

County Pretrial Release Programs: Calendar Year 2017

Report No. 18-06

November 2018



OPPAGA

Office of Program Policy Analysis and Government Accountability

County Pretrial Release Programs: Calendar Year 2017

EXECUTIVE SUMMARY

Pretrial release programs supervise defendants who have been released from jail while awaiting disposition of their criminal charges. Twenty-nine programs responded to our survey requesting information regarding their 2017 operations. No programs reported receiving state general revenue, with 29 programs receiving county funds. Five programs reported receiving state or federal grants.

Eleven pretrial release programs were able to provide a detailed breakdown of defendants' criminal history information, which varied among programs. For these programs, the percentage of defendants with violent felony criminal histories ranged from 0% to 42%. Programs in 28 counties reported that judges may order defendants to post bond in addition to being supervised by the programs. Programs also reported varying numbers of defendants that failed to appear in court or were arrested while in the programs.

Pretrial release programs have generally complied with statutory requirements, as 28 programs reported that they maintained the required weekly register and 28 programs provided OPPAGA with an annual report. 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.

REPORT 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.¹

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

This report assesses the pretrial release programs' compliance with statutory requirements for calendar year 2017.

¹ Prior annual reports can be found on OPPAGA's [website](#).

INTRODUCTION

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.²

- **Release on recognizance** allows defendants to be released from jail without posting 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).³ A surety bond requires the defendant 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 may 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 program supervision. Programs supervise defendants through various methods such as phone contacts, office visits, and electronic or global positioning system (GPS) monitoring. While defendants can be released to programs without posting bond, judges may order defendants to post bond in addition to being supervised by the programs.

The Citizens' Right-to-Know Act, s. 907.043, *Florida Statutes*, defines a pretrial release program as an entity, public or private, that conducts investigations of pretrial detainees, makes pretrial release recommendations to a court, and electronically monitors and supervises pretrial defendants. The act requires each program that meets these criteria to prepare a register, which must be updated weekly, displaying descriptive information about the defendants released through the program. Additionally, by March 31 every year, each program must submit an annual report for the previous calendar year.

QUESTIONS AND ANSWERS

Pretrial release programs generally complied with these statutory requirements, as 28 programs reported that they maintained the required weekly register and 28 programs provided OPPAGA with an annual report.^{4,5} These 28 programs and 1 additional program 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,

² [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 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, robbery, carjacking, stalking, and domestic violence.

³ 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.

⁴ The Citrus County pretrial release program did not prepare a weekly register during 2017.

⁵ The Seminole County pretrial release program was operated by the Seminole County Sheriff's Office's corrections division, with part of the program being operated by classification (release from jail) and the other part being operated by probation (GPS monitoring). Since the program is not funded separately from these two operations, the program did not produce a 2017 annual report.

there may be other programs in Florida that do not perform all of the statutory requirements to meet the definition of a pretrial release program and are not included in this report.

How were Florida's pretrial release programs funded?

During 2017, none of the pretrial release programs responding to our survey reported receiving state general revenue and all 29 program respondents reported that they received county funds. Additionally, five programs reported receiving grants. The Leon County and Manatee County programs received federal Edward Byrne Memorial Justice Assistance Grants, which allowed the Leon County program to continue the GPS monitoring program (supervised pretrial release) and the on-site drug and alcohol testing program (drug and alcohol testing division), while the Manatee County program was able to partially fund the salaries for two jail screeners. The Okaloosa County program received a grant from the Florida Department of Children and Families, which paid for a portion of the salary for a mental health pretrial officer, while the Palm Beach County program received a MacArthur Grant in October 2017 to implement a risk assessment pilot project and enhance supervision levels but did not spend any grant funds during the year. The Seminole County program received a grant from the Florida Coalition Against Domestic Violence, which was used to pay the daily fees due to the GPS unit for domestic violence cases that defendants could not afford to pay. (See Appendix A for details on reported program budgets.)

