

County Pretrial Release Programs: Calendar Year 2020

Report 21-11

December 2021



OPPAGA

Office of Program Policy Analysis and Government Accountability

County Pretrial Release Programs: Calendar Year 2020

EXECUTIVE SUMMARY

Pretrial release programs supervise defendants who have been released from jail while awaiting disposition of their criminal charges. As required by statute, OPPAGA conducts an annual study of pretrial release programs and administers a survey to gather information from the programs. Twenty-seven programs responded to the survey requesting information regarding 2020 operations and reported serving over 68,000 defendants. Programs reported gathering defendant information, such as criminal history and other demographics, to screen potential participants. In 2020, programs that screened defendants reported that staff conducted almost 140,000 interviews. Seventeen programs also reported using risk assessments during the screening process.

To remain on pretrial release, defendants must comply with all court ordered conditions until the final disposition of their case. Warrants for their arrest can be issued if defendants do not comply with these conditions, fail to appear for a court appearance, or commit a crime. Twenty-one pretrial release programs reported a rate of 6% or less for participants failing to appear in court. Pretrial release programs reported varying numbers of defendant arrests. For example, the Duval and Flagler county programs reported that 3% of program participants were arrested while in the program, while the Escambia County program reported that 25% of defendants were arrested while in the program. For most pre-trial release programs, the rate of arrests for participants was under 20%.

Pretrial release programs reported program budgets ranging from \$71,009 in Flagler County to \$8 million in Broward County. None of the pretrial release programs responding to the OPPAGA survey reported receiving state general revenue funds and all 27 reported receiving county funds.¹ Additionally, six programs reported receiving grants. Statute requires each pretrial release program to prepare a weekly register, displaying descriptive information about the defendants released through the program, and an annual report. Pretrial release programs generally complied with these statutory requirements, as 26 programs reported maintaining the weekly register, and 28 programs provided OPPAGA with an annual report.²

REPORT SCOPE

Section 907.044, *Florida Statutes*, directs OPPAGA to annually evaluate the effectiveness and cost efficiency of Florida's pretrial release programs. The review includes information related to the characteristics and outcomes of program participants, funding sources and program cost, and an assessment of program compliance with statutory reporting requirements.

¹ The Brevard County pretrial release program reported that due to a reduction in staff, the program was unable to respond to the OPPAGA survey.

² The Brevard County pretrial release program was able to provide an annual report despite not responding to the OPPAGA survey.

BACKGROUND

Pretrial release is an alternative to jail that allows arrested defendants to be released while awaiting 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 bail bond agent (surety bond).¹ A surety bond requires the defendant to pay a nonrefundable fee to the bail bond agent of the bond amount set by the court. If the defendant does not appear in court, the bail bond agent is responsible for paying the entire bond amount. Bail bond agents are not required to supervise defendants but have a vested interest in ensuring that clients keep their court dates and do not abscond.
- 3. Local Pretrial Release Programs.** Allow defendants to be released under program supervision. Programs supervise defendants through various methods, such as contact requirements 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.

¹ A cash bond is paid directly to the court 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. After the final disposition of the case, bond money will be refunded, minus any unpaid court fees and costs, and criminal penalties.

Source: OPPAGA analysis of pretrial release literature.

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.

Section 907.044, *Florida Statutes*, requires OPPAGA to conduct an annual study to evaluate the effectiveness and cost efficiency of pretrial release programs in Florida. As part of the annual study, OPPAGA administers a survey to gather additional information not contained in the pretrial programs' weekly registers and annual reports.³ Twenty-seven programs responded to OPPAGA's survey for additional information. More than half (17) are located in the program's county court or sheriff's office/county corrections.

³ In some cases, programs providing this information do not perform all of the activities required by statute but still provide annual reports and respond to the OPPAGA survey. In addition, there are 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.

Programs reported employing from 1 (Citrus County) to 60 (Miami-Dade County) staff. These employees hold positions such as pretrial officer, investigator, case manager, supervisor, and administrative staff. In addition, a few programs report specialized staff, such as electronic monitoring officers and a drug screening technician. In 2020, the programs reported serving over 68,000 defendants, ranging from 49 in Citrus County to 8,717 in Broward County. (See Exhibit 2.)

Exhibit 2

Pretrial Release Programs Served Over 68,000 Defendants in 2020

| County Pretrial Release Program | Total Served in 2020 |
|--|----------------------|
| Alachua | 937 |
| Bay | 1,696 |
| Broward | 8,717 |
| Charlotte | 527 |
| Citrus | 49 |
| Collier | 275 |
| Duval | 2,267 |
| Escambia | 1,617 |
| Flagler | 532 |
| Highlands | 336 |
| Hillsborough | 169 |
| Lee | 3,860 |
| Leon | 2,384 |
| Manatee | 3,226 |
| Miami-Dade | 8,090 |
| Monroe | 1,173 |
| Okaloosa | 1,256 |
| Orange | 4,148 |
| Osceola | 2,002 |
| Palm Beach | 4,943 |
| Pinellas | 4,919 |
| Polk | 4,402 |
| Santa Rosa | 389 |
| Sarasota | 3,418 |
| Seminole | 1,144 |
| St. Lucie/Okeechobee/Martin ¹ | 782/25/144 |
| Volusia | 4,710 |
| Total | 68,137 |

¹In 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.

