

# County Pretrial Release Programs: Calendar Year 2019

Report 20-07

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# OPPAGA

Office of Program Policy Analysis and Government Accountability

# County Pretrial Release Programs: Calendar Year 2019

## EXECUTIVE SUMMARY

Pretrial release programs supervise defendants who have been released from jail while awaiting disposition of their criminal charges. Twenty-eight programs responded to our survey requesting information regarding their 2019 operations. No programs reported receiving state general revenue, while 28 programs reported receiving county funds, and 5 programs reported receiving grants.

Twelve 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 3% to 46%. Programs in 27 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 27 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, and some programs did not report 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.<sup>1</sup>

- 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 2019.

<sup>1</sup> 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. (See Exhibit 1.)

## Exhibit 1

### Types of Pretrial Release



#### Pretrial Release Is Generally Granted in One of Three Ways

- 1. Release on Recognizance.** Allows defendants to be released from jail without posting bond.
- 2. Bond.** Allows defendants to be released by monetary payment to the court (cash bond) or to a private bondsman (surety bond).<sup>1</sup> 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.
- 3. 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.

<sup>1</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.

Source: OPPAGA analysis of pretrial release program survey responses.

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 to the governing body and to the clerk of the circuit court in the county where the program is located.

The 2018 Legislature passed Ch. 2018-127, *Laws of Florida*, which added elements to the annual report requirements in s. 907.043, *Florida Statutes*, including requiring each pretrial release program to report the types of criminal charges of defendants accepted into the program; the number of defendants accepted into the program who paid a bail or bond; the number of defendants accepted into the program with no prior criminal conviction; and the number of defendants for whom a pretrial risk assessment tool was or was not used.

# QUESTIONS AND ANSWERS

Pretrial release programs generally complied with these statutory requirements, as 27 programs reported that they maintained the required weekly register, and 28 programs provided OPPAGA with an annual report.<sup>2</sup> Twenty-eight programs 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 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 2019, none of the pretrial release programs responding to our survey reported receiving state general revenue funds, and 28 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 the Leon County program used to partially fund one drug testing technician and pay for supplies and toxicology testing for pre- and post-sentenced offenders. The Manatee County program used the funds for the salaries of two pretrial screeners whose responsibilities include identifying defendants that are eligible for the program and producing documents to assist judges in deciding bond and release conditions. The Okaloosa County program received a grant from the Florida Department of Children and Families, which funded a portion of the salary for a mental health pretrial officer. One program received a grant from a private foundation, while another received a grant from a professional organization funded by the state and federal government and private funds. Specifically, the Palm Beach County program received a MacArthur Grant, which funded two full-time employees, bus passes for defendants, and drug tests for indigent defendants. In addition, the Seminole County program received a grant from the Florida Coalition Against Domestic Violence; the grant was used to pay for the daily electronic monitoring fees of indigent defendants on pretrial release who were arrested for domestic violence.<sup>3</sup> (See Appendix A for details on reported program budgets.)

Seventeen pretrial release programs reported that they charged fees to defendants. Programs reported that the funds collected from these fees were directed to program revenues and other county general funds and were also used to pay vendors for services rendered to defendants. 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. We requested the number of defendants who had criminal histories of violent felonies, non-violent felonies, misdemeanors only, and no prior

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<sup>2</sup> The Citrus County pretrial release program reported that it did not prepare weekly registers during 2019.

<sup>3</sup> Effective May 1, 2020, the Florida Department of Children and Families assumed the role formerly held by the Florida Coalition Against Domestic Violence to administer all domestic violence services in Florida.

offenses.<sup>4</sup> Twelve 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 2, the Citrus County program reported that 46% of its defendants had violent felony criminal histories, while the Duval County program reported that 3% of its defendants had violent felony criminal histories.

