



## Pretrial Release Programs Vary Across the State; New Reporting Requirements Pose Challenges

### *at a glance*

Pretrial release is an alternative to incarceration that allows arrested defendants to be released from jail while they await disposition of their criminal charges. Florida has 29 pretrial release programs that provide supervision for defendants charged with a wide range of criminal charges. These programs do not consider indigency as a factor for eligibility, although most of their defendants served are indigent.

Data is not available to compare defendants in pretrial release programs to those released on bond or on their own recognizance. However, national research indicates that failure to appear and rearrest rates for defendants released to a pretrial release program and those released on bond are comparable. Defendants released on recognizance had a higher rate of failure to appear.

Florida's pretrial release programs generally are using best practices suggested by literature to help ensure defendants appear in court and are not rearrested. Some programs report that new statutory reporting requirements increase their operating costs; the Legislature could consider streamlining some requirements to improve clarity and make them less burdensome.

### Scope

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Section 907.044, *Florida Statutes*, directs OPPAGA to annually evaluate the effectiveness and cost-efficiency of Florida's pretrial release programs. This report profiles Florida's 29 pretrial release programs, identifies nationally recognized best practices for the programs, and assesses their compliance with new statutory reporting requirements.

### Background

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Pretrial release is an alternative to incarceration that allows arrested defendants to be released from jail while they await disposition of their criminal charges. Pretrial release is a constitutional right for most people arrested for a crime. Article I, Section 14, *Florida Constitution*, provides that unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. Further, s. 907.041, *Florida Statutes*, states that it is the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime.<sup>1</sup>

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<sup>1</sup> Dangerous crimes are described in s. 907.041(4), *F.S.*, and include offenses such as arson, aggravated assault, aggravated battery, child abuse, abuse of an elderly person or disabled adult, kidnapping, homicide, manslaughter, sexual battery and other sex offenses, robbery, carjacking, stalking, and domestic violence.

Pretrial release of appropriate individuals provides benefits to both government and the individuals. Pretrial release is less costly than incarceration and reduces jail overcrowding. It also preserves the liberty of defendants and helps them preserve their jobs, housing, automobiles, and connections to their families and communities. Pretrial release can be granted in three general ways.

**Release on recognizance** allows defendants to be released upon their promise to return for mandatory court appearances. Defendants released on recognizance are not required to post a bond and are not supervised. This form of release is appropriate for defendants with a low risk of absconding or committing crime while on release, consistent with the statutory directive to provide the least restrictive form of release necessary. It avoids government costs for supervision or incarceration.

**Posting bond** is a monetary requirement to ensure that the defendant appears in court when required. A defendant whom the courts approve for release on bond must post a cash bond to the court or a surety bond through a private bondsman. Defendants typically pay a fee to the bondsman of 10% of the bond required by the court for release. If the defendant does not appear, the bondsman is responsible for paying the entire amount. Bondsmen are not required to supervise defendants but have a vested interest in ensuring that their clients keep their court dates and do not abscond. Approximately 50% of defendants released before trial in the United States are released on bond.

**Pretrial release programs** actively supervise defendants through phone contacts, visits, and/or electronic monitoring until their case is disposed or supervision is revoked. Defendants may be selected by the program for participation or assigned to the program by a judge. Defendants generally are released into a pretrial release program without paying a bond; however, judges in some circuits may require them to post bond. The programs are publicly funded but are less costly than incarceration.

Florida has 29 pretrial release programs. Most of these programs conduct investigations of detainees, have representatives at defendants' initial court appearance, and make release recommendations to the court. Most also provide drug and alcohol testing and can therefore bring problem behaviors to the court's attention.

Almost all of the programs are locally funded and are administered at the county level—either by sheriffs, jails, or as separate county divisions. The size and budget of the programs vary substantially. For example, in Fiscal Year 2007-08 Santa Rosa County had a budget of \$79,000 and supervised 940 defendants, while Miami-Dade had a \$4.8 million budget and supervised 11,101 defendants. The programs also respond differently to defendants' failure to appear in court. For example, three programs report the failure to law enforcement, while five use their law enforcement authority to arrest defendants. Appendix A describes the characteristics of the pretrial release programs, including their placement and budget.