Nineteen pretrial release 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 histories of defendants in the pretrial release programs?

Section 907.044, *Florida Statutes*, requires OPPAGA to report on the nature of criminal convictions of defendants accepted into the pretrial release 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.

Eleven pretrial release programs were able to provide a detailed breakdown of defendants' criminal history information, with most reporting that the largest percentage of defendants had no prior offenses. However, this varied among programs. For example, as shown in Exhibit 1, the Citrus County program reported that 42% of its defendants had violent felony criminal histories, while the Collier County and Putnam County programs reported that none of their defendants had violent felony criminal histories.

Exhibit 1
For 2017, 11 Pretrial Release Programs Provided Defendants' Criminal History Information

| County Pretrial Release Program | Criminal History of Most Defendants | Percentage of All Defendants Who Had Violent Felony Criminal Histories |
|-----------------------------------|-------------------------------------|--|
| Citrus | Violent felony (42%) | 42% |
| Collier ¹ | No prior offense (53%) | 0% |
| Duval | Non-violent felony (74%) | 3% |
| Highlands ² | Misdemeanors only (53%) | 17% |
| Hillsborough | Non-violent felony (53%) | 31% |
| Leon ³ | No prior offense (58%) | 15% |
| Miami-Dade ⁴ | No prior offense (75%) | 11% |
| Monroe ⁵ | No prior offense (89%) | 4% |
| Putnam ⁶ | Non-violent felony (100%) | 0% |
| Sarasota ⁷ | No prior offense (48%) | 9% |
| St. Lucie/Okeechobee ⁸ | No prior offense (49%)/(46%) | 27%/28% |

¹ The Collier County pretrial release program provided criminal history information for 305 of 334 defendants served. The program noted that during 2017 it only collected convictions, not arrests, from defendants' criminal histories.

² The Highlands County pretrial release program provided criminal history information for 563 of 600 defendants served.

³ The Leon County pretrial release program provided criminal history information for 1,720 of 1,724 defendants served.

⁴ The Miami-Dade County pretrial release program provided criminal history information for 9,800 of 10,367 defendants served.

⁵ The Monroe County pretrial release program provided criminal history information for 704 of 979 defendants served.

⁶ The Putnam County pretrial release program only supervised three defendants during 2017.

⁷ The Sarasota County pretrial release program provided criminal history information for 1,995 of 2,584 defendants served.

⁸ In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. The program provided criminal history information for 555 of 673 defendants served in St. Lucie County and for 95 of 137 defendants served in Okeechobee County.

Source: OPPAGA analysis of pretrial release program survey responses.

While defendants may be released to the pretrial release programs without posting bond, 28 programs reported that judges were permitted to order defendants to post bond when assigned to the programs. (See Exhibit 2.)

Exhibit 2

For 2017, 28 Pretrial Release Programs Reported That Judges May Order Defendants to Post Bond in Addition to Being Supervised by the Programs¹

| County Pretrial Release Program | Defendants Accepted in 2017 | Percentage Who Also Posted Bond |
|-----------------------------------|-----------------------------|---------------------------------|
| Alachua | 982 | 10% |
| Bay | 1,559 | 35% |
| Brevard | 2,647 | DNP ² |
| Broward | 3,528 | 30% |
| Charlotte | 281 | 55% |
| Citrus | 51 | 65% |
| Collier | 281 | 0% |
| Duval | 2,440 | 62% |
| Escambia | 2,360 | DNP |
| Flagler | 339 | 3% |
| Highlands | 264 | 20% |
| Hillsborough | 120 | DNP |
| Lee | 2,738 | 41% |
| Leon | 1,227 | 71% |
| Manatee | 1,809 | 30% |
| Miami-Dade | 8,049 | DNP |
| Monroe | 704 | 12% |
| Okaloosa | 825 | 65% |
| Orange | 1,709 | 10% |
| Osceola | 2,819 | 57% |
| Palm Beach | 5,842 | 40% |
| Polk | 218 | 85% |
| Putnam | 2 | 0% |
| Santa Rosa | 393 | DNP |
| Sarasota | 2,025 | 28% ³ |
| Seminole | 834 | DNP |
| St. Lucie/Okeechobee ⁴ | 566/112 | 86%/11% |
| Volusia | 3,979 | 29% |

¹ The Pinellas County pretrial release program reported that judges are not permitted to order defendants to also pay a bond.