## Exhibit 2

### For 2019, 12 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	Number of Defendants Served With Reported Criminal History Information
Citrus	Violent felony (46%)	46%	41 of 41
Collier	No prior offense (38%)	5%	358 of 358
Duval	Non-violent felony (78%)	3%	2,139 of 2,139
Highlands	No prior offense (52%)	20%	246 of 258
Hillsborough	Non-violent felony (41%)	26%	172 of 197
Leon	No prior offense (47%)	17%	2,423 of 2,433
Miami-Dade	Non-violent felony (40%)	22%	10,465 of 10,465
Osceola <sup>1</sup>	No prior offense (35%)	Unknown	1,149 of 3,304
Polk	Felony (56%)	Unknown	5,497 of 5,497
Sarasota	No prior offense (48%)	9%	2,090 of 2,705
Seminole	Misdemeanor only (50%)	38%	1,329 of 1,329
St. Lucie / Okeechobee/ Martin <sup>2</sup>	No prior offense (44%)/ (41%)/ (56%)	Unknown	618 of 824/ 22 of 45/ 152 of 179

<sup>1</sup> The Osceola County pretrial release program only provided criminal history information for 1,149 defendants, all of whom had no prior offense.

<sup>2</sup> In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. In October 2018, the program began supervising defendants for Martin County.

Source: OPPAGA analysis of pretrial release program survey responses.

While defendants may be released to the pretrial release programs without posting bond, 27 programs reported that judges were permitted to order defendants to post bond when assigned to the programs.<sup>5</sup> (See Exhibit 3.)

<sup>4</sup> Pretrial programs are now required, per Ch. 2018-127, *Laws of Florida*, to provide the specific statutory citation for each criminal charge related to a defendant whose case is accepted into a pretrial release program. This requirement took effect July 1, 2018, and 19 of the 28 programs reported that they included this information in their 2019 annual report.

<sup>5</sup> The Pinellas County pretrial release program reported that judges are not permitted to order defendants to also pay a bond.

### Exhibit 3

#### For 2019, 27 Pretrial Release Programs Reported That Judges May Order Defendants to Post Bond in Addition to Being Supervised by the Programs

County Pretrial Release Program	Defendants Accepted in 2019	Percentage Who Also Posted Bond
Alachua	732	8% <sup>1</sup>
Bay	1,315	35%
Brevard	2,055	DNP <sup>2</sup>
Broward	6,005	24%
Charlotte	496	44.2%
Citrus	33	94%
Collier	312	0%
Duval	2,069	40%
Escambia	1,526	DNP
Flagler	504	16.4%
Highlands	277	53%
Hillsborough	170	DNP
Lee	2,846	46%
Leon	1,877	37.5%
Manatee	2,633	26%
Miami-Dade	8,791	DNP
Monroe	905	10.5%
Okaloosa	874	56%
Orange	2,128	10.4%
Osceola	2,384	63.8%
Palm Beach	4,631	21%
Polk	5,497	83%
Santa Rosa	384	53%
Sarasota	2,090	29%
Seminole	1,065	92%
St. Lucie/Okeechobee/Martin <sup>3</sup>	637/23/148	85%/30.4%/42%
Volusia	5,427	14%

<sup>1</sup> The Alachua County pretrial release program reported that this percentage is only applicable to first appearance releases.

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

<sup>3</sup> In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. In October 2018, the program began supervising defendants for Martin 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 Citrus County program reported that 2 defendants were issued a warrant for failure to appear, while the Miami-Dade County program reported that 781 defendants were issued such warrants.

Pretrial release programs also had varying numbers of defendant arrests. For example, the Escambia County program reported that 4 defendants were arrested for any offense while in the program, while the Miami-Dade County program reported that 838 defendants were arrested for any offense while in the program.

## Did the pretrial release programs comply with statutory reporting requirements?

In 2019, pretrial release programs generally complied with statutory reporting requirements, as 27 programs reported that they maintained the required weekly register, and 28 programs provided OPPAGA with an annual report.<sup>6</sup> Twenty-eight programs 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, five programs reported that they did not recommend defendants for pretrial release; seven 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>7</sup>

Twenty pretrial release programs reported providing the nature of any prior criminal convictions of defendants as required in the weekly register.<sup>8</sup> However, the remaining eight programs reported that they did not provide this information. 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). 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.<sup>9</sup>

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

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<sup>6</sup> The Citrus County pretrial release program reported that it did not prepare weekly registers during 2019.