This report answers five questions.

- What types of defendants are accepted into Florida's pretrial release programs?
- Are failure to appear and rearrest rates comparable for defendants in the three types of pretrial release?
- Is financial status considered when determining defendant eligibility for pretrial release programs?
- What practices can pretrial release programs implement to help ensure that defendants appear in court and do not violate supervision?
- What challenges do pretrial release programs face in complying with the new requirements of s. 907.043, *Florida Statutes*?

To answer these questions, we surveyed and received replies from the 29 pretrial release programs. We also interviewed program staff and other stakeholders including state attorneys, public defenders, and chief judges. In addition, we visited pretrial release programs in Broward, Hillsborough, Leon, Miami-Dade, and Pinellas to

observe program activities. The 2008 Legislature required the programs to collect extensive data on their operations and defendants beginning July 1, 2008. Our next annual report will assess this information.

## Questions and Answers —

### *What types of defendants are accepted into Florida’s pretrial release programs?*

While the types of defendants accepted by Florida’s pretrial release programs vary somewhat, most programs restrict eligibility to defendants with less serious criminal charges. Programs use selection criteria to identify defendants most appropriate for their programs, which can be based on a formal risk assessment tool or directives from the chief judge of the jurisdiction. In general, programs use exclusions to help ensure that they do not select defendants who pose a higher risk of failing to appear in court or committing other crimes while in the program. For example, most programs exclude defendants who pose a threat to the community, or are on probation, parole, pretrial release, or other release. See Exhibit 1.

#### **Exhibit 1 Pretrial Release Programs Exclude Defendants for a Variety of Reasons**

| Program Exclusions <sup>1</sup>   | Number of Programs |
|---|--------------------|
| Defendant poses a threat of harm to the community   | 19                 |
| Defendant is on probation, parole, pretrial release, or other release   | 19                 |
| Defendant charged with trafficking in controlled substances   | 17                 |
| Defendant threatened, intimidated, or injured any victim, potential witness, juror or judicial official, or has attempted or conspired to do so | 14                 |
| Defendant charged with DUI manslaughter   | 14                 |
| Defendant previously violated conditions of release   | 12                 |
| Other <sup>2</sup>  | 8                  |

<sup>1</sup>Four programs did not respond to this question because they do not make specific release recommendations to the court.

<sup>2</sup>Other includes defendants who have DUI charges, have pending cases in other jurisdictions, are classified as a high-risk sex offender/predator, or who are charged with a violent felony offense. Source: Responses to OPPAGA survey from the 29 pretrial release programs.

However, judges have broad discretion to place defendants, some of whom may have more serious charges and criminal histories, in pretrial release programs. As a result, defendants with violent offense charges or histories, such as aggravated assault and sexual battery, have been placed into some pretrial release programs. Also, in some jurisdictions, judges have the discretion to assign a bond to more serious offenders and require supervision by the pretrial release program for an extra layer of accountability.

### *Are failure to appear and rearrest rates comparable for defendants in the three types of pretrial release?*

When defendants are released from jail before their criminal cases have been resolved, they agree to return to all court proceedings and not get rearrested. Failure to appear and rearrest rates are important public safety indicators that can be used to compare the relative effectiveness of the three types of release.

While data for Florida’s three pretrial release methods are not available, the U.S. Department of Justice indicates that nationally failure to appear and rearrest rates for defendants released to pretrial release or bond are comparable, while defendants released on their own recognizance are equally likely to be rearrested but are more likely to fail to appear. <sup>2</sup>

As shown in Exhibit 2, defendants released on their own recognizance had the highest failure to appear and rearrest rates, and surety bond releases had the lowest failure to appear rate at 18%. <sup>3</sup>

<sup>2</sup> The Department of Justice’s Bureau of Justice Statistics Report, issued in November 2007, highlights the criminal history of state court felony defendants in 40 of the nation’s 75 most populous counties from 1990 to 2004.

