

County Pretrial Release Programs: Calendar Year 2021

Report 22-09

December 2022



OPPAGA

Office of Program Policy Analysis and Government Accountability

County Pretrial Release Programs: Calendar Year 2021

EXECUTIVE SUMMARY

Pretrial release programs (pretrial 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 programs that meet certain statutory criteria, administering a survey to gather information from the programs. Twenty-eight programs responded to the survey regarding 2021 operations and reported serving over 71,000 defendants. Programs reported gathering defendant information, such as criminal history and other demographics, to screen potential participants. In 2021, programs that screened defendants reported that staff conducted over 120,000 interviews. Seventeen programs also reported using risk assessment tools during the screening process.

To remain on pretrial release, defendants must comply with all court-ordered conditions until the final disposition of their cases. 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. All pretrial programs reported a rate of 8% or less for participants failing to appear in court. Pretrial programs reported varying numbers of defendant arrests. For example, the Alachua and Escambia county programs reported that 1% of program participants were arrested, while the Seminole County program reported that 17% of participants were arrested while in the program. For most pretrial programs, the rate of arrests for participants was under 8%.

In 2021, pretrial programs reported calendar year budgets ranging from \$71,221 in Flagler County, which served 550 participants, to \$8.4 million in Broward County, which served 8,758 participants. Across the state, pretrial program budgets totaled over \$41 million, with county funds making up 94% of the total. No programs reported utilizing private funds, while six programs reported receiving grant funds. Statute requires each pretrial program to prepare a weekly register with information about the defendants released through the program and an annual report. Pretrial programs generally complied with these statutory requirements, as 26 programs provided OPPAGA with weekly registers, and 27 programs provided OPPAGA with an annual report. However, many programs' reports did not include all of the statutorily required data elements.

REPORT SCOPE

As directed by s. 907.044, *Florida Statutes*, the Office of Program Policy Analysis and Government Accountability conducts an annual study to evaluate the effectiveness and cost efficiency of pretrial release programs in Florida. The study's scope includes, but is not limited to, gathering information pertaining to the funding sources of each pretrial release program; the nature of criminal convictions of defendants accepted into the programs; the number of failed court appearances by defendants accepted into each program; the number of warrants issued subsequently by defendants in each program; and program compliance with statutory reporting requirements.

BACKGROUND

In the 2021 calendar year, the Florida Department of Law Enforcement reported 490,043 arrest events throughout the state. Following arrest, most defendants are booked or administratively processed into local jails. Booking is followed by a first appearance hearing within 24 hours of arrest. Those unable to obtain release remain in jail until trial. If convicted and sentenced for less than a year, defendants serve their time in jails. If convicted and sentenced for more than a year, defendants are transferred to state prison.

In the United States, defendants in pretrial detention make up roughly 65% of local jail populations. Florida is similar to the national statistics, with 64% of the state's jail population in pretrial detention. According to the Florida Department of Corrections, as of December 2021, the average monthly total of Florida's pretrial jail population was 33,660, including 221 juveniles. Compared to the overall population, Florida has 155 citizens in pretrial detention per 100,000 people, while the 2019 national average was 146 per 100,000.

Pretrial release is an alternative to pretrial detention 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 for 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. Allows 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 without posting bond, judges may order defendants to post bond in addition to being supervised by 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, 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 (pretrial 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.

Statute requires pretrial programs that perform these activities 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 local governing body and to the clerk of the circuit court in the county where the program is located. Section 907.044, *Florida Statutes*, also requires OPPAGA to conduct an annual study to evaluate the effectiveness and cost efficiency of pretrial 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.

The Association of Pretrial Professionals of Florida lists 31 local pretrial programs located throughout the state. In some cases, these programs do not perform all of the activities outlined in statute but make a local determination whether to participate in weekly and annual reporting requirements and whether to respond to OPPAGA's annual survey. For example, Hendry and Wakulla counties have pretrial release or monitoring programs. However, both indicated they do not meet the statutory criteria for reporting. In total, OPPAGA contacted seven counties asking if they had pretrial programs. Three counties (Jackson, Lake, and Wakulla) have programs that are not considered pretrial programs as defined by statute, two counties (Glades and Putnam) do not have pretrial programs, and two counties (Hardee and Indian River) either recently began or will soon begin pretrial programs. These programs are not included in this report.

