

# County Pretrial Release Programs: Calendar Year 2022

Report 23-12

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# OPPAGA

Office of Program Policy Analysis and Government Accountability

# County Pretrial Release Programs: Calendar Year 2022

## EXECUTIVE SUMMARY

Pretrial release programs (pretrial 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 programs that meet certain statutory criteria, administers a survey to gather information from the programs, and interviews and visits some programs. Twenty-nine programs responded to the survey regarding 2022 operations and reported serving over 68,160 defendants. The surveyed programs vary in several ways, such as where programs are administratively housed and program size. Some pretrial release program practices, such as participant screening and supervision, differ from program to program due to these variations.

To remain on pretrial release, defendants must comply with all court-ordered conditions until the final disposition of their case. All pretrial programs reported a rate of 9% or less for participants failing to appear in court. Pretrial programs reported varying numbers of defendant re-arrests. Most programs reported successful completion rates of over 70%. Collectively, programs had higher rates of successful completion in 2022, an 81% average, compared to a 76% average in 2021 and a 74% average in 2020.

In 2022, program budgets totaled over \$44.5 million, with county funds making up 97%. No program reported receiving state general revenue funds, while five programs reported receiving grant funds. Budgets ranged from \$21,057 in the DeSoto County program (to serve 414 participants) to \$9 million in the Broward County program (to serve 9,214 participants).

Statute requires each pretrial program to prepare a weekly register with information about the defendants released through the program and an annual report. Pretrial programs generally complied with these statutory requirements, as all 29 programs provided OPPAGA with weekly registers and an annual report. However, many programs' reports did not include all of the statutorily required data elements. The Legislature could consider statutory modifications to update the annual report requirements to reflect best practices and weekly register reporting requirements to standardize public access.

### REPORT SCOPE

As directed by s. 907.044, *Florida Statutes*, the Office of Program Policy Analysis and Government Accountability conducts an annual study to evaluate the effectiveness and cost efficiency of pretrial release programs in Florida. The study's scope includes, but is not limited to, gathering information pertaining to the funding sources of each pretrial release program; nature of criminal convictions of defendants accepted into the programs; number of failed court appearances by defendants accepted into each program; number of warrants issued subsequently by defendants in each program; and program compliance with statutory reporting requirements.

# BACKGROUND

In 2022, the Florida Department of Law Enforcement reported that 511,328 arrest events occurred throughout the state. Following arrest, defendants are booked or administratively processed into local jails. Booking is followed by a first appearance court hearing within 24 hours of arrest; at the hearing, defendants are informed of their charges and advised of their rights. Those unable to obtain release are detained in jail until trial. If convicted and sentenced for less than a year, defendants serve their time in jails. If convicted and sentenced for more than a year, defendants are transferred to a state prison.


In the U. S., defendants in pretrial detention comprise approximately 71% of local jail populations. In 2022, Florida's jail population in pretrial detention was 68.4%. According to the Florida Department of Corrections, as of December 2022, the average monthly total for Florida's pretrial jail population was 33,751 adult defendants, with an additional 233 juveniles; this represents a small increase from the 2021 average monthly pretrial population of 33,660. (See Appendix A for program profiles that include county and jail population.)

Pretrial release is an alternative to pretrial detention 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. Article I, section 14 of the Florida Constitution provides that persons charged with a crime are entitled to pretrial release on reasonable conditions unless: (a) the person is charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great; or (b) conditions of release cannot reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process.

Pretrial release is generally granted in one of three ways. (See Exhibit 1.) The type of release the court grants an individual depends on a variety of factors including the nature and circumstances of the current offense, ties to the community, financial resources, need for substance use treatment, mental health condition, previous arrests, and court appearance history.

## 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 bail or adhering to conditions such as drug testing.
- 2. Bail.** Allows defendants to be released by monetary payment to the court (cash bond) or to a private bail bond agent (surety bond).<sup>1</sup> A surety bond requires the defendant to pay a non-refundable fee or bail bond premium (typically 10%) to the bail bond agent for the bail amount set by the court. If the defendant does not appear in court, the bail bond agent is responsible for paying the entire bail 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.** Allows 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 without posting bail, judges may order defendants to post bail in addition to being supervised by programs.

<sup>1</sup> 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, costs, and criminal penalties.

Source: OPPAGA analysis of pretrial release literature.

**Many defendants are released through financial conditions such as posting bail or acquiring a bail bond.** After an arrest, the judge may release defendants on their own recognizance (without a payment of money), with the expectation that they will appear for all court hearings. However, in many cases, defendants must make a monetary payment (i.e., bail) to be released before trial. Bail, or a portion of it, is returned to defendants when their trial is over. To avoid forfeiting this money, defendants must appear for pretrial hearings and trial. The most recent federal statistics show that financial conditions of release grew between 1990 and 2009. In 1990, 37% of pretrial releases were released with financial conditions, and that rate climbed to 61% in 2009. During the same period, the use of surety bonds more than doubled from 24% to 49%. More recent statistics show continued growth, with the credit rating agency A.M. Best reporting that nationally, the amount of bail bond premiums collected increased 11.1% from 2016 to 2023.<sup>1</sup>

Many Florida counties have bail bond schedules, with preset amounts based on the crimes committed. However, the judge has the ability to not use the schedule and set a higher amount if they think it is necessary to protect victims and the community or to help ensure the defendant will appear in court as scheduled.<sup>2</sup> If someone cannot pay the full bail amount, they may hire a bail bond agent who takes on the bail on behalf of the defendant. Unlike an individual who must pay the court the bail sum

<sup>1</sup> Some states have recently limited when financial conditions of release can be used. For example, New York prohibits financial conditions for most misdemeanor and nonviolent felony cases. Colorado prohibits financial conditions in most traffic and petty theft cases, unless the payment would result in a quicker release of the defendant. New Hampshire prohibits imposing financial conditions that result in detention solely because of inability to pay. In January 2023, Illinois was the first state to entirely eliminate financial conditions of release.

<sup>2</sup> The 2023 Legislature enacted Ch. [2023-27](#), *Laws of Florida*, which requires the Florida Supreme Court to develop a uniform statewide bond schedule by January 1, 2024. Chief judges in each of Florida's 20 judicial circuits will be free to increase bond amounts, but will have to seek Supreme Court approval to adopt a bond schedule that is lower than the statewide standard.

upfront, a bail bond agent takes on the bail as a debt that is paid to the court only if a defendant does not attend required court proceedings. For their services, bail bond agents require defendants to pay a premium payment of 10% of the bail amount. Bail bond agents gather information about a defendant such as their ties to and stability in the community and the severity of the crime to assess the risk of taking on the bail. In some cases, they may require additional collateral (e.g., a house or a car) in addition to the premium. After taking on the bail, bail bond agents monitor released defendants through means such as requiring check-ins either in person or via a software application, which can also remind defendants of court dates. If a defendant fails to appear in court, the bail bond agents have 60 days to locate the defendant. If the defendant is not returned to court within 60 days, the bail bond agent is legally responsible to pay the court the full bail amount.

The Florida Department of Financial Services licenses and regulates bail bond agents; as of April 2023, there were 1,991 bail bond agents and 163 temporary bail bond agents throughout the state.<sup>3,4</sup> The department is also responsible for investigating complaints filed against bail bond agents. Department staff reported that many of these complaints are for technical violations, such as violating sign placement and business hour requirements. County clerks are required to report bail bond agents to the department for failing to pay a bond when a client fails to appear in court. The clerk sends the department, the Office of Insurance Regulation, and the county sheriff copies of the judgement that the bond has not been paid. In 2022, there were 733 judgements of unpaid bail made against licensed bail bond agents and two license revocations.

**Pretrial release programs may provide an alternative to cash bail or bail bonds.** While bail bonds and bail bond agents provide one way to obtain pretrial release, another is participating in a local pretrial release program, if available. To remain in the program and 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 re-arrested, pretrial release programs can impose other varying levels of release conditions, including telephone check-ins, counseling, drug and alcohol testing, and electronic monitoring. A 2019 national study of pretrial release practices found that approximately 17 out of every 20 jurisdictions in the study had some mechanism to monitor people in the community while they were awaiting trial.<sup>5</sup> Florida law creates a presumption in favor of pretrial release on nonmonetary conditions for defendants granted release unless they are charged with a dangerous crime.<sup>6,7,8</sup>

Florida pretrial release programs are not statewide entities; instead, the programs are operated by local agencies such as sheriffs' offices, county and circuit courts, and boards of county commissioners. However, Florida statutes do provide guidance on what is considered a pretrial release program and

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<sup>3</sup> Requirements for bail bond agents are specified in Ch. 648, F. S. and r. 69B-221.001, F. A. C.

<sup>4</sup> As of July 2023, the Department of Financial Services may not issue a temporary bail bond agent license. An individual currently licensed as temporary bail bond agent may not be reinstated if their license expires or is terminated, suspended, or revoked.

<sup>5</sup> Pretrial Justice Institute. *Scan of Pretrial Practices 2019*. 2019. <https://www.pretrial.org/files/resources/scanofpretrialpractices.pdf>.

<sup>6</sup> Section 907.041(3)(a), F. S.

<sup>7</sup> Section 907.041(4)(a), F. S., defines "dangerous crime" as any of the following: arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years; sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; act of domestic violence as defined in s. 741.28, F. S.; home invasion robbery; act of terrorism as defined in s. 775.30, F. S.; manufacturing any substances in violation of Ch. 893, F. S.; attempting or conspiring to commit any such crime; and human trafficking.

<sup>8</sup> Pursuant to s. 907.041(3)(a), F. S., a defendant who is charged with a dangerous crime and released must be released on financial conditions if such conditions are necessary to assure their presence at proceedings, protect the community from risk of physical harm to persons, assure their presence at trial, or assure the integrity of the judicial process.

certain tasks programs must complete yearly. The Citizens' Right-to-Know Act, s. 907.043, *Florida Statutes*, defines a "pretrial release program" as an entity, public or private, that

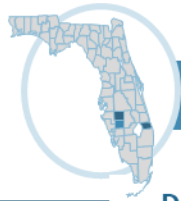
- conducts investigations of pretrial detainees;
- makes pretrial release recommendations to a court; and
- electronically monitors and supervises pretrial defendants.

Additionally, the act provides reporting requirements for pretrial release programs (pretrial programs) in Florida. Programs must prepare and update weekly registers displaying relevant information about defendants released into pretrial release. Further, each pretrial program must submit an annual report for the previous calendar year to the program's local governing body and to the clerk of the circuit court in the county where the pretrial program is located. Section 907.044, *Florida Statutes*, requires OPPAGA to conduct an annual study to evaluate the effectiveness and cost efficiency of pretrial 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. Additionally, OPPAGA collects pretrial programs' weekly registers from the clerk of the circuit court and annual reports from the programs to assess their compliance with statutory requirements.

The Association of Pretrial Professionals of Florida lists 34 local pretrial programs throughout the state. In some cases, these programs do not perform all of the activities outlined in statute and instead make a local determination about whether to participate in weekly and annual reporting requirements and respond to OPPAGA's annual survey. OPPAGA found that three new pretrial programs were created in 2022 in DeSoto, Hardee, and Martin counties. The DeSoto County program was created as a brand new program, the Hardee County program assumed operations from a private entity, and Martin County started its program after previously being a part of another county's program. Additional programs that serve released defendants in these jurisdictions may exist. (See Exhibit 2.)

## Exhibit 2

### Three Communities Created New Pretrial Programs in 2022



#### Three New Pretrial Programs Started in 2022

##### DeSoto

- **Administrative Placement:** DeSoto County Board of County Commissioners
- **Program Creation:** Multiple stakeholders including the sheriff's office, public defender's office, and judges were involved in creating the program. Based on neighboring counties, the county probation office started a pilot program in November 2021. In December 2022, the chief judge in the 12th Judicial Circuit signed an administrative order that established the program and set program rules. This administrative order launched the program from being a pilot to full program.

##### Hardee

- **Administrative Placement:** Hardee County Probation Office
- **Program Creation:** A private provider previously ran the pretrial release program. In 2022, the Hardee Board of County Commissioners charged the county probation office to run the program. The program was created to address and prevent prisoner overcrowding in the Hardee County Jail. They began serving clients in February 2022.

##### Martin

- **Administrative Placement:** Martin County Sheriff's Office
- **Program Creation:** The pretrial release program was previously operated by St. Lucie County. The Martin County Sheriff's Office started its own program in 2022 on behalf of the Martin County Board of County Commissioners. Within 13 weeks the program was created. Involving judges when taking over the program helped build a good rapport and has contributed to the growth in program size. Since its formation the program reported it has doubled in its size

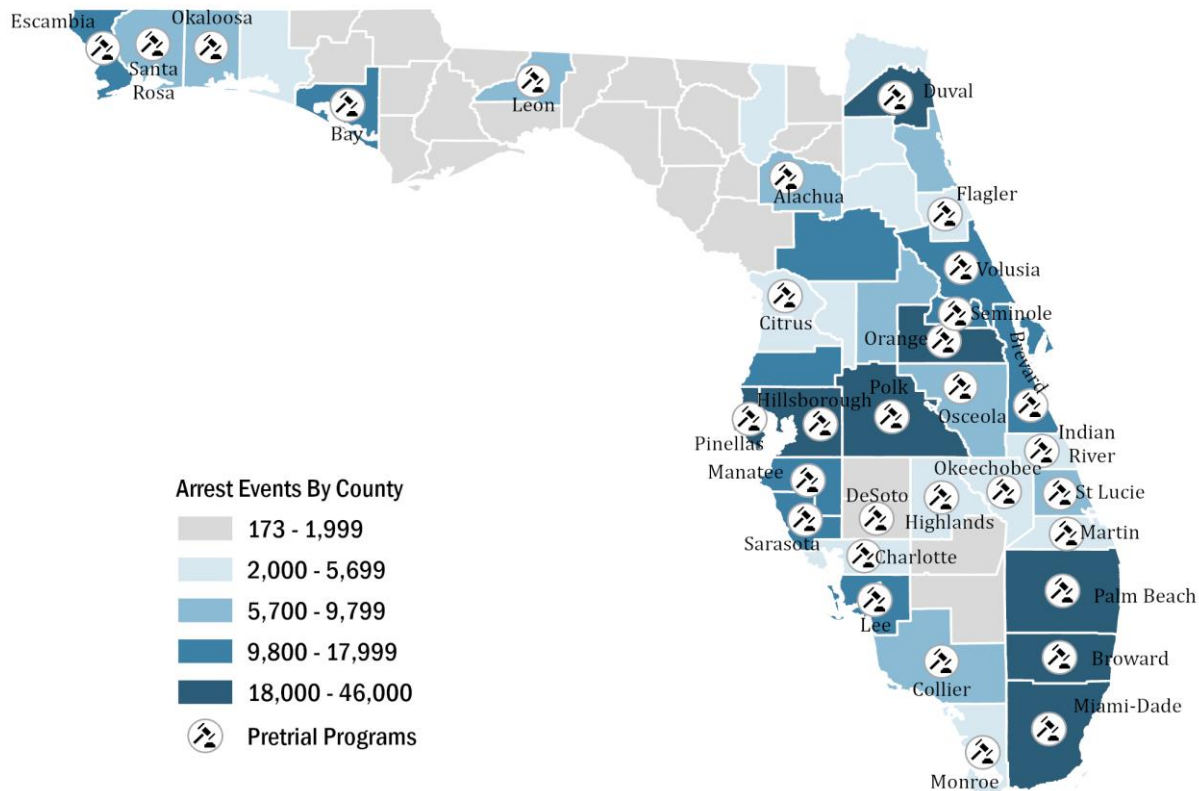
Source: OPPAGA interviews with pretrial programs.

For 2022, OPPAGA surveyed 30 programs located throughout the state; one program (Santa Rosa County) did not complete the survey. (See Exhibit 3.) Twenty-nine programs served a single county, but one served three counties—Indian River, Okeechobee, and St. Lucie. Thus, surveyed programs served 32 counties.<sup>9</sup> Counties served by surveyed programs have varying arrest populations. For example, all eight of the counties with the highest number of arrest events in 2022 (above 18,000) have pretrial programs, including Hillsborough, Miami-Dade, and Orange.) However, some counties with relatively few arrest events (between 2,000 and 5,700), such as Flagler, Highlands, and Okeechobee, also have pretrial programs. Of the 25 counties with fewer than 2,000 arrest events, only one, DeSoto, reported having a pretrial program.

<sup>9</sup> At the beginning of 2022, the St. Lucie pretrial program served Indian River, Martin, Okeechobee, and St. Lucie counties. In February 2022, the Martin County Sheriff's Office began operating its own pretrial program. Similarly, as of January 2023, the Indian River County Sheriff's Office began operating its own program.

### Exhibit 3

### Pretrial Programs Responding to OPPAGA's Survey Served 32 Counties With Arrest Populations of Varying Sizes



Note: One program serves St. Lucie, Okeechobee, and Indian River counties.

Source: OPPAGA analysis of Office of Economic and Demographic Research data.

**Recent legislation made changes to pretrial release.** The 2023 Legislature enacted Ch. 2023-27, *Laws of Florida*, which made several changes to pretrial detention and release. Taking effect in January 2024, these changes include limiting eligibility for pretrial release by making a presumption of detention for persons charged with dangerous crimes.<sup>10</sup> Before these changes, the courts had the discretion to release a person charged with a dangerous crime into a pretrial program with electronic monitoring on nonmonetary release. The legislation amends statute so that a person arrested for a dangerous crime may not be granted nonmonetary pretrial release at a first appearance hearing if the court has determined there is probable cause to believe the person has committed the offense. For certain other offenses, the legislation requires the Florida Supreme Court to annually adopt a minimum uniform statewide bond schedule for which a person may be released on bail before and in lieu of their first appearance hearing or bail hearing. Circuit chief judges retain the discretion to increase the monetary bond; however, they must petition the Supreme Court for approval of a local bond schedule that sets bond at a lower amount than the statewide schedule.

<sup>10</sup> Chapter 2023-27, *Laws of Florida*, defines dangerous crime as arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter, including DUI manslaughter and BUI manslaughter; sexual battery; robbery; carjacking; lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years; sexual activity with a child, who is 12 years of age or older but less than 18 years of age by or at solicitation of person in familiar or custodial authority; burglary of a dwelling; stalking and aggravated stalking; act of domestic violence as defined in s. 741.28, F. S.; home invasion robbery; act of terrorism as defined in s. 775.30, F. S.; manufacturing any substances in violation of chapter 893; attempting or conspiring to commit any such crime; human trafficking; trafficking in any controlled substance described in s. 893.135(1)(c)4, F. S.; extortion in violation of s. 836.05, F. S.; and written threats to kill in violation of s. 836.10, F. S.



The legislation also amended statute to require the court to consider the same factors used in determining bail when determining whether to impose nonmonetary conditions of pretrial release in addition to or in lieu of a monetary bond.<sup>11,12</sup> The legislation also authorizes the court to revoke pretrial release and order pretrial detention if a person on pretrial release violates any condition of pretrial release in a material respect. The statute previously allowed the court to revoke pretrial release and order pretrial detention if the court found probable cause to believe that a defendant committed a new crime while on pretrial release.

## FINDINGS

### Program Overview

#### *Pretrial release programs differ in structure and process due to local needs and preferences*

The pretrial programs that responded to OPPAGA's survey vary in several ways, such as program size and where they are administratively housed. (See Exhibit 4.) Due to these variations, pretrial release practices and procedures differ from program to program, varying in both structure and processes statewide. The variations in pretrial programs can be related to judicial administrative orders, which are issued by circuit chief judges to provide procedural and managerial direction of court affairs.<sup>13</sup> Judicial administrative orders related to pretrial programs may set eligibility criteria, which can result in differences between programs. For example, the St. Lucie County pretrial program has a judicial administrative order that specifies the use of criteria such as employment, community ties, criminal history, and mental condition to determine eligibility for pretrial release. Hillsborough County's program eligibility for pretrial GPS (Global Positioning System) monitoring requires that a defendant not be charged with a dangerous crime, be held with a total bond of \$5,000 or less, and be in jail for at least 48 hours. Programs also vary in the level of criminal charges the program accepts. All programs allow misdemeanor offenses, some programs allow felonies, and others also allow violent felonies. Administrative orders may also outline procedures for the pretrial program. For instance, the order for the Alachua County program requires pretrial staff to interview defendants prior to their first court appearance and provide the court with investigation summaries for each defendant.

Pretrial programs conduct a variety of activities, including screening potential participants, providing defendant information to the court, and supervising pretrial defendants. Screening activities can include pretrial staff reviewing defendant documents, searching for defendants in various data systems (e.g., the Florida Crime Information Center, National Crime Information Center, and Judicial Inquiry System, etc.), and interviewing defendants. Screening may also involve the use of a risk assessment tool. These tools gather information such as the nature of the current offense, parole or probation status, demographic information, substance use history, employment and education status,

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<sup>11</sup> Section [903.047, F.S.](#)

<sup>12</sup> The nonmonetary conditions include requiring a defendant to maintain employment, or, if unemployed, actively seek employment; maintain or commence an educational program; abide by specified restrictions on personal associations, place of residence, or travel; report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency; comply with a specified curfew; refrain from possessing a firearm, destructive device, or other dangerous weapon; refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription from a licensed medical practitioner; undergo available medical, psychological, psychiatric, mental health, or substance use evaluation and follow all recommendations, including treatment for drug or alcohol dependency, and remain in a specified institution, if required for that purpose; return to custody for specified hours following release for employment, school, or other limited purposes; and any other condition that is reasonably necessary to assure the appearance of the defendant at subsequent proceedings and to protect the community against unreasonable danger of harm.





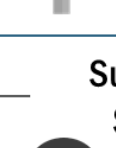

<sup>13</sup> Florida has 20 judicial circuits ranging in size from one county to seven counties. A chief judge is chosen from among the judges in each circuit to carry out administrative responsibilities for the trial courts in that circuit. Of Florida's 20 circuits, only the 3<sup>rd</sup> circuit (Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, and Taylor counties) does not have at least one pretrial program.

mental health history, and sex offender status. Some programs contact employment and other references to ensure that the information provided is correct.

For several programs, screening defendants and providing information to the judge are primary activities. For example, in Orange and Volusia counties, defendant screening makes up a large portion of program operations. These programs have a specific team dedicated to screening defendants and creating summaries provided to the judges at first appearance. While other programs (e.g., such as Collier and Martin counties) do not have specific teams dedicated to screening before first appearance, staff conduct screenings and supervise defendants on pretrial release. Judicial preferences guide how the pretrial program assessments are used in court. For example, some judges rely on the information more than others when making release decisions. Judges in four counties (Bay, Citrus, Flagler, and St. Lucie) make release decisions without the programs providing assessment information.

All 29 pretrial programs supervise defendants in some way. Some use multiple supervision services, such as telephonic check-ins, alcohol and drug tests, and curfew restrictions. Other programs use one supervision service only, such as electronic monitoring (Citrus) and telephone check-in (Miami-Dade). (See Appendix A for profiles of each program.)