<sup>3</sup> Surety bonds are those paid to bondsmen, while cash bonds are paid to the courts.

**Exhibit 2**  
**Nationally, Failure to Appear and Rearrest Rates for Pretrial Release Programs and Bond Are Similar**

| Release Type             | FTA Rate | Rearrest Rate |
|--------------------------|----------|---------------|
| Release on recognizance  | 26%      | 17%           |
| Pretrial release program | 22%      | 15%           |
| Cash bond                | 20%      | 15%           |
| Surety bond              | 18%      | 16%           |

Source: *Pretrial Release of Felony Defendants in State Courts*, Bureau of Justice Statistics Report No. NCJ214994, November 2007.

While data on failure to appear and rearrest rates are not yet available for all programs, some programs were able to provide historical data on these indicators for the defendants they served in 2007. Four programs reported failure to appear rates for their 2007 defendants, which ranged from 3.4% to 9%.

Eighteen programs reported data on defendants who were rearrested while in the program. Rearrest rates generally were less than 10%; however, the rearrest rates for the Citrus and Santa Rosa programs ranged up to 28%.<sup>4</sup>

We were unable to compare the statewide success rates for the pretrial release programs to those of other types of release (bond and release on recognizance) because there are currently no requirements for data to be collected for those release methods. However, one county—Miami-Dade—provided failure to appear rates for the three release methods. Failure to appear rates generally were comparable for the different release methods, with pretrial release defendants being slightly more likely to fail to appear than those released on bond or their own recognizance. See Exhibit 3.

<sup>4</sup> For the counties that reported the number of defendants rearrested but not the number released, OPPAGA calculated the rearrest rate based on the number of defendants in the pretrial release program for calendar year 2007. This calculation method was used for Broward, Citrus, Collier, Escambia, and Santa Rosa counties. For Dade, Duval, Hillsborough, Lee, Monroe, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Sarasota, St. Lucie, and Volusia counties, OPPAGA calculated the rearrest rate based on the number of pretrial release program defendants who were released in calendar year 2007.

**Exhibit 3**  
**Miami-Dade County’s Failure to Appear Rates Were Comparable for Defendants Released to the Pretrial Release Program and on Surety Bond in 2007**

| Release Type             | Court Appearances | Percentage by All Release Types | Failure to Appear | Percentage Failure to Appear |
|--------------------------|-------------------|---------------------------------|-------------------|------------------------------|
| Pretrial release program | 38,297            | 15%                             | 2,412             | 6%                           |
| Surety bond              | 191,750           | 77%                             | 8,886             | 5%                           |
| Cash bond                | 4,520             | 2%                              | 210               | 5%                           |
| Other <sup>1</sup>       | 14,716            | 6%                              | 420               | 3%                           |
| <b>Total</b>             | <b>249,283</b>    | <b>100%</b>                     | <b>11,928</b>     | <b>5%</b>                    |

<sup>1</sup> Other may include release on recognizance, promise to appear, and street citation releases.

Source: Miami-Dade Corrections and Rehabilitation Department, Pretrial Release Program, October 2007.

***Is financial status considered when determining defendant eligibility for pretrial release programs?***

Florida’s constitution and statutes provide that pretrial release is available to defendants, regardless of their financial status. Accordingly, Florida’s pretrial release programs do not consider indigency as a factor for eligibility, though most defendants served by these programs are indigent. On a national level, pretrial release programs initially were established to serve the indigent, or those deemed unable to afford their own counsel and release through bond. Judges generally assign defendants to programs based on other factors such as offense severity and ties to the community.<sup>5</sup>

Statewide data on indigency of defendants in pretrial release programs is not yet available as most programs did not track this attribute prior to the requirement established by s. 907.043, *Florida Statutes*. However, five counties have tracked this information, and as shown in Exhibit 4, most defendants served by these programs were indigent. Data indicates that between 41% and

<sup>5</sup> Twelve of the 29 programs reported that they used income level or means of support as a factor in their risk assessment for pretrial release recommendations. However, none of these programs exclusively relied on income level as a determinate for eligibility. Rather, programs indicated that income was not directly considered as one of many factors considered for release.

