 1,696) and 3% (125 of 4,710) of their defendants, respectively.

Exhibit 5

For 2020, Pretrial Release Programs Reported 7,772 Defendants Were Noncompliant With Program Conditions

County Pretrial Release Program	Total Number of Defendants Noncompliant With Program Conditions ¹	Total Defendants Served	Percentage Who Were Noncompliant With Program Conditions
Bay	288	1,696	17%
Broward	1,256	8,717	14%
Charlotte	7	527	1%
Citrus	0	49	0%
Collier	75	275	27%
Escambia	315	1,617	19%

⁵ This is for noncompliance with program conditions, which does not include failing to appear, receiving a warrant, or being arrested for a crime committed while in the program.

County Pretrial Release Program	Total Number of Defendants Noncompliant With Program Conditions ¹	Total Defendants Served	Percentage Who Were Noncompliant With Program Conditions
Flagler	102	532	19%
Highlands	19	336	6%
Hillsborough	15	169	9%
Leon	362	2,384	15%
Miami-Dade	2,102	8,090	26%
Monroe	80	1,173	7%
Orange	231	4,148	6%
Palm Beach	339	4,943	7%
Pinellas	971	4,919	20%
Polk	359	4,402	8%
Santa Rosa	101	389	26%
Sarasota	206	3,418	6%
Seminole	99	1,144	9%
St. Lucie/ Okeechobee/ Martin	174/ 11/ 5	782/ 25/ 144	22%/ 44%/ 3%
Volusia	655	4,710	14%
Total	7,772	55,845	14%

¹ Six pretrial release programs (Alachua, Duval, Lee, Manatee, Okaloosa, and Osceola counties) did not provide the number of defendants noncompliant with program conditions.

Source: OPPAGA analysis of pretrial release program survey responses.

Twenty-one pretrial release programs reported information on supervised defendants who failed to appear in court. These programs reported that 6% or less of program participants failed to appear. (See Exhibit 6.)

Exhibit 6

For 2020, 21 Pretrial Release Programs Provided Failure-to-Appear Information and All Reported a 6% or Less Failure-to-Appear Rate

County Pretrial Release Program	Total Number of Defendants Who Missed at Least One Court Appearance ¹	Total Defendants Served	Percentage Who Failed to Appear
Alachua	25	937	3%
Bay	32	1,696	2%
Charlotte	5	527	1%
Citrus	0	49	0%
Collier	3	275	1%
Duval	58	2,267	3%
Escambia	72	1,617	4%
Flagler	3	532	1%
Highlands	12	336	4%
Hillsborough	2	169	1%
Manatee	58	3,226	2%
Miami-Dade	222	8,090	3%
Monroe	12	1,173	1%
Okaloosa	73	1,256	6%

County Pretrial Release Program	Total Number of Defendants Who Missed at Least One Court Appearance ¹	Total Defendants Served	Percentage Who Failed to Appear
Osceola	79	2,002	4%
Palm Beach	141	4,943	3%
Pinellas	96	4,919	2%
Santa Rosa	15	389	4%
Sarasota	65	3,418	2 %
Seminole	33	1,144	3%
Volusia	289	4,710	6%

¹ Six pretrial release programs (Broward, Lee, Leon, Orange, Polk, and St. Lucie/Okeechobee/Martin counties) did not provide the total number of defendants who missed at least one court appearance.

Source: OPPAGA analysis of pretrial release program survey responses.

Pretrial release programs reported varying numbers of defendant arrests. For example, the Duval and Flagler county pretrial release programs reported that 3% of program participants were arrested while in the program, while the St. Lucie County program reported that 28% of defendants were arrested while in the program. For most programs, the rate of arrests for defendants participating in pretrial release programs was under 20%. (See Exhibit 7.)