OPPAGA requested that programs provide information on defendants' criminal histories. Twelve pretrial release programs were able to provide criminal history information, with some reporting that defendants had no prior offenses. Other programs reported that defendants had offense histories that included misdemeanors, non-violent felonies, and violent felonies. For example, the Duval County program reported that 75% of its defendants had non-violent felony criminal histories, while the Escambia County program reported that 57% of its defendants had violent felony criminal histories. (See Exhibit 3.)

Exhibit 3

For 2020, 12 Pretrial Release Programs Provided Defendants' Criminal History Information¹

| County Pretrial Release Program | Criminal History of Most Defendants | Number of Defendants Served With Reported Criminal History Information |
|--------------------------------------|--|--|
| Citrus | Violent felony (45%) | 49 of 49 |
| Collier | No prior offense (40%) | 275 of 275 |
| Duval | Non-violent felony (75%) | 1,876 of 2,267 |
| Escambia | Violent felony (57%) | 1,707 of 1,617 ² |
| Hillsborough | Non-violent felony (41%) | 130 of 169 |
| Leon | No prior offense (54%) | 1,555 of 2,384 |
| Manatee | Violent felony (44%) | 3,226 of 3,226 |
| Miami-Dade | Misdemeanor only (47%) | 5,390 of 8,090 |
| Polk | Felony (58%) | 4,402 of 4,402 |
| Sarasota | No prior offense (32%) | 2,816 of 3,418 |
| Seminole | Misdemeanor only (51%) | 1,144 of 1,144 |
| St. Lucie / Okeechobee/ Martin | No prior offense (46%)/ Felony (50%)/ No prior offense (63%) | 574 of 782/ 20 of 25/ 114 of 144 |

¹ Fourteen pretrial release programs (Alachua, Bay, Broward, Charlotte, Flagler, Highlands, Lee, Monroe, Okaloosa, Orange, Osceola, Palm Beach, Pinellas, Santa Rosa, and Volusia counties) did not provide defendants' criminal history information.

² The Escambia County pretrial release program total includes 90 defendants who were placed in the program who could not post bond or otherwise were not released from jail. As a result, the number of defendants served with reported criminal history information exceeds the total number of defendants served.

Source: OPPAGA analysis of pretrial release program survey responses.

Defendants in some pretrial release programs may also be required to post bond. Judges may require defendants to post bond and be supervised by a pretrial release program in order to have additional layers of accountability. For example, a judge may allow a lower bond amount knowing that the defendant will also be under supervision. While defendants may be released to pretrial release programs without posting bond, 14 programs reported that some defendants were required to post bond when assigned to the programs.

FINDINGS

Program Effectiveness

Pretrial release programming is recognized as an important part of the criminal justice system. Specifically, literature finds that these programs can offer a meaningful intervention to criminal behavior and help target court, prosecutorial, and correctional resources to defendants where regular prosecution is the more appropriate decision. Best practices encourage pretrial release programs to set goals of screening eligible defendants, protecting public safety, and promoting successful program completion.

Screening

Pretrial program best practices encourage screening eligible individuals. Screening can include gathering defendant information from available records or interviews and applying assessment or eligibility criteria or other methods to determine program placement. Programs gather defendant information on substance abuse and mental health history, length of time residing in the community, and employment and educational status. Programs also obtain information on the defendant's criminal history, including nature of the current charges and any pending charges, prior arrests and convictions, and court appearance history, including failures to appear. Programs may also obtain victim input and information verification from the defendant's family or other contacts. In 2020, programs that screened defendants reported that staff conducted almost 140,000 screening interviews. Seventeen programs reported using risk assessments during the screening process. Risk assessments use information on defendant characteristics, their environment, or their circumstances, to create a risk profile or score that estimates the likelihood an outcome will occur.⁴ In the context of pretrial risk assessment, this can be defined as the risk of a defendant not appearing in court or being rearrested in the pretrial period.

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 criminal record, and appearances at court proceedings. Thirteen programs reported that in all cases, the program certified to the court that it obtained and investigated or otherwise verified these elements before releasing defendants on nonmonetary conditions under the supervision of pretrial release in 2020. (See Exhibit 4.) Pretrial release programs that could not certify this information in all cases provided various reasons for being unable to do so, including being unable to make contact with family or references prior to first appearance and a lack of cooperation between family members and employers. One program reported that in some instances defendants are ordered to be released with or without verified information, while another reported that it does not interview defendants who have been arrested for violation of probation or failure to appear charges, court ordered bond revocations, out-of-county warrants, or out-of-state fugitive warrants. Additionally, defendants may refuse to be interviewed or not be available because of medical or housing issues, or defendants may be uncooperative during bookings or interviews. Seventeen programs reported making recommendations to the court regarding the release or detention of defendants.