83% of defendants were considered indigent in 2007. Most of these results are consistent with national statistics that show that 87% of defendants charged with felonies were indigent.

**Exhibit 4**  
**2007 Data from Five Programs Indicates That Most Pretrial Release Defendants Are Indigent**

| Program                | Number of Defendants Accepted | Number of Defendants Accepted Who Were Indigent | Percentage of Defendants Accepted Who Were Indigent |
|------------------------|-------------------------------|---|---|
| Leon                   | 2,630                         | 2,178   | 83%   |
| Palm Beach             | 7,657                         | 6,279   | 82%   |
| Charlotte              | 229                           | 152   | 66%   |
| St. Lucie <sup>1</sup> | 187                           | 76  | 41%   |
| Broward                | 1,410                         | 873   | 62%   |

<sup>1</sup> This figure only represents six months of data because the county took over the pretrial release program from a private provider in July 2007.

Source: Responses to OPPAGA surveys from the 29 pretrial release programs.

***What practices can pretrial release programs implement to help ensure that defendants appear in court and do not violate supervision?***

National literature has identified best practices that can help programs ensure that defendants appear in court and do not violate supervision.<sup>6</sup> Five of these best practices are applicable to helping prevent defendants from failing to appear or being arrested for violating the terms of their supervision. Florida’s programs appear to be using most of these practices; however, improvements can be made.

**Practice No. 1: Programs should provide information to the court regarding the risk of the defendant.** Pretrial release programs should present information to judges relating to the assessed risk that a defendant may fail to appear in court or commit another crime, and develop feasible release recommendations relative to that risk. Such information increases the likelihood that those who pose a low risk will be properly and timely released, and those who pose a high risk of failing to appear or reoffending will be detained or required to pay an appropriate bond.

Each of the 29 pretrial release programs reported that they interview defendants and collect information such as the nature of the offense, prior convictions, length of time in residence and potential danger to the community. Most (20) of the programs make specific recommendations to the court regarding defendants’ fitness for the program. The majority of programs (27) have a representative present at the initial court appearance to answer questions from the judge.

**Practice No. 2: Programs should effectively supervise defendants.** Pretrial release programs should provide appropriate and effective supervision of persons assigned to their program. This supervision is an important tool to ensure that defendants are held accountable for their behavior in the community while awaiting trial.

Florida programs use a variety of methods to monitor defendants. Twenty-seven programs require the defendant to report in person or by telephone on a regular basis. Depending on their risk, most defendants must check in with the program once a week. Twenty-three programs supervise defendants with drug and alcohol testing, and 21 programs electronically monitor some of their clients in order to track their whereabouts.

**Practice No. 3: Programs should remind defendants of their court dates.** To reduce the number of failure to appear incidents, pretrial release programs should remind defendants of their court dates. According to the literature, many defendants simply forget to show up to court or are confused about their court date.

Twenty-four programs review court dates with defendants following their initial court appearance and 22 reported that they remind defendants of their court dates during regular supervision contacts. For example, programs in Alachua, Hillsborough, Leon, and Volusia counties make telephone calls to defendants to remind them of court appearances.

<sup>6</sup> These practices are identified from the American Bar Association and the National Association of Pretrial Services Agencies.



**Practice No. 4: Programs should inform the court of violations.** Programs should promptly inform the court when defendants violate pretrial release conditions or are arrested, and should recommend appropriate and feasible modifications of release conditions. Conditions of release may require the defendant to maintain distance from the alleged victim and refrain from using drugs or alcohol. The terms of release also require that the defendant not be arrested for commission of a crime in the interim. Informing the court when a defendant violates these conditions helps ensure public safety and maintains the integrity of the pretrial release process.

