



December 2016

Report No. 16-10

# County Pretrial Release Programs: Calendar Year 2015

## *at a glance*

Pretrial release programs supervise defendants who have been released from jail while awaiting disposition of their criminal charges. Twenty-nine pretrial release programs responded to our survey requesting information regarding their 2015 operations. No program reported receiving state general revenue, with most (28) programs primarily funded through county funds. Three programs reported receiving state or federal grants.

Ten programs were able to provide a detailed breakdown of the nature of defendants' criminal histories, which varied among programs. For these programs, the percentage of defendants with violent felony criminal histories ranged from 0% to 27%. Twenty-eight programs reported that judges in their circuits have the discretion to both release a defendant on bond and require supervision by pretrial release programs to provide two layers of accountability.

While programs reported varying numbers of defendants that failed to appear or had new arrests, most programs reported that few defendants they supervised failed to appear in court or were arrested while in the program.

Programs have generally complied with statutory requirements, as 29 submitted an annual report and most reported that they maintained the required weekly registers. Some reporting requirements do not apply to programs that do not make release recommendations. Programs also could not report some criminal history information due to state and federal restrictions.

## Scope

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

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

This report assesses the programs' compliance with statutory requirements for calendar year 2015.

## Background

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

<sup>1</sup> Prior annual reports include OPPAGA [Report No. 15-15](#), OPPAGA [Report No. 14-13](#), OPPAGA [Report No. 13-12](#), OPPAGA [Report No. 12-13](#), OPPAGA [Report No. 11-27](#),

OPPAGA [Report No. 10-66](#), OPPAGA [Report No. 10-08](#), and OPPAGA [Report No. 08-75](#).

<sup>2</sup> [Article I, s. 14](#), *The Constitution of the State of Florida*, provides

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

The Citizens’ Right-to-Know Act, s. 907.043, *Florida Statutes*, defines pretrial release programs as entities, public or private, that conduct investigations of pretrial detainees, make pretrial release recommendations to a court, and electronically monitor and supervise pretrial defendants. The act requires these programs to prepare a register, which must be updated weekly, displaying descriptive

---

that unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of a municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. Further, s. 907.041, *F.S.*, states that it is the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime. Dangerous crimes are described in s. 907.041(4), *F.S.*, and include offenses such as arson, aggravated assault, aggravated battery, child abuse, abuse of an elderly person or disabled adult, kidnapping,

information about the defendants released through the program. Additionally, by March 31 every year, each pretrial release program must submit an annual report for the previous calendar year.

Pretrial release programs generally complied with the statutory reporting requirements, as 29 programs provided OPPAGA with an annual report and reported that they maintained the required weekly registers; 29 programs also responded to OPPAGA’s survey for additional information. In some cases, programs providing this information may not perform all of the activities required by statute but still provide annual reports and respond to our survey. In addition, there may be additional programs in Florida that do not perform all of the statutory requirements to meet the definition of pretrial release program and are not included in this report.

## Questions and Answers –

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

During 2015, none of the pretrial release programs responding to our survey reported receiving state general revenue, and 28 of the 29 programs reported that they were primarily funded through county funds.<sup>4</sup> In addition, three programs received grants. The programs in Leon and Manatee counties received federal Edward Byrne Memorial Justice Assistance Grants, while the program in Okaloosa County received a grant from the Florida Department of

homicide, manslaughter, sexual battery and other sex offenses, robbery, carjacking, stalking, and domestic violence.

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

<sup>4</sup> The Putnam County program reported that it did not receive any funding during 2015.

Children and Families.<sup>5, 6, 7</sup> Details on reported program budgets are included in Appendix A.

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

***What was the nature of the charges and criminal history of defendants in pretrial release programs?***

Judges have broad discretion to place defendants, including those with more serious charges and criminal histories, in pretrial release programs.<sup>8</sup> As a result, programs may serve defendants with violent charges, such as domestic and aggravated battery and sex offenses.