Exhibit 7

For 2020, 23 Pretrial Release Programs Provided the Number of Defendants Arrested While in the Program and Most Reported a 20% or Less Rearrest Rate

County Pretrial Release Program	Arrested for Any Offense While in the Program ¹	Total Defendants Served	Percentage Arrested
Alachua	114	937	12%
Bay	351	1,696	21%
Charlotte	19	527	4%
Citrus	10	49	20%
Collier	29	275	11%
Duval	75	2,267	3%
Escambia	399	1,617	25%
Flagler	15	532	3%
Highlands	52	336	15%
Hillsborough	35	169	21%
Lee	479	3,860	12%
Leon	565	2,384	24%
Miami-Dade	1,202	8,090	15%
Okaloosa	221	1,256	18%
Orange	165	4,148	4%
Osceola	426	2,002	21%
Palm Beach	749	4,943	15%
Pinellas	144 ²	4,919	3%
Polk	879	4,402	20%
Santa Rosa	23	389	6%
Seminole	198	1,144	17%
St. Lucie/ Okeechobee/ Martin	216/ 12/ 9	782/ 25/ 144	28%/ 48%/ 6%

County Pretrial Release Program	Arrested for Any Offense While in the Program ¹	Total Defendants Served	Percentage Arrested
Volusia	512	4,710	11%

¹ Four pretrial release programs (Broward, Manatee, Monroe, and Sarasota counties) did not provide the number of defendants arrested for any offense while in the program.

² The number of arrests in the Pinellas program may be higher as the court may have taken defendants who were non-compliant with program conditions back into custody. However, the program does not keep track of this number.

Source: OPPAGA analysis of pretrial release program survey responses.

Successful Completion

Pretrial release program success can be measured by the percentage of pretrial defendants who complete the program. Generally, this is the ability of defendants to not have their supervision revoked due to violations of program conditions, any failures to appear in court, or rearrests while their cases are pending. Defendants without these violations whose cases are disposed by the court, either by dismissal of the charges or a sentence imposition, can be considered as successfully completing the pretrial release program. Most programs reported successful completion rates of over 70%. (See Exhibit 8.)

Exhibit 8

Most Pretrial Release Programs Reported a Participant Successful Completion Rate of Over 70% in 2020¹

County Pretrial Release Program	Successful Completion	Unsuccessful Completion	Total Defendants Exiting Program in 2020	Percentage With Successful Completion
Alachua	463	149	612	76%
Bay	764	351	1,115	69%
Broward	1,885	1,890	3,775	50%
Charlotte	276	19	295	94%
Citrus	17	8	25	68%
Collier	165	52	217	76%
Duval	1,487	364	1,851	80%
Escambia	980	399	1,379	71%
Flagler	338	112	450	75%
Highlands	173	52	225	77%
Hillsborough	71	29	100	71%
Lee	1,551	479	2,030	76%
Leon	650	354	1,004	65%
Manatee	1,467	415	1,882	78%
Miami-Dade	1,602	390	1,992	80%
Monroe	497	107	604	82%
Okaloosa	930	221	1,151	81%
Orange	2,534	447	2,981	85%
Osceola	1,143	426	1,569	73%
Palm Beach	3,010	749	3,759	80%
Pinellas	2,647	1,215	3,862	69%
Polk	2,978	879	3,857	77%
Sarasota	1,092	516	1,608	68%
Seminole	795	99	894	89%
St. Lucie/Okeechobee/Martin	270/6/84	216/12/9	486/18/93	56%/33%/90%

County Pretrial Release Program	Successful Completion	Unsuccessful Completion	Total Defendants Exiting Program in 2020	Percentage With Successful Completion
Volusia	2,707	959	3,666	74%

¹ The Santa Rosa County pretrial release program did not provide the number of defendants who successfully and unsuccessfully completed the program.

Source: OPPAGA analysis of pretrial release program survey responses.

Cost Efficiency

Pretrial release programs reported program budgets ranging from \$71,009 in Flagler County to \$8 million in Broward County. (See Exhibit 9.) None of the pretrial release programs responding to the OPPAGA survey reported receiving state general revenue funds and all 27 reported receiving county funds. Additionally, six programs reported receiving grants. (See Appendix A for more information on the amount and use of these grants.)