<sup>7</sup> 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.

<sup>8</sup> Three of the programs reported providing only Florida criminal history information.

<sup>9</sup> Federal law restricts access to this information, as provided in s. [943.054](#), *F.S.*, and [28 CFR 20.33](#).

circumstances, employment record, criminal record, and appearances at court proceedings. As shown in Exhibit 4, 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 2019.

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 the first interaction between the defendant and the pretrial release program is at program orientation. 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.

#### Exhibit 4

#### For 2019, 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 2019	County Pretrial Release Program	Percentage of Cases Certified in 2019
Alachua	100%	Manatee	43%
Bay	0%	Miami-Dade	100%
Brevard <sup>1</sup>	100%	Monroe	95%
Broward	100%	Okaloosa	100%
Charlotte	100%	Orange	99%
Citrus <sup>2</sup>	DNP <sup>3</sup>	Osceola	100%
Collier	100%	Palm Beach	60%
Duval	100%	Pinellas	1%
Escambia	85%	Polk	100%
Flagler	DNP	Santa Rosa	50%
Highlands	47%	Sarasota	100%
Hillsborough	0%	Seminole	59%
Lee	100%	St. Lucie/ Okeechobee/ Martin <sup>4</sup>	DNP/ DNP/ DNP
Leon	100%	Volusia	100%

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

<sup>2</sup> The Citrus County pretrial release program noted that it is unable to certify this information to the court because the judge determines it.

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

<sup>4</sup> In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. In October 2018, the program began supervising defendants for Martin County.

Source: OPPAGA analysis of pretrial release program survey responses.



# APPENDIX A

## Calendar Year 2019 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. Budget comparisons should be made with caution because of differences in caseloads and responsibilities. For example, the Flagler County pretrial release program, which served 559 defendants in 2019, 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 10,465 defendants in 2019, conducted investigations of pretrial detainees, made pretrial release recommendations to a court, and supervised, 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 2019 Total Budget	Total Accepted in 2019	Total Served in 2019	Issued a Warrant for Failing to Appear in Court	Arrested for Any Offense While in the Program
Alachua	\$1,836,173	732	1,174	58 (5%)	31 (3%)
Bay	\$101,151	1,315	1,277	50 (4%)	49 (4%)
Brevard <sup>1</sup>	\$124,000	2,055	2,055	107 (5%)	95 (5%)
Broward	\$7,560,416	6,005	9,282	DNP <sup>2</sup>	685 (7%)
Charlotte	\$582,116	496	628	10 (2%)	18 (3%)
Citrus	\$84,100	33	41	2 (5%)	5 (12%)
Collier	\$323,200	312	358	4 (1%)	13 (4%)
Duval	\$1,013,688	2,069	2,139	110 (5%)	110 (5%)
Escambia	\$942,634	1,526	2,152	59 (3%)	4 (<1%)
Flagler	\$68,808	504	559	7 (1%)	23 (4%)
Highlands	\$123,414	277	258	17 (7%)	19 (7%)
Hillsborough	\$168,120	170	197	3 (2%)	197 (8%)
Lee	\$2,497,431	2,846	3,522	106 (3%)	188 (5%)
Leon	\$1,224,029	1,877	2,433	162 (7%)	145 (6%)
Manatee	\$821,452	2,633	3,002	DNP	103 (3%)
Miami-Dade	\$4,898,969	8,791	10,465	781 (7%)	838 (8%)
Monroe	\$551,799	905	1,272	18 (1%)	11 (1%)
Okaloosa	\$509,904	874	1,151	92 (8%)	47 (4%)
Orange	\$2,590,227	2,128	2,546	81 (3%)	122 (5%)
Osceola	\$581,582	2,384	3,304	183 (6%)	212 (6%)
Palm Beach	\$1,809,339	4,631	5,447	245 (4%)	208 (4%)
Pinellas	\$3,107,563	4,466	5,600	109 (2%)	151 (3%)
Polk	\$1,220,334	5,497	5,497	266 (5%)	381 (7%)
Santa Rosa	\$136,312	384	500	26 (5%)	40 (8%)
Sarasota	\$1,645,226	2,090	2,705	99 (4%)	193 (7%)
Seminole	\$530,361	1,065	1,329	16 (1%)	168 (13%)
St. Lucie/ Okeechobee/ Martin <sup>3</sup>	\$1,466,445 <sup>4</sup>	637/ 23/ 148	824/ 45/ 179	DNP/ DNP/ DNP	38 (5%)/ 0 (0%)/ 6 (3%)
Volusia	\$1,610,395	5,427	6,403	173 (3%)	456 (7%)

<sup>1</sup> 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.

