



December 2017

Report No. 17-12

# County Pretrial Release Programs: Calendar Year 2016

## *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 2016 operations. No program reported receiving state general revenue, with 28 programs primarily funded through county funds. Four programs reported receiving state or federal grants.

Eleven 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 1% to 50%. 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 2016.

## 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 can be found on OPPAGA's [website](#).

<sup>2</sup> [Article I, s. 14](#), *The Constitution of the State of Florida*, provides that unless charged with a capital offense or an offense

punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of a municipal or county ordinance shall be entitled

- 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 information about the defendants released through the program. Additionally, by March

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to pretrial release on reasonable conditions. Further, s. 907.041, *F.S.*, states that it is the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a dangerous crime. Dangerous crimes are described in s. 907.041(4), *F.S.*, and include offenses such as arson, aggravated assault, aggravated battery, child abuse, abuse of an elderly person or disabled adult, kidnapping, homicide, manslaughter, sexual battery and other sex offenses,

31 every year, each pretrial release program must submit an annual report for the previous calendar year.

## Questions and Answers –

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; 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.

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

During 2016, 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. Four programs reported receiving grants. The programs in Leon and Manatee counties received federal Edward Byrne Memorial Justice Assistance Grants, the program in Okaloosa County received a grant from the Florida Department of Children and Families, and the program in Seminole County received a grant from the Florida Coalition Against Domestic

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.

Violence.<sup>4, 5, 6</sup> (See Appendix A for details on reported program budgets.)

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. (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>7</sup> As a result, programs may serve defendants with violent charges, such as domestic and aggravated battery and sex offenses.

Eleven programs were able to provide a detailed breakdown of the nature of defendants' criminal histories, which varied among programs.<sup>8</sup> For example, as shown in Exhibit 1, the Citrus County program reported that 45% of its defendants had violent felony criminal histories, while the Collier County program reported that 1% of its defendants had violent felony criminal histories.

**Exhibit 1  
For 2016, 11 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
Citrus	Violent felony (45%)	45%
Collier	Misdemeanors only (37%)	1%
Duval	Non-violent felony (64%)	3%
Highlands	Non-violent felony (53%)	6%
Hillsborough	Misdemeanors only (38%)	30%
Leon	No prior offense (58%)	15%
Miami-Dade	No prior offense (74%)	12%
Monroe	No prior offense (81%)	2%
Putnam <sup>1</sup>	Violent felony (50%)/ Non-violent felony (50%)	50%
Sarasota	No prior offense (50%)	7%
St. Lucie/ Okeechobee <sup>2</sup>	No prior offense (54%)/ (48%)	22%/ 28%

<sup>1</sup> The Putnam County pretrial program only supervised two defendants during 2016.

<sup>2</sup> In August 2015, the St. Lucie County program began supervising defendants 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>4</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>5</sup> The Manatee County program received one JAG, which partially funded the salaries for two jail screeners.

<sup>6</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.

<sup>7</sup> Pretrial release programs that screen defendants for their programs generally restrict eligibility to defendants with less serious criminal charges.

<sup>8</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**  
**Judges in 28 Counties May Require Defendants to Pay a Bond in Addition to Being Supervised by the Pretrial Release Program<sup>1</sup>**

County	Defendants Accepted in 2016	Percentage Who Also Paid a Bond
Alachua	1,203	12%
Bay	1,260	35%
Brevard	2,340	DNP <sup>2</sup>
Broward	3,848	26%
Charlotte	238	DNP
Citrus	72	70%
Collier	377	DNP
Duval	1,591	DNP
Escambia	2,561	DNP
Flagler	477	DNP
Highlands	293	DNP
Hillsborough	223	DNP
Lee	2,723	39%
Leon	1,117	67%
Manatee	2,161	33%
Miami-Dade	7,993	DNP
Monroe	627	17%
Okaloosa	728	80%
Orange	1,355	13%
Osceola	2,606	58%
Palm Beach	5,102	40%
Polk	3,777	DNP
Putnam	2	DNP
Santa Rosa	286	DNP
Sarasota	1,931	7%
Seminole	920	DNP
St. Lucie/Okeechobee <sup>3</sup>	493/72	84%/24%
Volusia	4,923	28%