Ten programs were able to provide a detailed breakdown of the nature of defendants’ criminal histories, which varied among programs.<sup>9</sup> For example, as shown in Exhibit 1, the Okeechobee County program reported that 27% of its defendants had violent felony criminal histories, while the Putnam County program reported that none of the defendants had violent felony criminal histories.

**Exhibit 1  
For 2015, 10 Programs Provided Defendants’ Criminal Histories; Most Had No Prior Violent Felonies**

County	Criminal History of Most Defendants	Percentage of All Defendants Who Had Violent Felony Criminal History
Collier	No prior offense (58%)	1%
Duval	Non-violent felony (56%)	8%
Highlands	Misdemeanors only (49%)	17%
Hillsborough	Misdemeanors only (39%)	21%
Leon	No prior offense (60%)	13%
Miami-Dade	No prior offense (72%)	11%
Monroe	No prior offense (80%)	3%
Putnam	Non-violent felony (100%)	0%
Sarasota	No prior offense (50%)	7%
St. Lucie/ Okeechobee <sup>1</sup>	No prior offense (50%/ 55%)	25%/ 27%

<sup>1</sup> In August 2015, the St. Lucie County program began supervising cases for Okeechobee County.

Source: OPPAGA analysis of pretrial release program survey responses.

While judges generally allow defendants to be released to a pretrial release program without a bond, 28 programs reported that judges in their circuits may also require defendants to post bond when assigned to a program. (See Exhibit 2.)

<sup>5</sup> The Leon County program received pass-through funds from an Edward Byrne Memorial Justice Assistance Grant (JAG), which is administered through the Florida Department of Law Enforcement. Leon County was also a sub-grant recipient of funding through a JAG awarded to the City of Tallahassee. The funds from these JAGs allowed for the continuation of the GPS monitoring program (supervised pretrial release) and the Leon County on-site drug and alcohol testing program (drug and alcohol testing division).

<sup>6</sup> The Manatee County program received two JAGs, which covered its two grant employee positions.

<sup>7</sup> The Okaloosa County grant from the Florida Department of Children and Families paid for a portion of the salary for a mental health pretrial officer. This position was established to provide early intervention to individuals charged with criminal offenses who are either in treatment for mental health issues or

are suffering from a mental health condition which has been untreated. With this information, the mental health pretrial officer facilitates a timely diagnosis, develops treatment plans, and ensures follow-up mental health treatment.

<sup>8</sup> Pretrial release programs that screen defendants for their programs generally restrict eligibility to defendants with less serious criminal charges.

<sup>9</sup> Section 907.044, F.S., requires OPPAGA to report on the nature of criminal convictions of defendants accepted into the programs. However, programs are not required to report this information in their annual reports. Therefore, we requested the number of defendants who had criminal histories of violent felonies, non-violent felonies, misdemeanors only, and no prior offenses. Most programs reported that they did not collect data at that level as it is not statutorily required or they did not categorize data in that manner.

**Exhibit 2**  
**During 2015, Judges in 28 Counties May Have Required Defendants to Pay a Bond in Addition to Being Supervised by the Pretrial Release Program<sup>1</sup>**

County	Defendants Accepted in 2015	Percentage Who Also Paid a Bond
Alachua	1,123	19%
Bay	1,264	35%
Brevard	2,514	DNP <sup>2</sup>
Broward	3,883	DNP
Charlotte	221	DNP
Citrus	65	DNP
Collier <sup>3</sup>	356	<1%
Duval	1,799	DNP
Escambia	2,757	DNP
Flagler	433	<1%
Highlands	314	21%
Hillsborough	276	DNP
Lee	2,732	31%
Leon	1,040	75%
Manatee	2,188	32%
Miami-Dade	8,183	12%
Monroe	630	13%
Okaloosa	856	77%
Orange	1,422	19%
Osceola	2,089	65%
Palm Beach	5,292	37%
Polk	DNP	DNP
Putnam	1	0%
Santa Rosa	636	DNP
Sarasota	1,868	7%
Seminole	90	1%
St. Lucie/Okeechobee <sup>4</sup>	689/14	71%/36%
Volusia	4,029	28%