**Exhibit 4**  
**Pretrial Programs Differ in a Variety of Ways**









-  **Administrative Locations**
-  **Staffing Numbers**
-  **County Populations**
-  **Jail Populations**
-  **Budgets**
-  **Funding Sources**

**Program Overview:** Pretrial staff size varied widely, with programs reporting staff sizes from 1 (Flagler) to 60 (Miami-Dade). County populations also differ among counties from over 34,000 residents (Desoto) to over 1.9 million (Broward). Further, the incarceration rate differed considerably, ranging from 1.2 per 1000 of the county population (Palm Beach) to 6.7 per 1000 of the county population (Bay). Programs that responded to OPPAGA’s survey reported receiving most funding from county revenue; whereas, other funding sources included federal and grant funds. Pretrial budgets ranged from \$21,057 (Desoto) to \$9 million statewide (Miami-Dade).

**Administrative Location:** Pretrial programs are administratively housed in various locations, with 13 located under the board of county commissioners, 7 within the sheriff’s office, 8 in the county or circuit court, and 1 in county corrections. Some programs are housed in offices that manage other county programs, such as specialty courts or probation; other pretrial programs are placed in offices solely dedicated to pretrial release.

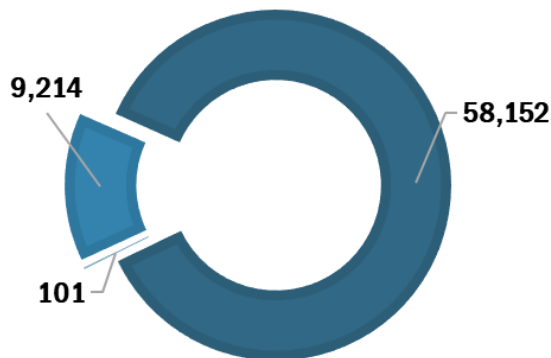
**Program Activities:** Pretrial programs conduct a variety of activities. OPPAGA’s survey found that 21 programs investigate pretrial detainees and 19 make pretrial release recommendations to the court. Many programs reported screening defendants for pretrial release in various ways, including document reviews, conducting interviews, and using a risk assessment tool. Most programs also reported providing a variety of supervision services. For example, 24 programs reported in-person check-ins, while 21 reported phone check-ins; 24 programs reported conducting drug screenings, while 20 programs reported using electronic monitoring; 19 programs reported monitoring curfew restrictions, 2 reported supervising substance abuse/mental health treatment, and 1 reported conducting home visits.

**Supervision Services**

 <b>Court Reminders</b>	 <b>Mandatory Check-ins (Phone)</b>	 <b>Mandatory Check-ins (In-Person)</b>	 <b>Curfew Restrictions</b>
 <b>Home Visits</b>	 <b>Drug and Alcohol Testing</b>	 <b>Substance Abuse/Mental Health Treatment</b>	 <b>Electronic GPS Monitoring</b>

**Defendants Served in 2022**

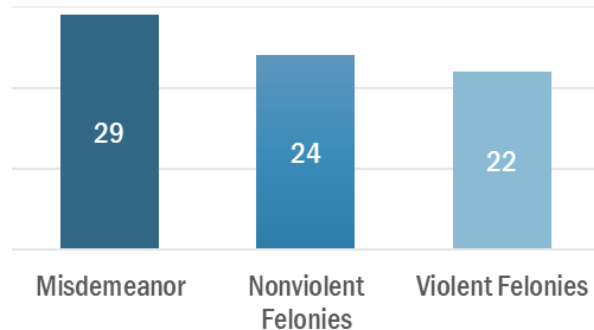
**67,467 Total Defendants Served**



Programs served 67,467 across the state. Programs varied in size, with the smallest (Citrus) serving 101 defendants and the largest (Broward) serving 9,214.

**Current Criminal Charges**

Defendants with different criminal charges are ordered into pretrial programs by judges.



Source: OPPAGA analysis of pretrial program survey results.

# Program Effectiveness

*National standards and state accreditation provide guidelines for pretrial program best practices; Florida programs vary in implementation of these guidelines*

National organizations such as the American Bar Association (ABA), National Institute of Corrections (NIC), and National Association of Pretrial Services Agencies (NAPSA) have recommended standards on pretrial release and pretrial programs.<sup>14,15,16</sup>

These best practices include the following.

- **Program Screening and Information Verification.** NAPSA 2020 standards recommend that pretrial programs collect and verify background and criminal history information on all bail-eligible defendants, assess the likelihood of future court appearance and arrest-free behavior while on pretrial release, and use information found during the background investigation to formulate appropriate bail recommendations. The majority of Florida pretrial programs responding to OPPAGA’s survey conduct screenings prior to a defendant’s first appearance hearing to provide information to the presiding judge. Nineteen programs reported making recommendations to the court regarding a defendant’s release. Of those programs, 12 reported that in all cases of nonmonetary release, pretrial staff certified to the court that they obtained and investigated or otherwise verified defendant information before releasing defendants on nonmonetary conditions under the supervision of pretrial release in 2022. Some programs reported an inability to verify all defendant information. For example, some programs reported being unable to contact references prior to first appearance.
- **Risk Assessment.** NAPSA best practices also guide pretrial programs to use validated pretrial risk assessments to make release recommendations that are appropriate to specified risk factors. Consistent with NAPSA best practices, most Florida programs use risk assessments to assist in screening defendants for release eligibility and risk of failure to appear. Programs reported using risk assessments to gather defendant information on substance use and mental health history, employment status, educational achievement, and criminal history. OPPAGA’s survey of Florida’s pretrial programs found that 18 of the 29 responding programs used risk assessment tools in over 111,000 defendant screenings in 2022, with 9 programs using a risk assessment in all interviews. Programs reported using 10 different types of risk assessment tools. The most commonly used risk assessment tools include the Florida Pretrial Misconduct Risk Assessment Instrument used by four programs and the Florida Risk Assessment Tool used by five programs.
- **Supervision.** The goal of pretrial supervision is to ensure court appearance and promote compliance with court-ordered conditions through targeted interventions such as telephone reporting and drug and alcohol testing. According to ABA 2007 standards and NAPSA 2020 standards, supervision should be individualized to a defendant’s assessed risk level.

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<sup>14</sup> American Bar Association. “ABA Standards for Criminal Justice, Pretrial Release, 3rd Edition”\_Accessed October 30, 2023. [https://www.americanbar.org/content/dam/aba/publications/criminal\\_justice\\_standards/pretrial\\_release.pdf](https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/pretrial_release.pdf)

<sup>15</sup> U.S. Department of Justice. National Institute for Corrections. *Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field, 2<sup>nd</sup> Edition*. Shaina Vanek, Robert M. Brown Jr., Holly Busby, Lori Eville. NCJ 033331. 2021. <https://s3.amazonaws.com/static.nic.gov/Library/033331.pdf>

<sup>16</sup> National Association of Pretrial Services Agencies. “Standards on Pretrial Release: Revised 2020.” Accessed October 31, 2023. <https://drive.google.com/file/d/1edS2bltwfNROieGeu1A6qKluTfzqop92/view>.

Additionally, defendants should be placed on the least restrictive conditions necessary to assure the defendant's future court appearance and arrest-free behavior. Conditions should not be used for punishment or rehabilitation.

Programs use several supervision activities to monitor compliance with court-ordered conditions. (See Appendix B, Exhibit B-2 for a literature review on pretrial program supervision services and Exhibit B-4 for a literature review on pretrial release program outcomes.) Judges have discretion regarding the imposition of conditions they may place on pretrial program participants based upon what best serves community safety and local supervision activities. One program offers electronic monitoring only while others offer many supervision options for judges to choose, including telephone reporting and substance use testing. One judge OPPAGA interviewed noted that pretrial programs provide added safety because individuals are required to routinely check in with the program.

In addition, to help facilitate court appearance, all Florida defendants have access to the free Florida Court Event Notification System.<sup>17</sup> The platform allows individuals to register with a phone number or email to receive reminders of the date, time, and location of upcoming court events. Reminders are sent 1, 7, and 14 days before the appearance date.

- **Financial Conditions.** ABA standards recommend releasing defendants with financial conditions only when no other conditions will ensure appearance and recommends that financial conditions not be used to respond to public safety concerns. Similarly, NAPSA best practices recommend not using financial conditions (such as bond) in conjunction with pretrial programs as a condition of release. However, most pretrial programs that responded to OPPAGA's survey reported that judges order defendants participating in pretrial programs to post bond in some cases. One program reported a judge may set a lower bond amount (compared to a defendant not on the program) knowing that the defendant will also be under the program's supervision. While defendants may be released to pretrial programs without posting bond, all 29 programs reported accepting both secured defendants who posted bond and nonsecured defendants who are not required to post bond. Seventeen programs reported the number of secured versus nonsecured defendants served in 2022. The percentage of nonsecured defendants varied significantly. For instance, Collier County reported that 100% of defendants were nonsecured, while Citrus County reported that 3% of defendants were nonsecured. The median percentage of nonsecured participants of the 17 programs was 60% of defendants.
- **Standardized Data Collection and Reporting.** National organizations emphasize the importance of standardizing data collection and data reporting of pretrial programs. NAPSA suggests pretrial programs use NIC recommended key metrics to gauge program success in meeting performance and outcome measures. These measures include outcome measures such as appearance rate, public safety rate, and success rate and performance measures such as screening, recommendation rate, and response to defendant conduct. The federal Bureau of Justice Statistics, through its National Pretrial Reporting Program, compiled information on felony defendants in state courts, with particular attention to pretrial release and detention. The bureau contracted with the Urban Institute to assess the feasibility of collecting data from pretrial programs; the institute recommended specific defendant case-level information that

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<sup>17</sup> The system was launched statewide in 2020 through collaboration between the Legislature and the Florida State Courts System, Florida Court Clerks and Comptrollers, and Clerks of Court Operations Corporation.

programs should collect to be able to calculate recommended aggregate outcome and performance measures.<sup>18,19</sup> In addition, the Urban Institute recommended that programs and court systems collect information regarding court and program processes; this information includes number of releases by the court, type of release, caseload ratio for pretrial programs, and time on pretrial supervision. (See Appendix B, Exhibit B-5 for a literature review on measurement best practices.)

While Florida's pretrial programs are statutorily required to annually report some information such as defendant characteristics and program operations, statutory requirements do not include these recommended metrics. Further, due to data issues, such as limited data collection practices and inadequate data systems, not all Florida programs would be able to provide such information. Current annual report requirements focus on detailed information on each defendant in the pretrial program. The recommended key measures focus less on each individual defendant and instead provide a description of program performance and outcomes.

The Florida Corrections Accreditation Commission (FCAC) also maintains standards for pretrial and probation agencies. These 79 standards describe various elements of pretrial programs, such as personnel practices, program organization, screening investigations, and participant release and supervision.<sup>20</sup> Of the 29 programs responding to OPPAGA's survey, the FCAC reports eight being accredited through FCAC and meeting those standards (Broward, Collier, Lee, Manatee, Orange, Seminole, St. Lucie, and Volusia counties). Pretrial programs must apply and meet the commission's standards in two years to become accredited. This can be achieved by creating policies and procedures and working with stakeholders, such as sheriffs and judges. At the end of the two-year period, there is a formal assessment to determine if the program is meeting the standards. Re-accreditation takes place every three years and requires a review of annual reports and documentation of compliance with the standards. The commission offers financial incentives to programs interested in accreditation and also collaborates with the Association of Pretrial Professionals of Florida (APPF) to host trainings for programs affiliated with APPF.

### *Successful pretrial program completions promote public safety and individual freedom*

While state law does not require pretrial programs to report outcome measures in annual reports, OPPAGA is tasked with evaluating program effectiveness and cost efficiency. To gather the necessary information to complete this evaluation, OPPAGA surveys programs regarding program operations, processes, and outcomes; via the survey, programs provide information on program activities, program participant characteristics, successful completion, compliance, and some cost efficiency information.

Successful pretrial program completion generally involves a defendant appearing at all court appearances, complying with court-ordered conditions, and avoiding re-arrest until the end of their court case. Most programs (24 of 29) reported successful completion rates of over 70%. The lowest successful completion rate was 60% (Broward County), while the highest was 95% (Charlotte, Duval and Martin counties). (See Appendix A for individual program completion rates.) Collectively, programs reported higher rates of successful completion in 2022, an 81% average, compared to a 76%

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<sup>18</sup> Three Florida agencies participated in the study: Duval, Orange, and Seminole.

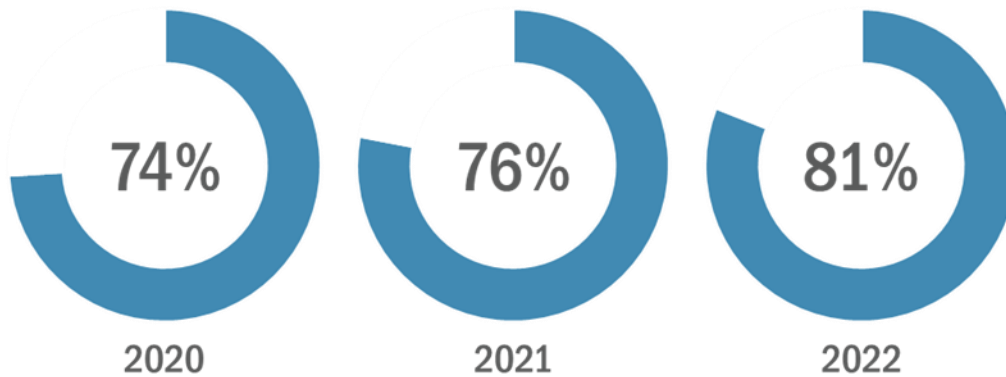
<sup>19</sup> The Urban Institute, *National Pretrial Reporting Program, Final Report*, Kim, KiDeuk et al. 250751. February 2019. <https://bjs.ojp.gov/library/publications/national-pretrial-reporting-program-final-report>

<sup>20</sup> The accreditation program started in 2007.

average in 2021 and a 74% average in 2020. (See Exhibit 5.) Successful completion rates suggest that pretrial programs release low-level defendants who appear at court, comply with court-ordered conditions, and avoid re-arrest, all of which promote public safety. Additionally, pretrial programs allow defendants to be released while awaiting trial, which promotes individual freedom.

#### Exhibit 5

#### Since 2020, Pretrial Programs Have Increased Successful Completion Rates



Source: OPPAGA analysis of 2022 program survey data; *County Pretrial Release Programs: Calendar Year 2021*, OPPAGA Report [22-09](#), December 2022; *County Pretrial Release Programs: Calendar Year 2020*, OPPAGA Report [21-11](#), December 2021.

Most programs do not have the data to compare nonsecured and secured participants. However, five pretrial programs provided OPPAGA information showing general trends in differences between these groups. For example, Highlands County noted that there is usually a higher successful completion rate with nonsecured participants than with secured participants. Leon County reported that out of 821 total defendants who failed to comply with the program, 67% were nonsecured defendants and 33% were secured defendants. The Monroe County program noted that in 2022, 87% of nonsecured participants had successful completions, while 77% of secured participants had successful completions. In Seminole County, nonsecured participants had a success rate of 90% while secured participants had a success rate of 85%. In contrast, the Orange County program showed no significant differences, with 89% successful completion for nonsecured participants and 86% successful completion for secured participants. While research exploring differences in characteristics between nonsecured and secured released defendants is scarce due to the difficulties of finding a suitable comparison group, these findings are consistent with a 2020 study of failure to appear rates among non-violent felony defendants in Orange County, California.<sup>21</sup> The authors found that individuals who received supervised release without bail were less likely to fail to appear than similar defendants who were released on cash bail.

#### *Most pretrial program participants are compliant with court-ordered conditions*

Pretrial program requirements aim to support the integrity of the judicial process and the safety of the community. Maximizing court appearance rates for released defendants is a key part of the mission of pretrial programs. Pretrial programs responding to OPPAGA's survey provided information on supervised defendants who failed to appear in court, with all programs reporting a

<sup>21</sup> Barno, Matt, et al. "Exploring Alternatives to Cash Bail: An Evaluation of Orange County's Pretrial Assessment and Release Supervision (PARS) Program." *American Journal of Criminal Justice*, 45 (2020): 363-378. <https://link.springer.com/article/10.1007/s12103-019-09506-3>.

9% or less failure-to-appear rate. The average failure-to-appear rate across the programs was 3.17%, with some programs reporting less than 1% failure to appear. (See Appendix A for individual program data.)

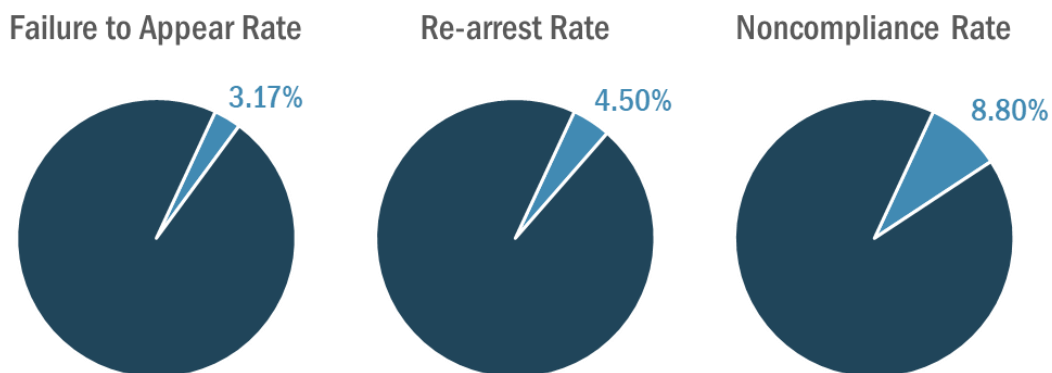
Another goal for pretrial programs is to help ensure public safety through reducing defendant re-arrests for new crimes. Twenty-seven of 29 pretrial programs reported that 3,128 of the total number of participants were arrested for a crime committed while in the program. The re-arrest rate varied across programs from 0% (Duval County) to 19% (Citrus County) of defendants being re-arrested with a mean re-arrest rate across the programs of 4.5%. (See Appendix A for individual program re-arrest rates.) Programs reported that the most common re-arrest charges included charges related to drug use, domestic violence, and traffic infractions (such as driving with a suspended license or DUI).

Most programs cannot report new arrests and the defendant’s original charge type because program data systems do not track this information. Twelve programs were able to provide the level of offense for the crime for which defendants were placed into the pretrial program for about a quarter (787) of defendants who were re-arrested. This limited data shows that prior to re-arrest, 35% of these participants had a misdemeanor charge and 65% had a felony charge.

In addition to requiring participants to appear in court and not be re-arrested before trial, the court can impose other release conditions, such as requiring check-ins with program staff, participating in mental health treatment, and submitting to drug and alcohol screening. During calendar year 2022, 24 pretrial programs reported that 5,848 defendants were noncompliant with program conditions, with a mean noncompliance rate across the programs of 8.8%. (See Exhibit 6.) Programs explained that the most common noncompliance infractions include not maintaining contact with the program or checking in when required and not completing required drug and alcohol tests or having a positive urinalysis.

#### Exhibit 6

#### Florida Pretrial Programs had Low Average Failure to Appear, Re-Arrest, and Noncompliance Rates in 2022



Source: OPPAGA analysis of program survey responses.

#### *Most programs recommend that the court revoke release for participants who violate court-ordered conditions*

Defendants’ behavior while in pretrial programs can result in the court revoking their release. Potential causes for revocation of release include failure to appear in court, noncompliance with program conditions, and arrest for a new crime. If the program participant falls into any of those categories, the program notifies the court and the judge decides whether to revoke the defendant’s



release. Instead of revoking a defendant's release, judges may keep them in the program. In OPPAGA's survey, 25 of 29 programs serving 62,035 defendants reported that the court revoked release for 2,143 (3.4%) participants for failing to appear in court. Twenty-six programs serving 59,842 defendants reported that the court revoked the release of 2,787 (4.7%) participants for committing a new offense.

Similar to other processes, differences in revocation practices can be impacted by administrative orders. For example, the administrative order for the Palm Beach program requires the program to apply for release to be revoked for violation of any condition of release. In contrast, an administrative order for the First Circuit Court, which includes the Escambia, Okaloosa, and Santa Rosa counties' programs, states that an infraction may result in the revocation of release. Additionally, programs' use of technology such as GPS or continuous alcohol monitoring may impact revocation rates since the constant monitoring of these tools results in almost immediate alerts of noncompliance, which can result in a timely sanction response.

## Cost Efficiency

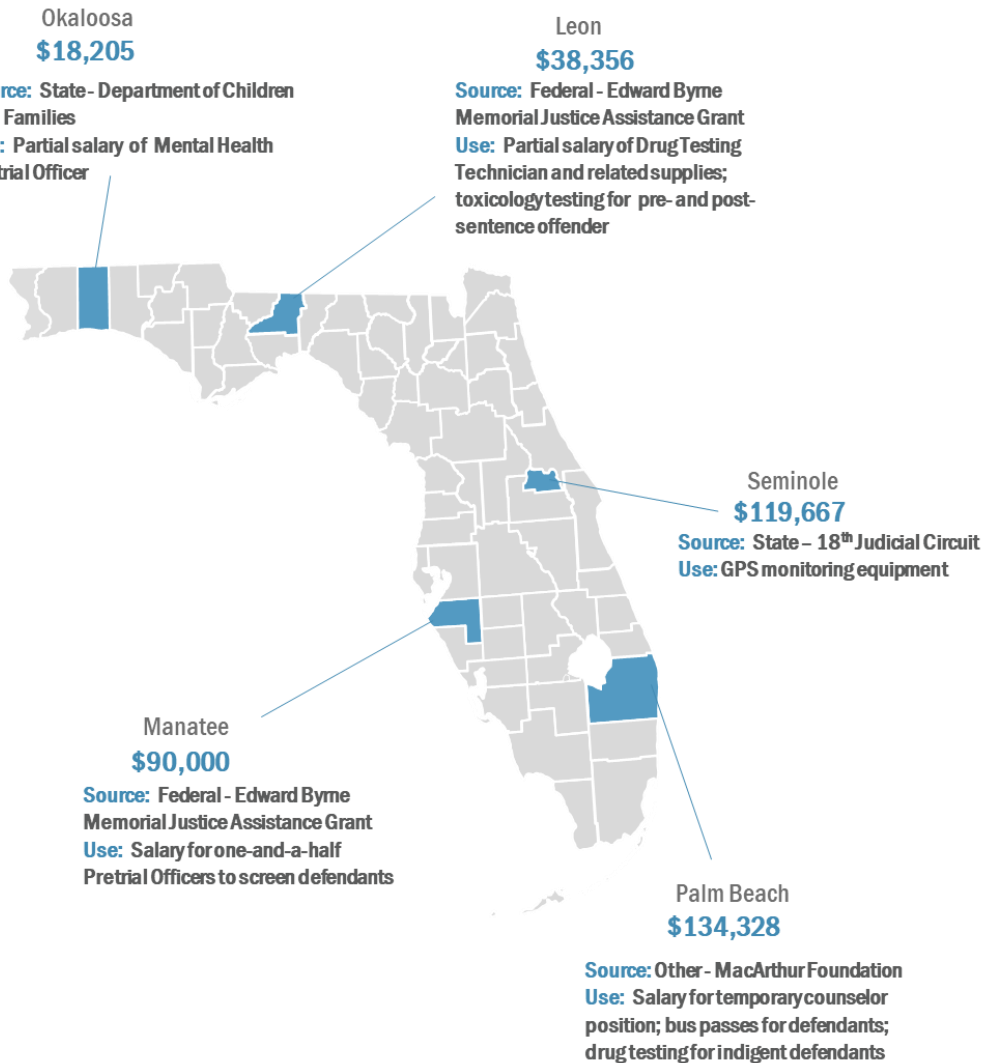
### *Programs received most funding from county revenue, with five programs receiving grant funds*

Florida's pretrial programs are primarily funded by county governments. In 2022, program budgets totaled over \$44.5 million, with county funds making up 97% of pretrial program budgets. Pretrial budgets ranged from \$21,057 in the DeSoto County program (to serve 414 participants) to \$9 million in Broward County (to serve 9,214 participants). Programs did not report receiving state general revenue.