² DNP denotes that the pretrial release program did not provide the information.

³ The Sarasota County pretrial release program noted that this data was only available after June 2017.

⁴ In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County.

Source: OPPAGA analysis of pretrial release program survey responses.

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

Pretrial release programs reported that defendants that they supervised included some who failed to appear in court or were arrested while in the programs. As shown in Appendix A, programs reported varying numbers of defendants who failed to appear. For example, the Okeechobee County and Putnam County programs reported that no defendants were issued warrants for failure to appear, while the Miami-Dade County program reported that 577 defendants were issued such warrants.

Pretrial release programs also had varying numbers of defendant arrests. For example, the Putnam County program reported that no defendants were arrested for any offense while in the program, while the Miami-Dade County program reported that 684 defendants were arrested for any offense while in the program.

Did the pretrial release programs comply with statutory reporting requirements?

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

In 2017, pretrial release programs generally complied with these statutory requirements, as 28 programs reported that they maintained the required weekly register and 28 programs provided OPPAGA with an annual report. These 28 programs and 1 additional program responded to OPPAGA's survey for additional information. (See Appendix C for program compliance with s. 907.043, *Florida Statutes*.)

Some of the data required to be included in the annual report does not apply to all pretrial release programs. While most programs make recommendations to the court relating to a defendant's appropriateness for pretrial release, some do not. For example, six programs reported that they did not recommend defendants for pretrial release; eight programs reported that they did not recommend against nonsecured release; and six programs did not recommend defendants for nonsecured release. As a result, these programs could not report data for these required report elements.⁶

Nineteen pretrial release programs provided criminal history data as required in the weekly register. For example, one program provided criminal history information for Florida adult convictions and another provided the total number of convictions. However, the remaining 10 programs did not provide criminal history data. While Florida statutes require programs to disclose the nature of prior criminal convictions of defendants accepted into their programs, some programs did not provide this information because of guidance provided by the Florida Department of Law Enforcement (FDLE).

⁶ See Appendix C for a list of pretrial release programs that did not recommend defendants for pretrial release, did not recommend against nonsecured release, and/or did not recommend defendants for nonsecured release.

Specifically, in 2010, 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.⁷

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 pretrial release 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, 14 programs reported that in all cases, they certified to the court that they had obtained and investigated or otherwise verified these elements before releasing defendants on nonmonetary conditions under the supervision of pretrial release in 2017.

Pretrial release 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 defendants are normally ordered into the program at first appearance, where the program does not have a presence. Another program noted that it did not screen defendants that go to first appearance for violation of probation; defendants currently in the program that were arrested on a new charge; violations of pretrial release warrants; immigrant holds; out-of-county holds/warrants; defendants being held in jail on another offense; and defendants on probation.

⁷ Federal law restricts access to this information, as provided in s. [943.054](#), *F.S.*, and [28 CFR 20.33](#).