<sup>1</sup> The Pinellas County program reported that judges are not permitted to order participants to also pay a bond.  
<sup>2</sup> DNP denotes that the program did not provide the information.  
<sup>3</sup> The Collier County program reported that only two defendants were required to pay a bond in 2015.  
<sup>4</sup> In August 2015, the St. Lucie County program began supervising cases for Okeechobee County.  
 Source: OPPAGA analysis of pretrial release program survey responses.

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

With some exceptions, pretrial release programs reported that few defendants they supervised failed to appear in court or were arrested while in the program. As shown in Appendix A, programs reported varying numbers of defendants who failed to appear. For example, the programs in Citrus, Putnam and Okeechobee counties reported that no defendants were issued warrants for failure to appear, while the programs in Osceola, Palm Beach, and Miami-Dade counties reported that 112 (4%), 193 (3%), and 563 (5%) defendants, respectively, were issued such warrants.<sup>10</sup>

Programs also had varying numbers of defendant arrests. For example, the program in Charlotte County reported that only three defendants were arrested for any offense while in its program while the programs in Palm Beach, Broward, and Miami-Dade counties reported that 266 (4%), 352 (6%), and 816 (8%) defendants, respectively, were arrested for a new offense while in their programs.

***Did pretrial release programs comply with statutory reporting requirements?***

Section 907.043, *Florida Statutes*, requires pretrial release programs to prepare a register, which must be updated weekly, displaying descriptive information about the defendants released through the program. Additionally, no later than March 31 of every year, each pretrial release program must submit an annual report for the previous calendar year to the governing body and to the clerk of the circuit court in the county where the pretrial release program is located.

In 2015, pretrial release programs generally complied with these statutory requirements, as 29 programs provided OPPAGA with an annual report and reported that they maintained the

<sup>10</sup> In August 2015, the St. Lucie County program began supervising cases for Okeechobee County.



required weekly registers. Twenty-nine programs also responded to OPPAGA's survey that requested additional information.

Some of the data required to be included in the annual report does not apply to all programs. For example, seven programs reported that they did not recommend defendants for pretrial release; eight programs reported that they did not recommend against nonsecured release; and seven programs did not recommend defendants for nonsecured release. As a result, these programs could not report data for these required report elements.<sup>11</sup>

Also, several programs did not provide criminal history data required in the weekly register.<sup>12</sup> Florida statutes require pretrial release programs to disclose the nature of prior criminal convictions of defendants accepted into their programs. However, in 2010, the Florida Department of Law Enforcement (FDLE) determined that s. 907.043, *Florida Statutes*, does not and cannot authorize or permit reporting national criminal history information (information obtained from FDLE pertaining to jurisdictions other than Florida, including federal and other state information) to the public.<sup>13</sup> FDLE advised that the Federal Bureau of Investigation (FBI) could limit or deny access by Florida criminal justice agencies to national criminal history information if it is released in violation of federal restrictions. This revocation could extend to all law enforcement and public safety entities in the state. Appendix C describes program compliance with s. 907.043, *Florida Statutes*.

Additionally, according to s. 907.041(3)(b), *Florida Statutes*, before a person can be released on nonmonetary conditions under the supervision of pretrial release, the program must verify to the court that it has investigated or otherwise verified information such as the accused's family circumstances, employment record, criminal record, and appearances at court proceedings. As shown in Exhibit 3, 13 pretrial release programs reported that in all cases they certified to the court that they had obtained and investigated or otherwise verified these elements at first appearance in 2015.