Five programs reported receiving grant funds from various sources. These grant funds ranged from \$18,204 in Okaloosa County to \$134,328 in Palm Beach County. (See Exhibit 7.) Of the five pretrial programs that reported receiving grant funds, sources varied across programs. For example, two programs reported receiving federal funds from the Edward Byrne Memorial Justice Assistance Grant, while three pretrial programs received grants from other entities, including the MacArthur Foundation, the Department of Children and Families, and the State. Programs used these funds for various purposes, including personnel salaries, drug testing, drug testing supplies, and bus passes for defendants. For example, the Palm Beach County pretrial program used MacArthur Foundation grant funds for a temporary pretrial counselor position and drug testing for indigent defendants. The Leon County pretrial program used the Edward Byrne Memorial Justice Assistance Grant to partially fund a drug testing technician position and drug testing supplies.

## Exhibit 7

### Five Pretrial Programs Reported Receiving Grant Funding in Calendar Year 2022



Source: OPPAGA analysis of pretrial program survey responses.

*Only five programs assess fees for defendants to participate in pretrial release; however, many programs charge fees for services*

Eighteen pretrial programs reported charging defendants fees in addition to receiving county and grant funds. For example, five programs require defendants to pay participation fees ranging from \$8 per day in Citrus County and \$10 per week in Brevard and Palm Beach counties to \$40 per month in Leon County. Additionally, several pretrial programs reported charging defendants per drug screening. For instance, Charlotte County reported charging defendants \$5 per drug test, while Osceola County reported charging defendants \$20 per drug test. Many pretrial programs reported charging defendants for other services, such as alcohol use screening or electronic monitoring.

Programs remitted the fees collected to vendors providing the service or to program or general county revenue funds. For example, nine pretrial programs reported that defendants' fees were remitted to vendors for GPS or electronic monitoring, while three programs reported that defendants' payments were remitted to vendors for drug screenings. Eleven programs reported that defendant fees were directed to program or general county revenues. Most programs reported that a defendant's inability

to pay fees does not preclude participation or prematurely end participation in the pretrial program. Of these programs, three reported waiving defendants' fees through a judicial order. However, Orange County reported removing defendants who are unable to pay the associated vendor fee from automated telephone reporting services. Instead, the program allows defendants to report to their supervising officer in person, minimizing the cost burden on defendants. (See Appendix C for fees charged to defendants for services.)

### *Limited information is available on the cost-effectiveness of Florida's pretrial programs*

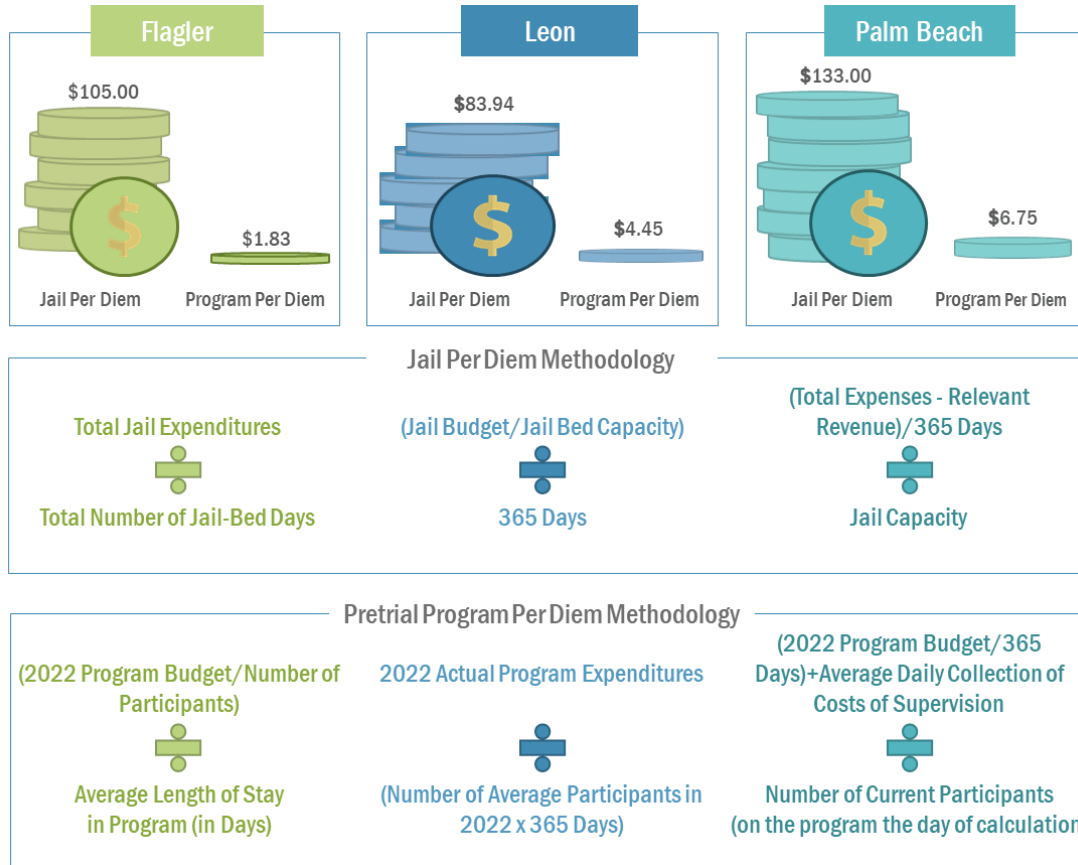
A potential benefit of providing pretrial release to the accused is avoiding a wide variety of costs to defendants and the broader impacts resulting from incarceration such as participants' loss of income, housing, and other property and inability to support their families. Other potential implications of incarceration include damaged reputations and disruptions to family life. Recent research indicates that the impacts of detention to defendants should be weighed against the risks of pretrial release failure, such as reduced public safety and increased justice system-related impacts.

OPPAGA reviewed literature on the cost efficiency of pretrial programs. (See Appendix B, Exhibit B-3.) Literature supports the overall positive outcomes of pretrial programs on cost efficiency. For example, one study found that the average cost of pretrial release was significantly lower than the average cost of detention. Specifically, researchers analyzed felony arrest cases between 1990 and 2006 and estimates of costs associated with defendants and the judicial system and found that the cost of pretrial release averaged \$19,500 per defendant while detention averaged \$40,300 per defendant.

OPPAGA found that determining cost efficiency can be difficult due to varying factors among pretrial programs. Specifically, there are variations in programs' processes, services provided, and number of staff positions. Programs that do not screen defendants or make recommendations require fewer staff and resources than programs in which staff conduct interviews, utilize assessment tools, and verify information. For example, Volusia County reported that screening and interviewing defendants account for approximately 30% of their program's budget.

Pretrial programs provided OPPAGA with limited information on cost efficiency. OPPAGA's survey requested that programs report average cost per day for pretrial program participants and jail inmates. OPPAGA also requested program and jail per diem methodologies from three counties (Flagler, Leon, and Palm Beach) geographically located across the state; these counties varied in population. Of these counties, variation in methodology made direct comparison of cost efficiency difficult. While the calculations for each are different, the data shows pretrial programs are more cost efficient than incarceration. (See Exhibit 8.)

**Exhibit 8**  
**Pretrial Program and Jail Per Diem Comparison**



Source: OPPAGA analysis of pretrial programs' and county jails' per diem data.

## Statutory Requirements

### *Statute requires pretrial programs to submit weekly registers and annual reports*

Florida statutes require pretrial programs to submit weekly registers displaying information relevant to program defendants' release and annual reports providing an overview of program operations and defendants served. (See Exhibit 9.) The Citizens' Right-to-Know Act requires each pretrial program to prepare a register containing descriptive information that must be updated weekly.<sup>22</sup> A copy of the register must be located at the office of the clerk of court in the county where the program is located and must be readily accessible to the public. The statute requires weekly registries to contain 11 items. Additionally, by March 31 every year, each program must submit a 15-item annual report covering the previous calendar year to the local governing body, such as the board of county commissioners, as well as the clerk of court's office in the program's county.

OPPAGA assessed the programs' compliance with these statutory requirements and found that programs generally complied. For instance, OPPAGA verified that 29 programs maintained the required weekly registers and 24 programs sent the registers to the clerk of court. Additionally, 29 programs produced an annual report in 2022. However, OPPAGA's analysis found that 26 pretrial programs did not report all required data, though in some cases certain elements did not apply to the program.

<sup>22</sup> Section [907.043\(3\)](#), F. S.

## Exhibit 9

### Florida Statutes Require Pretrial Release Programs to Produce Weekly Registers and Annual Reports

#### Weekly Register Requirements

1. The name, location, and funding source of the pretrial release program.
2. The number of defendants assessed and interviewed for pretrial release.
3. The number of indigent defendants assessed and interviewed for pretrial release.
4. The names and number of defendants accepted into the pretrial release program.
5. The names and number of indigent defendants accepted into the pretrial release program.
6. The charges filed against and the case numbers of defendants accepted into the pretrial release program.
7. The nature of any prior criminal conviction of a defendant accepted into the pretrial release program.
8. The court appearances required of defendants accepted into the pretrial release program.
9. The date of each defendant's failure to appear for a scheduled court appearance.
10. The number of warrants, if any, which have been issued for a defendant's arrest for failing to appear at a scheduled court appearance.
11. The 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.

#### Annual Report Requirements

1. The name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program.
2. The operating and capital budget of each pretrial release program receiving public funds.
- 3a. The percentage of the pretrial release program's total budget representing receipt of public funds.
- 3b. The percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program.
- 3c. The amount of fees paid by defendants to the pretrial release program.
4. The number of persons employed by the pretrial release program.
5. The number of defendants assessed and interviewed for pretrial release.
6. The number of defendants recommended for pretrial release.
7. The number of defendants for whom the pretrial release program recommended against nonsecured release.
8. The number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release.
9. The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court.
10. The number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond.
11. The 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.
12. The 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, Florida Statutes](#); nonviolent felonies; or misdemeanors only.
13. The number of defendants accepted into a pretrial release program with no prior criminal conviction.
14. The 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.
  - c. Was arrested for any offense while on release through the pretrial release program.
15. Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program.

Source: Section [907.043, F.S.](#)

### *Most county clerks received weekly registers and annual reports from their pretrial programs*

Statute requires pretrial programs to send the annual report and weekly registers to the clerk of the circuit court in the county where the pretrial program is located. To assess pretrial programs' compliance with reporting requirements for each county with a pretrial program, OPPAGA contacted the county's clerk of court to verify receipt of annual reports and weekly registers. Of the 30 counties contacted, 28 responded to OPPAGA's request for information.<sup>23</sup> OPPAGA did not receive a response from Manatee or Miami-Dade counties' clerks. Twenty-one of the 28 clerks reported receiving pretrial program annual reports.<sup>24</sup> Twenty-four of 28 clerks reported receiving a weekly register from pretrial programs.<sup>25</sup>

Of the 24 clerks who reported receiving weekly registers, 75% reported receiving the registers each week, with 17 receiving the registers electronically or by email. The other clerks reported different frequencies of receipt such as bi-weekly or monthly or that receipt of the weekly registers varies. Additionally, of the clerks who responded to the question about where and when weekly registers were available for public access, seven county clerks reported that the registers were available online; eight county clerks reported that registers were available on an internal or shared drive, five county clerks reported that registers were available in the office, and three reported they were available both in the office and online.

Some county clerks reported that the weekly registers have not been requested in recent years. For example, the Seminole County Clerk noted that weekly registers have not been requested for viewing in the last five years. Similarly, Collier and Polk counties' clerks reported that residents have not requested or reviewed the registers. Further, Polk County stopped posting the register online and instead keeps it accessible offline due it not being regularly used.

### *Program compliance with weekly register reporting requirements varied across elements*

To assess pretrial programs' compliance with statutorily required reporting requirements, OPPAGA analyzed a sample of two weeks of pretrial programs' 2022 weekly registers to determine if the registers contain all of the statutorily required elements.<sup>26</sup> OPPAGA received at least one weekly register from 29 programs.<sup>27</sup>

OPPAGA found that not all programs reported all required information. (See Exhibit 10.) Almost all programs reported the names and numbers of defendants accepted into the program. However, some programs did not provide certain required elements. For example, OPPAGA's review of the second set of weekly registers found that 13 programs did not provide the number of indigent defendants assessed and interviewed for pretrial release, and eight programs did not provide the number or type of noncompliance infractions committed by defendants or whether the program recommended that the court revoke the release. Many programs do not make revocation recommendations to the court, so the programs do not report this information.

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<sup>23</sup> Indian River and Okeechobee counties are both served by the St. Lucie pretrial program. OPPAGA contacted each county clerk in Indian River and Okeechobee counties and both reported they did not receive an annual report or weekly register; however, since their information is included in St. Lucie's report to the St. Lucie County Clerk of Court, these counties are not included in the counts.

<sup>24</sup> The clerks in Brevard, Broward, Citrus, Duval, and Monroe counties reported not receiving annual reports.

<sup>25</sup> The clerks in Broward, Duval, and Leon counties reported not receiving weekly registers. The Leon County pretrial program noted that they have an automated registry which is available through the help center computers in the clerk's office.

<sup>26</sup> OPPAGA requested that the court clerks provide weekly registers from the weeks of May 1, 2022, and October 29, 2022, and analyzed the registers' content. If the court clerk did not have a weekly register, OPPAGA requested it from the programs.

<sup>27</sup> Brevard County Clerk website was missing the register for the first week requested by OPPAGA.

**Exhibit 10**

**Number of Pretrial Programs and Statute Requirements for Weekly Registers**

	Sample Week #1		Sample Week #2	
	Reporting	Not Reporting	Reporting	Not Reporting
Name, location, and funding source of the pretrial release program.	16	12	16	13
Number of defendants assessed and interviewed for pretrial release.	19	9	20	9
Number of indigent defendants assessed and interviewed for pretrial release.	16	12	16	13
Names and number of defendants accepted into the pretrial release program	28		29	
Names and number of indigent defendants accepted into the pretrial release program.	26	2	27	2
Charges filed against and the case numbers of defendants accepted into the pretrial release program.	26	2	28	1
Nature of any prior criminal conviction of a defendant accepted into the pretrial release program	21	7	22	7
Court appearances required of defendants accept into the pretrial release program.	25	3	26	3
Date of each defendant’s failure to appear for a schedule court appearance.	18	10	19	10
Number of warrants, if any, which have been issued for a defendant’s arrest for failing to appear at a schedule court appearance.	21	7	22	7
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	7	21	8

Note: Brevard County Clerk of the Court website was missing the register for week 1.  
 Source: OPPAGA analysis of pretrial program weekly registers for two weeks in 2022.

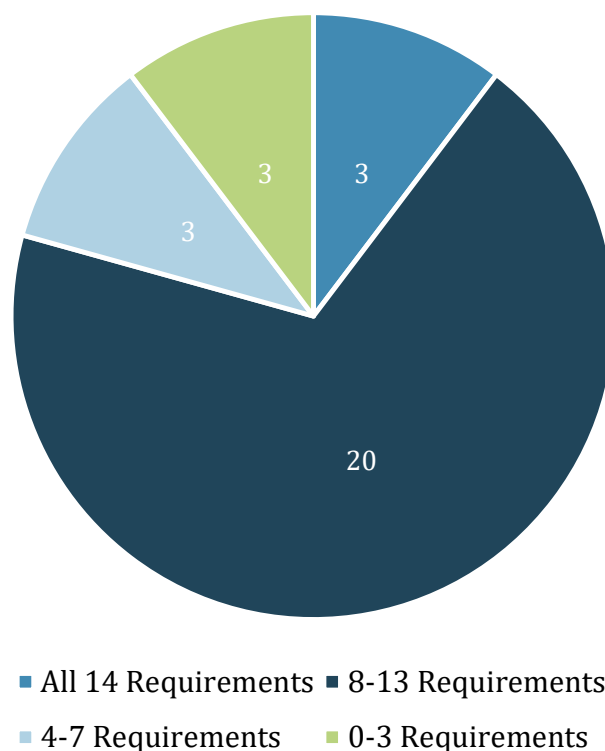
### *Most pretrial programs' annual reports did not include all statutory requirements*

OPPAGA also analyzed the 2022 annual reports of 29 pretrial programs to determine if the reports contained the statutorily required elements. Compliance ranged from three programs (Osceola, St. Lucie, and Volusia counties) fulfilling all 14 requirements to three programs (Bay, Brevard, and Pinellas counties) fulfilling four or fewer requirements. (See Exhibit 11.)

Of the 29 programs, 20 reported most elements required by statute and three reported all of the requirements. Most programs reported information related to program administration and budget. For example, 27 reported program operating and capital budgets, including public funds, while 27 provided the number of persons employed by the program. Additionally, 23 programs provided the percentage of the total budgets representing receipt of public funds, and the amount of fees received from defendants. (See Exhibit 12.)

OPPAGA's examination of annual reports found that many were missing detailed information related to defendants. Criminal charge information of the defendant was missing in many of the annual reports; 23 programs did not list the specific statutory citation for each criminal charge related to a defendant that was accepted into the program. One program that reported the criminal history of defendants specified that due to federal law that prohibits the reporting of national criminal history information to the public, the programs only report state criminal history.<sup>28,29</sup> For example, eight programs did not provide the number of defendants who the program recommended against nonsecured release, which could be because 10 programs reported that the program does not recommend release to the courts.

**Exhibit 11**  
**Pretrial Programs Varied in the Number of Statutory Requirements Included in Annual Report**



Source: OPPAGA analysis of 29 pretrial programs' 2022 annual reports.

<sup>28</sup> [28 C.F.R. § 20.33](#)(1999)

<sup>29</sup> As discussed in [OPPAGA Report 11-27](#), the Florida Department of Law Enforcement determined that s. [907.043, F.S.](#), does not and cannot authorize or permit reporting national criminal history information to the public. Doing so could lead the Federal Bureau of Investigation to limit or deny access to Florida criminal justice agencies (including all law enforcement and public safety entities in the state) national criminal history information if it is released in violation of federal restriction.



## Exhibit 12

### Number of Pretrial Programs and Statute Requirements for Annual Report

	Reporting	Not Reporting
The 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
The number of persons employed by the pretrial release program.	27	2
The operating and capital budget of each pretrial release program receiving public funds.	27	2
The number of defendants recommended for pretrial release.	24	5
The percentage of the program's total budget representing receipt of public funds, total budget allocated to assist defendants obtain release through nonpublicly funded program, and amount of fees paid by defendants to the program.	23	6
The number of defendants assessed and interviewed for pretrial release.	23	6
The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court.	22	7
The name and case number of each person granted nonsecured release who failed to attend a scheduled court appearance, was issued a warrant for failing to appear and was arrested for any offense while on release through the pretrial release program.	22	7
The number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release.	21	8
The number of defendants for whom the pretrial release program recommended against nonsecured release.	21	8
The number of defendants accepted into a pretrial release program with no prior criminal conviction.	16	13
The 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.	15	14
The number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond.	15	14
The 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; nonviolent felonies; or misdemeanors only.	6	23

Source: OPPAGA

# RECOMMENDATIONS

OPPAGA has previously recommended that the Legislature consider statutory changes to improve data accuracy and uniformity and streamline pretrial program reporting requirements. (See Exhibit 13.)

## Exhibit 13

### Recommendations from OPPAGA's Prior Pretrial Release Reports

#### Recommendation

**Revise statutory definition of pretrial release program.** If the Legislature wishes for all pretrial programs to maintain weekly registers and produce annual reports, it could consider revising the statutory definition of a pretrial release program in the Citizens' Right to Know Act to read "Pretrial release program' means an entity, public or private, that supervises or electronically monitors defendants who are release pretrial." This would prevent those programs that do not conduct all three activities required in the current definition (i.e., investigating pretrial detainees, making pretrial release recommendations to the court, and electronically monitoring and supervising pretrial defendants) from being exempt from providing information because the law does not specifically apply to such programs.

**Modify criminal history requirements.** The statute requires programs to disclose to the public the nature of any prior criminal conviction of a defendant accepted into their program. Due to federal requirements, programs are limited as to what they can provide. To address this issue, the Legislature could consider removing the requirement that programs display specific criminal histories of defendants in their weekly registers and instead require programs to provide an aggregate summary of criminal convictions. For example, the programs could provide in the annual report the total number of defendants who have convictions for prior violent felonies.

**Revise reporting requirements.** The information that programs are required to maintain in their weekly registers is not consistent with the information they must report in their annual reports. Similarly, the information in the annual report that they must submit to OPPAGA is not consistent with the information that OPPAGA is required to provide in its annual evaluation of the programs. Due to these inconsistencies, OPPAGA must request additional information from the program each year. The Legislature could consider revising the statutes to make programs' weekly and annual requirements and OPPAGA's requirements directly correlate.

Source: OPPAGA analysis of legislative recommendations in *Pretrial Release Programs' Data Collection Methods and Requirements Could Improve*, OPPAGA Report [10-66](#), December 2010.

**Modify annual report requirements to reflect best practices.** Consistent with OPPAGA's previous recommendations, the Legislature could consider additional statutory modifications to update the annual report requirements to reflect best practices. This could be achieved by adding outcome, performance, and operational measures that diverse programs can use to assess and report progress in ensuring defendants' court appearance and maintaining public safety.