Exhibit 3

For 2017, 14 Pretrial Release Programs Reported That in All Cases They Certified to the Court That They Had Verified Information Before Releasing Defendants Under the Supervision of Pretrial Release

| County Pretrial Release Program | Percentage of Cases Certified in 2017 | County Pretrial Release Program | Percentage of Cases Certified in 2017 |
|---------------------------------|---------------------------------------|-----------------------------------|---------------------------------------|
| Alachua | 100% | Miami-Dade | 100% |
| Bay | 0% | Monroe | 95% |
| Brevard ¹ | 100% | Okaloosa | 100% |
| Broward | 100% | Orange | 84% |
| Charlotte | 100% | Osceola | 100% |
| Citrus ² | DNP ³ | Palm Beach | 69% |
| Collier | 100% | Pinellas | 0% |
| Duval | 100% | Polk | 80% |
| Escambia | 84% | Putnam | 100% |
| Flagler ⁴ | DNP | Santa Rosa | 50% |
| Highlands | 47% | Sarasota | 100% |
| Hillsborough | 0% | Seminole | 0% |
| Lee | 100% | St. Lucie/Okeechobee ⁵ | DNP |
| Leon | 100% | Volusia | 100% |
| Manatee | 45% | | |

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

² The Citrus County pretrial release program noted that defendants are normally ordered into the program at first appearance, where the program did not have a presence.

³ DNP denotes that the pretrial release 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 2017.

⁴ The Flagler County pretrial release program noted that defendants are normally ordered into the program at first appearance, where the program did not have a presence.

⁵ In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County.

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 2017 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 Flagler County pretrial release program, which served 409 defendants in 2017, supervised pretrial defendants, but did not conduct investigations of pretrial detainees, make pretrial release recommendations to a court, or electronically monitor pretrial defendants. The Miami-Dade County pretrial release program, which served 10,367 defendants in 2017, conducted investigations of pretrial detainees, made pretrial release recommendations to a court, and supervised pretrial defendants, but did not electronically monitor pretrial defendants.

Exhibit A-1

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

| County Pretrial Release Program | Calendar Year 2017 Total Budget | Total Accepted in 2017 | Total Served in 2017 | Issued a Warrant for Failing to Appear in Court | Arrested for Any Offense While in the Program |
|-----------------------------------|---------------------------------|------------------------|----------------------|---|---|
| Alachua | \$1,673,351 | 982 | 1,463 | 36 (2%) | 35 (2%) |
| Bay | \$83,355 | 1,559 | 1,663 | 72 (4%) | 32 (2%) |
| Brevard ¹ | \$124,000 | 2,647 | 2,647 | 135 (5%) | 93 (4%) |
| Broward | \$6,495,125 | 3,528 | 5,981 | DNP ² | 299 (5%) |
| Charlotte | \$560,014 | 281 | 337 | 3 (1%) | 13 (4%) |
| Citrus | \$94,882 | 51 | 71 | 1 (1%) | 5 (7%) |
| Collier | \$319,564 | 281 | 334 | 6 (2%) | 20 (6%) |
| Duval | \$952,539 | 2,440 | 2,179 | 94 (4%) | 77 (4%) |
| Escambia | \$587,027 | 2,360 | 3,469 | 131 (4%) | 16 (<1%) |
| Flagler | \$67,870 | 339 | 409 | 4 (1%) | 27 (7%) |
| Highlands | \$115,098 | 264 | 600 | 18 (3%) | 16 (3%) |
| Hillsborough | \$101,000 | 120 | 178 | 1 (1%) | 6 (4%) |
| Lee | \$2,393,352 | 2,738 | 3,286 | 71 (2%) | 130 (4%) |
| Leon | \$1,043,443 | 1,227 | 1,724 | 108 (6%) | 56 (3%) |
| Manatee | \$566,692 | 1,809 | 2,333 | DNP | 85 (4%) |
| Miami-Dade | \$5,129,400 | 8,049 | 10,367 | 577 (6%) | 684 (7%) |
| Monroe | \$553,478 | 704 | 979 | 19 (2%) | 16 (2%) |
| Okaloosa | \$403,358 | 825 | 1,101 | 68 (6%) | 67 (6%) |
| Orange | \$2,110,217 | 1,709 | 2,047 | 54 (3%) | 40 (2%) |
| Osceola | \$674,520 | 2,819 | 3,568 | 226 (6%) | 170 (5%) |
| Palm Beach | \$1,382,595 | 5,842 | 7,021 | 185 (3%) | 259 (4%) |
| Pinellas | \$2,365,704 | 3,154 | 3,962 | 79 (2%) | 40 (1%) |
| Polk | \$1,129,618 | 218 | 4,540 | 213 (5%) | 299 (7%) |
| Putnam | \$486 | 2 | 3 | 0 (0%) | 0 (0%) |
| Santa Rosa | \$128,384 | 393 | 848 | 56 (7%) | 61 (7%) |
| Sarasota | \$1,477,012 | 2,025 | 2,584 | 109 (4%) | 148 (6%) |
| Seminole | \$389,694 | 834 | 1,019 | 12 (1%) | 146 (14%) |
| St. Lucie/Okeechobee ³ | \$762,780 | 566/112 | 673/137 | 3 (<1%)/0 (0%) | 23 (3%)/5 (4%) |
| Volusia | \$1,478,583 | 3,979 | 4,849 | 118 (2%) | 363 (7%) |