Programs that could not certify this information in all cases provided various reasons for being unable to do so. In one case, a program noted that it did not review cases before first appearance because judges determine who is eligible for the program and then refer those cases to the program. Another program noted that it did not screen defendants that go to first appearance for violation of probation; defendants currently in the pretrial release program that were arrested on a new charge; violations of pretrial release warrants; out-of-county holds/warrants; defendants being held in jail on another offense; and defendants currently on probation.

---

<sup>11</sup> See Appendix C for a list of programs that did not recommend defendants for pretrial release, did not recommend against nonsecured release, and/or did not recommend defendants for nonsecured release.

<sup>12</sup> One program that provided criminal history data limited the

information to the total number of convictions, while another program provided the criminal history information for Florida adult convictions.

<sup>13</sup> Federal law restricts access to this information, as provided in s. [943.054, F.S.](#), and [28 CFR 20.33](#).

**Exhibit 3**  
**Thirteen Pretrial Release Programs Reported That They Had Obtained and Investigated or Otherwise Verified Information for All Defendants in 2015**

County	Percentage of Cases Certified in 2015
Alachua	100%
Bay	0%
Brevard <sup>1</sup>	100%
Broward	100%
Charlotte	100%
Citrus	DNP <sup>2</sup>
Collier	100%
Duval	100%
Escambia	94%
Flagler <sup>3</sup>	DNP
Highlands	9%
Hillsborough	0%
Lee	100%
Leon	100%
Manatee	48%
Miami-Dade	100%
Monroe	95%
Okaloosa	DNP
Orange	95%
Osceola	100%
Palm Beach	63%
Pinellas	0%
Polk	80%
Putnam	100%
Santa Rosa	50%
Sarasota	100%
Seminole	0%
St. Lucie/Okeechobee <sup>4</sup>	DNP
Volusia	100% <sup>5</sup>

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

<sup>2</sup> DNP denotes that the program did not provide the percentage of cases at first appearance in which the program certified to the court that it had obtained and investigated or otherwise verified elements such as the accused’s family circumstances, employment record, criminal record, and appearances at court proceedings in calendar year 2015.

<sup>3</sup> The Flagler County program noted that defendants are normally ordered into the program at first appearance, where the program does not have a presence.

<sup>4</sup> In August 2015, the St. Lucie County program began supervising cases for Okeechobee County.

<sup>5</sup> The Volusia County program reported that it reviewed criminal records to include failure to appear rates on all individuals attending first appearances. Statistics were not maintained on the verification of other elements; however, this information is collected during the interview process.

Source: OPPAGA analysis of pretrial release program survey responses.

## Agency Response

In accordance with the provisions of s. 11.51(2), *Florida Statutes*, a draft of OPPAGA’s report was submitted to the pretrial release programs and to the Office of State Courts Administrator for review.

## Appendix A

# Calendar Year 2015 Pretrial Release Program Budget, Failure to Appear, and New Offense Information

As shown in Exhibit A-1, pretrial release programs' reported budgets and outcomes varied. Comparisons of budgets should be made with caution because of differences in caseloads and responsibilities. For example, the Hillsborough County program, which served 345 defendants in 2015, conducted investigations of pretrial detainees but did not make pretrial release recommendations to a court, supervise pretrial defendants, or electronically monitor pretrial defendants. The Miami-Dade County program, which served 10,741 defendants in 2015, conducted investigations of pretrial detainees, made pretrial release recommendations to a court, and supervised pretrial defendants.