⁴ In September 2021, the Association of Pretrial Professionals of Florida (APPF), in conjunction with the University of West Florida, revalidated the Florida Pretrial Risk Assessment Instrument, which measures the likelihood of pretrial misconduct (failure to appear or arrest for a new law violation). Alachua, Charlotte, Collier, Escambia, Manatee, Miami-Dade, Monroe, Orange, and Osceola counties participated in the data collection for this revalidation.

Exhibit 4

For 2020, 13 Pretrial Release Programs Reported That in All Cases, the Program Certified to the Court That It Verified Information Before Releasing Defendants Under the Supervision of Pretrial Release¹

| County Pretrial Release Program | Percentage of Cases Certified in 2020 | County Pretrial Release Program | Percentage of Cases Certified in 2020 |
|---------------------------------|---------------------------------------|---------------------------------|---------------------------------------|
| Alachua | 100% | Miami-Dade | 100% |
| Bay | 0% | Monroe | 95% |
| Broward | 100% | Okaloosa | 100% |
| Charlotte | 100% | Orange | 99% |
| Collier | 100% | Osceola | 95% |
| Duval | 100% | Palm Beach | 20% |
| Escambia | 70% | Pinellas | 1% |
| Flagler ² | 0% | Polk | 100% |
| Highlands | 35% | Santa Rosa | 50% |
| Lee | 100% | Sarasota | 100% |
| Leon | 100% | Seminole | 41% |
| Manatee | 100% | Volusia | 100% |

¹ The Citrus, Hillsborough, and St. Lucie/Okeechobee/Martin county programs did not provide the information.

² The Flagler County pretrial release program noted that it only provides supervision services.

Source: OPPAGA analysis of pretrial release program survey responses.

Public Safety

Providing for public safety is one of the underlying goals of both the pretrial system and the larger criminal justice system. To remain on pretrial release, defendants must comply with all court ordered conditions until the final disposition of their case. If they do not comply, a warrant can be issued for their arrest. In addition to making court appearances and not being rearrested, pretrial release programs can impose other release conditions, such as checking-in with program staff, participating in mental health treatment, and submitting to drug and alcohol screening. During 2020, programs reported that 7,772 defendants were non-compliant with these types of program conditions.⁵ (See Exhibit 5.) Programs reported that, in some instances, they recommended that defendants be revoked from programs for this non-compliance. For example, in 2020, the Bay and Volusia county pretrial release programs reported recommending revocation of pretrial release for 17% (288 of 1,696) and 3% (125 of 4,710) of their defendants, respectively.

Exhibit 5

For 2020, Pretrial Release Programs Reported 7,772 Defendants Were Noncompliant With Program Conditions

| County Pretrial Release Program | Total Number of Defendants Noncompliant With Program Conditions ¹ | Total Defendants Served | Percentage Who Were Noncompliant With Program Conditions |
|---------------------------------|--|-------------------------|--|
| Bay | 288 | 1,696 | 17% |
| Broward | 1,256 | 8,717 | 14% |
| Charlotte | 7 | 527 | 1% |
| Citrus | 0 | 49 | 0% |
| Collier | 75 | 275 | 27% |
| Escambia | 315 | 1,617 | 19% |

⁵ This is for noncompliance with program conditions, which does not include failing to appear, receiving a warrant, or being arrested for a crime committed while in the program.

| County Pretrial Release Program | Total Number of Defendants Noncompliant With Program Conditions ¹ | Total Defendants Served | Percentage Who Were Noncompliant With Program Conditions |
|-------------------------------------|--|-------------------------|--|
| Flagler | 102 | 532 | 19% |
| Highlands | 19 | 336 | 6% |
| Hillsborough | 15 | 169 | 9% |
| Leon | 362 | 2,384 | 15% |
| Miami-Dade | 2,102 | 8,090 | 26% |
| Monroe | 80 | 1,173 | 7% |
| Orange | 231 | 4,148 | 6% |
| Palm Beach | 339 | 4,943 | 7% |
| Pinellas | 971 | 4,919 | 20% |
| Polk | 359 | 4,402 | 8% |
| Santa Rosa | 101 | 389 | 26% |
| Sarasota | 206 | 3,418 | 6% |
| Seminole | 99 | 1,144 | 9% |
| St. Lucie/ Okeechobee/ Martin | 174/ 11/ 5 | 782/ 25/ 144 | 22%/ 44%/ 3% |
| Volusia | 655 | 4,710 | 14% |
| Total | 7,772 | 55,845 | 14% |

¹ Six pretrial release programs (Alachua, Duval, Lee, Manatee, Okaloosa, and Osceola counties) did not provide the number of defendants noncompliant with program conditions.