- *Outcome measures* such as release rates (number of defendants who secure release before their case is disposed) rates of court appearance, public safety (new arrest) rates, and program completion success rates
- *Performance measures* such as screening (percentage of defendants eligible for release by statute or local court rule that the program assesses for release eligibility), recommendation rates, and response to defendant conduct rates (frequency of program responses to compliance and noncompliance with court-ordered release conditions)
- *Operational measures* such as each court reporting the number of defendants released by the court, type of release (e.g., personal recognizance, pretrial release program, cash or surety bond) and required release conditions; programs could also calculate caseload ratio (number of defendants divided by number of pretrial supervision staff) and average time on pretrial supervision

**Standardize public access to weekly registers.** The Legislature could also consider standardizing public access to weekly registers. The Citizen’s Right to Know Act requires programs to produce weekly registers displaying relevant defendant information. Programs have various mechanisms to make this information available to the public, with some providing them electronically and other making them accessible in the office.

One method of providing access to weekly registers in a more standardized manner could be to require the clerks of courts to list on the clerk’s website the pretrial program’s contact information (email and phone number), which citizens can use to request the report. When OPPAGA requested the weekly registers from the clerks, there was some confusion about what was being requested, and some clerks noted that the reports had not been requested recently. By providing the program contact information online, citizens could easily identify who to contact to request the report.

# APPENDIX A

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## Pretrial Program Profiles

The following profiles provide the administrative location, program staffing, county population, jail population, and 2022 budget and funding source information for each of the 29 pretrial programs responding to OPPAGA's survey. The profiles also provide a narrative overview of program processes including the number of defendants served in 2022, the types of criminal charges the program accepts, if the program charges participation fees, and a description of program activities. Program activities generally consist of mandatory check-ins (phone or in-person), curfew restrictions, drug and alcohol testing, home visits, substance use or mental health treatment, and electronic GPS monitoring. Some programs reported using particular testing procedures such as Urine Ethyl Glucuronide (EtG) testing and Secure Continuous Remote Alcohol Monitor (SCRAM) ankle bracelets. Lastly, the profiles give an overview of the average time a defendant is in the program for a successful completion, participant noncompliance, the program's appearance rate, re-arrest rate, and the number of successful and unsuccessful exits from the program. Some programs were not able to provide all of the information (e.g., some programs do not calculate average time in program); thus, such information is not included on their profile.

# Alachua Pretrial Release Program-2022



	<b>Administrative Location:</b> Alachua County Board of County Commissioners <b>Program Staff:</b> 18
	<b>County Population:</b> 285,423 <b>Jail population:</b> 809
	<b>Budget:</b> \$1.9 million <b>Source:</b> Alachua County General

**Defendants Served:** In 2022, the Alachua pretrial release program served **1,093 total defendants**. Of those defendants, 703 were accepted into pretrial release in 2022, while 390 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes release recommendations to the court, and supervises participants. The program also administers the validated Florida Risk Assessment tool to investigate pretrial detainees before the first appearance hearing to provide recommendations to the court. Pretrial staff conducts defendant interviews before the first appearance hearings, except for those with new arrests for out-of-county warrants and those whose mental health or intoxication levels do not allow for an interview.

## Supervision Services



**Mandatory Check-Ins**  
(Phone or In-Person)



**Curfew**  
Restrictions



**Drug and Alcohol**  
Testing

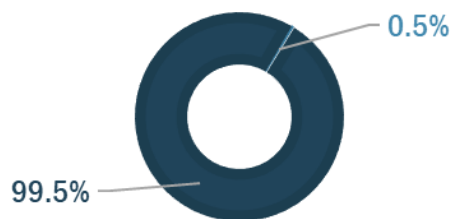


**Electronic and**  
Transdermal Alcohol  
Detector Monitoring

## Pretrial Release Outcomes

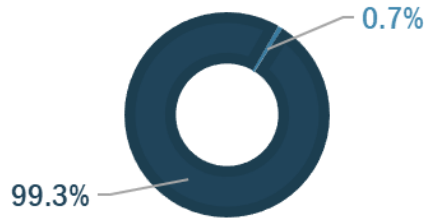
0 participants were non-compliant with program conditions other than failure to appear or new arrest.

APPEARANCE RATE



■ Failure to Appear ■ Court Appearance

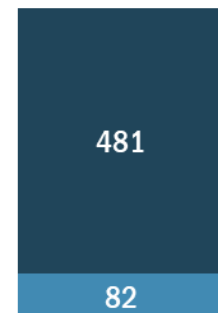
RE-ARREST RATE



■ Arrested ■ Not Arrested

## PROGRAM EXITS

■ Successful Exits  
■ Unsuccessful Exits



AVERAGE TIME TO SUCCESSFUL PROGRAM COMPLETION: **6 MONTHS**

# Bay Pretrial Release Program-2022



	<b>Administrative Location:</b> Bay County Court <b>Program Staffing:</b> 2
	<b>County Population:</b> 179,712 <b>Jail population:</b> 1,205
	<b>Budget:</b> \$88,465 <b>Funding Source:</b> Bay County Board of County Commissioners

**Defendants Served:** In 2022, the Bay pretrial release program served **1,934 total defendants**. Of those defendants, 1,480 were accepted into pretrial release in 2022, while 454 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program supervises participants but does not conduct defendant screenings or provide recommendations to the court. Judges provide pretrial release determinations at the first appearance hearings. Defendants ordered to pretrial release must report to pretrial staff for intake. Defendants required to do drug testing as a condition of release must pay a fee of \$45. However, the defendant receives a \$20 refund if the test results come back clear.

## Supervision Services



**Mandatory Check-Ins**  
(Phone or In-Person)

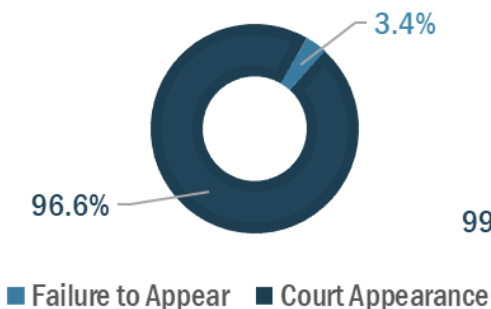


**Drug and Alcohol Testing**

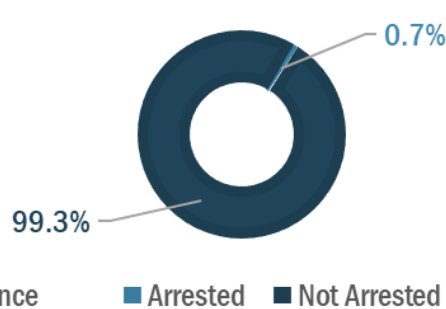
## Pretrial Release Outcomes

**190 participants were noncompliant with program conditions other than failure to appear or new arrest.**

**APPEARANCE RATE**

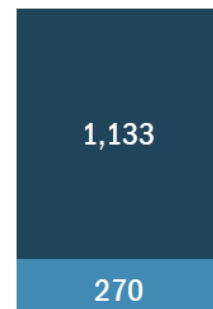


**RE-ARRESTS**



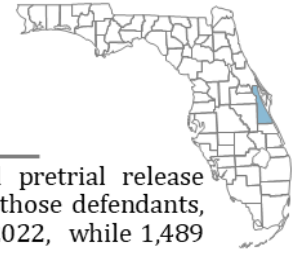
## PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits



**AVERAGE TIME TO SUCCESSFUL PROGRAM COMPLETION: 4 MONTHS**

# Brevard Pretrial Release Program-2022



	<b>Administrative Location:</b> Brevard County Board of County Commissioners <b>Program Staffing:</b> 7
	<b>County Population:</b> 619,443 <b>Jail population:</b> 1,469
	<b>Budget:</b> \$124,000 <b>Funding Source:</b> Brevard County Funds

**Defendants Served:** In 2022, the Brevard pretrial release program served **3,446 total defendants**. Of those defendants, 1,957 were accepted into pretrial release in 2022, while 1,489 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. Pretrial staff conduct defendant interviews prior to the first appearance. Screening packets with defendant information are provided to the prosecutor and defense attorney. While the judge makes final release decisions, the prosecutor or defense attorney can make release recommendations to the judge at the first appearance hearings. Defendants may be released prior to their initial hearing if they meet program-specific criteria. Defendants ordered to ordered to community supervision (a heightened level of pretrial release) must pay a fee of \$10 per week for community supervision.

## Supervision Services



**Mandatory Check-ins**  
(Phone or In-Person)



**Curfew**  
**Restrictions**



**Drug and**  
**Alcohol Testing**

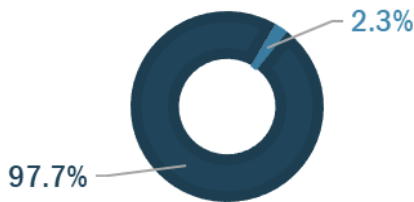


**Community**  
**Supervision**

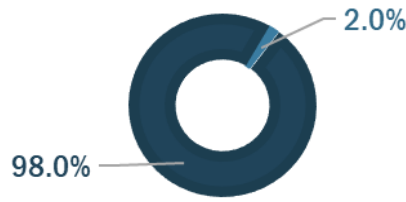
## Pretrial Release Outcomes

112 participants were noncompliant with program conditions other than failure to appear or new arrest.

### APPEARANCE RATE



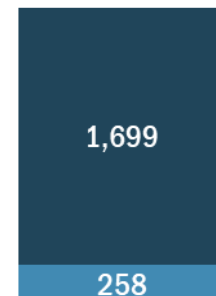
### RE-ARREST RATE



■ Failure to Appear ■ Court Appearance ■ Arrested ■ Not Arrested

### PROGRAM EXITS

■ Successful Exits  
■ Unsuccessful Exits



**AVERAGE TIME TO SUCCESSFUL COMPLETION 6 MONTHS**

# Broward Pretrial Release Program-2022



	<p><b>Administrative Location:</b> Broward County Sheriff's Office</p> <p><b>Program Staffing:</b> 57</p>
	<p><b>County Population:</b> 1.9 million</p> <p><b>Jail population:</b> 3,561</p>
	<p><b>Budget:</b> \$9 million</p> <p><b>Funding Source:</b> Broward County Board of County Commissioners</p>

**Defendants Served:** In 2022, the Broward pretrial release program served **9,214 total defendants**. Of those defendants, 5,304 were accepted into pretrial release in 2022, while 3,910 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through defendant interviews and document reviews, makes recommendations to the court, and supervises participants. The program also administers a risk assessment to assist the court in determining the assignment of pretrial release or detention.

## Supervision Services



**Mandatory Check-ins (In-Person)**



**Curfew Restrictions**



**Drug and Alcohol Testing**

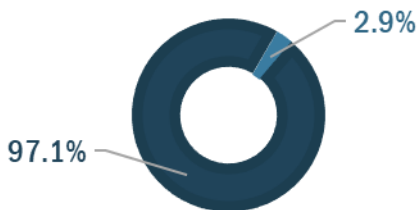


**Electronic GPS Monitoring**

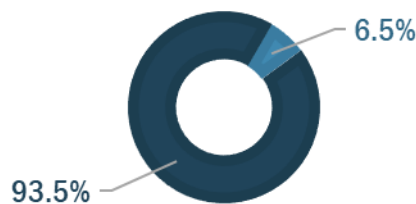
## Pretrial Release Outcomes

**1,861** participants were noncompliant with program conditions other than failure to appear or new arrest.

### APPEARANCE RATE

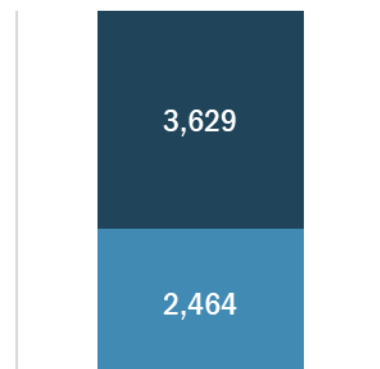


### RE-ARREST RATE



### PROGRAM EXITS

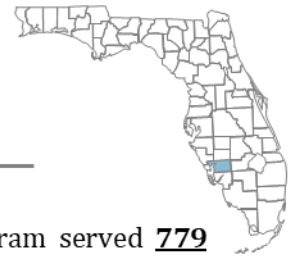
- Successful Exits
- Unsuccessful Exits






■ Failure to Appear ■ Court Appearance ■ Arrested ■ Not Arrested



# Charlotte Pretrial Release Program-2022







	<b>Administrative Location:</b> 20 <sup>th</sup> Judicial Circuit Court <b>Program Staffing:</b> 11
	<b>County Population:</b> 192,113 <b>Jail population:</b> 556
	<b>Budget:</b> \$698,958 <b>Funding Source:</b> Charlotte County Board of Commissioners

**Defendants Served:** In 2022, the program served **779 total defendants**. Of those defendants, 620 were accepted into pretrial release in 2022, while 159 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. The program administers the Florida Risk Assessment Tool to investigate pretrial detainees before the first appearance hearing to inform the court's release decision. The program also manages the county specialty courts.

## Supervision Services

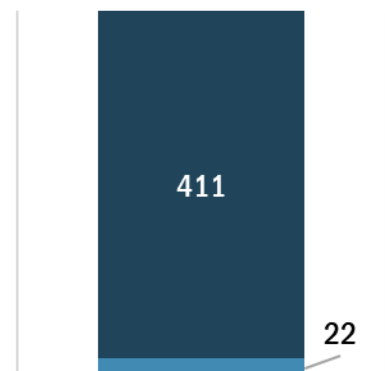
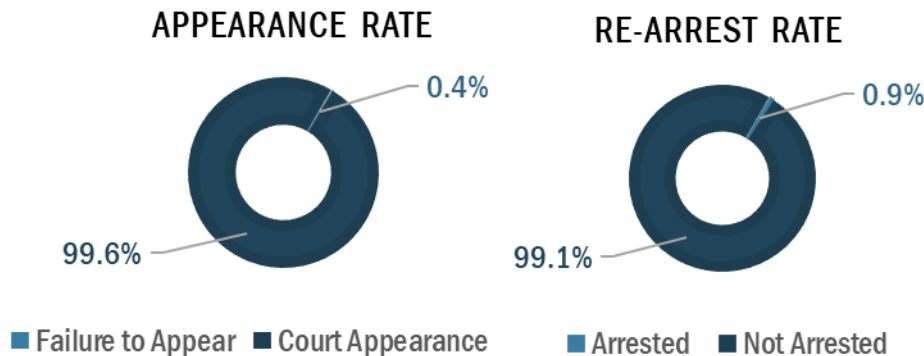
			
Mandatory Check-ins (Phone or In-Person)	Curfew Restrictions	Drug/Synthetic Drug and Alcohol/EtG Testing	Electronic GPS and Alcohol Monitoring

## Pretrial Release Outcomes

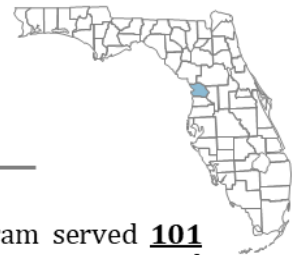
12 participants were noncompliant with program conditions other than failure to appear or new arrest.

### PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits



# Citrus Pretrial Release Program-2022



	<b>Administrative Location:</b> Citrus County Sheriff's Office <b>Program Staffing:</b> 2
	<b>County Population:</b> 156,214 <b>Jail population:</b> 683
	<b>Budget:</b> \$98,183 <b>Funding Source:</b> Citrus County Board of County Commissioners

**Defendants Served:** In 2022, the program served **101 total defendants**. Of those defendants, 71 were accepted into pretrial release in 2022, while 30 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program supervises pretrial defendants but does not conduct defendant screenings or provide recommendations to the court. Screening packets with defendant information are provided to judges at first appearance hearings to inform release determinations and conditions. Defendants ordered into pretrial release are required to pay a fee of \$8 per day for GPS monitoring.

## Supervision Services

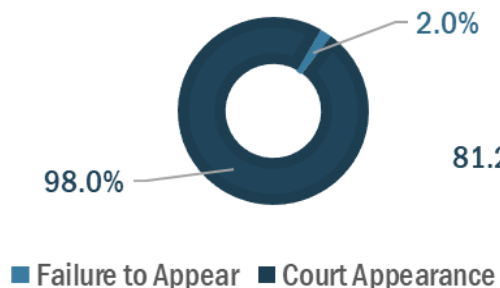


Electronic GPS Monitoring

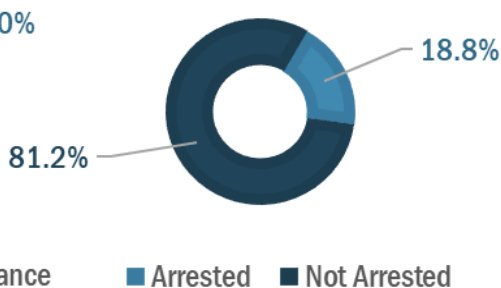
## Pretrial Release Outcomes

1 participant was noncompliant with program conditions other than failure to appear or new arrest.

APPEARANCE RATE

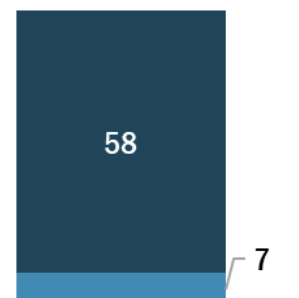


RE-ARREST RATE



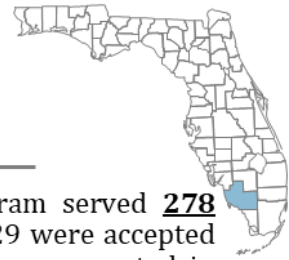
## PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits



AVERAGE TIME TO SUCCESSFUL COMPLETION: **6 MONTHS**

# Collier Pretrial Release Program-2022



	<p><b>Administrative Location:</b> Collier County Sheriff's Office</p> <p><b>Program Staffing:</b> 5</p>
	<p><b>County Population:</b> 384,738</p> <p><b>Jail population:</b> 709</p>
	<p><b>Budget:</b> \$278,758</p> <p><b>Funding Source:</b> Collier County Sheriff's Office</p>

**Defendants Served:** In 2022, the program served **278 total defendants**. Of those defendants, 229 were accepted into pretrial release in 2022, while 49 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. The program administers the validated Florida Pretrial Misconduct Assessment Instrument to inform release decisions. Defendants ordered into pretrial release are required to pay a fee of \$6.75 per test for drug screening, \$4.10 per day for electronic monitoring, or \$6.50 per day for alcohol monitoring. However, fees may be waived for defendants who are declared indigent by the court.

## Supervision Services



**Mandatory Check-ins**  
(Phone or In-Person)



**Curfew**  
Restrictions



**Drug and**  
Alcohol Testing

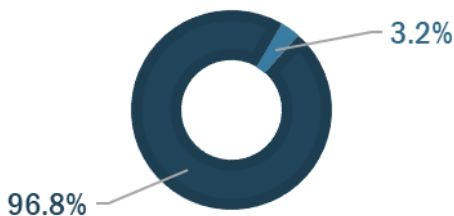


**Electronic GPS**  
Monitoring

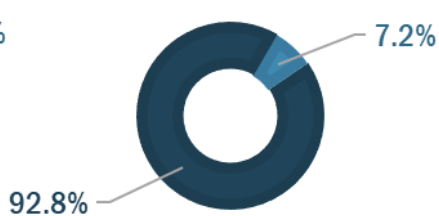
## Pretrial Release Outcomes

25 participants were noncompliant with program conditions other than failure to appear or new arrest.

### APPEARANCE RATE



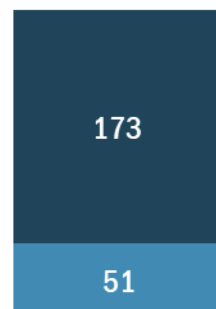
### RE-ARREST RATE



■ Failure to Appear ■ Court Appearance ■ Arrested ■ Not Arrested

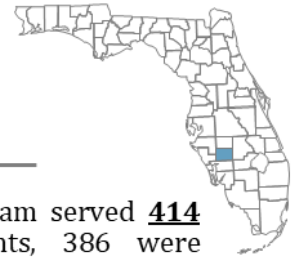
### PROGRAM EXITS

■ Successful Exits  
■ Unsuccessful Exits



**AVERAGE TIME TO SUCCESSFUL COMPLETION: 3.25 MONTHS**

# DeSoto Pretrial Release Program-2022



	<b>Administrative Location:</b> DeSoto County Board of Commissioners <b>Program Staffing:</b> 3
	<b>County Population:</b> 34,210 <b>Jail population:</b> 172
	<b>Budget:</b> \$21,057 <b>Funding Source:</b> DeSoto County Board of Commissioners

**Defendants Served:** In 2022, the program served **414 total defendants**. Of those defendants, 386 were accepted into pretrial release in 2022, while 28 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through defendant interviews and document reviews and supervises participants. However, the program does not make recommendations to the court. The program administers the Virginia Pretrial Risk Assessment Instrument tool before the first appearance hearing. Screening packets are provided to the prosecutor, defense attorney, and the judge in the case to inform release determinations. The program also administers probation services.

## Supervision Services

<p><b>Mandatory Check-ins</b> (Phone or In-Person)</p>	<p><b>Curfew</b> Restrictions</p>	<p><b>Court</b> Reminders</p>	<p><b>Electronic GPS</b> Monitoring</p>
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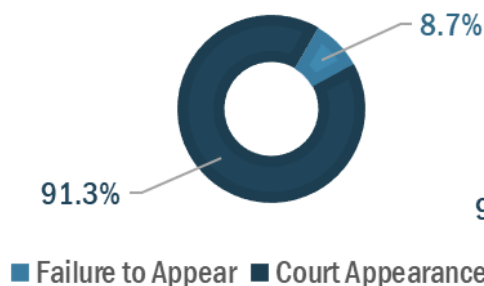
## Pretrial Release Outcomes

28 participants were noncompliant with program conditions other than failure to appear or new arrest.

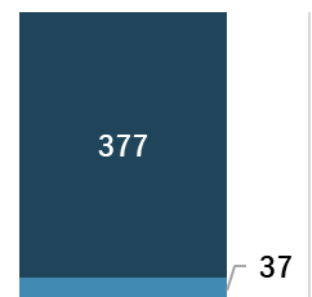
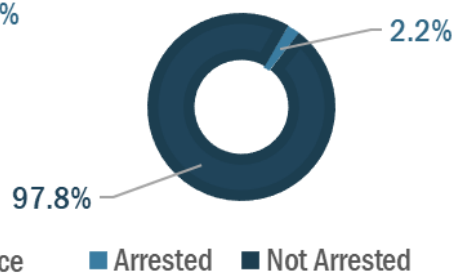
### PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits

### APPEARANCE RATE

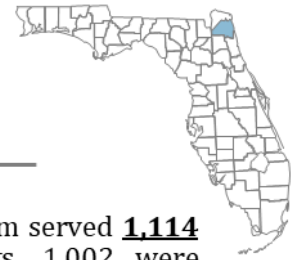


### RE-ARREST RATE



**AVERAGE TIME TO SUCCESSFUL COMPLETION: 12 MONTHS**

# Duval Pretrial Release Program-2022



	<b>Administrative Location:</b> Jacksonville Sheriff's Office <b>Program Staffing:</b> 10
	<b>County Population:</b> 1 million <b>Jail population:</b> 3,905
	<b>Budget:</b> \$1 million <b>Funding Source:</b> Jacksonville Sheriff's Office

**Defendants Served:** In 2022, the program served **1,114 total defendants**. Of those defendants, 1,002 were accepted into pretrial release in 2022, while 112 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent felonies per judicial order. However, judges may also place individuals with violent felonies on pretrial release.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. The program administers the validated Florida Pretrial Misconduct Assessment tool to inform the defendants' level of supervision. Judges order defendants into pretrial release.