### Exhibit A-1

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

County	Calendar Year 2015 Total Budget	Total Accepted in 2015	Total Served in 2015	Issued a Warrant for Failing to Appear in Court	Arrested for Any Offense While in the Program
Alachua <sup>1</sup>	\$1,564,816	1,123	1,396	32	49
Bay	\$60,000	1,264	1,595	56	47
Brevard <sup>2</sup>	\$120,389	2,514	2,514	85	145
Broward	\$6,379,989	3,883	6,171	DNP <sup>3</sup>	352
Charlotte	\$346,495	221	221	1	3
Citrus	\$71,401	65	88	0	4
Collier <sup>4</sup>	\$255,900	356	413	16	15
Duval	\$1,022,229	1,799	1,770	23	54
Escambia	\$482,101	2,757	3,555	92	26
Flagler	\$64,348	433	489	7	18
Highlands	\$97,478	314	314	27	48
Hillsborough	\$150,238	276	345	3	7
Lee	\$2,224,719	2,732	3,227	52	135
Leon	\$1,050,226	1,040	1,508	53	60
Manatee	\$560,373	2,188	2,833	DNP	156
Miami-Dade	\$4,569,153	8,183	10,741	563	816
Monroe	\$560,867	630	878	18	21
Okaloosa	\$364,284	856	1,090	48	55
Orange	\$1,936,388	1,422	1,741	51	16
Osceola	\$428,847	2,089	2,764	112	126
Palm Beach	\$1,344,170	5,292	6,300	193	266
Pinellas	\$1,305,054	3,205	4,090	76	37
Polk	\$1,093,602	DNP	DNP	DNP	309
Putnam <sup>5</sup>	\$0	1	1	0	0
Santa Rosa	\$104,377	636	827	16	27
Sarasota	\$1,382,632	1,868	2,283	71	99
Seminole	\$457,723	90	106	3	10
St. Lucie/Okeechobee <sup>6</sup>	\$795,207	689/14	804/14	2/0	28/0
Volusia	\$1,383,328	4,029	4,750	17	99

<sup>1</sup> The Alachua County program provided Fiscal Year 2014-15 budget information. The Alachua County program noted that the budget includes administrative and support staff with little pretrial responsibility who have been consolidated into the pretrial program's budget. As a result, the total funds listed are not solely for pretrial services. The number of arrests for any offense while in the program (49) are for nonsecured releases only.

<sup>2</sup> The Brevard County program's budget reflects the salaries of two felony case managers that are employed by Brevard County Community Corrections. Per Florida statutes, felony supervision cannot be performed by a private entity.

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

<sup>4</sup> The Collier County program received \$255,900 in county funds for Fiscal Year 2014-15 and an additional \$3,935 in fees from defendants for calendar year 2015.

<sup>5</sup> The Putnam County program did not initially pursue renewing its pretrial release program contract for 2015, and as a result, the program only had one defendant in 2015. The county later decided to renew the pretrial contract concurrent with its probation contract and the pretrial program has been providing services in 2016.

<sup>6</sup> In August 2015, the St. Lucie County program began supervising cases for Okeechobee County.

Source: Pretrial release program annual reports and survey responses.

## Appendix B

# Calendar Year 2015 Pretrial Program Defendant Fees

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

### Exhibit B-1

#### Nineteen Programs Charged Defendant Fees

County	Service	Fee Amount	Total Collected	Fee Assessment	Recipient of Fees
Alachua <sup>1</sup>	Electronic monitoring; GPS monitoring; thermal alcohol detection monitoring	\$5/day	\$24,570	Per board of county commissioners-approved schedule based upon federal poverty guidelines	Vendor
Brevard	Contractor (Judicial Correction Services) pretrial and community supervision administrative fee	\$10/week	\$17,033	Mandatory unless waived	Program revenue
	Brevard County community corrections pretrial and community supervision administrative fee	\$10/week	\$13,975	Mandatory unless waived	Program revenue
Broward	Electronic monitoring	\$5/day	DNP <sup>2</sup>	Mandatory unless waived or is using the services of an appointed attorney, typically a public defender	County general fund
Charlotte	Alcohol/ethyl glucuronide (EtG) test	\$14.95/test	DNP	When court-ordered	County
	Drug test	\$5/test	DNP	When court-ordered	County
	GPS or alcohol device	\$6 to \$12/day	DNP	Mandatory unless waived	Vendor
	Synthetic drug test	\$19.95/test	DNP	When court-ordered	County
Citrus	Electronic monitoring	\$8/day	\$17,051	Mandatory unless waived	Program revenue
Collier	Alcohol monitoring	\$6.50/day	\$2,841	When court-ordered	Vendor
	Drug screen	\$4.19/test	\$84	When performed	Vendor
	Drug screen for spice	\$6.00/test	\$0	When performed	Vendor
	Electronic monitoring (domestic violence-related)	\$6.05/day	\$1,011	When court-ordered	Vendor
	Electronic monitoring (not domestic violence-related)	\$5.55/day	\$0	When court-ordered	Vendor
Lee	Misdemeanor diversion	\$150/flat fee	\$304,862	Mandatory unless community service is allowed in lieu of cost of supervision	Board of county commissioners
Leon	GPS monitoring	Sliding fee scale	DNP	Mandatory unless waived	Vendor
	Monthly administrative fee	\$40/month	\$79,390	Mandatory unless waived	Program revenue
	Secured continuous random alcohol monitoring (SCRAM)	\$12/day	\$53,504	Mandatory unless waived	Program revenue