¹ The Brevard County pretrial release 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.

² DNP denotes that the pretrial release program did not provide the information.

³ In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County.

Source: OPPAGA analysis of pretrial release program survey responses.

APPENDIX B

Calendar Year 2017 Pretrial Release Program Defendant Fees

Exhibit B-1 lists the 19 pretrial release 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 Pretrial Release Programs Charged Fees to Defendants

| County Pretrial Release Program | Service | Fee Amount | Total Collected | Fee Assessment | Recipient of Fees |
|---------------------------------|---|-----------------|------------------|---|-------------------------------|
| Alachua ¹ | Electronic monitoring; GPS monitoring; transdermal alcohol detection monitoring | \$5/day | \$33,653 | Per board of county commissioners-approved fee schedule based upon federal poverty guidelines | Vendor |
| | Curfew monitoring | \$60/month | \$1,060 | Per board of county commissioners-approved fee schedule based upon federal poverty guidelines | Vendor |
| | Monitor Connect ² | \$5/month | \$9,974 | Per board of county commissioners-approved fee schedule based upon federal poverty guidelines | Vendor |
| Brevard ³ | Contractor (Professional Probation Services, Inc.) pretrial community supervision | \$10/week | \$7,562 | Mandatory unless waived | Program revenue |
| | Brevard County community corrections | \$10/week | \$1,020 | Mandatory unless waived | Program revenue |
| Broward | Electronic monitoring | \$5/day | \$80,040 | Mandatory unless waived or the client is using the services of an appointed attorney, typically a public defender | County general fund |
| Charlotte | Alcohol/ethyl glucuronide test | \$14.95/test | DNP ⁴ | 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 | \$22,882 | Mandatory unless waived | Program revenue |
| Collier | Alcohol monitoring | \$6.50/day | \$6,925 | When court-ordered | Vendor |
| | Drug screen | \$7.90/test | \$109 | When performed | Vendor |
| | GPS monitoring | \$4.10/day | \$1,131 | When court-ordered | Vendor |
| Lee | Misdemeanor diversion | \$150/flat fee | \$274,372 | Mandatory unless community service is allowed in lieu of cost of supervision | Board of county commissioners |