## Supervision Services



**Mandatory Check-ins**  
(Phone or In-Person)

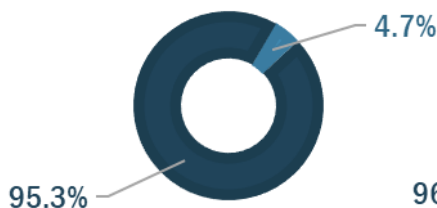


**Drug and Alcohol Testing**

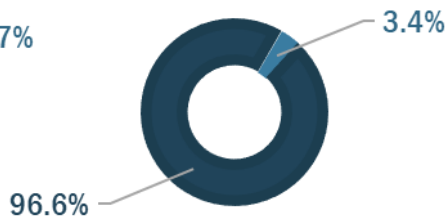
## Pretrial Release Outcomes

0 participants were noncompliant with program conditions other than failure to appear or new arrest. (JG10)

APPEARANCE RATE



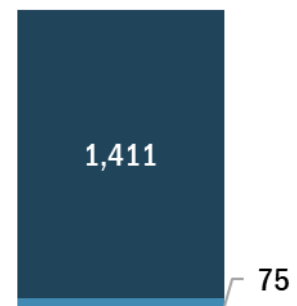
RE-ARREST RATE



■ Failure to Appear ■ Court Appearance ■ Arrested ■ Not Arrested

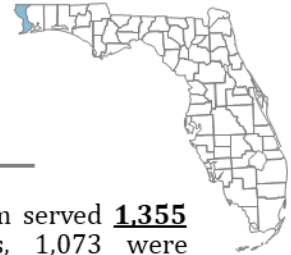
## PROGRAM EXITS

■ Successful Exits  
 ■ Unsuccessful Exits



AVERAGE TIME TO SUCCESSFUL COMPLETION: 4 MONTHS

# Escambia Pretrial Release Program-2022



	<b>Administrative Location:</b> Escambia County Board of County Commissioners <b>Program Staffing:</b> 8
	<b>County Population:</b> 325,739 <b>Jail population:</b> 1,501
	<b>Budget:</b> \$635,641 <b>Funding Source:</b> Escambia County Board of County Commissioners

**Defendants Served:** In 2022, the program served **1,355 total defendants**. Of those defendants, 1,073 were accepted into pretrial release in 2022, while 282 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, and supervises participants but does not provide recommendations to the court. Jail staff screen defendants during booking. The program administers the Florida Pretrial Outcome Assessment tool to provide judges with relevant information to inform release determinations. While the state attorney and public defender make release recommendations at the first appearance hearing, judges make the final release determinations.

## Supervision Services



**Mandatory Check-ins**  
(Phone or In-Person)



**Curfew**  
**Restrictions**



**Drug and**  
**Alcohol**  
**Testing**



**Electronic GPS**  
**Monitoring**

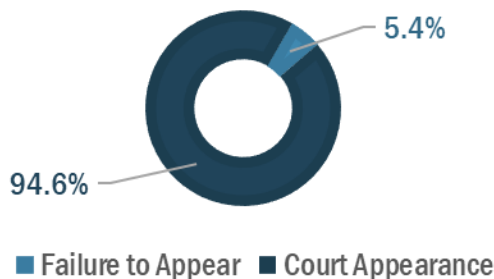
## Pretrial Release Outcomes

309 participants were noncompliant with program conditions other than failure to appear or new arrest.

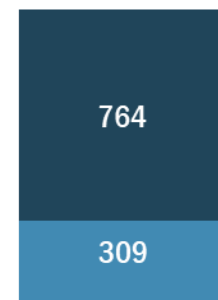
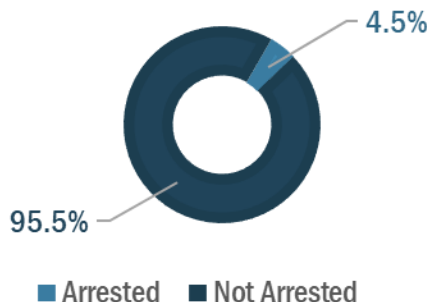
### PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits

#### APPEARANCE RATE

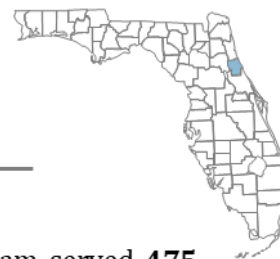





#### RE-ARRESTS RATE



**AVERAGE TIME TO SUCCESSFUL COMPLETION: 6 MONTHS**

# Flagler Pretrial Release Program-2022



	<b>Administrative Location:</b> 7 <sup>th</sup> Judicial Circuit Court <b>Program Staffing:</b> 1
	<b>County Population:</b> 120,797 <b>Jail population:</b> 241
	<b>Budget:</b> \$71,555 <b>Funding Source:</b> Flagler County Government

**Defendants Served:** In 2022, the program served **475 total defendants**. Of those defendants, 378 were accepted into pretrial release in 2022, while 97 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and felonies per judicial order.

**Program Activities:** While the program does not conduct defendant screenings or make recommendations to the court, the program supervises participants. The judge makes the final release determination. Defendants ordered into pretrial release are placed on supervision directly following first appearance hearings.

## Supervision Services



Drug and Alcohol Testing

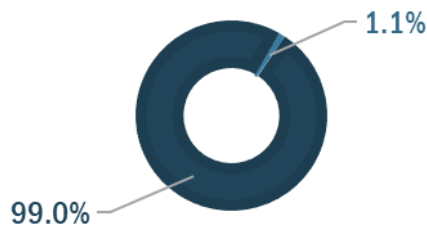


Mandatory Check-ins (In-Person)

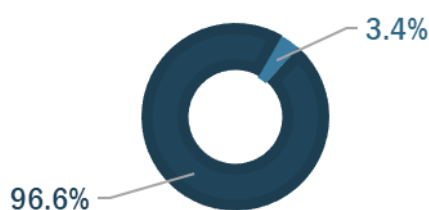
## Pretrial Release Outcomes

62 participants were noncompliant with program conditions other than failure to appear or new arrest.

APPEARANCE RATE

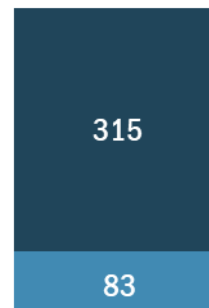


RE-ARREST RATE



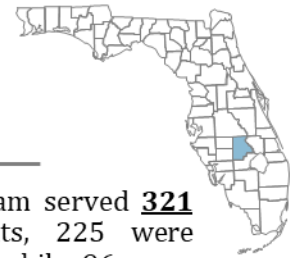
### PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits



AVERAGE TIME TO SUCCESSFUL COMPLETION: 2.72 MONTHS

# Highlands Pretrial Release Program-2022



	<p><b>Administrative Location:</b> Highlands County Clerk of Courts</p> <p><b>Program Staffing:</b> 2</p>
	<p><b>County Population:</b> 102,324</p> <p><b>Jail population:</b> 460</p>
	<p><b>Budget:</b> \$125,504</p> <p><b>Funding Source:</b> Highlands County Funds</p>

**Defendants Served:** In 2022, the program served **321 total defendants**. Of those defendants, 225 were accepted into pretrial release in 2022, while 96 were accepted in 2021.

**Defendants Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. Pretrial staff conduct defendant screenings after the first appearance hearing at the judge's request. Screening results are provided to judges on the same day for timely release determinations. During determinations, judges decide whether participants will pay a surety bond, be released on nonsecure release, or be released on the pretrial release program.

## Supervision Services



**Mandatory Check-ins**  
(Phone or In-Person)



**Curfew**  
Restrictions



**Mental Health and**  
Substance Abuse  
Evaluations



**Drug and**  
Alcohol Testing

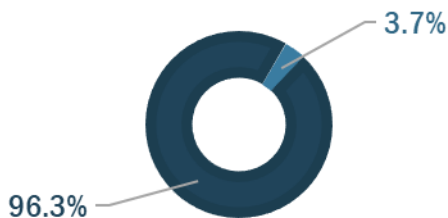
## Pretrial Release Outcomes

15 participants were noncompliant with program conditions other than failure to appear or new arrest.

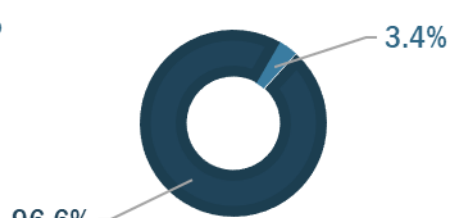
### PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits

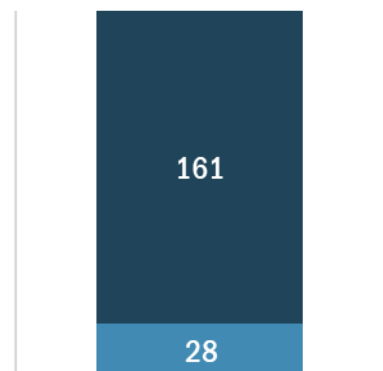
APPEARANCE RATE



RE-ARREST RATE

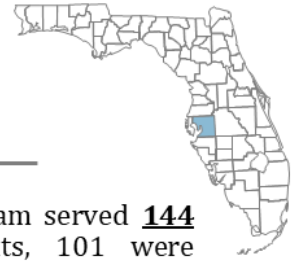


■ Failure to Appear ■ Court Appearance    ■ Arrested ■ Not Arrested





# Hillsborough Pretrial Release Program-2022



	<b>Administrative Location:</b> Hillsborough County Sheriff's Office <b>Program Staffing:</b> 10
	<b>County Population:</b> 1.5 million <b>Jail population:</b> 2,680
	<b>Budget:</b> \$147,471 <b>Funding Source:</b> Hillsborough County Sheriff's Office

**Defendants Served:** In 2022, the program served **144 total defendants**. Of those defendants, 101 were accepted into pretrial release in 2022, while 43 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent felonies per judicial order. In 2023, defendants charged with violent felony charges were no longer accepted.

**Program Activities:** The program screens defendants through interviews and document reviews and supervises participants but does not give recommendations to the court. The program also manages defendants on house arrest and oversees defendants on probation who are on GPS and alcohol monitors. To participate in the program, defendants must have a local residence in the county.

## Supervision Services



**Mandatory Check-ins (In-Person)**



**Curfew Restrictions**



**Drug and Alcohol Testing**

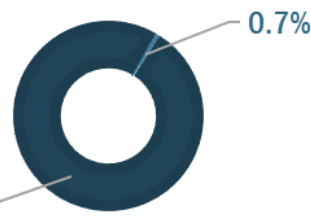


**Electronic GPS Monitoring**

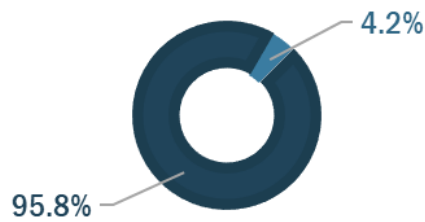
## Pretrial Release Outcomes

46 participants were noncompliant with program conditions other than failure to appear or new arrest.

### APPEARANCE RATE



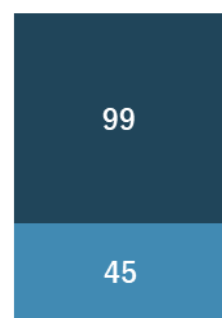
### RE-ARREST RATE



■ Failure to Appear ■ Court Appearance ■ Arrested ■ Not Arrested

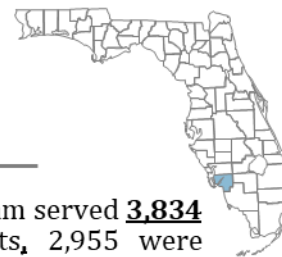
### PROGRAM EXITS




■ Successful Exits  
 ■ Unsuccessful Exits



**AVERAGE TIME TO SUCCESSFUL COMPLETION: 5 MONTHS**

# Lee Pretrial Release Program-2022






	<b>Administrative Location:</b> 20 <sup>th</sup> Judicial Circuit Court <b>Program Staffing:</b> 37
	<b>County Population:</b> 787,479 <b>Jail population:</b> 1,416
	<b>Budget:</b> \$2.7 million <b>Funding Source:</b> Lee County Board of Commissioners

**Defendants Served:** In 2022, the program served **3,834 total defendants.** Of these defendants, 2,955 were accepted into pretrial release in 2022, while 879 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. The program administers the validated Lee County Risk Instrument tool to provide release recommendations to the court. Pretrial staff screen defendants during booking prior to the first appearance hearing. Judges make the final release determinations.

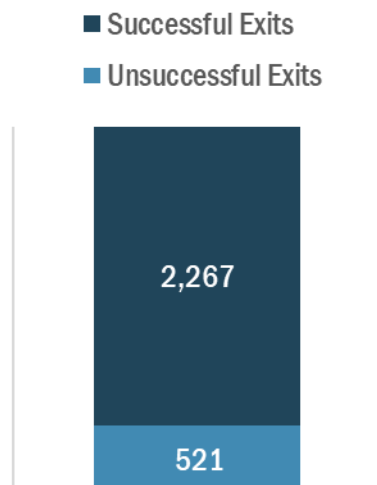
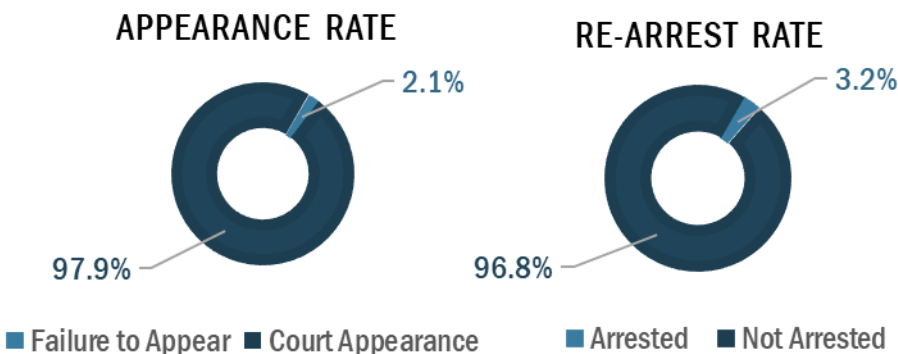
## Supervision Services

				
Mandatory Check-ins (In- Person)	Curfew Restrictions	Court Reminders	Drug and Alcohol Testing	Electronic GPS/Alcohol Monitoring

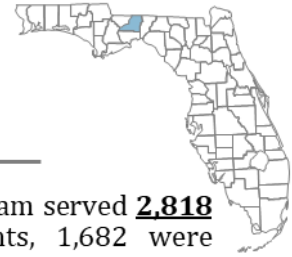
## Pretrial Release Outcomes

306 participants were noncompliant with program conditions other than failure to appear or new arrest.

### PROGRAM EXITS



# Leon Pretrial Release Program-2022



	<b>Administrative Location:</b> Leon County Board of County Commissioners <b>Program Staffing:</b> 16
	<b>County Population:</b> 296,723 <b>Jail population:</b> 1,154
	<b>Budget:</b> \$1.6 million <b>Funding Source:</b> Leon County General Fund and Defendant Fees

**Defendants Served:** In 2022, the program served **2,818 total defendants**. Of those defendants, 1,682 were accepted into pretrial release in 2022, while 1,136 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

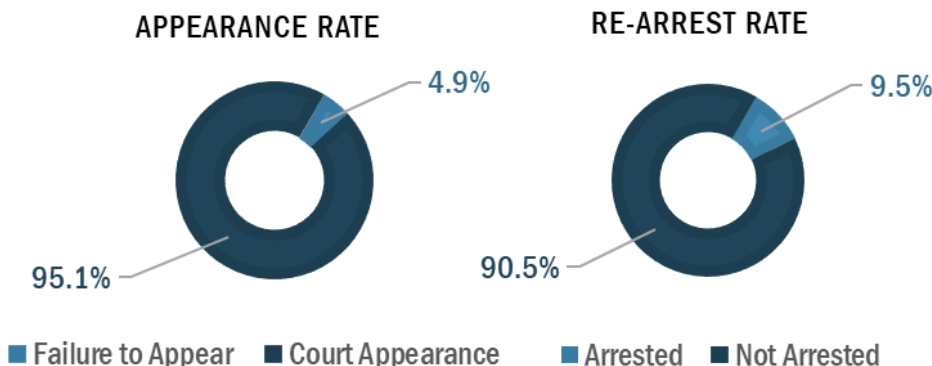
**Program Activities:** The program screens defendants through interviews and document reviews and supervises participants but does not make recommendations to the court. The program administers the validated Ohio Pretrial Risk Assessment tool. The program also manages probation services. The Leon County Pretrial Release Division has the authority to release certain qualifying defendants prior to their first appearance or without monetary bond. Defendants ordered to pretrial release are required to pay a fee of \$40 a month.

## Supervision Services

<b>Mandatory Check-ins (In-Person)</b>	<b>Drug and Alcohol Testing</b>	<b>Electronic GPS/SCRAM Monitoring</b>

## Pretrial Release Outcomes

Leon County did not report noncompliance other than failure to appear or re-arrests.



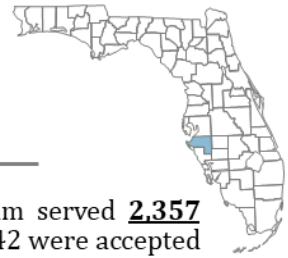
## PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits



**AVERAGE TIME TO SUCCESSFUL PROGRAM COMPLETION: 8 MONTHS**

# Manatee Pretrial Release Program-2022



	<b>Administrative Location:</b> Manatee County Board of County Commissioners <b>Program Staffing:</b> 17
	<b>County Population:</b> 413,849 <b>Jail population:</b> 1,117
	<b>Budget:</b> \$1.3 million <b>Funding Source:</b> Manatee County General and Grant Funds

**Defendants Served:** In 2022, the program served **2,357 total defendants**. Of those defendants, 1,842 were accepted into pretrial release in 2022, while 515 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. Pretrial staff conduct interviews in the morning before the defendant's first appearance hearing and report their findings to the court. Pretrial staff also administer the validated Florida Pretrial Misconduct Risk Assessment Tool to inform release decisions. While the prosecutor and defense attorney typically provide recommendations, the judge makes the final release decision. The program manages probation services.

## Supervision Services

<b>Mandatory Check-ins</b> (Phone or In-Person)	<b>Curfew</b> <b>Restrictions</b>	<b>Drug and Alcohol</b> <b>Testing</b>	<b>Electronic GPS</b> <b>Monitoring</b>

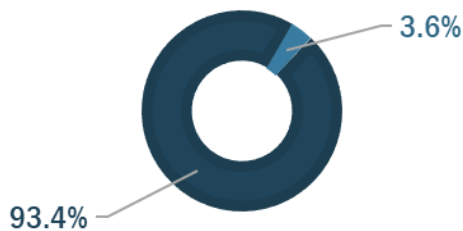
## Pretrial Release Outcomes

**189** participants were noncompliant with program conditions other than failure to appear or new arrest.

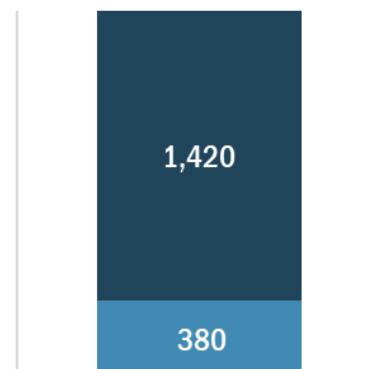
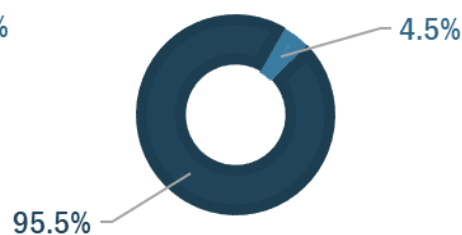
### PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits

#### APPEARANCE RATE



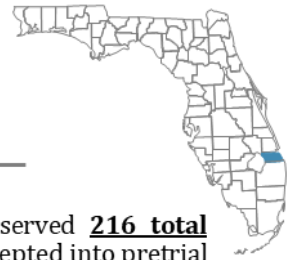
#### RE-ARRESTS






■ Failure to Appear ■ Court Appearance

■ Arrested ■ Not Arrested

# Martin Pretrial Release Program-2022



	<b>Administrative Location:</b> Martin County Sheriff's Office <b>Program Staffing:</b> 2
	<b>County Population:</b> 159,704 <b>Jail population:</b> 400
	<b>Budget:</b> \$242,913 <b>Funding Source:</b> Martin County Board of County Commissioners

**Defendants Served:** In 2022, the program served **216 total defendants**. Of those defendants, 184 were accepted into pretrial release in 2022, while 32 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order. However, the program does not accept defendants who violently resisted arrest in Martin County.

**Program Activities:** The program began serving defendants in February 2022. The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises defendants. The program also supervises mental health court defendants on GPS monitoring. The program administers the Florida Pretrial Risk Assessment Tool before most defendants' first appearance hearing. While the program makes release recommendations based on scores from the risk assessment tool, the judge makes the final release determination.

## Supervision Services



**Mandatory Check-ins**  
(Phone or In-Person)

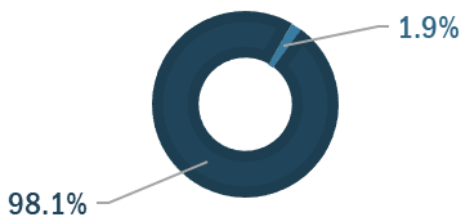


**Electronic GPS**  
Monitoring

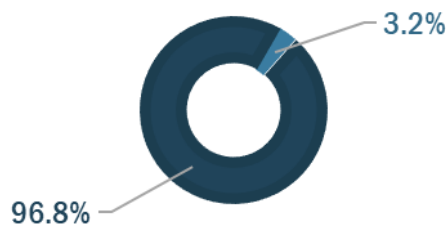
## Pretrial Release Outcomes

13 participants were noncompliant with program conditions other than failure to appear or new arrest.