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

<sup>3</sup> In August 2015, the St. Lucie County pretrial release program began supervising defendants for Okeechobee County. In October 2018, the program began supervising defendants for Martin County.

<sup>4</sup> This includes \$120,000 received from Okeechobee County and \$248,000 received from Martin County per interlocal agreements.

Source: OPPAGA analysis of pretrial release program survey responses.

# APPENDIX B

## Calendar Year 2019 Pretrial Release Program Defendant Fees

Exhibit B-1 lists the 17 pretrial release programs that reported charging fees to defendants. Programs reported that the funds collected from these fees were directed to program revenues and other county general funds and were also used to pay vendors for services rendered to defendants. Programs most commonly charged fees for electronic monitoring.

### Exhibit B-1 Seventeen Pretrial Release Programs Charged Fees to Defendants

County Pretrial Release Program	Service	Fee Amount	Total Collected	Fee Assessment	Recipient of Fees
Alachua <sup>1</sup>	Electronic monitoring; GPS monitoring; transdermal alcohol detection monitoring	\$5/week	\$40,047	Per board of county commissioners-approved fee schedule based upon federal poverty guidelines	Vendor
	Curfew monitoring	\$60/month	\$0	Per board of county commissioners-approved fee schedule based upon federal poverty guidelines	Vendor
	MonitorConnect <sup>2</sup>	\$5/month	\$6,848	Per board of county commissioners-approved fee schedule based upon federal poverty guidelines	Vendor
Brevard <sup>3</sup>	Contractor (Professional Probation Services, Inc.) pretrial community supervision	\$10/week	\$2,929	Mandatory unless waived	Program revenue
	Brevard County Community Corrections	\$10/week	\$3,495	Mandatory unless waived	Program revenue
Broward	Electronic monitoring	\$5/day	\$85,621	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 <sup>4</sup>	When court-ordered	County
	Drug test	\$5/test	DNP	When court-ordered	County
	GPS or alcohol device	\$6/day to \$12/day	DNP	Mandatory unless waived	Vendor
	Synthetic drug test	\$19.95/test	DNP	When court-ordered	County
Citrus	Electronic monitoring	\$8/week	\$12,100	Mandatory unless waived	Program revenue
Collier	Alcohol monitoring	\$6.50/day	\$3,144	When court-ordered	County
	Drug screen	\$7.90/test	\$23.80	When administered	County
	GPS monitoring	\$4.10/day	\$713	When court-ordered	County
Lee	Misdemeanor diversion	\$150 flat fee	\$204,839	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	Administrative fee	\$40/month	\$73,161	Mandatory unless waived	Program revenue
	GPS monitoring fee	\$9/day	\$15,334	Mandatory unless waived	Program revenue
	Secure continuous remote alcohol monitoring	\$12/day	\$26,944	Mandatory unless waived	Program revenue
	Substance abuse testing	\$20/test for urinalysis; \$5/test for alcohol	\$122,138	Mandatory unless waived	Program revenue
Manatee	Drug test	\$50 one-time fee	\$8,022	When court-ordered	Program revenue
	Electronic monitoring	\$3.94/day for GPS	\$16,926	When court-ordered	Vendor
	Electronic monitoring general servicing fee	\$30 one-time fee	\$360	When court-ordered	Program revenue
Monroe	Electronic monitoring	\$4.25/day	\$5,254	When court-ordered	County general revenue
	Urinalysis	\$10/test	\$19,670	When court-ordered	County general revenue
Okaloosa	GPS monitoring	Up to \$12/day	\$15,690	When court-ordered	County general revenue
Orange	Drug test	\$17 one-time fee	\$19,732	Mandatory unless waived	County government general fund
	Pretrial supervision telephone reporting	\$6/month	\$3,723	Mandatory unless waived	\$3.91 of each \$6 fee is paid to the vendor, and \$2.09 goes to the county government general fund
	Drug testing	\$20/test	\$18,037	Mandatory unless waived or indigent	Vendor
Osceola	Alcohol testing	\$13.20/test	DNP	Court-ordered	Vendor
	Reporting fee	\$10/month	DNP	Court-ordered	Vendor
Palm Beach	Cost of supervision	\$10/week	\$135,299	Mandatory unless waived	Program revenue
Pinellas	Alcohol monitoring	\$10/day	\$230,202	Mandatory	Vendor
	Electronic monitoring	\$7/day	\$59,421	Mandatory	Vendor
Santa Rosa	Administrative fee	\$50 one-time fee	\$15,441	Mandatory	Program revenue
	Drug/alcohol test	\$20/test	\$8,690	When tested	Program revenue
Seminole	Electronic monitoring	\$5.60/day	\$44,622	Mandatory unless waived	Program revenue