Exhibit 9 2020 Budgets for Florida Pretrial Release Programs

County Pretrial Release Program	Calendar Year 2020 Total Budget
Alachua	\$1,638,398
Bay	\$99,641
Broward	\$8,037,836
Charlotte	\$614,746
Citrus	\$85,511
Collier	\$317,592
Duval	\$1,081,904
Escambia	\$940,953
Flagler	\$71,009
Highlands	\$128,976
Hillsborough	\$148,600
Lee	\$2,344,569
Leon	\$1,290,693
Manatee	\$817,681
Miami-Dade	\$4,957,485
Monroe	\$539,573
Okaloosa	\$616,422
Orange	\$2,816,963
Osceola	\$581,582
Palm Beach	\$1,461,242
Pinellas	\$3,625,134
Polk	\$1,185,309
Santa Rosa	\$131,374
Sarasota	\$1,796,876
Seminole	\$516,360
St. Lucie/Okeechobee/Martin	\$1,535,741 ¹
Volusia	\$1,637,133
Total	\$39,019,303

¹ This includes \$120,000 received from Okeechobee County and \$253,500 received from Martin County per interlocal agreements.

Source: OPPAGA analysis of pretrial release program survey responses.

An important consideration regarding pretrial detention or release is the costs and benefits, both economic and social. Incarceration has direct and indirect costs for defendants, including the loss of

freedom, income, and housing; increased childcare costs; inability to pay child support; potential property loss; and strain on intimate relationships. However, an incarcerated defendant cannot commit additional crimes against the public. Additionally, some costs may be avoided in some cases, such as court costs related to failures to appear, court costs associated with prosecution of crimes committed during the period between release and trial, and programmatic costs to monitor released individuals.

There are other costs associated with releasing pretrial defendants, including the costs of administering and providing pretrial release program services. These costs are dependent on the duration of the program and on release conditions, such as drug testing and electronic monitoring.⁶ To help mitigate these costs, 18 pretrial release programs reported that the program charges fees to defendants. Programs reported that the funds collected from these fees were directed to program revenues and other county general funds and were also used to pay vendors for services rendered to defendants. Programs most commonly charged fees for electronic monitoring. (See Appendix B for more information on these fees.) Pretrial release program costs can be compared to the cost of keeping defendants in jail. Several programs reported that jail costs exceeded \$100 per day, which are significantly higher than pretrial release program costs. For example, the Leon County program estimated that the program diverted an estimated 378,505 inmate days from the detention facility, which resulted in a daily savings of \$82.57 or an annual savings of \$31.2 million. As another example, the Pinellas County program served 4,919 defendants in 2020. At \$122 per day, it would cost \$4.2 million to keep those defendants in jail for one week, which exceeds the total 2020 pretrial release program budget of \$3.6 million.

Statutory Requirements

Most pretrial release programs comply 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, with 26 programs reporting that the program maintained the required weekly register, and 28 programs providing OPPAGA with an annual report.⁷ Some programs' annual reports did not contain all required data because some elements did not apply to all programs. Additionally, some programs reported that weekly registers did not include the nature of any prior criminal convictions of defendants due to state and national criminal history information restrictions. The exhibit below summarizes the number of programs that reported meeting the requirements associated with maintaining and updating a weekly register and producing an annual report. (See Exhibit 10.)

⁶ Some programs were able to report information related to program length; generally, both successful and unsuccessful completion ranged from a few months to a year.

⁷ The Citrus County pretrial release program reported that it did not prepare weekly registers during 2020. The Brevard County pretrial release program was able to provide an annual report despite not responding to the OPPAGA survey.

Exhibit 10

Some Pretrial Release Programs Reported That the Program Did Not Provide All Statutorily Required Information