Florida's programs are generally informing the court of defendant violations. Twenty-eight programs indicated that they reported defendant violations of release to the court. Fifteen programs report noncompliance and request the court take action such as removing defendants from the program or issuing a warrant for their arrest. Five programs report noncompliance without requesting the court take action. Eight programs reported that they may report noncompliance to the court with or without a request for the court to take action, depending on the circumstances. One program indicated that it does not generally report defendant violations to the court, but uses its authority to arrest defendants or refers defendants to out/in patient treatment.

**Practice No. 5: Programs should establish and report performance measures that directly relate to program effectiveness.** The primary purpose of pretrial release programs is to ensure that defendants make their court appearances and remain crime-free while under their supervision. Measures such as failure to appear and rearrest rates help programs assess how effective they are at fulfilling that purpose.

Section 907.043, *Florida Statutes*, now requires all programs to collect data on failure to appear and rearrests. Nineteen of Florida's programs report they are currently collecting failure to appear information for the weekly register, and 18 report that they will track data on those defendants arrested for a new criminal offense while in the program.

### ***What challenges do pretrial release programs face in complying with the new requirements of s. 907.043, Florida Statutes?***

Section 907.043, *Florida Statutes*, requires pretrial release programs to produce a weekly register and an annual report on program outcomes and the characteristics of participants. These data must be provided to the clerk of court who must make the report readily accessible to the public. See Appendix B for specific requirements. Some pretrial release programs report that these requirements will increase costs and resource obligations and will adversely affect program operations. In addition, some of the reporting requirements add limited value or are ambiguous, and could be streamlined.

Section 907.043, *Florida Statutes*, establishes several valuable reporting requirements. For example, it requires programs to report charges filed against defendants they serve and types of violations of pretrial conditions committed by these persons as well as the number who fail to appear in court or are rearrested.

Some programs reported that they lack the capacity to report some of the required data elements. Most of the programs reported that they will be able to provide many of the required data elements such as the percentage of their total budget representing public funds, the amount of fees paid by defendants, and the number of defendants they accepted. However, several programs reported they lack the capability (e.g., data systems and staffing) to report outcomes such as the number of defendants the program recommended for release, and the number of defendants for whom the judge approved based on or against their recommendations. See Appendix B for anticipated compliance with reporting requirements.

Additionally, many program administrators report that the new requirements will increase costs and could adversely affect program operations. For example, one program reported that it budgeted \$60,000 and created a new position to implement the requirements of the law, and several reported

that they lack the staff, budget, or technology needed to collect required data.

The Legislature could consider streamlining the reporting requirements to reduce costs. For example, the law requires programs to report data on a weekly basis; changing to a monthly reporting cycle would be less burdensome but still allow for identification and evaluation of program trends. In addition, some information could be better reported on a summary basis. For example, programs currently are required to report the date of each failure to appear in court; reporting the number of defendants that fail to appear in court rather than the dates would better assess program performance.

Finally, some reporting requirements should be better defined to provide statewide consistency. For example, the law requires that programs report on “the nature of any prior criminal conviction.” Programs have interpreted this requirement in different ways—one program reports all prior convictions, while another program reports only the most serious offense. Another program reports “adult criminal history includes at least one misdemeanor or felony conviction” for defendants who have a criminal history. These differences will make it more difficult to compare programs and assess compliance with the law.

Accordingly, we recommend that the Legislature consider streamlining reporting requirements to reduce costs and provide more comprehensive and consistent information to stakeholders and the public. Specific recommendations for the individual reporting requirements are listed in Appendix C.

## Recommendations

To streamline program reporting and maximize the level of resources available to screen and supervise defendants, we recommend that the Legislature consider amending s. 907.043, *Florida Statutes*, to clarify program reporting requirements. Specifically, the Legislature could consider

- requiring programs to report data on a monthly instead of weekly basis;
- clarifying requirements to assist in the consistent interpretation and application of the law; and
- modifying reporting requirements that do not directly relate to program effectiveness or cost efficiency.