### APPEARANCE RATE



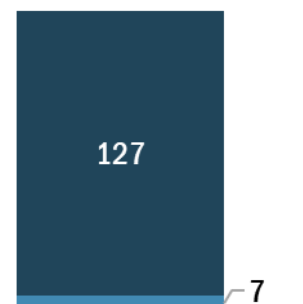
### RE-ARREST RATE



■ Failure to Appear 
 ■ Court Appearance 
 ■ Arrested 
 ■ Not Arrested

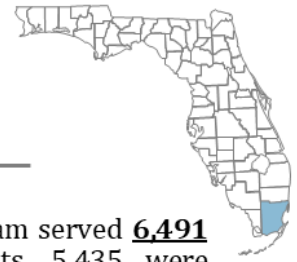
### PROGRAM EXITS

■ Successful Exits  
■ Unsuccessful Exits



**AVERAGE TIME TO SUCCESSFUL COMPLETION: 3 MONTHS**

# Miami-Dade Pretrial Release Program-2022



	<p><b>Administrative Location:</b> Miami-Dade County Correction and Rehabilitation Department <b>Program Staffing:</b> 60</p>
	<p><b>County Population:</b> 2.7 million <b>Jail population:</b> 4,351</p>
	<p><b>Budget:</b> \$5.6 million <b>Funding Source:</b> Miami-Dade County General Fund</p>

**Defendants Served:** In 2022, the program served **6,491 total defendants**. Of those defendants, 5,435 were accepted into pretrial release in 2022, while 1,056 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. The program also manages the pretrial diversion program. The program administers the validated Florida Risk Assessment Tool before the defendants' first appearance hearing to help inform the court's final release decision.

## Supervision Services

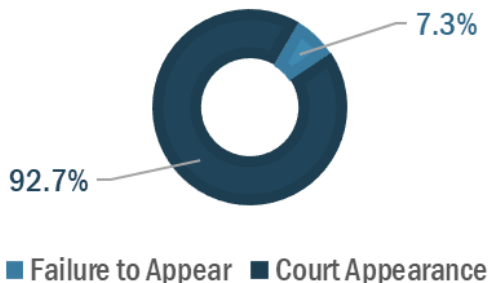


Mandatory Phone  
Check-ins

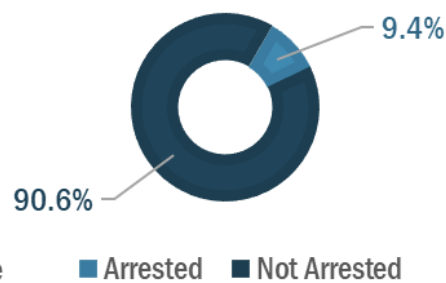
## Pretrial Release Outcomes

Miami-Dade County did not report noncompliance other than failure to appear and re-arrests.

### APPEARANCE RATE

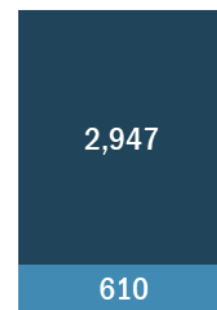


### RE-ARRESTS



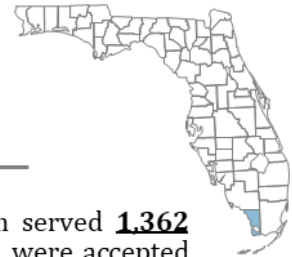
### PROGRAM EXITS




- Successful Exits
- Unsuccessful Exits



AVERAGE TIME TO SUCCESSFUL COMPLETION: **3.5 MONTHS**

# Monroe Pretrial Release Program-2022







	<b>Administrative Location:</b> 16 <sup>th</sup> Judicial Circuit Court <b>Program Staffing:</b> 7
	<b>County Population:</b> 83,549 <b>Jail population:</b> 469
	<b>Budget:</b> \$563,792 <b>Funding Source:</b> Monroe County Fund

**Defendants Served:** In 2022, the program served **1,362 total defendants**. Of those defendants, 830 were accepted into pretrial release in 2022, while 419 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. The program also administers a validated risk assessment over the phone before the defendant's first appearance hearing. Prior to most first appearance hearings, the pretrial staff meets with state attorney, defense attorneys, and the judge to provide them with the risk assessment results. While the program recommends conditions for supervision, the judge makes the final release decision.

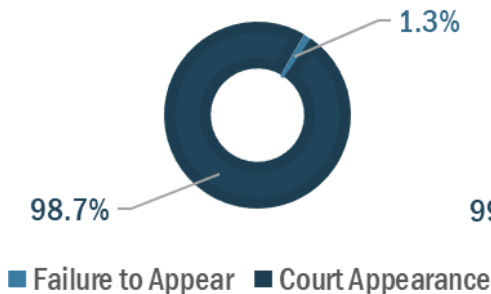
## Supervision Services

			
<b>Mandatory Check-ins (Telephone)</b>	<b>Curfew Restrictions</b>	<b>Drug and Alcohol Testing</b>	<b>Electronic GPS Monitoring</b>

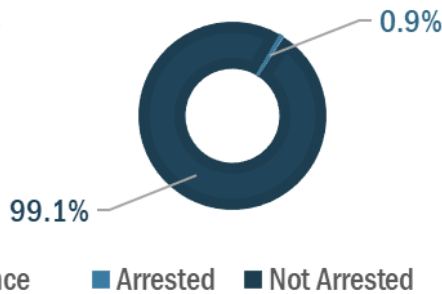
## Pretrial Release Outcomes

74 participants were noncompliant with program conditions other than failure to appear or new arrest.

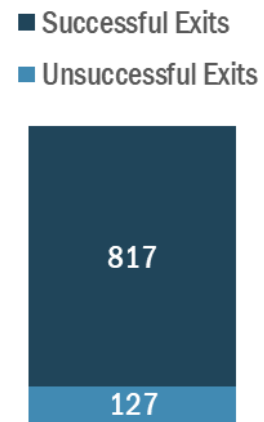
### APPEARANCE RATE



### RE-ARREST RATE

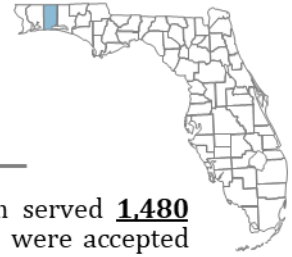


### PROGRAM EXITS



**AVERAGE TIME TO SUCCESSFUL COMPLETION: 7.3 MONTHS**

# Okaloosa Pretrial Release Program-2022



	<b>Administrative Location:</b> Okaloosa County Board of County Commissioners <b>Program Staffing:</b> 8
	<b>County Population:</b> 213,841 <b>Jail population:</b> 674
	<b>Budget:</b> \$777,676 <b>Funding Source:</b> Okaloosa County Board of County Commissioners

**Defendants Served:** In 2022, the program served **1,480 total defendants**. Of those defendants, 992 were accepted into pretrial release in 2022, while 488 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. The program also manages the county's Pretrial Mental Health Diversion Program. The program administers the validated Florida Risk Assessment Tool to provide defendant information to the judge before the first appearance. Pretrial staff interview defendants ordered to pretrial release after their first court appearance to gather additional defendant information. Okaloosa's pretrial program is only assigned as a condition of bond.

## Supervision Services

Mandatory Check-ins (Phone or In-Person)	Curfew Restrictions	Drug and Alcohol Testing	Substance Abuse/Mental Health Treatment	Electronic GPS Monitoring	

## Pretrial Release Outcomes

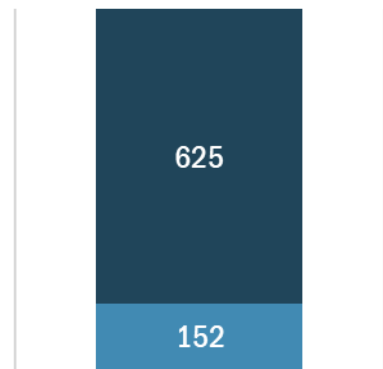
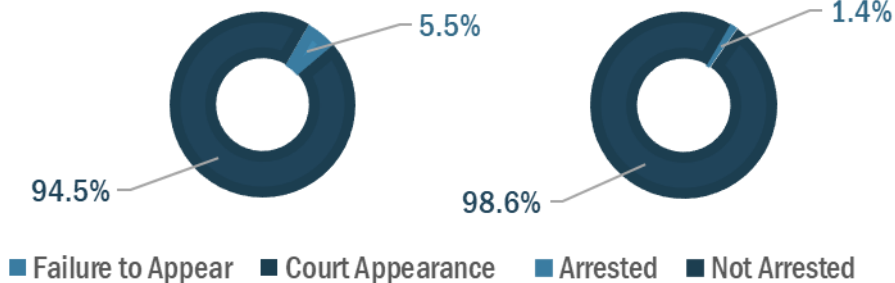
71 participants were noncompliant with program conditions other than failure to appear or new arrest.

### PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits

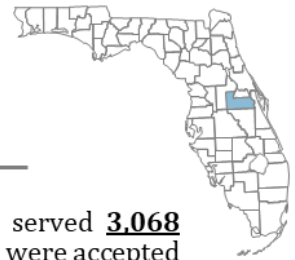
#### APPEARANCE RATE

#### RE-ARREST RATE





# Orange Pretrial Release Program-2022



	<p><b>Administrative Location:</b> Orange County Board of County Commissioners <b>Program Staffing:</b> 42</p>
	<p><b>County Population:</b> 1.5 million <b>Jail population:</b> 2,401</p>
	<p><b>Budget:</b> \$3.9 million <b>Funding Source:</b> Orange County General Revenue</p>

**Defendants Served:** In 2022, the program served **3,068 total defendants**. Of those defendants, 2,374 were accepted into pretrial release in 2022, while 694 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and supervises participants but does not make recommendations to the court. Pretrial staff screen defendants before their first appearance hearing. Screening reports are provided to the state attorney, defense attorney, and judge at the first court appearance on bond and pretrial release options. The program administers the validated Florida Risk Assessment Tool to inform judges' decisions regarding bail and release. The program also manages defendants on county probation, re-entry, and pretrial diversion programs.

## Supervision Services

**Mandatory Check-ins**  
(Phone or In-Person)

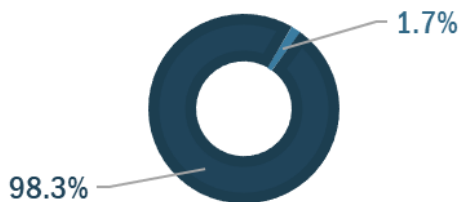
**Drug and Alcohol Testing**

## Pretrial Release Outcomes

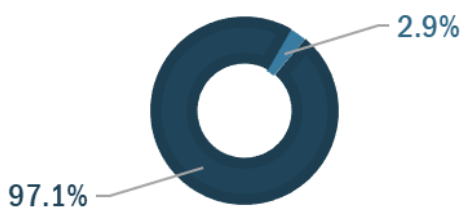
178 participants were noncompliant with program conditions other than failure to appear or new arrest.

### PROGRAM EXITS

#### APPEARANCE RATE



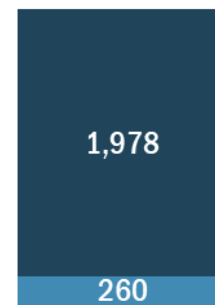
#### RE-ARREST RATE



■ Failure to Appear ■ Court Appearance

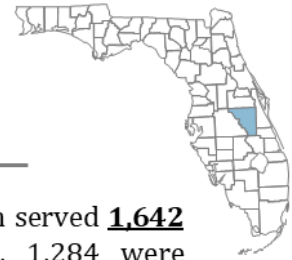
■ Arrested ■ Not Arrested




■ Successful Exits  
■ Unsuccessful Exits



AVERAGE TIME TO SUCCESSFUL COMPLETION: **2.9 MONTHS**

# Osceola Pretrial Release Program-2022








	<b>Administrative Location:</b> Osceola County Board of County Commissioners <b>Program Staffing:</b> 11
	<b>County Population:</b> 411,082 <b>Jail Population:</b> 655
	<b>Budget:</b> \$645,670 <b>Funding Source:</b> Osceola County Corrections Department Annual Budget

**Defendants Served:** In 2022, the program served **1,642 total defendants**. Of those defendants, 1,284 were accepted into pretrial release in 2022, while 358 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with criminal traffic violations, misdemeanors, and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. Pretrial staff screen defendants before the first appearance hearing. The program administers the validated Florida Pretrial Misconduct Risk Assessment Tool to inform the court's final release decision.

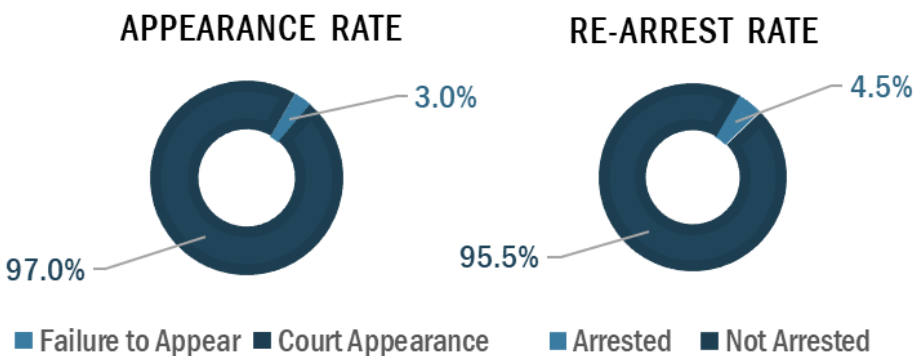
## Supervision Services

				
Mandatory Check-ins (Phone or In-Person)		Curfew Restrictions	Drug and Alcohol Testing	Electronic GPS Monitoring

## Pretrial Release Outcomes

53 participants were noncompliant with program conditions other than failure to appear or new arrest.

### PROGRAM EXITS

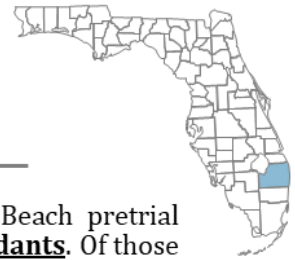


■ Successful Exits  
■ Unsuccessful Exits



**AVERAGE TIME TO SUCCESSFUL COMPLETION: 1 MONTH**

# Palm Beach Pretrial Release Program-2022



	<p><b>Administrative Location:</b> Palm Beach County Board of County Commissioners</p> <p><b>Program Staff:</b> 23</p>
	<p><b>County Population:</b> 1.5 million</p> <p><b>Jail population:</b> 1,850</p>
	<p><b>Budget:</b> \$1.6 million</p> <p><b>Funding Source:</b> Palm Beach County Board of County Commissioners</p>

**Defendants Served:** In 2022, the Palm Beach pretrial release program served **4,463 total defendants**. Of those defendants, 3,745 were accepted into pretrial release in 2022, while 718 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews and supervises participants. While screening packets are provided to judges to inform their release decisions, the pretrial staff does not recommend pretrial release. Pretrial staff screen defendants before their first appearance hearing, except for defendants arrested for probation violations or holds from other counties. Defendants ordered to pretrial release are required to pay a fee of \$10 per week. However, fees can be waived by the judge.

## Supervision Services



**Mandatory Check-ins**  
(Phone or In-Person)



**Curfew**  
Restrictions

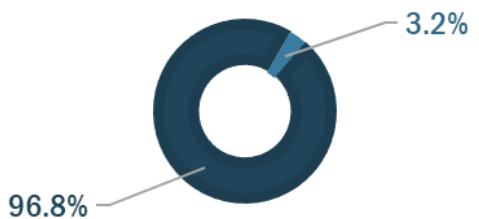


**Drug and Alcohol**  
Testing

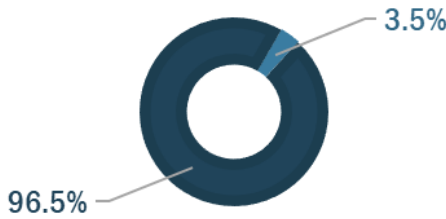
## Pretrial Release Outcomes

390 participants were noncompliant with program conditions other than failure to appear or new arrest.

### APPEARANCE RATE



### RE-ARREST RATE

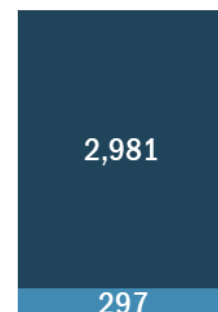


■ Failure to Appear ■ Court Appearance

■ Arrested ■ Not Arrested

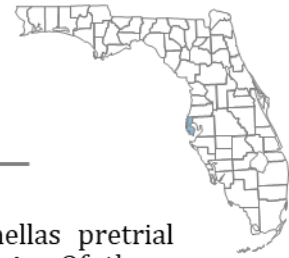
### PROGRAM EXITS

■ Successful Exits  
■ Unsuccessful Exits



**AVERAGE TIME TO SUCCESSFUL COMPLETION: 1 MONTH**

# Pinellas Pretrial Release Program-2022



	<b>Administrative Location:</b> Pinellas County Court <b>Program Staffing:</b> 31
	<b>County Population:</b> 966,581 <b>Jail population:</b> 2,886
	<b>Budget:</b> \$3 million <b>Funding Source:</b> Pinellas County Funds

**Defendants Served:** In 2022, the Pinellas pretrial program served **5,083 total defendants**. Of those defendants, 3,797 participants were accepted into the program in 2022, and 1,286 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants, makes recommendations to the court, and supervises participants. Pretrial staff screen participants through defendant interviews and document reviews after receiving a referral from a judge.

## Supervision Services



**Mandatory Check-ins**  
(Phone, Email, or In-Person)



**Curfew**  
**Restrictions**



**Drug and Alcohol**  
**Testing**

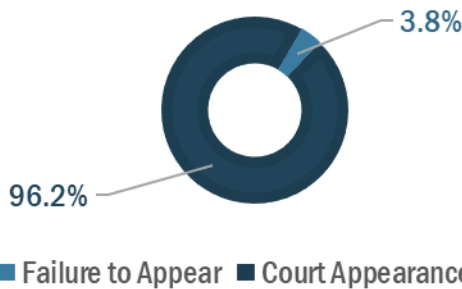


**Electronic GPS and**  
**Alcohol Monitoring**

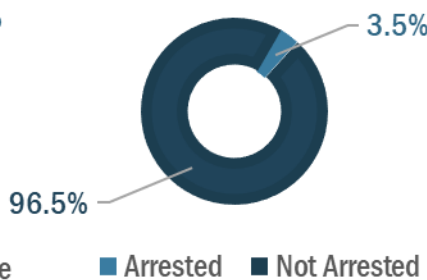
## Pretrial Release Outcomes

619 participants were noncompliant with program conditions other than failure to appear or new arrest.

**APPEARANCE RATE**

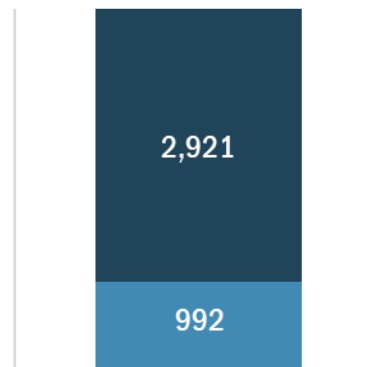


**RE-ARREST RATE**

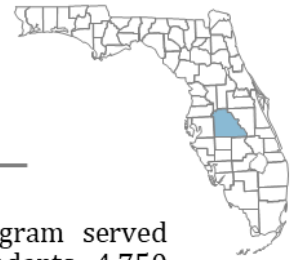


## PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits



# Polk Pretrial Release Program-2022



	<b>Administrative Location:</b> Polk County Board of County Commissioners <b>Program Staffing:</b> 24
	<b>County Population:</b> 753,779 <b>Jail population:</b> 2,958
	<b>Budget:</b> \$1.4 million <b>Funding Source:</b> Polk County Board of County Commissioners

**Defendants Served:** In 2022, the program served **4,767 total defendants**. Of those defendants, 4,750 participants were accepted into the program in 2022, and 17 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. Pretrial staff screen defendants before their first appearance hearing. At first appearance, judges determine probable cause and make final release determinations.

## Supervision Services



**Mandatory Check-ins  
(Telephone)**



**Curfew  
Restrictions**



**Drug and  
Alcohol Testing**

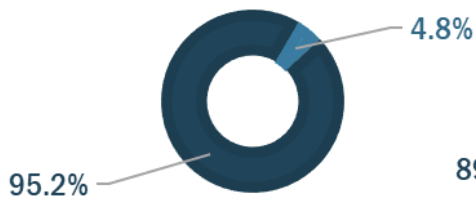


**Electronic GPS  
Monitoring**

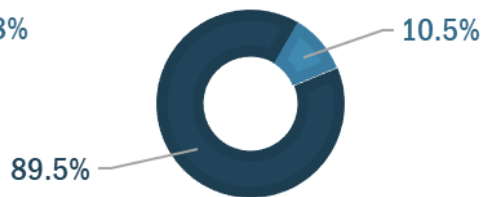
## Pretrial Release Outcomes

392 participants were noncompliant with program conditions other than failure to appear or new arrest.

### APPEARANCE RATE

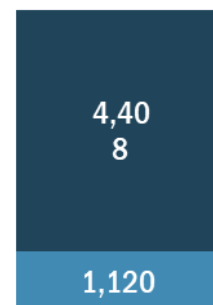


### RE-ARREST RATE



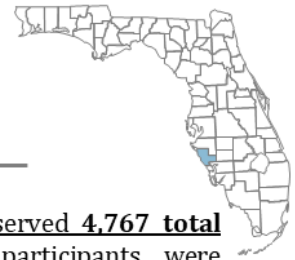
### PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits



**AVERAGE TIME TO SUCCESSFUL COMPLETION: 6 MONTHS**

# Sarasota Pretrial Release Program-2022



	<b>Administrative Location:</b> Sarasota County Board of County Commissioners <b>Program Staffing:</b> 28
	<b>County Population:</b> 444,226 <b>Jail population:</b> 1,000
	<b>Budget:</b> \$1.8 million <b>Funding Source:</b> Sarasota County Board of County Commissioners

**Defendants Served:** In 2022, the program served 4,767 total defendants. Of those defendants, 4,750 participants were accepted into the program in 2022, and 17 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises defendants. Pretrial staff screen defendants before their first appearance. The program administers the validated Virginia Pretrial Risk Assessment Instrument Tool to recommend defendants' level of supervision and inform judges' final decisions. While the prosecutor and defense attorney make release recommendations, the judge makes final release decisions.

## Supervision Services



**Mandatory Check-ins**  
(Phone or In-Person)



**Curfew Restrictions**



**Drug and Alcohol Testing**

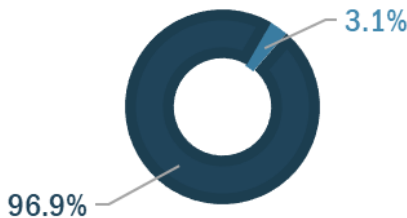


**Electronic GPS Monitoring**

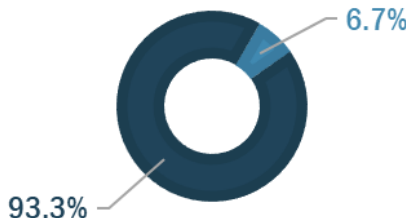
## Pretrial Release Outcomes

Sarasota County did not report noncompliance other than failure to appear and release revocations due to re-arrests.