Weekly Register Requirements (s. 907.043(3)(b), <i>F.S.</i>)	Number of Pretrial Release Programs	
	That Provided Data in Weekly Registers	That Did Not Provide Data in Weekly Registers
Name, location, and funding source of the pretrial release program	24	3
Number of defendants assessed and interviewed for pretrial release	25	2 ¹
Number of indigent defendants assessed and interviewed for pretrial release	22	5 ²
Names and number of defendants accepted into the pretrial release program	26	1
Names and number of indigent defendants accepted into the pretrial release program	24	3 ³
Charges filed against and the case numbers of defendants accepted into the pretrial release program	26	1
Nature of any prior criminal conviction of a defendant accepted into the pretrial release program	22 ⁴	5
Court appearances required of defendants accepted into the pretrial release program	24	3
Date of each defendant's failure to appear for a scheduled court appearance	22	5
Number of warrants, if any, which have been issued for a defendant's arrest for failing to appear at a scheduled court appearance	25	2
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	21	6 ⁵
Annual Report Requirements (s. 907.043(4)(b), <i>F.S.</i>)	Number of Pretrial Release Programs	
	That Provided Data in Annual Reports	That Did Not Provide Data in Annual Reports
Name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program	26	1
Operating and capital budget of each pretrial release program receiving public funds	26	1
Percentage of the pretrial release program's total budget representing receipt of public funds	25	2
Percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program	24	3 ⁶
Amount of fees paid by defendants to the pretrial release program	25	2 ⁷
Number of persons employed by the pretrial release program	25	2 ⁸
Number of defendants assessed and interviewed for pretrial release	24	3 ⁹
Number of defendants recommended for pretrial release	20	7 ¹⁰
Number of defendants for whom the pretrial release program recommended against nonsecured release	15	12 ¹¹
Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release	16	11 ¹²
Number of defendants assessed and interviewed for pretrial release who were declared indigent by the court	24	3 ¹³
Number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond	25	2
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	17	10 ¹⁴

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, *F.S.*; 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.

- a. An offense enumerated in s. 775.084(1)(c), *F.S.*
- b. An offense that requires a person to register as a sexual predator in accordance with s. 775.21, *F.S.*, or as a sexual offender in accordance with s. 943.0435, *F.S.*
- c. Failure to register as a sexual predator in violation of s. 775.21, *F.S.*, or as a sexual offender in violation of s. 943.0435, *F.S.*
- d. Facilitating or furthering terrorism in violation of s. 775.31, *F.S.*
- e. A forcible felony as described in s. 776.08, *F.S.*
- f. False imprisonment in violation of s. 787.02, *F.S.*
- g. Burglary of a dwelling or residence in violation of s. 810.02(3), *F.S.*
- h. Abuse, aggravated abuse, and neglect of an elderly person or disabled adult in violation of s. 825.102, *F.S.*
- i. Abuse, aggravated abuse, and neglect of a child in violation of s. 827.03, *F.S.*
- j. Poisoning of food or water in violation of s. 859.01, *F.S.*
- k. Abuse of a dead human body in violation of s. 872.06, *F.S.*
- l. A capital offense in violation of Ch. 893, *F.S.*
- 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

20

7

Number of defendants accepted into a pretrial release program with no prior criminal conviction

19

8

Name and case number of each person granted nonsecured release who

- 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.

25

2

Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program

19

8¹⁵

¹ Includes one pretrial release program (Flagler County) that reported that this requirement was not applicable.

² Includes three pretrial release programs (Flagler, Hillsborough, and Leon counties) that reported that this requirement was not applicable.

³ Includes two pretrial release programs (Hillsborough and Leon counties) that reported that this requirement was not applicable.

⁴ Includes two pretrial release program (Alachua and Charlotte counties) that reported providing only Florida information.

⁵ Includes four pretrial release programs (Escambia, Orange, Osceola, and Santa Rosa counties) that reported they did not make recommendations.

⁶ Includes two pretrial release programs (Citrus and Highlands counties) that reported that this requirement was not applicable.

⁷ Includes one pretrial release program (Highlands County) that reported that this requirement was not applicable.

⁸ Includes one pretrial release program (Hillsborough County) that reported that this requirement was not applicable.

⁹ Includes one pretrial release program (Flagler County) that reported that this requirement was not applicable.

¹⁰ Includes five pretrial release programs (Flagler, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that reported that the program did not recommend defendants for pretrial release or that this was not applicable.

¹¹ Includes eight pretrial release programs (Duval, Escambia, Flagler, Hillsborough, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that reported that the program did not recommend against nonsecured release or that this was not applicable.