See Appendix C for OPPAGA’s suggested revisions to those requirements.

## Agency Comments

In accordance with the provisions of s. 11.51(5), *Florida Statutes*, a draft of our report was submitted to the pretrial release programs and to the Office of State Courts Administrator to review. While the programs were not required to respond to the report, several programs provided comments and feedback, which were considered in the final version of the report.

*Appendix A*

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## Florida's Pretrial Release Programs Operate in 29 Counties

There are 29 pretrial release programs in Florida, administered primarily by counties. Of these programs, 8 are administered by sheriff's offices, 6 are run by county courts, and 12 are administered by county departments. Three programs—Bay, Monroe, and Polk—are operated by circuit courts.

Each program is locally funded and based on local needs. As a result, funding levels and program size vary. Program budget amounts ranged from \$4.8 million in Dade County to \$69,036 in Bay County. The number of defendants served in 2007 ranged from 11,101 defendants in Dade County to 113 defendants in Citrus County. One program—Okaloosa County Pretrial Services—reported receiving state funding, which made up 12% of their Fiscal Year 2007-08 budget. All other programs are entirely funded at the local level.

Program budgets also vary because some include additional activities, such as investigations for other release types, electronic monitoring and house arrest, and counseling services. The participant numbers may not reflect the full extent of the programs' services and outcomes. For example, Manatee County had 1,926 defendants in the program, but conducted 3,360 investigations. Therefore, caution should be exercised when making comparisons between programs.



**Pretrial Release Programs Vary Throughout the State**

| County          | Program Placement         | Number of Pretrial Participants | Fiscal Year 2007-08 Budget | Percentage of Budget Provided by State Funds |
|-----------------|---------------------------|---------------------------------|----------------------------|--|
| 1 Alachua       | County Commission         | 583                             | \$ 380,834 <sup>1</sup>    | 0%   |
| 2 Bay           | Circuit Court             | Did not answer                  | 69,036                     | 0%   |
| 3 Brevard       | County                    | 3,332                           | 693,208                    | 0%   |
| 4 Broward       | County Sheriff            | 5,785                           | 4,593,427 <sup>2</sup>     | 0%   |
| 5 Charlotte     | County Courts             | 229                             | 386,057                    | 0%   |
| 6 Citrus        | County Sheriff            | 113                             | 126,000                    | 0%   |
| 7 Collier       | County Sheriff            | 339                             | 80,000 <sup>3</sup>        | 0%   |
| 8 Dade          | County Corrections        | 11,101                          | 4,826,118                  | 0%   |
| 9 Duval         | County Sheriff            | 3,945                           | 557,062                    | 0%   |
| 10 Escambia     | County Corrections        | 2,670                           | 431,546                    | 0%   |
| 11 Highlands    | County Sheriff            | 342                             | 103,644                    | 0%   |
| 12 Hillsborough | County Sheriff            | 701                             | 400,000 <sup>4</sup>       | 0%   |
| 13 Jackson      | County Courts             | 140                             | 210,000                    | 0%   |
| 14 Lee          | County Courts             | 3,078                           | 1,702,692 <sup>5</sup>     | 0%   |
| 15 Leon         | County Probation          | 2,630                           | 1,337,954                  | 0%   |
| 16 Manatee      | County                    | 1,926                           | 400,156                    | 0%   |
| 17 Monroe       | Circuit Court             | 780                             | 565,585                    | 0%   |
| 18 Okaloosa     | County Courts             | 881                             | 332,993                    | 12%  |
| 19 Orange       | County Corrections        | 6,619                           | 1,868,750                  | 0%   |
| 20 Osceola      | County Corrections        | 2,100                           | 465,339                    | 0%   |
| 21 Palm Beach   | County Justice Services   | 7,657                           | 1,440,911                  | 0%   |
| 22 Pasco        | County Sheriff            | 2,461                           | 348,270                    | 0%   |
| 23 Pinellas     | County Sheriff            | 5,918                           | 1,468,228                  | 0%   |
| 24 Polk         | Circuit Court             | 2,491                           | 959,179                    | 0%   |
| 25 Santa Rosa   | Clerk of Court, Probation | 940                             | 79,000                     | 0%   |
| 26 Sarasota     | County Courts             | 3,510                           | 1,410,644                  | 0%   |
| 27 Seminole     | County Corrections        | Did not answer                  | Did not answer             | Did not answer                               |
| 28 St. Lucie    | County Attorney           | 187                             | 1,146,978                  | 0%   |
| 29 Volusia      | County Courts             | 5,404                           | 1,398,574                  | 0%   |