Source: OPPAGA analysis of pretrial release program survey responses.

Twenty-one pretrial release programs reported information on supervised defendants who failed to appear in court. These programs reported that 6% or less of program participants failed to appear. (See Exhibit 6.)

Exhibit 6

For 2020, 21 Pretrial Release Programs Provided Failure-to-Appear Information and All Reported a 6% or Less Failure-to-Appear Rate

| County Pretrial Release Program | Total Number of Defendants Who Missed at Least One Court Appearance ¹ | Total Defendants Served | Percentage Who Failed to Appear |
|---------------------------------|--|-------------------------|---------------------------------|
| Alachua | 25 | 937 | 3% |
| Bay | 32 | 1,696 | 2% |
| Charlotte | 5 | 527 | 1% |
| Citrus | 0 | 49 | 0% |
| Collier | 3 | 275 | 1% |
| Duval | 58 | 2,267 | 3% |
| Escambia | 72 | 1,617 | 4% |
| Flagler | 3 | 532 | 1% |
| Highlands | 12 | 336 | 4% |
| Hillsborough | 2 | 169 | 1% |
| Manatee | 58 | 3,226 | 2% |
| Miami-Dade | 222 | 8,090 | 3% |
| Monroe | 12 | 1,173 | 1% |
| Okaloosa | 73 | 1,256 | 6% |

| County Pretrial Release Program | Total Number of Defendants Who Missed at Least One Court Appearance ¹ | Total Defendants Served | Percentage Who Failed to Appear |
|---------------------------------|--|-------------------------|---------------------------------|
| Osceola | 79 | 2,002 | 4% |
| Palm Beach | 141 | 4,943 | 3% |
| Pinellas | 96 | 4,919 | 2% |
| Santa Rosa | 15 | 389 | 4% |
| Sarasota | 65 | 3,418 | 2 % |
| Seminole | 33 | 1,144 | 3% |
| Volusia | 289 | 4,710 | 6% |

¹ Six pretrial release programs (Broward, Lee, Leon, Orange, Polk, and St. Lucie/Okeechobee/Martin counties) did not provide the total number of defendants who missed at least one court appearance.

Source: OPPAGA analysis of pretrial release program survey responses.

Pretrial release programs reported varying numbers of defendant arrests. For example, the Duval and Flagler county pretrial release programs reported that 3% of program participants were arrested while in the program, while the St. Lucie County program reported that 28% of defendants were arrested while in the program. For most programs, the rate of arrests for defendants participating in pretrial release programs was under 20%. (See Exhibit 7.)

Exhibit 7

For 2020, 23 Pretrial Release Programs Provided the Number of Defendants Arrested While in the Program and Most Reported a 20% or Less Rearrest Rate

| County Pretrial Release Program | Arrested for Any Offense While in the Program ¹ | Total Defendants Served | Percentage Arrested |
|-------------------------------------|--|-------------------------|---------------------|
| Alachua | 114 | 937 | 12% |
| Bay | 351 | 1,696 | 21% |
| Charlotte | 19 | 527 | 4% |
| Citrus | 10 | 49 | 20% |
| Collier | 29 | 275 | 11% |
| Duval | 75 | 2,267 | 3% |
| Escambia | 399 | 1,617 | 25% |
| Flagler | 15 | 532 | 3% |
| Highlands | 52 | 336 | 15% |
| Hillsborough | 35 | 169 | 21% |
| Lee | 479 | 3,860 | 12% |
| Leon | 565 | 2,384 | 24% |
| Miami-Dade | 1,202 | 8,090 | 15% |
| Okaloosa | 221 | 1,256 | 18% |
| Orange | 165 | 4,148 | 4% |
| Osceola | 426 | 2,002 | 21% |
| Palm Beach | 749 | 4,943 | 15% |
| Pinellas | 144 ² | 4,919 | 3% |
| Polk | 879 | 4,402 | 20% |
| Santa Rosa | 23 | 389 | 6% |
| Seminole | 198 | 1,144 | 17% |
| St. Lucie/ Okeechobee/ Martin | 216/ 12/ 9 | 782/ 25/ 144 | 28%/ 48%/ 6% |

| County Pretrial Release Program | Arrested for Any Offense While in the Program ¹ | Total Defendants Served | Percentage Arrested |
|---------------------------------|--|-------------------------|---------------------|
| Volusia | 512 | 4,710 | 11% |

¹ Four pretrial release programs (Broward, Manatee, Monroe, and Sarasota counties) did not provide the number of defendants arrested for any offense while in the program.

² The number of arrests in the Pinellas program may be higher as the court may have taken defendants who were non-compliant with program conditions back into custody. However, the program does not keep track of this number.