OPPAGA's 2010 pretrial program report suggested that if the Legislature wishes for all pretrial release programs to maintain weekly registers and produce annual reports, it could consider revising the statutory definition of a pretrial release program in the Citizens' Right-to-Know Act to read "Pretrial release program' means an entity, public or private, that supervises or electronically monitors pretrial-released defendants."¹ This would prevent those programs that do not conduct all three activities from being exempt from providing information because the law does not specifically apply to such programs. Further, to correct a technical error in the statute, the Legislature could also consider revising the language in s. 907.044, *Florida Statutes*, to replace the word "by" with "for" as follows: "The study's scope shall include, but not be limited to, gathering information pertaining to...the number of warrants issued subsequently *for* defendants in each program."²

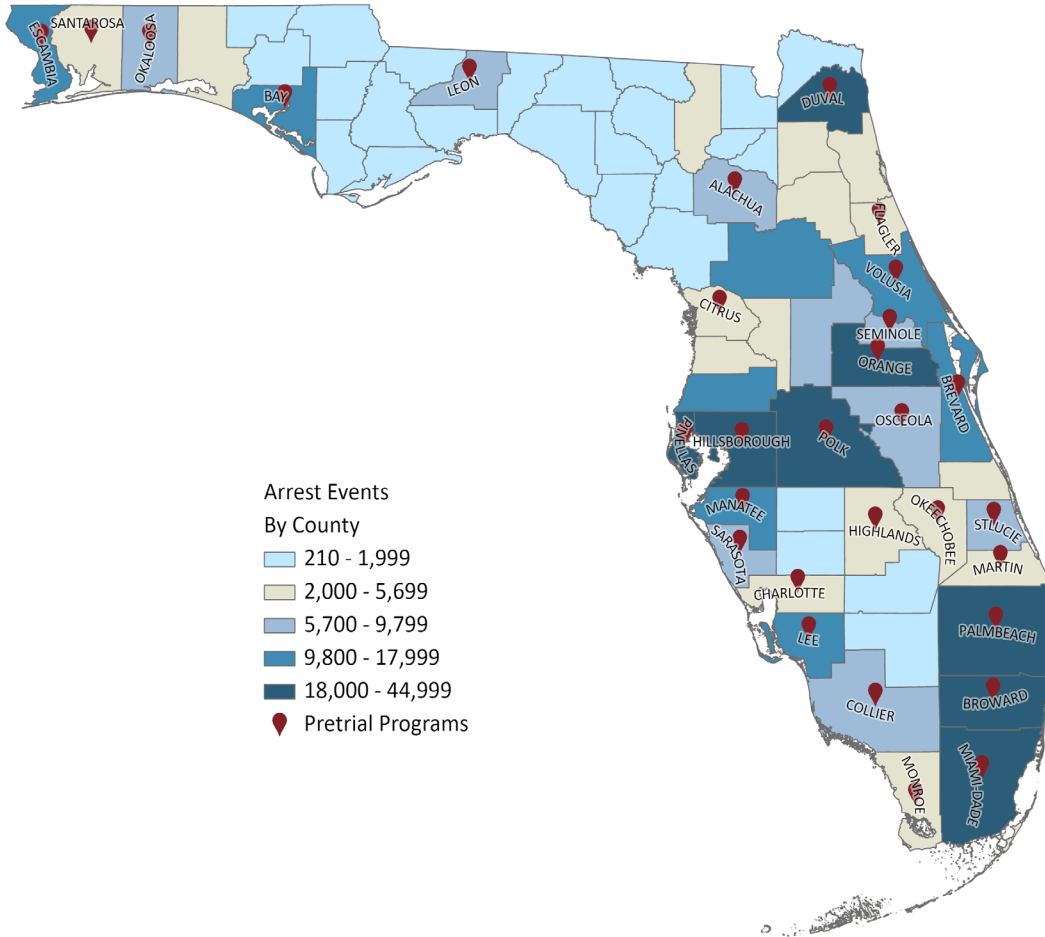
For 2021, OPPAGA surveyed 28 programs, located throughout the state, for additional information. (See Exhibit 2.) Twenty-seven of these programs serve a single county, but one serves three counties—Martin, Okeechobee, and St. Lucie. In total, 30 counties are served by the 28 responding programs. Counties served by responding programs have varying arrest populations. For example, all 10 counties with the highest number of arrest events in 2021 (above 15,000) have pretrial programs, including Hillsborough, Miami-Dade, and Orange. However, counties with relatively small numbers of arrest events, such as Flagler, Highlands, and Okeechobee, also have pretrial programs. None of the 26 counties with arrest populations fewer than 2,000 has a program that meets the statutory definition of a pretrial program.