APPEARANCE RATE

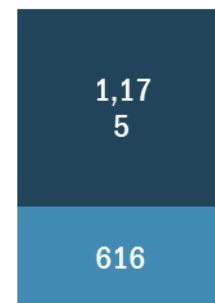


RE-ARREST RATE



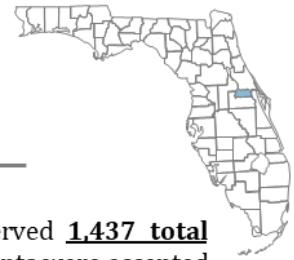
## PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits



AVERAGE TIME TO SUCCESSFUL COMPLETION: 1.8 MONTHS

# Seminole Pretrial Release Program-2022



	<b>Administrative Location:</b> Seminole County Sheriff's Office <b>Program Staffing:</b> 29
	<b>County Population:</b> 479,105 <b>Jail population:</b> 821
	<b>Budget:</b> \$419,450 <b>Funding Source:</b> Municipal Funds, Grant Funds, Private Funds, and Defendant Fees

**Defendants Served:** In 2022, the program served **1,437 total defendants**. Of those defendants, 1,156 participants were accepted into the program in 2022, and 281 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. Pretrial staff interview defendants during the booking process to determine eligibility for pretrial release. The program administers the validated Applied Correctional Transition Strategies (ACTS) Risk Assessment Tool. The program also manages the county probation office and specialty courts. The program provides its recommendations to the court; however, judges make final release determinations.

## Supervision Requirements



Mandatory Check-ins (Telephone)

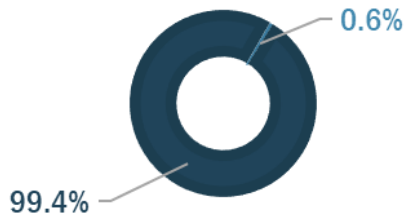


Electronic GPS Monitoring

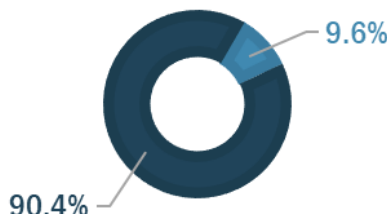
## Pretrial Release Outcomes

48 participants were noncompliant with program conditions other than failure to appear or new arrest.

### APPEARANCE RATE

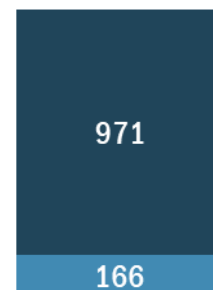


### RE-ARREST RATE



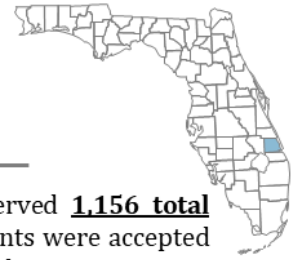
### PROGRAM EXITS

- Successful Exits
- Unsuccessful Exits



AVERAGE TIME TO SUCCESSFUL COMPLETION: 3 MONTHS

# St. Lucie Pretrial Release Program-2022



	<b>Administrative Location:</b> St. Lucie County Board of County Commissioners <b>Program Staffing:</b> 17
	<b>County Population:</b> 342,675 <b>Jail population:</b> 1,488
	<b>Budget:</b> \$1.8 million <b>Funding Source:</b> St. Lucie County Board of County Commissioners and County Contracts

**Defendants Served:** In 2022, the program served **1,156 total defendants**. Of those defendants, 767 participants were accepted into the program in 2022, and 389 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and nonviolent and violent felonies per judicial order.

**Program Activities:** St. Lucie pretrial release is the only program with inter-local agreements to provide pretrial services in neighboring counties. In 2022, the program provided services in Okeechobee, Indian River, and Martin counties. Services were provided in Martin County from January to mid-February only. The program supervises participants but does not screen defendants or make recommendations to the court. The program provides defendant information to the court upon request. Judges make release determinations during the first appearance.

## Supervision Services

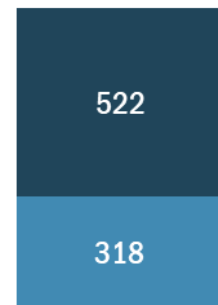
Mandatory Check-ins (In-Person)	Curfew Restrictions	Home Visits	Drug and Alcohol Testing	Electronic GPS Monitoring

## Pretrial Release Outcomes

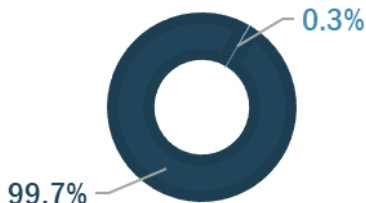
167 participants were noncompliant with program conditions other than failure to appear or new arrest.

### PROGRAM EXITS

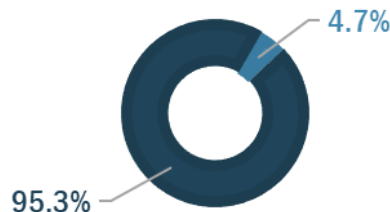
- Successful Exits
- Unsuccessful Exits



### APPEARANCE RATE



### RE-ARREST RATE

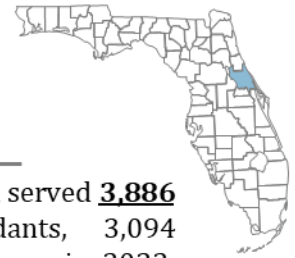


- Failure to Appear
- Court Appearance
- Arrested
- Not Arrested

AVERAGE TIME TO SUCCESSFUL COMPLETION: 9 MONTHS



# Volusia Pretrial Release Program-2022



	<b>Administrative Location:</b> 7 <sup>th</sup> Judicial Circuit Court <b>Program Staffing:</b> 23
	<b>County Population:</b> 565,722 <b>Jail population:</b> 1,500
	<b>Budget:</b> \$1.8 million <b>Funding Source:</b> Volusia County General Revenue

**Defendants Served:** In 2022, the program served **3,886 total defendants**. Of those defendants, 3,094 participants were accepted into the program in 2022, and 867 were accepted in 2021.

**Defendant Charges:** The program accepts defendants charged with misdemeanors and felonies.

**Program Activities:** The program screens defendants through interviews and document reviews, makes recommendations to the court, and supervises participants. Pretrial staff screen defendants and contact victims for comment before the first appearance hearing. The program administers the validated Public Safety Assessment Risk Tool to identify defendants' likelihood to appear in court or avoid re-arrest. Judges make final release determinations.

## Supervision Services



Mandatory Check-ins  
(Phone)



Curfew  
Restrictions



Drug and Alcohol  
Testing

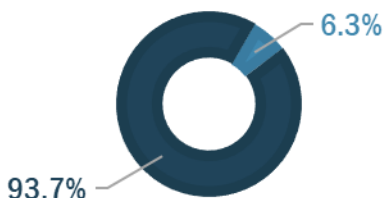


Electronic GPS  
Monitoring

## Pretrial Release Outcomes

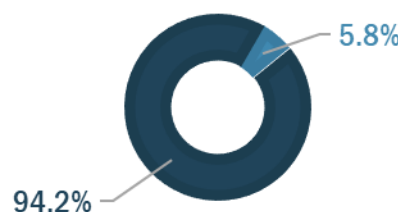
687 participants were noncompliant with program conditions other than failure to appear or new arrest.

### APPEARANCE RATE



■ Failure to Appear ■ Court Appearance

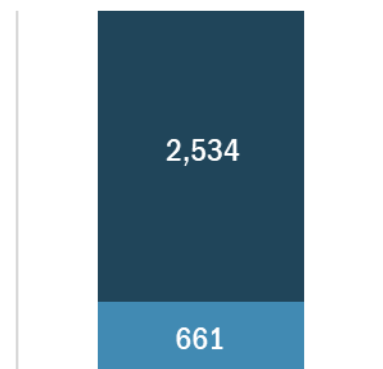
### RE-ARRESTS



■ Arrested ■ Not Arrested

### PROGRAM EXITS

■ Successful Exits  
■ Unsuccessful Exits



# APPENDIX B

## Literature Review

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Exhibit B-1 through B-5, provide findings from literature evaluating the impact of pretrial programs in several categories.

- **Exhibit B-1: Impact of Pretrial Detention on Defendant Outcomes**—Studies examining the impact of pretrial detention on numerous factors, such as conviction rates and recidivism, found that pretrial detention led to greater negative outcomes for defendants.
- **Exhibit B-2: Pretrial Program Services** – Studies evaluating a variety of services, which are commonly used by pretrial programs to increase court appearances and cost savings, found different impacts for different services. Electronic monitoring has positive outcomes for some groups; however, widespread usage can have a negative impact when unnecessarily used on low-risk offenders. The research is uncertain as to whether substance use testing during pretrial programs improves pretrial outcomes. Court reminders have been found to increase appearance rates and have potential cost savings benefits.
- **Exhibit B-3: Cost-Benefit Analysis of Pretrial Release and Detention** – Studies calculating the cost of pretrial programs compared to the cost of detention found that such calculations can estimate the fiscal benefits of implementing or expanding pretrial services.
- **Exhibit B-4: Pretrial Program Outcomes** – Studies examining pretrial program outcomes concluded that programs seem to be effective, depending on the appropriate level of supervision a defendant is placed on and what outcomes examined. However, the research is limited and additional research is needed.
- **Exhibit B-5: Key Metrics/Measurement Best Practices** – Studies examining performance measurement highlight key metrics that pretrial programs should be measuring to assess program processes and outcomes.

## Exhibit B-1

### Impact of Pretrial Detention on Defendant Outcomes

Study	Summary	Key Findings
Lowenkamp, Christopher T., Marie VanNostrand, and Alexander Holsinger. "The Hidden Costs of Pretrial Detention." Laura and John Arnold Foundation, (November 2013).	This study compiled the outcomes of 153,407 defendants booked into Kentucky jails between July 1, 2009, and June 30, 2010, and found that longer pretrial detention led to negative defendant outcomes.	<ul style="list-style-type: none"> <li>• Longer pretrial detentions led to higher rates of               <ul style="list-style-type: none"> <li>○ defendants failing to appear</li> <li>○ new criminal activity</li> <li>○ post-disposition recidivism</li> </ul> </li> </ul>
Heaton, Paul, Sandra Mayson, and Megan Stevenson. "The Downstream Consequences of Misdemeanor Pretrial Detention." <i>Stanford Law Review</i> Vol. 69 (March 2017).	This study analyzed the data of 380,689 resolved misdemeanor cases in Harris County, Texas, between 2008 and 2013, and found that defendants detained pretrial are more likely to plead guilty and serve jail time.	<ul style="list-style-type: none"> <li>• Detained individuals plead guilty at a 25% higher rate than similar individuals who are released</li> <li>• Detained defendants are 25% more likely to be convicted and 43% more likely to be sentenced to jail</li> <li>• Detained defendants' sentences are on average nine days longer</li> <li>• Detained defendants had a 30% increase in new felony charges and a 20% increase in new misdemeanor charges 18 months after sentencing</li> </ul>
Lee, Jacqueline G. "To Detain or Not to Detain? Using Propensity Scores to Examine the Relationship Between Pretrial Detention and Conviction." <i>Criminal Justice Policy Review</i> Vol. 30, no. 1 (February 2019).	This study reviewed pretrial data on 4,669 defendants from Broward, Dade, Hillsborough, Orange, Palm Beach, and Pinellas counties from 2000, 2002, 2004, and 2006, asking whether pretrial detention affects the likelihood of conviction. The study found pretrial detention has an impact on the likelihood of conviction; specifically, individuals who are detained are more likely to be convicted than individuals who are released prior to trial.	<ul style="list-style-type: none"> <li>• A larger percentage (71%) of detained defendants were convicted compared to released defendants (57%)</li> <li>• Defendants represented by public defenders were more likely to be detained pretrial, meaning they are held in jail prior to their trial or sentencing</li> </ul>
Didwania, Stephanie Holmes. "The Immediate Consequences of Federal Pretrial Detention." <i>American Law and Economics Review</i> Vol. 22, no. 1 (Spring 2020).	This study examined case outcomes for 71 federal district courts between 2002 and 2014 to determine the impact of pretrial detention or release on a defendant's sentence. The study found that pretrial release reduces an individual's sentence and increases the chance the defendant will receive a shorter sentence.	<ul style="list-style-type: none"> <li>• Pretrial detention hampers a defendant's ability to provide mitigating information, such as the character of the defendant or the defendant's charitable service, at sentencing; this information can be used by judges to sentence defendants below the recommended sentencing range</li> <li>• Defendants are able to provide government assistance with or without an official motion; pretrial detention makes it harder for a defendant to access these options and less access to government assistance options leads to longer sentences</li> </ul>
Koppel, Stephen, Tiffany Bergin, Renè Ropac, Imani Randolph, and Hannah Joseph. "Examining the Causal Effect of Pretrial Detention on Case Outcomes: A Judge Fixed Effect Instrumental Variable Approach." <i>Journal of Experimental Criminology</i> 23 (December 2022).	This study examined the impact of pretrial detention on guilty pleas, convictions, and incarceration for 82,000 defendants arraigned in 2016 in New York City and found that any period of pretrial detention increased the likelihood of a guilty plea, conviction, and a jail or prison sentence.	<ul style="list-style-type: none"> <li>• Pretrial detention increased the likelihood of               <ul style="list-style-type: none"> <li>○ a guilty plea by 23%</li> <li>○ a conviction by 24%</li> <li>○ a jail or prison sentence by 35%</li> </ul> </li> </ul>

Source: OPPAGA analysis of research articles pertaining to pretrial release.

## Exhibit B-2

### Pretrial Program Services: Electronic Monitoring, Drug and Alcohol Testing, and Court Reminders

Pretrial Program Services: Electronic Monitoring		
Study	Summary	Key Findings
Gable, Ralph, and Robert S. Gable. "Electronic Monitoring: Positive Intervention Strategies." <i>Federal Probation</i> Vol 69, no. 1 (June 2005).	This study examined the history of electronic monitoring (EM) from its introduction in 1964 through 2005 and describes how EM is used as a negative sanction tool in pretrial monitoring and widens the net of supervision to include low-risk offenders. Based on the present use of EM, the authors give suggestions for future use, including as a positive reinforcement tool. The authors suggest that changing how EM is used will lead to better outcomes for defendants.	<ul style="list-style-type: none"> <li>• EM is primarily used as negative sanction tool to punish bad behavior and not reward desired behavior.</li> <li>• Studies from the 1990s and early 2000s show a net-widening of EM to include more low-risk offenders who have other positive attributes, such as strong family support or stable employment.</li> <li>• EM outcomes could be improved by using EM to positively reinforce pro-social behavior through providing varied incentives for desired behavior and by developing two-way communication between officers and participants.</li> </ul>
Sainju, Karla D. , Stephanie Fahy, Katherine Baggaley, Ashley Baker, Tamar Minassian, and Vanessa Filippelli. "Electronic Monitoring for Pretrial Release: Assessing the Impact." <i>Federal Probation</i> Vol. 82, No. 3 (December 2018).	This quasi-experimental research study was conducted between June 2013 and December 2015 to examine differences in pretrial misconduct outcomes for individuals released with EM as a condition of release to those released on supervision without EM in Santa Clara County, California. The study found mixed results with defendants in the EM group having a higher rate of revocation due to a technical violation but a lower rate for revocation due to failure to appear, and no significant difference for revocations due to a new arrest compared to the non-EM group.	<ul style="list-style-type: none"> <li>• The EM group had a rate 3.39 times higher than the non-EM group for getting revoked for a technical violation.</li> <li>• There were no significant differences between the EM and non-EM groups for revocation due to a new arrest.</li> <li>• The EM group had a 66% reduction in the rate of getting revoked for a failure to appear compared to the non-EM group.</li> </ul>
Belur, Jyoti, Amy Thornton, Lisa Tompson, Matthew Manning, Aiden Sidebottom, and Kate Bowers. "A Systematic Review of the Effectiveness of the Electronic Monitoring of Offenders." <i>Journal of Criminal Justice</i> Vol 68 (2020).	This report summarized the 34 studies on the effectiveness of EM in reducing recidivism published between December 2000 and January 2016. Four of these studies specifically looked at pretrial release. The study found that EM had positive effects on reducing recidivism for specific offenders (e.g., sex offenders), positive effects at certain points in the criminal justice process (post-trial instead of prison), and positive effects in combination with other conditions attached (e.g., geographic restrictions) and therapeutic components. However, the authors note that EM can be inequitable, with some programs requiring the offender contribute to cost, have a permanent residence, and necessary support structure (such as an agreement from family members to the program).	<ul style="list-style-type: none"> <li>• The overall effect of EM on recidivism was statistically significant as to crime reduction effect; however, due to limitations of the data, there was not sufficient evidence to show a significant effect in the meta-analysis.</li> <li>• EM is less expensive than prison, but more expensive than traditional parole.</li> <li>• Four issues related to the successful implementation of EM include             <ol style="list-style-type: none"> <li>1) adequate staffing and technological problems;</li> <li>2) smoother coordination between staff agencies using the EM and appropriate training for staff;</li> <li>3) careful planning and clear aims, objectives, and implementation of the program; and</li> <li>4) effective communication between agencies and offenders and their families.</li> </ol> </li> </ul>

### Pretrial Program Services: Drug and Alcohol Testing

Study	Summary	Key Findings
Advancing Pretrial Policy & Research. "Pretrial Drug Testing Research Summary." (April 2021).	This review summarized the literature on pretrial drug testing effectiveness with respect to maximizing court appearance and community well-being and safety. The review used 12 studies produced from 1989 to 2019. The use of drug testing in pretrial programs started in the late 1970s and early 1980s and by the end of the 1990s over two-thirds (68%) of pretrial programs used drug testing. The use of drug testing reached its peak in 2009 with 90% of agencies using such testing, and dropped to 77% by 2019.	<ul style="list-style-type: none"> <li>• There is no clear association between drug testing and improved pretrial outcomes.</li> <li>• The impact of noncompliance with drug testing on the likelihood of pretrial failure is uncertain.</li> <li>• Due to the lack of clear association between drug testing and improved pretrial outcomes, cost-benefit considerations should be made.</li> <li>• Drug testing can lead to poorer pretrial outcomes among people assessed as more likely to succeed. A national pretrial study found individuals who were assessed as a high likelihood of pretrial success were more likely to fail when given substance use testing as a condition of release.</li> </ul>
Hatton, Ross, and Jessica Smith. "Research on the Effectiveness of Pretrial Support and Supervision Services: A Guide for Pretrial Service Programs." University of North Carolina School of Government Criminal Justice Innovation Lab (July 2021).	This review summarized seven research studies from 1984 to 1991 on the effectiveness of drug testing on pretrial program outcomes. All studies were funded by the federal National Institute of Justice and the Bureau of Justice Assistance. The results of the review were that it is unclear if drug testing in pretrial programs improves pretrial outcomes.	<ul style="list-style-type: none"> <li>• There is no guarantee of reduced failure to appear or arrest rates with pretrial drug testing.</li> <li>• The type of sanctions used to compel compliance in drug testing, such as referral to drug treatment programs, may affect drug testing compliance and outcomes.</li> <li>• Research is not yet clear if pretrial drug testing programs improve pretrial outcomes.</li> </ul>
Anderson, Chloe, Erin J. Valentine, and Daron Holman. "Assessing the Effectiveness of Pretrial Special Conditions: Full Findings from the Pretrial Justice Collaborative." MDRC (June 2023).	This report assessed the effectiveness of sobriety monitoring and electronic monitoring in maintaining defendants' court appearances and helping them avoid arrest. The authors collected data between January 2017 and June 2019 in two jurisdictions: one a large, metropolitan area and the other a small rural county. The research used propensity score matching to pair statistically comparable individuals who were released with special conditions with those who were released without special conditions. The results suggest that programs should reflect on the use of electronic and sobriety monitoring given that they do not seem to improve court appearance rates	<ul style="list-style-type: none"> <li>• Being released on sobriety monitoring or electronic monitoring did not significantly improve court appearance rates.</li> <li>• Being released on sobriety monitoring did not significantly improve the percentage of people who avoided a new arrest, but there was variation on this effect among jurisdictions.</li> <li>• Being released on electronic monitoring did not significantly increase the percentage of people who avoided a new arrest during the pretrial period.</li> </ul>

**Pretrial Program Services: Court Reminders**

Study	Summary	Key Findings
<p>Fishbane, Alissa, Aurelie Ouss, and Anuj K. Shah. "Behavioral Nudges Reduce Failure to Appear for Court." <i>Science</i> 370 (2020).</p>	<p>These two, large-scale field studies in New York City included all 323,922 summonses issued between January 1, 2016 and June 14, 2017. The first study redesigned the summons form that defendants receive for low-level offenses, placing the court information in a more prominent area. The second study sent text messages to defendants to highlight critical court information in the week leading up to the court appearance. Both studies found that the interventions significantly reduced the rate at which defendants missed their court dates for low-level offenses.</p>	<ul style="list-style-type: none"> <li>• The redesigned summons form reduced failures to appear on average by 13%.</li> <li>• The text message reminders reduced failure to appear by 21%.</li> <li>• The researchers estimate the behavioral nudges helped to avoid at least 30,000 arrest warrants being issued over 3 years and resulted in approximately 20,000 people having their cases fully dismissed instead of having an open warrant.</li> </ul>
<p>Advancing Pretrial Policy &amp; Research. "Court Date Notification Systems Research Summary." (April 2021).</p>	<p>This review summarized the literature on the effectiveness of court notification systems, which remind individuals of their upcoming court date, on maximizing court appearance and community well-being and safety. The review used 11 studies that ranged from 2006 to 2020. Jurisdictions such as Arizona, Colorado, Kentucky, Louisiana, Nebraska, New York, Oregon, and Washington have evaluated the impact of their notification systems on court appearance rates. The study found court notifications increase appearance rates. They also found that different types of notifications and what is included in the notification message can impact appearance rates.</p>	<ul style="list-style-type: none"> <li>• Court notifications of any kind (e.g., text reminders automated phone calls or live phone calls) can increase appearance rates.</li> <li>• Notification content matters; for example, notifications that include the consequences of failing to appear and prompts on how to plan ahead for the court date were more effective at reducing failure to appear than notifications including the court date and location only.</li> <li>• Live contact where a court representative speaks directly with the person can improve appearance rates.</li> <li>• Post-failure to appear notifications can increase appearance rates and positively impact a person's return to court.</li> <li>• Notifications have financial and nonfinancial benefits, which include savings in costs associated with warrants, police apprehension, jail booking, and housing; preventing the adverse impact of involvement in the criminal justice system; and increasing procedural fairness.</li> </ul>
<p>Hatton, Ross, and Jessica Smith. "Research on the Effectiveness of Pretrial Support and Supervision Services: A Guide for Pretrial Service Programs." University of North Carolina School of Government Criminal Justice Innovation Lab (July 2021).</p>	<p>This review examined eight research studies on the effectiveness of court date reminders on pretrial program outcomes from 1998 to 2018. The findings were mixed. Four of the studies found statistically significant findings, while the other studies did not apply statistically rigorous methods to their analysis, they had consistent decreases in FTA rates. Three of the statistically significant studies found potential for reducing failures to appear, but one study found the control and intervention groups had nearly identical failures to appear. Future studies are needed to assess communication methods as frequencies of contact and contact timelines may impact program effectiveness.</p>	<ul style="list-style-type: none"> <li>• Court date reminder systems can reduce failure to appear rates; however, most studies have a lack of statistical rigor that limits generalizability of the findings.</li> <li>• Court reminder programs can potentially produce overall cost savings by reducing costs associated with failing to appear such as bench warrants, bond processing, and jail utilization.</li> </ul>

Source: OPPAGA analysis of research articles pertaining to pretrial release.