Source: OPPAGA analysis of pretrial release program survey responses.

Successful Completion

Pretrial release program success can be measured by the percentage of pretrial defendants who complete the program. Generally, this is the ability of defendants to not have their supervision revoked due to violations of program conditions, any failures to appear in court, or rearrests while their cases are pending. Defendants without these violations whose cases are disposed by the court, either by dismissal of the charges or a sentence imposition, can be considered as successfully completing the pretrial release program. Most programs reported successful completion rates of over 70%. (See Exhibit 8.)

Exhibit 8

Most Pretrial Release Programs Reported a Participant Successful Completion Rate of Over 70% in 2020¹

| County Pretrial Release Program | Successful Completion | Unsuccessful Completion | Total Defendants Exiting Program in 2020 | Percentage With Successful Completion |
|---------------------------------|-----------------------|-------------------------|--|---------------------------------------|
| Alachua | 463 | 149 | 612 | 76% |
| Bay | 764 | 351 | 1,115 | 69% |
| Broward | 1,885 | 1,890 | 3,775 | 50% |
| Charlotte | 276 | 19 | 295 | 94% |
| Citrus | 17 | 8 | 25 | 68% |
| Collier | 165 | 52 | 217 | 76% |
| Duval | 1,487 | 364 | 1,851 | 80% |
| Escambia | 980 | 399 | 1,379 | 71% |
| Flagler | 338 | 112 | 450 | 75% |
| Highlands | 173 | 52 | 225 | 77% |
| Hillsborough | 71 | 29 | 100 | 71% |
| Lee | 1,551 | 479 | 2,030 | 76% |
| Leon | 650 | 354 | 1,004 | 65% |
| Manatee | 1,467 | 415 | 1,882 | 78% |
| Miami-Dade | 1,602 | 390 | 1,992 | 80% |
| Monroe | 497 | 107 | 604 | 82% |
| Okaloosa | 930 | 221 | 1,151 | 81% |
| Orange | 2,534 | 447 | 2,981 | 85% |
| Osceola | 1,143 | 426 | 1,569 | 73% |
| Palm Beach | 3,010 | 749 | 3,759 | 80% |
| Pinellas | 2,647 | 1,215 | 3,862 | 69% |
| Polk | 2,978 | 879 | 3,857 | 77% |
| Sarasota | 1,092 | 516 | 1,608 | 68% |
| Seminole | 795 | 99 | 894 | 89% |
| St. Lucie/Okeechobee/Martin | 270/6/84 | 216/12/9 | 486/18/93 | 56%/33%/90% |

| County Pretrial Release Program | Successful Completion | Unsuccessful Completion | Total Defendants Exiting Program in 2020 | Percentage With Successful Completion |
|---------------------------------|-----------------------|-------------------------|--|---------------------------------------|
| Volusia | 2,707 | 959 | 3,666 | 74% |

¹ The Santa Rosa County pretrial release program did not provide the number of defendants who successfully and unsuccessfully completed the program.

Source: OPPAGA analysis of pretrial release program survey responses.

Cost Efficiency

Pretrial release programs reported program budgets ranging from \$71,009 in Flagler County to \$8 million in Broward County. (See Exhibit 9.) None of the pretrial release programs responding to the OPPAGA survey reported receiving state general revenue funds and all 27 reported receiving county funds. Additionally, six programs reported receiving grants. (See Appendix A for more information on the amount and use of these grants.)

Exhibit 9 2020 Budgets for Florida Pretrial Release Programs

| County Pretrial Release Program | Calendar Year 2020 Total Budget |
|---------------------------------|---------------------------------|
| Alachua | \$1,638,398 |
| Bay | \$99,641 |
| Broward | \$8,037,836 |
| Charlotte | \$614,746 |
| Citrus | \$85,511 |
| Collier | \$317,592 |
| Duval | \$1,081,904 |
| Escambia | \$940,953 |
| Flagler | \$71,009 |
| Highlands | \$128,976 |
| Hillsborough | \$148,600 |
| Lee | \$2,344,569 |
| Leon | \$1,290,693 |
| Manatee | \$817,681 |
| Miami-Dade | \$4,957,485 |
| Monroe | \$539,573 |
| Okaloosa | \$616,422 |
| Orange | \$2,816,963 |
| Osceola | \$581,582 |
| Palm Beach | \$1,461,242 |
| Pinellas | \$3,625,134 |
| Polk | \$1,185,309 |
| Santa Rosa | \$131,374 |
| Sarasota | \$1,796,876 |
| Seminole | \$516,360 |
| St. Lucie/Okeechobee/Martin | \$1,535,741 ¹ |
| Volusia | \$1,637,133 |
| Total | \$39,019,303 |

¹ This includes \$120,000 received from Okeechobee County and \$253,500 received from Martin County per interlocal agreements.

Source: OPPAGA analysis of pretrial release program survey responses.