¹² Includes eight pretrial release programs (Duval, Escambia, Flagler, Hillsborough, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that reported that the program did not recommend defendants for nonsecured release or that this was not applicable.

¹³ Includes two pretrial release programs (Flagler and Hillsborough counties) that reported that this requirement was not applicable.

¹⁴ Includes four pretrial release programs (Flagler, Palm Beach, Polk, and St. Lucie/Okeechobee/Martin) that did not have a risk assessment tool.

¹⁵ Includes one pretrial release program (Pinellas County) that report that this requirement was not applicable.

Source: OPPAGA analysis of pretrial release program survey responses.

APPENDIX A

Grants

Six pretrial release programs reported receiving grant funding. (See Exhibit A-1.) The sources and uses of these funds varied. For example, the Leon County and Manatee County programs received federal grant funds that were used, in part, to pay for staff salaries. The Palm Beach County program received \$147,321 from the private MacArthur Foundation, which funded two full-time employees, bus passes for defendants, and drug tests for indigent defendants.

Exhibit A-1

Six Pretrial Release Programs Reported Receiving Either State, Federal, or Private Grants

County Pretrial Release Program	Grant Amount	Grant Source	Grant Uses
Leon	\$38,356	Federal—Edward Byrne Memorial Justice Assistance Grants	Allows for the continuation of one partially funded drug screening technician, related supplies, and toxicology for pre- and post-sentenced offenders
Escambia	\$8,948	Federal—Edward Byrne Memorial Justice Assistance Grants	Court-ordered GPS monitoring and drug patch analysis
Manatee	\$77,381	Federal—Edward Byrne Memorial Justice Assistance Grants	Salaries for two pretrial screeners
Okaloosa	\$37,116	State—Florida Department of Children and Families	Portion of the salary for one mental health pretrial officer
Palm Beach	\$147,321	Other—MacArthur Foundation	Salaries for two full-time employees, bus passes for defendants, and drug tests for indigent defendants
Seminole	\$117,552	Other—Florida Coalition Against Domestic Violence	Daily electronic monitoring fees of indigent defendants on pretrial release who were arrested for domestic violence

Source: OPPAGA analysis of pretrial release program survey responses.

APPENDIX B

Fees

Eighteen pretrial release programs reported charging fees to defendants. (See Exhibit B-1.) Programs reported that the funds collected from these fees were directed to program revenues and other county general funds and were also used to pay vendors for services rendered to defendants. Programs most commonly charged fees for electronic monitoring.

Exhibit B-1

Eighteen Pretrial Release Programs Charged Fees to Defendants in 2020

County Pretrial Release Program	Service	Fee Amount	Total Collected	Fee Assessment	Recipient of Fees
Alachua ¹	Electronic monitoring (EM)/ Global positioning satellite (GPS)	\$5/day	\$15,349	Per board of county commissioners approved fee schedule based on Federal Poverty Guidelines	Vendor
	MonitorConnect ²	\$5/month	\$2,110	Per board of county commissioners approved fee schedule based on Federal Poverty Guidelines.	Vendor
Broward	Electronic monitoring	\$5/day	\$55,058	Mandatory unless waived or the client is using the services of an appointed attorney, typically a public defender	County general fund
Charlotte	GPS or alcohol devices	\$6/day to \$12/day	DNP ³ Payments directly to private vendors	Mandatory unless waived	Vendor
	Drug testing	\$5/test	DNP Fees collected in conjunction with probation department	When court ordered	County
	Alcohol/ethyl glucuronide testing	\$14.95/test	DNP Fees collected in conjunction with probation department	When court ordered	County
	Synthetic drug testing	\$19.95/test	DNP Fees collected in conjunction with probation department	When court ordered	County
Citrus	Electronic monitoring	\$8/day	\$13,511	Mandatory unless waived	Program revenue