**Exhibit B-3**  
**Cost-Benefit Analysis of Pretrial Release and Detention**

Study	Summary	Key Findings
<p>Alex Piquero. "Cost-Benefit Analysis for Jail Alternatives and Jail." Florida State University, College of Criminology and Criminal Justice (October 2010).</p>	<p>This analysis compared the cost of local detention to other supervision methods, including pretrial, probation, and day reporting, and reentry from 2005 to 2010 in Broward County. The study found that using alternatives to incarceration like pretrial release could save the Sheriff's Office millions of dollars.</p>	<ul style="list-style-type: none"> <li>• The average daily population for the Broward County jail decreased from 5,481 in 2005 to 4,337 in 2010. The average daily population on pretrial release increased from 1,013 in 2005 to 2,802 in 2010.</li> <li>• In 2010, the daily jail cost was \$107.71 and the daily cost of pretrial was \$1.48.</li> <li>• In 2010, the pretrial program saved the county \$104 million in jail bed costs.</li> </ul>
<p>Crime and Justice Institute. "A Cost-Benefit Model for Pretrial Justice." (May 2015).</p>	<p>This report described the development of a cost-benefit model to determine the fiscal impact of pretrial programs through examining costs associated with pretrial program operation, failures to appear, court processing costs, and jail incarceration costs. The cost-benefit model was piloted in Johnson County, Kansas and Boulder County, Colorado in 2014. The report provides a guide for programs and researchers who want to conduct a comprehensive cost-benefit model for pretrial programs.</p>	<ul style="list-style-type: none"> <li>• The model monetizes two key outcomes (new crime and failure to appear) by calculating the cost savings to the jail while also accounting for the risk that the defendant will commit a new crime or fail to appear.</li> <li>• The model requires a risk profile for the local pretrial population, getting an idea of how many individuals are high risk and low risk for committing a new crime or failing to appear. The likelihood of failing to appear and pretrial misconduct varies by risk that can be assessed by this model. This model can stratify by risk to create more precise results.</li> </ul> <p>Examining the marginal costs of jail operations, such as food, clothing, healthcare, and staffing, is key to accurately determine the cost of a jail bed per day. It is difficult to comprehensively capture all of the costs; for example, the model does not account for collateral costs to defendants such as lost wages or capture the monetary impact of pretrial supervision at different intensity levels.</p>
<p>Baughman, Shima Baradran. "Costs of Pretrial Detention." Boston University Law Review Vol 97, no. 1 (2017): 1-29.</p>	<p>This article provided a cost-benefit analysis, quantifying the total economic and social costs for both pretrial detention and release. Using U. S. Bureau of Justice Statistics data from 134,767 felony-arrest cases between 1990 and 2006 to estimate the rate of re-arrest, along with estimates from the literature for costs associated with prosecuted crimes, failure to appear in court, felonies where no arrests are made, and monitoring of released individuals. The author found that fewer defendants could have been detained in the last decade without risk to the public, and that reduction in detentions would have saved society billions of dollars</p>	<ul style="list-style-type: none"> <li>• The cost of pretrial release averaged \$19,500, while the cost of detention averaged \$40,300. This includes direct costs such as loss of income and loss of employment and property (housing), and indirect economic costs on detainees through loss of freedom, dignity, and disruptions to family life and other relationships. This cost also includes public costs of prison operation, loss of federal and state tax and welfare for the detainee's family.</li> <li>• The decision to detain defendants produced an average economic loss to society of \$6,772 per defendant due to costs of detaining the individual, when it was safe to release them.</li> <li>• A reduction in 28% of defendants detained pretrial, without statistical risk to the public, would have saved society an estimated \$78 billion.</li> </ul>
<p>Dobbie, Will, Jacob Goldin, and Crystal Yang. "The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges." <i>American Economic Review</i> Vol. 108, No. 2 (February 2018): 201-240.</p>	<p>This study used court data and tax records from 420,000 defendants in two large, urban counties and found that pretrial release improves both conviction and economic outcomes. Specifically, the study found being released before trial decreases the probability of a conviction and increases employment. Based on this finding, the study conducted a partial cost-benefit analysis that accounted for administrative jail expenses, costs of apprehending</p>	<ul style="list-style-type: none"> <li>• Estimated net benefit of pretrial release is between \$55,143 and \$99,124 per defendant.</li> <li>• The net benefit is related to the impact of criminal convictions on labor market outcomes and the relatively low cost of apprehending defendants who fail to appear in court.</li> <li>• Pretrial release decreased the probability of pleading guilty by 10.8%, with the lower probability of pleading guilty driving a 14% lower rate of conviction.</li> </ul>

Study	Summary	Key Findings
	defendants, cost of future crime, and the economic impact on defendants.	<ul style="list-style-type: none"> <li>• Initial pretrial release increased the probability of formal employment three to four years after the bail hearing by 9.4%</li> <li>• Unless pretrial detention has a major individual deterrence effect, releasing defendants will likely increase their economic and social well-being.</li> </ul>
Weinerman, Michael, Siobhan McAlister, and Katherine Tallan. "Cost-Benefit Analysis of Pretrial Release in Oregon." Oregon Criminal Justice Commission (October 2020).	This cost-benefit analysis of pretrial release examined the potential impact of implementing a statewide, uniform policy of limiting pretrial detention to three days for lower-level offenders. The analysis used 46,930 criminal cases filed in 2018. The study found Oregon would experience millions of dollars in cost savings and societal gain if they implemented the three-day detention release policy.	<ul style="list-style-type: none"> <li>• With a three-day detention release policy, Oregonians would experience a net, societal gain with a monetized value of \$68 million</li> <li>• The policy would save the criminal justice system over \$50 million</li> <li>• An additional \$17.3 million in intangible costs, such as housing and employment benefits for released defendants, would also be saved</li> <li>• Broken down by jail size, larger jails received a greater benefit while small jails received a net negative, based on higher victim costs, such as medical expenses, cash losses or property theft, and post-victimization counseling</li> <li>• In the data used for the study, smaller jails were releasing a higher proportion of individuals who went on to commit more severe crimes. However, the reason for this difference was not identified.</li> </ul>

Source: OPPAGA analysis of research articles pertaining to pretrial release.



**Exhibit B-4**  
**Pretrial Release Program Outcomes**

Study	Summary	Key Findings
<p>Advancing Pretrial Policy &amp; Research. "Pretrial Monitoring Research Summary." (April 2021).</p>	<p>This review summarized nine studies from 1985 to 2019 on the effectiveness of pretrial monitoring on maximizing court appearance and community well-being and safety. Approximately 17 out of every 20 jurisdictions have some mechanism to monitor people in the community while they are awaiting trial. They determined that, overall, it seems pretrial monitoring is effective for some outcomes, but not all of the outcomes that were examined.</p>	<ul style="list-style-type: none"> <li>• Pretrial monitoring can improve court appearance and has been found to improve court appearance rates as little as 2% and as much as 24%.</li> <li>• Pretrial monitoring does not appear to reduce arrests while released on pretrial.</li> <li>• Pretrial monitoring works best with people assessed as least likely to succeed due to the high likelihood that individuals that are rated most likely to succeed will attend court whether they are on the program or not. These findings are consistent with the "risk principle" where resources and services should be prioritized for those who are less likely to succeed pretrial.</li> <li>• There is a lack of research on common pretrial monitoring conditions and practices.</li> </ul>
<p>Hatton, Ross, and Jessica Smith. "Research on the Effectiveness of Pretrial Support and Supervision Services: A Guide for pretrial Service Programs." University of North Carolina School of Government Criminal Justice Innovation Lab (July 2021).</p>	<p>This review examined eight studies of supervised pretrial release published between 1975 and 2017. The review suggests there is limited data and research to show which defendants are best suited for supervised pretrial release and how it can be best implemented to reduce failure to appear and new charge arrests.</p>	<ul style="list-style-type: none"> <li>• The type and amount of pretrial supervision can vary substantially (e.g., bi-weekly phone call check-ins, weekly face-to-face contact, or behavioral health services).</li> <li>• Four of the studies found supervised release may improve pretrial outcomes.</li> <li>• One study found increased supervision did not improve pretrial outcomes if the supervision was excessive compared to the defendant's risk level. However, this finding was not statistically significant.</li> <li>• One study found supervised release was more likely to result in pretrial failure compared to surety bonds, but did not directly test why there were differences. Reported possibilities include that it could be due to bond agents being more selective in the defendants they choose, or defendant characteristics that could not be controlled for in the study.</li> </ul>
<p>Valentine, Erin J., and Sarah Pichard. "Assessing the Effectiveness of Varying Intensities of Pretrial Supervision: Full Findings from the Pretrial Justice Collaborative." MDRC (June 2023).</p>	<p>This analysis compared the effects of four levels of pretrial supervision: no supervision, low-intensity supervision that only involved post-court check-ins, medium-intensity supervision requiring one in-person meeting per month, and high-intensity supervision requiring three in-person meetings per month. The authors collected data between January 2017 and June 2019 in two jurisdictions: one a large, metropolitan area and the other a small rural county. The findings indicate that requiring defendants to meet more intensive pretrial supervision requirements does not improve outcomes. Rather, lower intensity supervision had the same effectiveness as higher-intensity supervision.</p>	<ul style="list-style-type: none"> <li>• Lower-intensity supervision was as effective as higher-intensity supervision in helping pretrial defendants appear in court and avoid new arrests.</li> <li>• Risk scores were strongly correlated with re-arrest rates and modestly correlated with court appearance rates, meaning individuals with higher risk scores were more likely to be re-arrested or fail to appear. However, having the high-risk individual participate in a higher-intensity supervision did not mitigate the higher likelihood of re-arrest or failure to appear.</li> </ul>

Source: OPPAGA analysis of research articles pertaining to pretrial release.

**Exhibit B-5**  
**Key Metrics/Measurement Best Practices**

Study	Summary	Key Findings
<p>Jones, Michael R. "Pretrial Performance Measurement: A Colorado Example of Going from the Ideal to Everyday Practice." Pretrial Justice Institute (May 2013).</p>	<p>This paper summarized the process that Colorado used in 2012 to develop more accurate and useful definitions for pretrial performance measures as required by Colorado Statute (CRS 16-4-105(3)(e) and (3)(f)). The performance measures are statutorily required to be reported on in every pretrial services program annual report.</p>	<p>Recommended key metrics (*required by Colorado Statute)</p> <ul style="list-style-type: none"> <li>• Number of pretrial assessments*</li> <li>• Number of pretrial supervision cases closed*</li> <li>• Number of these cases with no failure to appear*</li> <li>• Court appearance rate</li> <li>• Number of cases with no new filing*</li> <li>• Public safety rate</li> <li>• Number of cases not revoked for technical violation*</li> <li>• Technical compliance rate</li> <li>• Number of cases posted via commercial surety bond*</li> <li>• Percent of cases posted via commercial surety bond</li> <li>• Number of cases posted via all cash bonds</li> <li>• Number of cases posted via property bond</li> <li>• Number of cases posted via personal recognizance/self bond</li> <li>• Number of cases posted via personal recognizance/surety bond</li> <li>• Total number of all personal recognizance bonds*</li> </ul>
<p>Kennedy, Spurgeon, and Tara Boh Klute. "Measuring for Results: Outcome and Performance Measures for Pretrial Diversion Field." National Association of Pretrial Service Agencies (2015).</p>	<p>This report expanded upon a 2011 National Institute of Corrections report and outlined suggested outcomes and performance measures, along with critical operational data, for pretrial programs. The goal of the publication is to present clearly defined and easily calculable measures that pretrial diversion programs can use to gauge progress in achieving their mission and strategic goals, improve business decisions, and illustrate pretrial diversion's value in an evidence-based criminal justice system. These measures are compatible with national pretrial diversion standards.</p>	<p>Recommended key metrics</p> <ul style="list-style-type: none"> <li>• Outcome Measures: An indicator of an agency's effectiveness in achieving a stated mission or intended purpose <ul style="list-style-type: none"> <li>○ Success rate</li> <li>○ Safety rate</li> <li>○ Post-program success rate</li> </ul> </li> <li>• Performance Measures: A quantitative or qualitative characterization of performance <ul style="list-style-type: none"> <li>○ Screening</li> <li>○ Placement</li> <li>○ Compliance</li> <li>○ Response</li> <li>○ Provision</li> <li>○ Satisfaction</li> </ul> </li> <li>• Critical Operational Data: Data in areas strategically linked to outcome and performance <ul style="list-style-type: none"> <li>○ Referrals</li> <li>○ Time in programming</li> <li>○ Time to placement</li> <li>○ Time in diversion</li> <li>○ Exits</li> </ul> </li> </ul>

Study	Summary	Key Findings
<p>Kim, KiDeuk, Rob Santos, Bill Adams, Annie Gurvis, Miriam Becker-Cohen, and Shebani Rao. "National Pretrial Reporting Program." Urban Institute (February 2019).</p>	<p>This study assessed the feasibility of restarting the National Pretrial Reporting Program (NPRP). The last NPRP was published in 2009 when the program stopped due to the difficulty to collect data that is representative across different programs and jurisdictions and costs associated with the project. The Urban Institute suggests that the Bureau of Justice Statistics collect case level NPRP data to be able to calculate key metrics across all sampled jurisdictions.</p>	<p>Key metrics</p> <ul style="list-style-type: none"> <li>• Outcome Measures <ul style="list-style-type: none"> <li>○ Appearance rate</li> <li>○ Safety rate</li> <li>○ Concurrence rate</li> <li>○ Success rate</li> <li>○ Pretrial detainee length of stay</li> </ul> </li> <li>• Performance Measures <ul style="list-style-type: none"> <li>○ Universal screening</li> <li>○ Recommendation rate</li> <li>○ Response to defendant conduct</li> <li>○ Pretrial intervention rate</li> </ul> </li> <li>• Mission Critical Data <ul style="list-style-type: none"> <li>○ Number of defendants released by release type and condition</li> <li>○ Caseload ratio</li> <li>○ Time from nonfinancial release order to start of pretrial supervision</li> <li>○ Time on pretrial supervision</li> </ul> </li> <li>• Pretrial detention rate</li> </ul>
<p>Vanek, Shaina, Robert M. Brown Jr., Holly Busby, Lori Eville. "Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field, Second Edition." U. S. Department of Justice, National Institute of Corrections (2021).</p>	<p>This report updated a 2011 report and created a list of measures to encourage pretrial service agencies to use and gauge success in meeting program mission and strategies with performance and outcome measures.</p>	<p>Recommended key metrics</p> <ul style="list-style-type: none"> <li>• Outcome Measures: Indicators of how well an organization achieves its stated mission or intended purpose. <ul style="list-style-type: none"> <li>○ Release rate</li> <li>○ Appearance rate</li> <li>○ Public safety rate</li> <li>○ Success rate</li> </ul> </li> <li>• Performance Measures: Quantitative or qualitative characterizations of performance in mission critical areas, such as assessing defendant risk and addressing defendant compliance to court-ordered conditions. <ul style="list-style-type: none"> <li>○ Universal screening</li> <li>○ Recommendation rate</li> <li>○ Response to defendant conduct rate</li> <li>○ Pretrial intervention rate</li> <li>○ Supervision success rate</li> <li>○ Concurrence rate</li> </ul> </li> <li>• Metrics for Equity <ul style="list-style-type: none"> <li>○ Using performance and outcome metrics to identify where inequities may exist and promote an atmosphere where inequitable treatment can be discussed and addressed</li> </ul> </li> </ul>

Source: OPPAGA analysis of research articles pertaining to pretrial release.

# APPENDIX C

## Program Service Fees

Twenty pretrial programs reported charging fees to defendants for rendered services. (See Exhibit C-1.) Programs reported that collected funds were remitted to program revenues, general county revenues, and contracted vendors. Additionally, 12 programs reported that fees could be waived through judicial discretion or by community service. For example, Lee and Alachua counties' pretrial programs reported that fees could be waived by completing community service hours. Brevard, Manatee, Monroe, Palm Beach, and Seminole pretrial programs reported that judges have the discretion to waive fees. The Orange County pretrial program reported that defendants must be declared indigent to waive fees, while the Leon County program reported that fees can be permitted to accrue until final disposition of a defendant's case.

### Exhibit C-1

#### Twenty Pretrial Programs Charged Fees to Defendants in 2022

County Pretrial Program	Service	Fee Amount	Total Collected	Program Reported Fee Assessments and Waivers	Recipient of Fees
Alachua	GPS Monitoring	\$5/day	\$18,875	Community service hours can be completed in lieu of fees	Vendor
	MonitorConnect	\$5/month	\$1,630	MonitorConnect is an optional tool for defendant supervision	Vendor
Bay	Drug/Alcohol Testing	\$45/test	\$0	Cannot be waived	Vendor
Brevard	Program Participation Fee	\$10/week	-	Can be waived by a judge	Program Revenue
	Community Supervision	\$10/week	\$4,455	Can be waived if indigent	Program Revenue
Broward	Electronic Monitoring	\$5/day	\$90,664	DNP <sup>1</sup>	DNP
	GPS/Alcohol Monitoring	\$6-\$12/day	DNP Payments made directly to private vendors	Cannot be waived	Vendor
Charlotte	Drug Testing	\$5/test	DNP Fees collected in conjunction with probation department	Cannot be waived	County Revenue
	Alcohol/Ethyl Glucuronide Testing	\$14.95/test	DNP Fees collected in conjunction with probation department	Cannot be waived	County Revenue
	Synthetic Drug Testing	\$19.95/test	DNP Fees collected in conjunction with probation department	Cannot be waived	County Revenue
Citrus	GPS Monitoring	\$8/day	\$26,183	Cannot be waived	Program Revenue

County Pretrial Program	Service	Fee Amount	Total Collected	Program Reported Fee Assessments and Waivers	Recipient of Fees
Collier	Alcohol Monitoring	\$6.50/day	\$1,928	When court ordered unless waived for indigency	Vendor
	Drug Screening	\$6.75/test	\$188.31	When court ordered unless waived for indigency	Vendor
	Electronic Monitoring	\$4.10/day	\$1,011	When court ordered unless waived for indigency	Vendor
DeSoto	Electronic Monitoring	\$100 initial fee and \$10/day	\$2,260	Cannot be waived	Vendor
Escambia	Drug Patches	\$44/patch	\$2,772	Can be waived by the court	Vendor
	Urinalysis Testing	\$25/test	\$9,152	Can be waived by the court	Vendor
	GPS Monitoring	\$12 or \$15/day	\$164,266	Can be waived by the court	Vendor
	Secure Continuous Remote Alcohol Monitoring (SCRAM)	\$15/day	\$6,069	Can be waived by the court	Vendor
Lee	Pretrial Diversion Cost of Supervision	\$150/three months	\$115,827	Participants may be allowed to complete community service in lieu of paying diversion fee	County Revenue
Leon	Administrative Fees	\$40/month	\$92,721	Can be waived or permitted to accrue until final disposition	Program Revenue
	SCRAM Monitoring	\$12/day	\$26,282	Can be waived or permitted to accrue until final disposition	Program Revenue
	GPS Monitoring	\$9/day	\$23,801	Can be waived or permitted to accrue until final disposition	Program Revenue
	Alcohol Testing	\$5/test	\$25,855	Can be waived or permitted to accrue until final disposition	Program Revenue
	Urinalysis Testing	\$20/test	\$126,064	Can be waived or permitted to accrue until final disposition	Program Revenue
Manatee	Electronic Monitoring	\$3.09/day	\$28,288	Can be waived by a judge	Vendor
	Electronic Monitoring Installation Fee	\$30 one-time fee	\$720	Can be waived by a judge	County Revenue
	Drug Testing	\$50 one-time fee	\$15,865	Can be waived by a judge	County Revenue
Monroe	Urinalysis Testing	\$10/test	\$14,708	Cannot be waived	Vendor or County Revenue <sup>2</sup>
	Electronic Monitoring	\$4.25/day	\$2,991	Can be waived by a judge	Vendor or County Revenue
Okaloosa	Electronic Monitoring	\$1 or \$5 per day	\$29,992	Can be reduced based on certain conditions	County Revenue
Orange	Pretrial Services Telephone Reporting	\$6/month	\$3,701	Can be waived with financial waiver	Vendor and County Revenue <sup>3</sup>

County Pretrial Program	Service	Fee Amount	Total Collected	Program Reported Fee Assessments and Waivers	Recipient of Fees
	Drug testing	\$17 one-time fee	\$25,176	Can be waived with financial waiver	County Revenue
Osceola	Telephonic Reporting	\$10/month	\$0	Cannot be waived if indigent	Vendor
	Drug Testing	\$20/test	\$0	Can be waived if indigent	Vendor
	Alcohol Testing	\$13.20/test	\$0	Can be waived if indigent	Vendor
Palm Beach	Cost of supervision	\$10/week	DNP	Can be waived by a judge	DNP
Pinellas	Electronic Monitoring	\$7/day	\$44,980	Mandatory except by court order and veteran's court	Vendor
	Alcohol Monitoring	\$10/day	\$82,592	Mandatory except by court order and veteran's court	Vendor
Sarasota <sup>4</sup>	Electronic Monitoring	DNP	DNP	Cannot be waived	Vendor
Seminole	GPS Monitoring	\$3.50/day	\$419,450	Can be waived by a judge	County Revenue

<sup>1</sup> DNP refers to pretrial programs that did not provide the information.

<sup>2</sup> Monroe County reported that many defendants drug test outside of the county and use outside vendors for services. Therefore, defendants' fees were remitted to the vendor.

<sup>3</sup> Orange County reported charging defendants \$6 for telephone reporting services. Of those fees, \$3.91 were remitted to the vendor, while \$2.09 were remitted to county revenue.

<sup>4</sup> Sarasota County reported that a private vendor renders electronic monitoring services to defendants in the pretrial program. Therefore, the program did not track the fee amount or total funds collected in Calendar Year 2022.

Source: OPPAGA analysis of pretrial program survey responses.

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# OPPAGA

Office of Program Policy Analysis and Government Accountability

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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).

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