An important consideration regarding pretrial detention or release is the costs and benefits, both economic and social. Incarceration has direct and indirect costs for defendants, including the loss of

freedom, income, and housing; increased childcare costs; inability to pay child support; potential property loss; and strain on intimate relationships. However, an incarcerated defendant cannot commit additional crimes against the public. Additionally, some costs may be avoided in some cases, such as court costs related to failures to appear, court costs associated with prosecution of crimes committed during the period between release and trial, and programmatic costs to monitor released individuals.

There are other costs associated with releasing pretrial defendants, including the costs of administering and providing pretrial release program services. These costs are dependent on the duration of the program and on release conditions, such as drug testing and electronic monitoring.⁶ To help mitigate these costs, 18 pretrial release programs reported that the program charges 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 these fees.) Pretrial release program costs can be compared to the cost of keeping defendants in jail. Several programs reported that jail costs exceeded \$100 per day, which are significantly higher than pretrial release program costs. For example, the Leon County program estimated that the program diverted an estimated 378,505 inmate days from the detention facility, which resulted in a daily savings of \$82.57 or an annual savings of \$31.2 million. As another example, the Pinellas County program served 4,919 defendants in 2020. At \$122 per day, it would cost \$4.2 million to keep those defendants in jail for one week, which exceeds the total 2020 pretrial release program budget of \$3.6 million.

Statutory Requirements

Most 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, 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, with 26 programs reporting that the program maintained the required weekly register, and 28 programs providing OPPAGA with an annual report.⁷ Some programs' annual reports did not contain all required data because some elements did not apply to all programs. Additionally, some programs reported that weekly registers did not include the nature of any prior criminal convictions of defendants due to state and national criminal history information restrictions. The exhibit below summarizes the number of programs that reported meeting the requirements associated with maintaining and updating a weekly register and producing an annual report. (See Exhibit 10.)

⁶ Some programs were able to report information related to program length; generally, both successful and unsuccessful completion ranged from a few months to a year.

⁷ The Citrus County pretrial release program reported that it did not prepare weekly registers during 2020. The Brevard County pretrial release program was able to provide an annual report despite not responding to the OPPAGA survey.

Exhibit 10

Some Pretrial Release Programs Reported That the Program Did Not Provide All Statutorily Required Information

| Weekly Register Requirements (s. 907.043(3)(b), <i>F.S.</i>) | Number of Pretrial Release Programs | |
|---|--|---|
| | That Provided Data in Weekly Registers | That Did Not Provide Data in Weekly Registers |
| Name, location, and funding source of the pretrial release program | 24 | 3 |
| Number of defendants assessed and interviewed for pretrial release | 25 | 2 ¹ |
| Number of indigent defendants assessed and interviewed for pretrial release | 22 | 5 ² |
| Names and number of defendants accepted into the pretrial release program | 26 | 1 |
| Names and number of indigent defendants accepted into the pretrial release program | 24 | 3 ³ |
| Charges filed against and the case numbers of defendants accepted into the pretrial release program | 26 | 1 |
| Nature of any prior criminal conviction of a defendant accepted into the pretrial release program | 22 ⁴ | 5 |
| Court appearances required of defendants accepted into the pretrial release program | 24 | 3 |
| Date of each defendant's failure to appear for a scheduled court appearance | 22 | 5 |
| Number of warrants, if any, which have been issued for a defendant's arrest for failing to appear at a scheduled court appearance | 25 | 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 | 21 | 6 ⁵ |
| Annual Report Requirements (s. 907.043(4)(b), <i>F.S.</i>) | Number of Pretrial Release Programs | |
| | That Provided Data in Annual Reports | That Did Not Provide Data in Annual Reports |
| Name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program | 26 | 1 |
| Operating and capital budget of each pretrial release program receiving public funds | 26 | 1 |
| Percentage of the pretrial release program's total budget representing receipt of public funds | 25 | 2 |
| Percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program | 24 | 3 ⁶ |
| Amount of fees paid by defendants to the pretrial release program | 25 | 2 ⁷ |
| Number of persons employed by the pretrial release program | 25 | 2 ⁸ |
| Number of defendants assessed and interviewed for pretrial release | 24 | 3 ⁹ |
| Number of defendants recommended for pretrial release | 20 | 7 ¹⁰ |
| Number of defendants for whom the pretrial release program recommended against nonsecured release | 15 | 12 ¹¹ |
| Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release | 16 | 11 ¹² |
| Number of defendants assessed and interviewed for pretrial release who were declared indigent by the court | 24 | 3 ¹³ |
| Number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond | 25 | 2 |
| 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 | 17 | 10 ¹⁴ |

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, *F.S.*; 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), *F.S.*
- b. An offense that requires a person to register as a sexual predator in accordance with s. 775.21, *F.S.*, or as a sexual offender in accordance with s. 943.0435, *F.S.*
- c. Failure to register as a sexual predator in violation of s. 775.21, *F.S.*, or as a sexual offender in violation of s. 943.0435, *F.S.*
- d. Facilitating or furthering terrorism in violation of s. 775.31, *F.S.*
- e. A forcible felony as described in s. 776.08, *F.S.*
- 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

20

7

Number of defendants accepted into a pretrial release program with no prior criminal conviction

19

8

Name and case number of each person granted nonsecured release who

- a. failed to attend a scheduled court appearance;
- b. was issued a warrant for failing to appear; and
- c. was arrested for any offense while on release through the pretrial release program.