¹*Pretrial Release Programs' Data Collection Methods and Requirements Could Improve*, OPPAGA Report [10-66](#), December 2010.

² Section 907.044, *F.S.*, currently states "the number of warrants issued subsequently *by* defendants in each program."

Exhibit 2

Responding Pretrial Programs Serve 30 Counties With Arrest Populations of Varying Sizes



Note: A single program serves Martin, Okeechobee, and St. Lucie counties.

Source: OPPAGA analysis of Office of Economic and Demographic Research data.

FINDINGS

Program Overview

Pretrial programs have varying practices and characteristics

The pretrial programs OPPAGA surveyed vary in several ways, such as where programs are administratively housed and the types of defendants programs serve. Due to these variations, pretrial release practices and procedures can be different from program to program. Some of these variations are related to administrative orders, which are directives from the chief judges in Florida’s 20 judicial circuits that direct court activities. Some of these administrative orders provide direction for pretrial programs. For example, per administrative order, the sheriff’s office in Hillsborough County makes pretrial release determinations, while in Palm Beach County, judges make release determinations. An administrative order for Leon County allows the release of certain defendants by booking officers before first appearance independent of the pretrial program. Other administrative orders specify that the Brevard County program must have supervision officers present at all hearings involving the defendant, outline the leadership structure of the Polk County program, and allow the Orange County program to identify drug and alcohol use by its participants through random testing.

Programs also vary in the number of defendants served, staff sizes, and administrative location. In 2021, the 28 pretrial programs responding to OPPAGA’s survey reported serving over 71,000 defendants, ranging from 46 in Okeechobee County to 8,758 in Broward County. (See Exhibit 3.)

Exhibit 3

Pretrial Programs Reported Serving 71,532 Participants in 2021

County Pretrial Program	Total Program Participants in 2021	County Pretrial Program	Total Program Participants in 2021
Okeechobee	46	Bay	1,814
Citrus	99	Osceola	1,902
Martin	185	Duval	1,960
Hillsborough	243	Brevard	1,990
Collier	323	Sarasota	2,645
Highlands	365	Leon	3,157
Santa Rosa	410	Manatee	3,293
Flagler	550	Lee	3,398
Charlotte	696	Pinellas	4,372
St. Lucie	859	Orange	4,373
Alachua	867	Volusia	4,453
Seminole	1,298	Palm Beach	4,708
Escambia	1,442	Polk	5,716
Monroe	1,559	Miami-Dade	8,260
Okaloosa	1,791	Broward	8,758
Total All Programs: 71,532			

Source: OPPAGA analysis of pretrial program survey responses.

Program staff size varies widely, with programs reporting staff sizes from 2 (Bay, Citrus, Flagler, and Santa Rosa counties) to 60 (Miami-Dade County). 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 GPS managers, mental health specialists, and drug screening technicians. Programs also have various administrative placements, with 11 located under the board of county commissioners, 6 in the sheriff’s office, 9 in the county or circuit court, and 2 in county corrections.