<sup>1</sup> The Pinellas County program reported that judges are not permitted to order defendants to also pay a bond.  
<sup>2</sup> DNP denotes that the program did not provide the information.  
<sup>3</sup> In August 2015, the St. Lucie County program began supervising defendants 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, most programs reported a low percentage of defendants who failed to appear. For example, the programs in Hillsborough, St. Lucie, and Flagler counties reported that 0 (0%), 1 (<1%), and 3 (1%) defendants, respectively, were issued warrants for failure to appear. However, Miami-Dade and Leon counties reported that 620 (6%) and 94 (6%) defendants, respectively, were issued such warrants.

Programs also had varying percentages of defendant arrests. For example, the programs in Escambia, Monroe, and Pinellas counties reported that 21 (1%), 14 (1%), and 88 (2%) defendants, respectively, were arrested for any offense while in their programs. However, Citrus and Seminole counties reported that 7 (8%) and 205 (19%) 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 2016, 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. Twenty-nine programs also responded to OPPAGA's survey for additional information.

Some of the data required to be included in the annual report does not apply to all programs. While most pretrial release programs make recommendations to the court relating to a defendant's appropriateness for pretrial release, some do not. 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>9</sup>

Also, several programs did not provide criminal history data required in the weekly register. Florida statutes require pretrial release programs to disclose the nature of prior criminal convictions of defendants accepted into their programs.<sup>10</sup> 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>11</sup> FDLE advised that the Federal Bureau of Investigation 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 2016.

Programs that could not certify this information in all cases provided various reasons for being unable to do so. In one case, a program noted that it was not able to provide any information because the investigations are ordered after first appearance. 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>9</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>10</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>11</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 at First Appearance in 2016**

County	Percentage of Cases Certified in 2016
Alachua	100%
Bay	0%
Brevard <sup>1</sup>	100%
Broward	100%
Charlotte	100%
Citrus <sup>2</sup>	DNP <sup>3</sup>
Collier	100%
Duval	100%
Escambia	82%
Flagler <sup>2</sup>	DNP
Highlands	15%
Hillsborough	0%
Lee	100%
Leon	100%
Manatee	45%
Miami-Dade	100%
Monroe	95%
Okaloosa	DNP
Orange	95%
Osceola	100%
Palm Beach	64%
Pinellas	0%
Polk	80%
Putnam	100%
Santa Rosa	50%
Sarasota	100%
Seminole	0%
St. Lucie/Okeechobee <sup>4</sup>	DNP
Volusia <sup>5</sup>	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> The Citrus and Flagler county programs noted that defendants are normally ordered into the programs at first appearance, where the programs do not have a presence.

<sup>3</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 2016.

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

<sup>5</sup> The Volusia County program reported that it reviewed criminal records, including failure to appear rates, for 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 Review