County Pretrial Release Program	Service	Fee Amount	Total Collected	Fee Assessment	Recipient of Fees
Collier	Alcohol monitoring	\$6.50/day	\$2,279	When court ordered	Vendor
	Drug screen	\$6.75/test	\$52	When administered	Vendor
	GPS monitoring	\$4.10/day	\$462	When court ordered	Vendor
Escambia	Electronic monitoring	\$105/week	\$195,527	Mandatory unless waived	Vendor
Lee	Misdemeanor diversion	\$150 flat fee	\$137,782	Mandatory unless community service is allowed in lieu of cost of supervision	Board of county commissioners
Leon	Administrative fee	\$40/month	\$72,510	Mandatory unless waived	Program revenue
	GPS monitoring fee	\$9/day	\$11,939	Mandatory unless waived	Program revenue
	Secure continuous remote alcohol monitoring	\$12/day	\$26,049	Mandatory unless waived	Program revenue
	Alcohol test	\$5/test	\$38,660	Mandatory unless waived	Program revenue
	Urinalysis test	\$20/test	\$10,115	Mandatory unless waived	Program revenue
Manatee	Drug test	\$50 one-time fee	\$6,174	When court ordered	Program revenue
	Electronic monitoring	\$3.94/day for GPS	\$13,573	When court ordered	Vendor
	Electronic monitoring install fee	\$30 one-time fee	\$630	When court ordered	Program revenue
Monroe	Electronic monitoring	\$4.25/day	\$5,314	When court ordered	County general revenue
	Urinalysis	\$10/test	\$2,985	When court ordered	County general revenue
Okaloosa	Electronic monitoring	Varies	\$14,251	When court ordered	General fund
Orange	Drug test	\$17 one-time fee	\$8,518	Mandatory unless waived	County government general fund
	Pretrial supervision telephone reporting	\$6/month	\$13,654	Mandatory unless waived	\$3.91 of each \$6 fee is paid to the vendor; \$2.09 goes to the county government general fund
Osceola ⁴	Drug testing	\$20/test	DNP	When court ordered	Vendor
	Alcohol testing	\$13.20/test	DNP	When court ordered	Vendor
	Telephonic reporting	\$10/month	DNP	Mandatory unless waived	Vendor

County Pretrial Release Program	Service	Fee Amount	Total Collected	Fee Assessment	Recipient of Fees
Palm Beach	Cost of supervision	\$10/week	\$49,877	Mandatory unless waived	Program revenue
Pinellas	Alcohol monitoring	\$10/day	\$187,621	Mandatory	Vendor
	Electronic monitoring	\$7/day	\$77,480	Mandatory	Vendor
Santa Rosa	Administrative fee	\$50 one-time fee	\$10,948	Mandatory	Program revenue
	Drug/alcohol test	Average \$25/test	\$8,245	When tested	Program revenue
Sarasota	Secure continuous remote alcohol monitoring/GPS	\$70/week \$100 installation fee	DNP	Mandatory unless waived	Vendor
	Portable Alcohol Monitor	\$42/week \$50 installation fee	DNP	Mandatory unless waived	Vendor
Seminole	Electronic monitoring	\$5.60/day	\$47,560	Mandatory unless waived	Program revenue

¹ The Alachua County pretrial release program noted that there are no fees for pretrial supervision. However, if the court orders electronic monitoring or GPS 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.

² 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.

³ DNP denotes that the pretrial release program did not provide the information.

⁴ The Osceola County pretrial release program reported that fees were paid directly to vendors and do not get reported to the program.

Source: OPPAGA analysis of pretrial release program survey responses.

This page is intentionally left blank



OPPAGA

Office of Program Policy Analysis and Government Accountability

OPPAGA provides performance and accountability information about Florida government in several ways.

- [Reports](#) deliver program evaluation and policy analysis to assist the Legislature in overseeing government operations, developing policy choices, and making Florida government more efficient and effective.
- [Government Program Summaries](#) (GPS), an online encyclopedia, provides descriptive, evaluative, and performance information on more than 200 Florida state government programs.
- [PolicyNotes](#), an electronic newsletter, delivers brief announcements of research reports, conferences, and other resources of interest for Florida's policy research and program evaluation community.
- Visit [OPPAGA's website](#).

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475).

Project supervised by Claire K. Mazur (850/717-0575)
Project conducted by Matthew J. Moncrief
PK Jameson, Coordinator