Pretrial program entry processes can include screenings, recommendations, and judicial determination

Most defendants enter pretrial programs through judicial determination at first appearance hearings, with most programs providing screening information and some also providing a recommendation for release.³ Alternatively, some programs do not provide any information prior to a judicial determination and only provide supervision once a defendant is granted release by a judge. Of the 28 programs surveyed by OPPAGA, 24 conduct investigations of pretrial detainees, with 20 programs gathering information prior to a defendant’s first appearance hearing, where the information is provided to a judge. Eighteen programs reported making a recommendation to the judge regarding admittance into the program, with 6 reporting that the judge almost always followed program admittance recommendations, 11 reporting that the judge sometimes followed program admittance recommendations, and 1 reporting that the judge rarely followed program admittance recommendations.

³ As noted above, administrative orders allow the Leon program to make release decisions prior to first appearance in some specified cases and the Hillsborough County Sheriff’s Office to release specified defendants.

The purpose of pretrial screening, in part, is to determine if a defendant poses a risk of harm to persons in the community. Statute additionally requires that supervised release on nonmonetary conditions include verification of numerous factors, including a defendant's family ties, employment, financial resources, and conviction record.⁴ Verifying these factors ensures the accuracy of information necessary for assessing the probability of whether or not a released defendant will remain in the community, be present at court proceedings, and not pose a threat to others. Across the state, pretrial programs reported screening over 120,000 potential participants in calendar year 2021. OPPAGA's analysis of Florida Department of Law Enforcement arrest event data and pretrial program screening data showed that some programs, notably Collier, Okaloosa, and Volusia, screened a large majority of defendants arrested within the county. When comparing arrest event data to pretrial assessments across the state in the 30 counties served by pretrial programs, approximately 15% of the arrested population in 2021 were accepted into a pretrial program.⁵

Screening of defendants occurs in a variety of ways. Screening activities can include pretrial staff reviewing defendant documents and conducting interviews. It may also involve using a risk assessment tool that gathers information such as the nature of the current offense, criminal and probation history, demographic information, substance abuse history, employment and education status, mental health history, and sex offender status. Fifteen programs reported that after gathering such information from defendants, the programs always verified or investigated further to certify its accuracy. Screening practices can also be directed by administrative orders. For example, an administrative order directs the Polk program to conduct interviews and present release recommendations to the first appearance judge. For the Leon program, an administrative order allows some release decisions to be made prior to first appearance. However, six programs (Bay, Citrus, Escambia, Flagler, Hillsborough, and St. Lucie) reported that the programs do not provide screening services, only providing supervision of defendants following a judge's determination of participation.

Florida's pretrial programs serve defendants with different criminal histories

Article I, section 14 of the Florida Constitution provides that persons charged with a crime are entitled to pretrial release on reasonable conditions unless: (a) the person is charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great; or (b) conditions of release cannot reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process.

State law creates a presumption in favor of pretrial release on nonmonetary conditions for defendants granted release unless they are charged with a dangerous crime.^{6,7} If a defendant charged with a dangerous crime will be released, the defendant must be released on monetary conditions if such conditions are necessary to assure their presence at proceedings, protect the community from risk of physical harm to persons, assure their presence at trial, or assure the integrity of the judicial process.⁸

⁴ Section [907.041\(3\)\(b\)](#), *F.S.*

⁵ Arrest data represents arrest events. Thus, a single individual could have more than one arrest event in a calendar year.

⁶ Section [907.041\(3\)\(a\)](#), *F.S.*

⁷ Section [907.041\(4\)\(a\)](#), *F.S.* defines dangerous crime as any of the following: arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years; sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; act of domestic violence as defined in s. [741.28](#), *F.S.*; home invasion robbery; act of terrorism as defined in s. [775.30](#), *F.S.*; manufacturing any substances in violation of Ch. [893](#), *F.S.*; attempting or conspiring to commit any such crime; and human trafficking.