25

2

Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program

19

8¹⁵

¹ Includes one pretrial release program (Flagler County) that reported that this requirement was not applicable.

² Includes three pretrial release programs (Flagler, Hillsborough, and Leon counties) that reported that this requirement was not applicable.

³ Includes two pretrial release programs (Hillsborough and Leon counties) that reported that this requirement was not applicable.

⁴ Includes two pretrial release program (Alachua and Charlotte counties) that reported providing only Florida information.

⁵ Includes four pretrial release programs (Escambia, Orange, Osceola, and Santa Rosa counties) that reported they did not make recommendations.

⁶ Includes two pretrial release programs (Citrus and Highlands counties) that reported that this requirement was not applicable.

⁷ Includes one pretrial release program (Highlands County) that reported that this requirement was not applicable.

⁸ Includes one pretrial release program (Hillsborough County) that reported that this requirement was not applicable.

⁹ Includes one pretrial release program (Flagler County) that reported that this requirement was not applicable.

¹⁰ Includes five pretrial release programs (Flagler, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that reported that the program did not recommend defendants for pretrial release or that this was not applicable.

¹¹ Includes eight pretrial release programs (Duval, Escambia, Flagler, Hillsborough, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that reported that the program did not recommend against nonsecured release or that this was not applicable.

¹² Includes eight pretrial release programs (Duval, Escambia, Flagler, Hillsborough, Leon, Orange, Palm Beach, and St. Lucie/Okeechobee/Martin counties) that reported that the program did not recommend defendants for nonsecured release or that this was not applicable.

¹³ Includes two pretrial release programs (Flagler and Hillsborough counties) that reported that this requirement was not applicable.

¹⁴ Includes four pretrial release programs (Flagler, Palm Beach, Polk, and St. Lucie/Okeechobee/Martin) that did not have a risk assessment tool.

¹⁵ Includes one pretrial release program (Pinellas County) that report that this requirement was not applicable.

Source: OPPAGA analysis of pretrial release program survey responses.

APPENDIX A

Grants

Six pretrial release programs reported receiving grant funding. (See Exhibit A-1.) The sources and uses of these funds varied. For example, the Leon County and Manatee County programs received federal grant funds that were used, in part, to pay for staff salaries. The Palm Beach County program received \$147,321 from the private MacArthur Foundation, which funded two full-time employees, bus passes for defendants, and drug tests for indigent defendants.

Exhibit A-1

Six Pretrial Release Programs Reported Receiving Either State, Federal, or Private Grants

| County Pretrial Release Program | Grant Amount | Grant Source | Grant Uses |
|---------------------------------|--------------|---|---|
| Leon | \$38,356 | Federal—Edward Byrne Memorial Justice Assistance Grants | Allows for the continuation of one partially funded drug screening technician, related supplies, and toxicology for pre- and post-sentenced offenders |
| Escambia | \$8,948 | Federal—Edward Byrne Memorial Justice Assistance Grants | Court-ordered GPS monitoring and drug patch analysis |
| Manatee | \$77,381 | Federal—Edward Byrne Memorial Justice Assistance Grants | Salaries for two pretrial screeners |
| Okaloosa | \$37,116 | State—Florida Department of Children and Families | Portion of the salary for one mental health pretrial officer |
| Palm Beach | \$147,321 | Other—MacArthur Foundation | Salaries for two full-time employees, bus passes for defendants, and drug tests for indigent defendants |
| Seminole | \$117,552 | Other—Florida Coalition Against Domestic Violence | Daily electronic monitoring fees of indigent defendants on pretrial release who were arrested for domestic violence |

Source: OPPAGA analysis of pretrial release program survey responses.