| County Pretrial Release Program | Service | Fee Amount | Total Collected | Fee Assessment | Recipient of Fees |
|-----------------------------------|--|--|-----------------|-------------------------|--|
| Leon | GPS monitoring | Sliding fee scale | DNP | DNP | Vendor |
| | Administrative fee | \$40/month | \$68,601 | Mandatory unless waived | Program revenue |
| | Secured continuous random alcohol monitoring | \$12/day | \$30,527 | Mandatory unless waived | Program revenue |
| Manatee | Drug test | \$50/one-time fee | \$10,213 | When court-ordered | Program revenue |
| | Electronic monitoring | \$4.79/day | \$20,295 | When court-ordered | Vendor |
| Monroe | Electronic monitoring | \$4.25/day | \$1,128 | When court-ordered | Vendor via county general revenue |
| | Urinalysis | \$10/test | \$13,800 | When court-ordered | County general revenue |
| Okaloosa | Electronic monitoring | Up to \$12/day | \$18,074 | When court-ordered | General revenue |
| Orange | Drug test | \$17/one-time fee | \$15,360 | Mandatory unless waived | County government general fund \$4.20 of each \$6 fee is paid to the vendor and \$1.80 goes to the county government general fund |
| | Pretrial supervision telephone reporting | \$6/month | \$2,924 | Mandatory unless waived | |
| 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 | \$5.18/day | DNP | Court-ordered | Vendor |
| Palm Beach | Cost of supervision | \$10/week | \$196,938 | Mandatory unless waived | Program revenue |
| Pinellas | Alcohol monitoring | \$10/day | \$196,846 | Mandatory | Vendor |
| | Electronic monitoring | \$7/day | \$95,739 | Mandatory | Vendor |
| Putnam | Cost of supervision | \$2/day | \$486 | By judge | General fund |
| | Electronic monitoring | \$10/day | \$0 | By judge | General fund |
| Santa Rosa | Administrative fee | \$25/one-time fee until May 31, 2017; \$50/one-time fee thereafter | \$14,654 | Mandatory | Program revenue |
| | Drug/alcohol test | \$15/test until May 31, 2017; \$20/test thereafter | \$8,138 | When tested | Program revenue |
| Seminole | Electronic monitoring | \$5.60/day | \$25,976 | Mandatory unless waived | Program |
| St. Lucie/Okeechobee ⁵ | GPS monitoring ⁶ | \$2/week to \$30/week | \$1,556 | When court-ordered | General revenue fund |

¹ The Alachua County pretrial release program noted that there are no fees for pretrial supervision. However, if the court orders electronic monitoring, GPS monitoring, transdermal alcohol detection monitoring, or curfew monitoring, the costs for these services are collected from the defendant and forwarded to the vendor.

² MonitorConnect is an automated system that allows defendants to communicate with their pretrial release program officers. It provides the defendant with text, telephone, and email alerts about pending court dates and allows defendants to check in without having to speak directly to their officers. Not all defendants are placed onto MonitorConnect, as not all defendants have telephones.

³ The fees listed apply to pretrial community supervision cases only. Standard pretrial release cases, in which the individual only reports by telephone, have no fees.

⁴ DNP denotes that the pretrial release program did not provide the information.

⁵ In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County.

⁶ GPS monitoring was only available in the St. Lucie County pretrial release program.

Source: OPPAGA analysis of pretrial release program survey responses.

APPENDIX C

Calendar Year 2017 Pretrial Release Program Compliance With Statutory Reporting Requirements

Section 907.043, *Florida Statutes*, requires each pretrial release program to prepare a register, which must be updated weekly, displaying descriptive information about the defendants released through the program. Additionally, by March 31 every year, each program must submit an annual report for the previous calendar year. Pretrial release programs generally complied with these statutory requirements, as 28 programs reported that they maintained the required weekly register and 28 programs provided OPPAGA with an annual report. These 28 programs and 1 additional program 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 Pretrial Release Programs Reported That They Did Not Provide All Required Information

| | Number of | |
|--|--|---|
| | Pretrial Release Programs That Provided Data | Pretrial Release Programs That Did Not Provide Data |
| Weekly Register Requirements (s. 907.043(3)(b), F.S.) | | |
| 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 defendants assessed and interviewed for pretrial release | 27 | 2 |
| Number of defendants recommended for pretrial release | 21 | 8 ¹ |
| Number of defendants for whom the pretrial release program recommended against nonsecured release | 17 | 12 ² |
| Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release | 19 | 10 ³ |
| 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 |

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

² Eight pretrial release 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.

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

Source: OPPAGA analysis of pretrial release program survey responses.

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OPPAGA

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