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 2016 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 273 defendants in 2016, 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 10,568 defendants in 2016, 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 2016 Total Budget	Total Accepted in 2016	Total Served in 2016	Issued a Warrant for Failing to Appear in Court	Arrested for Any Offense While in the Program
Alachua <sup>1</sup>	\$1,512,392	1,203	1,466	61 (4%)	55 (4%)
Bay	\$82,946	1,260	1,676	57 (3%)	64 (4%)
Brevard <sup>2</sup>	\$120,389	2,340	2,340	110 (5%)	88 (4%)
Broward	\$6,554,666	3,848	6,180	DNP <sup>3</sup>	300 (5%)
Charlotte	\$511,963	238	283	5 (2%)	12 (4%)
Citrus	\$174,366	72	88	3 (3%)	7 (8%)
Collier <sup>4</sup>	\$302,282	377	415	9 (2%)	23 (6%)
Duval	\$962,130	1,591	1,698	32 (2%)	50 (3%)
Escambia	\$579,733	2,561	3,534	117 (3%)	21 (1%)
Flagler	\$67,733	477	538	3 (1%)	24 (4%)
Highlands	\$100,498	293	554	6 (1%)	27 (5%)
Hillsborough	\$147,484	223	273	0 (0%)	10 (4%)
Lee	\$2,382,118	2,723	3,281	81 (2%)	149 (5%)
Leon	\$1,129,194	1,117	1,559	94 (6%)	51 (3%)
Manatee	\$545,118	2,161	2,476	DNP	97 (4%)
Miami-Dade	\$4,944,576	7,993	10,568	620 (6%)	547 (5%)
Monroe	\$537,638	627	838	9 (1%)	14 (2%)
Okaloosa	\$396,742	728	970	51 (5%)	36 (4%)
Orange	\$1,845,259	1,355	1,624	41 (3%)	51 (3%)
Osceola	\$426,108	2,606	3,355	151 (5%)	152 (5%)
Palm Beach	\$1,371,396	5,102	6,126	173 (3%)	242 (4%)
Pinellas	\$2,098,454	3,342	4,194	46 (1%)	88 (2%)
Polk	\$1,093,602	3,777	4,682	218 (5%)	283 (6%)
Putnam	\$248	2	2	0 (0%)	0 (0%)
Santa Rosa	\$110,287	286	630	23 (4%)	22 (3%)
Sarasota	\$1,441,691	1,931	2,384	75 (3%)	114 (5%)
Seminole	\$355,361	920	1,103	8 (1%)	205 (19%)
St. Lucie/Okeechobee <sup>5</sup>	\$783,850	493/72	608/77	1 (<1%)/0 (0%)	19 (3%)/0 (0%)
Volusia	\$1,555,348	4,923	5,645	107 (2%)	374 (7%)

<sup>1</sup> The Alachua County program provided Fiscal Year 2015-16 budget information and 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.

<sup>2</sup> The Brevard County program's services for misdemeanor defendants are provided and administered by contract through Professional Probation Services, Inc. The program's budget reflects the salaries of two felony case managers that are employed by Brevard County Community Corrections.

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

<sup>4</sup> The Collier County program received \$293,600 in county funds for Fiscal Year 2015-16 and an additional \$8,682 in fees from defendants for calendar year 2016.

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

Source: Pretrial release program annual reports and survey responses.

## Appendix B

# Calendar Year 2016 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; transdermal alcohol detection monitoring	\$5/day	\$30,827	Per board of county commissioners-approved schedule based upon federal poverty guidelines	Vendor
Brevard	Contractor (Judicial Correction Services, Inc./Professional Probation Services) pretrial community supervision fee	\$10/week	\$7,364	Mandatory unless waived	Program revenue
	Brevard County community corrections fee	\$10/week	\$6,393	Mandatory unless waived	Program revenue
Broward	Electronic monitoring	\$5/day	\$76,505	Mandatory unless waived or is using the services of an appointed attorney, typically a public defender	County general fund
Charlotte	Alcohol/ethyl glucuronide test	\$14.95/test	DNP <sup>2</sup>	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	\$120,016	Mandatory unless waived	Program revenue
Collier	Alcohol monitoring	\$6.50/day	\$6,393	When court-ordered	Vendor
	Drug screen	\$7.35/test	\$23	When performed	Vendor
	Electronic monitoring (domestic violence-related)	\$6.05/day	\$454	When court-ordered	Vendor
	Electronic monitoring (not domestic violence-related)	\$5.55/day	\$1,825	When court-ordered	Vendor
Lee	Misdemeanor diversion	\$150/flat fee	\$277,380	Mandatory unless community service is allowed in lieu of cost of supervision	Board of county commissioners
Leon	GPS monitoring	Sliding fee scale	DNP	DNP	Vendor
	Monthly administrative fee	\$40/month	\$79,584	Mandatory unless waived	Program revenue
	Secured continuous random alcohol monitoring	\$12/day	\$49,718	Mandatory unless waived	Program revenue
Manatee	Drug test	\$50/one-time fee	\$19,167	When court-ordered	Program revenue
	Electronic monitoring	\$4.79/day	\$19,905	When court-ordered	Vendor
Monroe	Electronic monitoring	\$4.25/day	\$3,106	When court-ordered	County general revenue
	Urinalysis	\$10/test	\$12,237	When court-ordered	County general revenue
Okaloosa	Electronic monitoring	Up to \$12/day	\$43,327	When court-ordered	County general revenue