APPENDIX B

Fees

Eighteen pretrial release programs reported charging fees to defendants. (See Exhibit B-1.) 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

Eighteen Pretrial Release Programs Charged Fees to Defendants in 2020

| County Pretrial Release Program | Service | Fee Amount | Total Collected | Fee Assessment | Recipient of Fees |
|---------------------------------|--|---------------------|--|---|---------------------|
| Alachua ¹ | Electronic monitoring (EM)/ Global positioning satellite (GPS) | \$5/day | \$15,349 | Per board of county commissioners approved fee schedule based on Federal Poverty Guidelines | Vendor |
| | MonitorConnect ² | \$5/month | \$2,110 | Per board of county commissioners approved fee schedule based on Federal Poverty Guidelines. | Vendor |
| Broward | Electronic monitoring | \$5/day | \$55,058 | Mandatory unless waived or the client is using the services of an appointed attorney, typically a public defender | County general fund |
| Charlotte | GPS or alcohol devices | \$6/day to \$12/day | DNP ³ Payments directly to private vendors | Mandatory unless waived | Vendor |
| | Drug testing | \$5/test | DNP Fees collected in conjunction with probation department | When court ordered | County |
| | Alcohol/ethyl glucuronide testing | \$14.95/test | DNP Fees collected in conjunction with probation department | When court ordered | County |
| | Synthetic drug testing | \$19.95/test | DNP Fees collected in conjunction with probation department | When court ordered | County |
| Citrus | Electronic monitoring | \$8/day | \$13,511 | Mandatory unless waived | Program revenue |

| County Pretrial Release Program | Service | Fee Amount | Total Collected | Fee Assessment | Recipient of Fees |
|---------------------------------|---|--------------------|-----------------|--|---|
| Collier | Alcohol monitoring | \$6.50/day | \$2,279 | When court ordered | Vendor |
| | Drug screen | \$6.75/test | \$52 | When administered | Vendor |
| | GPS monitoring | \$4.10/day | \$462 | When court ordered | Vendor |
| Escambia | Electronic monitoring | \$105/week | \$195,527 | Mandatory unless waived | Vendor |
| Lee | Misdemeanor diversion | \$150 flat fee | \$137,782 | Mandatory unless community service is allowed in lieu of cost of supervision | Board of county commissioners |
| Leon | Administrative fee | \$40/month | \$72,510 | Mandatory unless waived | Program revenue |
| | GPS monitoring fee | \$9/day | \$11,939 | Mandatory unless waived | Program revenue |
| | Secure continuous remote alcohol monitoring | \$12/day | \$26,049 | Mandatory unless waived | Program revenue |
| | Alcohol test | \$5/test | \$38,660 | Mandatory unless waived | Program revenue |
| | Urinalysis test | \$20/test | \$10,115 | Mandatory unless waived | Program revenue |
| Manatee | Drug test | \$50 one-time fee | \$6,174 | When court ordered | Program revenue |
| | Electronic monitoring | \$3.94/day for GPS | \$13,573 | When court ordered | Vendor |
| | Electronic monitoring install fee | \$30 one-time fee | \$630 | When court ordered | Program revenue |
| Monroe | Electronic monitoring | \$4.25/day | \$5,314 | When court ordered | County general revenue |
| | Urinalysis | \$10/test | \$2,985 | When court ordered | County general revenue |
| Okaloosa | Electronic monitoring | Varies | \$14,251 | When court ordered | General fund |
| Orange | Drug test | \$17 one-time fee | \$8,518 | Mandatory unless waived | County government general fund |
| | Pretrial supervision telephone reporting | \$6/month | \$13,654 | Mandatory unless waived | \$3.91 of each \$6 fee is paid to the vendor; \$2.09 goes to the county government general fund |
| Osceola ⁴ | Drug testing | \$20/test | DNP | When court ordered | Vendor |
| | Alcohol testing | \$13.20/test | DNP | When court ordered | Vendor |
| | Telephonic reporting | \$10/month | DNP | Mandatory unless waived | Vendor |

| County Pretrial Release Program | Service | Fee Amount | Total Collected | Fee Assessment | Recipient of Fees |
|---------------------------------|---|-------------------------------------|-----------------|-------------------------|-------------------|
| Palm Beach | Cost of supervision | \$10/week | \$49,877 | Mandatory unless waived | Program revenue |
| Pinellas | Alcohol monitoring | \$10/day | \$187,621 | Mandatory | Vendor |
| | Electronic monitoring | \$7/day | \$77,480 | Mandatory | Vendor |
| Santa Rosa | Administrative fee | \$50 one-time fee | \$10,948 | Mandatory | Program revenue |
| | Drug/alcohol test | Average \$25/test | \$8,245 | When tested | Program revenue |
| Sarasota | Secure continuous remote alcohol monitoring/GPS | \$70/week \$100 installation fee | DNP | Mandatory unless waived | Vendor |
| | Portable Alcohol Monitor | \$42/week \$50 installation fee | DNP | Mandatory unless waived | Vendor |
| Seminole | Electronic monitoring | \$5.60/day | \$47,560 | Mandatory unless waived | Program revenue |

¹ The Alachua County pretrial release program noted that there are no fees for pretrial supervision. However, if the court orders electronic monitoring or GPS 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.

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

⁴ The Osceola County pretrial release program reported that fees were paid directly to vendors and do not get reported to the program.

Source: OPPAGA analysis of pretrial release program survey responses.

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