<sup>1</sup> 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 as a special condition of pretrial release, a portion of the costs for these services is collected from the defendant and forwarded to the vendor.

<sup>2</sup> 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.

<sup>3</sup> The fees listed apply to pretrial community supervision cases only. Standard pretrial release cases, which require a weekly telephone call, have no fees.

<sup>4</sup> DNP denotes that the pretrial release program did not provide the information.

Source: OPPAGA analysis of pretrial release program survey responses.

# APPENDIX C

## Calendar Year 2019 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 27 programs reported that they maintained the required weekly register, and 28 programs provided OPPAGA with an annual report.<sup>10</sup> Twenty-eight programs 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 programs reported that their weekly registers did not include the nature of any prior criminal convictions of defendants due to state and 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

Weekly Register Requirements (s. 907.043(3)(b), <i>F.S.</i> )	Pretrial Release Programs That Provided Data	Number of Pretrial Release Programs That Did Not Provide Data
Name, location, and funding source of the pretrial release program	25	3
Number of defendants assessed and interviewed for pretrial release	26	2
Number of indigent defendants assessed and interviewed for pretrial release	22	6
Names and number of defendants accepted into the pretrial release program	27	1
Names and number of indigent defendants accepted into the pretrial release program	25	3
Charges filed against and the case numbers of defendants accepted into the pretrial release program	27	1
Nature of any prior criminal conviction of a defendant accepted into the pretrial release program	20	8
Court appearances required of defendants accepted into the pretrial release program	24	4
Date of each defendant’s failure to appear for a scheduled court appearance	23	5
Number of warrants, if any, which have been issued for a defendant’s arrest for failing to appear at a scheduled court appearance	27	1
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	3

<sup>10</sup> The Citrus County pretrial release program reported that it did not prepare weekly registers during 2019.