<sup>1</sup> The program reports that \$380,834 was budgeted for the supervision of pretrial release defendants. The 2007-08 total budget amount is \$1.29 million and includes other services provided under the program, such as investigations for releases into other programs (e.g. drug court).

<sup>2</sup> This amount includes electronic monitoring and house arrest programs.

<sup>3</sup> The program reports that this is an estimate.

<sup>4</sup> This amount includes the sentence house arrest program.

<sup>5</sup> The program reports that approximately half of its budget is allocated to intake/investigations and supervision; the other half is allocated to felony case management and diversion services.

Source: OPPAGA analysis of survey responses.

**Appendix B**

**Statutory Requirements of Pretrial Release Programs**

Section 907.043, *Florida Statutes*, requires pretrial release programs to maintain and update a weekly register containing information about the defendants released to the program. The law also provides that, no later than March 31 of each year, each program must submit an annual report to the governing body and to the Clerk of Court in the county where the program is located. The register must be located in the office of the clerk in the county in which the program is located and readily available to the public.

The table below displays reporting requirements and the number of programs that reported the capacity to comply with the requirements for the weekly register and the anticipated capacity to comply with selected annual report requirements.

| Weekly Register Reporting Element   | Programs Reporting Compliance             |
|---|---|
| Number of defendants assessed and interviewed for pretrial release  | 24  |
| Number of indigent defendants assessed and interviewed for pretrial release   | 20  |
| Names and number of defendants accepted into the pretrial release program   | 25  |
| Names and number of indigent defendants accepted into the pretrial release program  | 17  |
| Charges filed against and case numbers of defendants accepted into the pretrial release program   | 21  |
| Nature of any prior criminal conviction of a defendant accepted into the program  | 20  |
| Court appearances required of defendants accepted into the pretrial release program   | 19  |
| Date of each defendant's failure to appear for a scheduled court appearance   | 17  |
| Number of warrants, if any, which have been issued for a defendant's arrest for failing to appear at a scheduled court appearance   | 19  |
| Number and type of program noncompliance infractions committed by a defendant in the pretrial release program and whether the pretrial release program recommended the court revoke the defendant's release | 21  |
| Annual Report Reporting Element   | Programs Reporting Anticipated Compliance |
| Number of defendants assessed and interviewed for pretrial release  | 24  |
| Number of defendants recommended for pretrial release   | 18  |
| Number of defendants for whom the pretrial release program recommended against nonsecured release   | 12  |
| Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release   | 13  |
| Number of defendants assessed and interviewed for pretrial release who were declared indigent by the court  | 15  |
| Name and case number of each person granted nonsecured release who failed to attend a scheduled court appearance  | 14  |
| Name and case number of each person granted nonsecured release who was issued a warrant for failing to appear in court  | 16  |
| Name and case number of each person granted nonsecured release who was arrested for any offense while on release through the pretrial release program   | 18  |

Note: Section 907.043, *F.S.*, also requires the programs to report name, location and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program; operating and capital budget of each pretrial release program receiving public funds; percentage of the pretrial release program's total budget representing receipt of public funds; percentage of the total budget which is allocated to assisting defendants obtain release through a non-publicly funded program; the number of persons employed by the pretrial release program; and amount of fees paid by defendants to the pretrial release program. This is background information; therefore, we did not inquire about these elements in the survey.

Source: Responses to OPPAGA survey from the 29 pretrial release programs.