County	Service	Fee Amount	Total Collected	Fee Assessment	Recipient of Fees
Orange	Drug test	\$17/one-time fee	\$15,007	Mandatory unless waived	County government general fund
	Pretrial supervision telephone reporting	\$6/month	\$2,602	Mandatory unless waived	\$4 of each \$6 fee is paid to the vendor and \$2 goes to the county government general fund
Osceola	Alcohol testing	\$13.20/test	DNP	Court-ordered	Vendor
	Check-in fee	\$10/month	DNP	Court-ordered	Vendor
	Drug test	\$20/test	DNP	Court-ordered	Vendor
	Electronic monitoring	\$5.35/day	DNP	Court-ordered	Vendor
Palm Beach	Cost of supervision	\$10/week	\$185,648	Mandatory unless waived	Program revenue
Pinellas <sup>3</sup>	Alcohol monitoring	\$10/day	\$228,768	Mandatory	Vendor
	Electronic monitoring	\$7/day	\$125,495	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	\$7,050	Mandatory	Program revenue
	Drug/alcohol test	\$15/test	\$7,125	When tested	Program revenue
Seminole	Electronic monitoring	\$5.60/day	\$27,221	Mandatory unless waived	Program
St. Lucie/ Okeechobee <sup>4</sup>	GPS monitoring	\$2/week to \$30/week	\$2,011	When court-ordered	General revenue fund

<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 transdermal alcohol detection monitoring, the costs for these services are collected from the defendant and forwarded to the vendor. During calendar year 2016, the program collected a total of \$30,827; however, these revenues include fees from sentenced probationers and were not limited to pretrial participants.

<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 defendants for Okeechobee County.

Source: OPPAGA analysis of pretrial release program survey responses.

## Appendix C

# Calendar Year 2016 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; 29 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 Required Information

Weekly Register Requirements (s. 907.043(3)(b), F.S.)	Number of	
	Programs That Provided Data	Programs That Did Not Provide Data
Number of defendants assessed and interviewed for pretrial release	27	2
Number of indigent defendants assessed and interviewed for pretrial release	23	6
Names and number of defendants accepted into the pretrial release program	28	1
Names and number of indigent defendants accepted into the pretrial release program	26	3
Charges filed against and the case numbers of defendants accepted into the pretrial release program	28	1
Nature of any prior criminal conviction of a defendant accepted into the pretrial release program	19	10
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

  

Annual Report Requirements (s. 907.043(4)(b), F.S.)	Number of	
	Programs That Provided Data	Programs That Did Not Provide Data
Number of defendants assessed and interviewed for pretrial release	27	2
Number of defendants recommended for pretrial release	20	9 <sup>1</sup>
Number of defendants for whom the pretrial release program recommended against nonsecured release	17	12 <sup>2</sup>
Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release	18	11 <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	28	1
Name and case number of each person granted nonsecured release who was arrested for any offense while on release through the pretrial release program	28	1

<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.

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# *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.

- [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.
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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). Cover photo by Mark Foley.

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