Annual Report Requirements (s. 907.043(4)(b), <i>F.S.</i> )	Number of	
	Pretrial Release Programs That Provided Data	Pretrial Release Programs That Did Not Provide Data
Name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program	27	1
Operating and capital budget of each pretrial release program receiving public funds	26	2 <sup>1</sup>
Percentage of the pretrial release program's total budget representing receipt of public funds	25	3 <sup>1</sup>
Percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program	23	5 <sup>2</sup>
Amount of fees paid by defendants to the pretrial release program	17	11 <sup>3</sup>
Number of persons employed by the pretrial release program	27	1
Number of defendants assessed and interviewed for pretrial release	26	2 <sup>4</sup>
Number of defendants recommended for pretrial release	22	6 <sup>5</sup>
Number of defendants for whom the pretrial release program recommended against nonsecured release	19	9 <sup>6</sup>
Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release	19	9 <sup>7</sup>
Annual Report Requirements (s. 907.043(4)(b), <i>F.S.</i> ) (Continued)	Number of	
	Pretrial Release Programs That Provided Data	Pretrial Release Programs That Did Not Provide Data
Number of defendants assessed and interviewed for pretrial release who were declared indigent by the court	24	4 <sup>4</sup>
Name and case number of each person granted nonsecured release who		
a. failed to attend a scheduled court appearance;	27	1
b. was issued a warrant for failing to appear; and		
c. was arrested for any offense while on release through the pretrial release program.		
Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program	17	11 <sup>8</sup>
<b>Per Ch. 2018-127, <i>Laws of Florida</i>, the Following Annual Report Requirements Took Effect July 1, 2018</b>		
Number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond	24	4
Number of defendants for whom a risk assessment tool was used in determining whether the defendant should be released pending the disposition of the case and the number of defendants for whom a risk assessment tool was not used	18	10 <sup>9</sup>
Specific statutory citation for each criminal charge related to a defendant whose case is accepted into a pretrial release program, including, at a minimum, the number of defendants charged with dangerous crimes as defined in s. 907.041, <i>F.S.</i> ; nonviolent felonies; or misdemeanors only. A "nonviolent felony" for purposes of this subparagraph excludes the commission of, an attempt to commit, or a conspiracy to commit any of the following.		
a. An offense enumerated in s. 775.084(1)(c), <i>F.S.</i>	19	9
b. An offense that requires a person to register as a sexual predator in accordance with s. 775.21, <i>F.S.</i> , or as a sexual offender in accordance with s. 943.0435, <i>F.S.</i>		
c. Failure to register as a sexual predator in violation of s. 775.21, <i>F.S.</i> , or as a sexual offender in violation of s. 943.0435, <i>F.S.</i>		
d. Facilitating or furthering terrorism in violation of s. 775.31, <i>F.S.</i>		
e. A forcible felony as described in s. 776.08, <i>F.S.</i>		

- f. False imprisonment in violation of s. 787.02, *F.S.*
- g. Burglary of a dwelling or residence in violation of s. 810.02(3), *F.S.*
- h. Abuse, aggravated abuse, and neglect of an elderly person or disabled adult in violation of s. 825.102, *F.S.*
- i. Abuse, aggravated abuse, and neglect of a child in violation of s. 827.03, *F.S.*
- j. Poisoning of food or water in violation of s. 859.01, *F.S.*
- k. Abuse of a dead human body in violation of s. 872.06, *F.S.*
- l. A capital offense in violation of Ch. 893, *F.S.*
- m. An offense that results in serious bodily injury or death to another human
- n. A felony offense in which the defendant used a weapon or firearm in the commission of the offense

Number of defendants accepted into a pretrial release program with no prior criminal conviction	19	9
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<sup>1</sup> Includes one pretrial release program (Collier County) that reported that this requirement is not applicable.

<sup>2</sup> Includes three pretrial release programs (Citrus, Collier, and Highlands counties) that reported that this requirement is not applicable.

<sup>3</sup> These 11 pretrial release programs (Bay, Duval, Escambia, Flagler, Highlands, Hillsborough, Miami-Dade, Polk, Sarasota, St. Lucie/Okeechobee/Martin, and Volusia counties) do not charge defendant fees.

<sup>4</sup> Includes one pretrial release program (Flagler County) that reported that this requirement is not applicable.

<sup>5</sup> Includes five pretrial release programs (Flagler, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that reported that they did not recommend defendants for pretrial release.

<sup>6</sup> Includes seven pretrial release programs (Duval, Flagler, Hillsborough, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that reported that they did not recommend against nonsecured release.

<sup>7</sup> Includes seven pretrial release programs (Duval, Flagler, Hillsborough, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that reported that they did not recommend defendants for nonsecured release.

<sup>8</sup> Includes three pretrial release programs (Flagler, Okaloosa, and Pinellas counties) that reported that this requirement is not applicable.

<sup>9</sup> Includes five pretrial release programs (Charlotte, Flagler, Highlands, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that did not have a risk assessment tool.

Source: OPPAGA analysis of pretrial release program survey responses.

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# OPPAGA

Office of Program Policy Analysis and Government Accountability

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