## Appendix C

# Suggested Revisions to Reporting Requirements

The Legislature could consider modifying the reporting requirements provided by s. 907.043, *Florida Statutes*, to clarify terms, streamline reporting to focus on key indicators of program activity and outcomes, and reduce program costs.

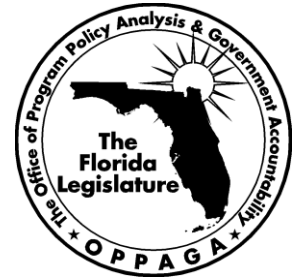
The table below contains recommended changes to statutory reporting requirements based on input from local programs and national measures for pretrial release programs.

### Pretrial Release Program Reporting Requirements

| Weekly Register Reporting Requirement   |
|---|
| Name, location, and funding source of the pretrial release program  |
| Number of defendants assessed and/or interviewed for pretrial release   |
| Number of indigent defendants assessed and/or interviewed for pretrial release  |
| Names and number of defendants accepted into the pretrial release program   |
| Names and number of indigent defendants accepted into the pretrial release program  |
| <del>Specific c</del> Charges filed against and the case numbers of defendants accepted into the pretrial release program   |
| The type of release (secure/nonsecure) for each defendant accepted into the pretrial release program  |
| <del>Nature of any</del> The number of prior criminal conviction by felony/misdemeanor and the most serious prior criminal conviction(s) of a defendant accepted into the pretrial release program                                  |
| The total number of <del>c</del> Court appearances required of defendants accepted into the pretrial release program and the total number of failures to appear for each defendant  |
| <del>Date of each defendant's failure to appear for a scheduled court appearance</del>  |
| Number of warrants, if any, which have been issued for a defendant's arrest for failing to appear at a <del>scheduled</del> required court appearance   |
| Number and type of program noncompliance infractions committed by a defendant in the pretrial release program <del>and whether the pretrial release program recommended that the court revoke the defendant's release</del>         |
| Annual Report Reporting Requirement   |
| Name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program   |
| Operating <del>and capital</del> budget of each pretrial release program and percentage of budget supported by local, state, and federal funds <del>receiving public funds</del>  |
| Percentage of the pretrial release program's total budget representing receipt of public funds  |
| Percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program   |
| <del>Fee structure for</del> Amount of fees paid by defendants <del>to</del> in the pretrial release program and amount collected from these fees   |
| Number of persons employed by the pretrial release program  |
| Number of defendants assessed and/or interviewed for pretrial release   |
| Number of defendants recommended for pretrial release   |
| Number of defendants for whom the pretrial release program recommended against nonsecured release   |
| Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release   |
| Number of defendants assessed and/or interviewed for pretrial release who were declared indigent by the court   |
| <del>Name and case number of each person</del> defendants in the pretrial release program granted nonsecured release who failed to attend a <del>scheduled</del> required court appearance by <del>secured/nonsecured</del> release |
| <del>Name and case number of each person</del> defendants in the pretrial release program granted nonsecured release who was issued a warrant for failing to appear by <del>secured/nonsecured</del> release                        |
| <del>Name and case number of each person</del> defendants granted nonsecured release who was arrested for any offense while on release through in the pretrial release program  |
| Any additional information deemed necessary by the governing body to assess the performance and cost-efficiency of the pretrial release program   |

Source: OPPAGA analysis of reporting requirements in s. 907.043, *F.S.*

*The Florida Legislature*  
*Office of Program Policy Analysis*  
*and Government Accountability*



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

- [OPPAGA reviews](#) deliver program evaluation, policy analysis, and Sunset reviews of state programs to assist the Legislature in overseeing government operations, developing policy choices, and making Florida government better, faster, and cheaper.
- [Florida Government Accountability Report \(FGAR\)](#), an Internet encyclopedia, [www.oppaga.state.fl.us/government](http://www.oppaga.state.fl.us/government), provides descriptive, evaluative, and performance information on more than 200 Florida state government programs.
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