County	Service	Fee Amount	Total Collected	Fee Assessment	Recipient of Fees
Manatee	Drug test	\$50/one-time fee	\$12,574	When court-ordered	Program revenue
	Electronic monitoring	\$4.79/day	\$12,072	When court-ordered	Vendor
Monroe	Electronic monitoring	\$4.25/day	\$1,849	When court-ordered	County general revenue or vendor
	Urinalysis	\$10/test inside Monroe County or \$35 to \$40/test outside Monroe County	\$7,885	When court-ordered	County general revenue or vendor
Okaloosa	Electronic monitoring	\$12/day	\$24,850	Mandatory unless reduced by judge	County general revenue
Orange	Drug test	\$17/one-time fee	\$17,154	Mandatory unless waived	County government general fund
	Pretrial supervision telephone reporting	\$6/month	\$2,357	Mandatory unless waived	\$4 of each \$6 fee is paid to the vendor and \$2 goes to the county government general fund
Osceola	Check-in fee	\$10/month	DNP	Court-ordered	Vendor
	Drug test	\$20/test	DNP	Court-ordered	Vendor
	Electronic monitoring	\$5.53/day	DNP	Court-ordered	Vendor
Palm Beach	Cost of supervision	\$10/week	\$228,426	Mandatory unless waived	Program revenue
Pinellas <sup>3</sup>	Alcohol monitoring	\$10/day	\$161,620	Mandatory	Vendor
	Electronic monitoring	\$7/day	\$109,250	Mandatory	Vendor
Putnam	Cost of supervision	\$2/day	DNP	By judge	General fund
	Electronic monitoring	\$10/day	DNP	By judge	Vendor and general fund
Santa Rosa	Administrative fee	\$25/one-time fee	\$3,711	Mandatory	Program revenue
	Drug/alcohol test	\$15/test	\$6,698	When tested	Program revenue
Seminole	Electronic monitoring	\$6.50/day	\$31,869	Mandatory unless waived	Vendor
St. Lucie/ Okeechobee <sup>4</sup>	GPS monitoring	\$2/week to \$30/week	\$290	When court-ordered	County general revenue

<sup>1</sup> The Alachua County program noted that there are no fees for pretrial supervision. However, if the court orders electronic monitoring, GPS monitoring, or thermal alcohol detection monitoring, the costs for these services are collected from the defendant and forwarded to the vendor. For calendar year 2015, a total of \$24,570 was collected from pretrial defendants for electronic monitoring, GPS monitoring, or thermal alcohol detection monitoring equipment usage.

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

<sup>3</sup> The Pinellas County program noted that the total collected alcohol and electronic monitoring fees include revenue from all monitoring programs and are not limited to pretrial participants.

<sup>4</sup> In August 2015, the St. Lucie County program began supervising cases for Okeechobee County.

Source: Pretrial release program responses to OPPAGA survey.

## Appendix C

# Calendar Year 2015 Compliance With Statutory Reporting Requirements

Section 907.043, *Florida Statutes*, requires pretrial release programs to prepare a register, which must be updated weekly, displaying descriptive information about the defendants released through the program. Additionally, by March 31 every year, each pretrial release program must submit an annual report for the previous calendar year. Pretrial release programs generally complied with these statutory requirements, as 29 programs provided OPPAGA with an annual report and reported that they maintained the required weekly registers; 28 programs also responded to OPPAGA’s survey for additional information. Some programs’ annual reports did not contain all required data because some elements did not apply to all programs. Additionally, some weekly registers did not include criminal history data due to national criminal history information restrictions. Exhibit C-1 summarizes the number of programs that reported meeting the requirements to maintain and update a weekly register and provide an annual report.

### Exhibit C-1 Some Programs Reported That They Did Not Provide All Requirements

	Number of	
	Programs That Provided Data	Programs That Did Not Provide Data
<b>Weekly Register Requirements (s. 907.043(3)(b), F.S.)</b>		
Number of defendants assessed and interviewed for pretrial release	27	2
Number of indigent defendants assessed and interviewed for pretrial release	23	6
Names and number of defendants accepted into the pretrial release program	28	1
Names and number of indigent defendants accepted into the pretrial release program	25	4
Charges filed against and the case numbers of defendants accepted into the pretrial release program	27	2
Nature of any prior criminal conviction of a defendant accepted into the pretrial release program	21	8
Court appearances required of defendants accepted into the pretrial release program	25	4
Date of each defendant’s failure to appear for a scheduled court appearance	23	6
Number of warrants issued for a defendant’s arrest for failing to appear at a scheduled court appearance	27	2
Number and type of program noncompliance infractions committed by a defendant in the pretrial release program and whether the pretrial release program recommended that the court revoke the defendant’s release	25	4
<b>Annual Report Requirements (s. 907.043(4)(b), F.S.)</b>		
Number of defendants assessed and interviewed for pretrial release	27	2
Number of defendants recommended for pretrial release	19	10 <sup>1</sup>
Number of defendants for whom the pretrial release program recommended against nonsecured release	16	13 <sup>2</sup>
Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release	17	12 <sup>3</sup>
Number of defendants assessed and interviewed for pretrial release that were declared indigent by the court	26	3
Name and case number of each person granted nonsecured release who failed to attend a scheduled court appearance	25	4
Name and case number of each person granted nonsecured release that was issued a warrant for failing to appear	26	3
Name and case number of each person granted nonsecured release who was arrested for any offense while on release through the pretrial release program	26	3

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

<sup>2</sup> Eight programs (Flagler, Leon, Orange, Osceola, Palm Beach, Sarasota, Seminole, and St. Lucie/Okeechobee counties) included in this figure reported that they did not recommend against nonsecured release.

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

Source: Pretrial release program annual reports and survey responses.

This page intentionally left blank

# *The Florida Legislature*

## *Office of Program Policy Analysis and Government Accountability*

---



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

- [Reports](#) deliver program evaluation and policy analysis to assist the Legislature in overseeing government operations, developing policy choices, and making Florida government more efficient and effective.
- [PolicyCasts](#), short narrated slide presentations, provide bottom-line briefings of findings and recommendations for select reports.
- Government Program Summaries (GPS), an online 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.
- [PolicyNotes](#), an electronic newsletter, delivers brief announcements of research reports, conferences, and other resources of interest for Florida's policy research and program evaluation community.
- Visit OPPAGA's website at [www.oppaga.state.fl.us](http://www.oppaga.state.fl.us)

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). Cover photo by Mark Foley.

**OPPAGA website:** [www.oppaga.state.fl.us](http://www.oppaga.state.fl.us)

Project supervised by Claire K. Mazur (850/717-0575)  
Project conducted by Matthew Moncrief (850/717-0520)  
R. Philip Twogood, Coordinator