⁸ Section [907.041\(3\)\(a\)](#), *F.S.*

OPPAGA examined criminal history information provided by pretrial programs and found that the typical criminal history profile for defendants varied. Fourteen programs, serving 16 counties, responded to OPPAGA’s survey question asking for a breakdown of the specific criminal histories of program participants. Half of the programs that provided this information noted that, for participants for which they had criminal history information, most participants had no prior offense. For example, Flagler reported that 75% of program defendants had no prior offenses. Other programs reported serving defendants with misdemeanor or felony offense histories, with Duval reporting that 42% of program defendants had non-violent felonies and Citrus reporting that 61% of program defendants had violent felonies. (See Exhibit 4.) Some of these variations can be related to the different services the programs provide. For example, the Citrus County program, which noted that a majority of participants have a history of violent felonies, only provides electronic monitoring of participants. In contrast, the Flagler County program, which reported that 75% of program defendants have no prior offenses, does not provide any electronic monitoring.

Exhibit 4

For 2021, 14 Pretrial Programs Provided Defendant Criminal History Information for Some Participants Within 16 Counties¹

County Pretrial Program	Criminal History of Defendants With Criminal History Information
Collier	No Prior Offense (57%)
Escambia	No Prior Offense (33%)
Flagler	No Prior Offense (75%)
Highlands	No Prior Offense (38%)
Leon	No Prior Offense (54%)
Martin	No Prior Offense (42%)
Sarasota	No Prior Offense (37%)
St. Lucie	No Prior Offense (27%)
Miami-Dade	Misdemeanor Only (45%)
Osceola	Misdemeanor Only (53%)
Seminole	Misdemeanor Only (50%)
Duval	Non-Violent Felony (42%)
Okeechobee	Non-Violent Felony (39%)
Citrus	Violent Felony (61%)
Hillsborough	Violent Felony (35%)
Manatee	Violent Felony (41%)

¹ Martin, Okeechobee, and St. Lucie counties are all served by the St. Lucie program.

Source: OPPAGA analysis of pretrial program survey responses.

Defendants in some pretrial programs may also be required to post bond. Judges may require defendants to post bond and be supervised by a pretrial program. 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 programs without posting bond, 15 programs reported that some defendants were required to post bond when assigned to the programs.

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 for criminal behavior and help target correctional resources to other defendants where detention is the more appropriate course of action. Studies have examined the relationship between detention time and

negative outcomes. Generally, studies find that increased pretrial detention time may lead to a greater number of future failures to appear in court or increased recidivism. In this context, the effectiveness of pretrial programs in minimizing detention time may increase overall positive outcomes for both individuals and the justice system as a whole. To help ensure effectiveness, best practices encourage pretrial programs to set goals for screening eligible defendants, protecting public safety, and promoting successful program completion.

National standards and state accreditation provide guidelines for pretrial program best practices

The American Bar Association and the National Association of Pretrial Services Agencies provide national best practices for the administration of pretrial programs. The organizations' recommendations are similar, favoring release over detention as a general rule. The National Association of Pretrial Services Agencies' revised 2020 standards provide the most recent summary of pretrial best practices. Describing the ideal pretrial program as an independent agency that uses empirically developed and validated pretrial risk assessment tools to help identify specified risk factors in potential participants. After identifying participants and screening them for risk factors, best practice recommends that pretrial agencies make a recommendation based upon the risk of failure to appear and the risk to public safety. If granted release, the goal of pretrial supervision is to promote court appearance, public safety, and compliance with court-ordered conditions through targeted interventions such as telephone reporting, drug and alcohol testing, electronic monitoring, notifications of court appearances, the monitoring of compliance with court-ordered conditions, and the facilitation of the return of defendants who missed a court date.

In addition to national best practices, the Florida Corrections Accreditation Commission maintains standards for pretrial and probation agencies. These standards describe various elements of pretrial programs, such as personnel practices, program organization, screening investigations, and participant release and supervision. The commission also provides accreditation for eligible programs. The initial accreditation process includes a 24-month self-assessment and reaccreditation requires the program to annually demonstrate compliance with the standards following an initial three-year accreditation period. Of the 28 programs responding to OPPAGA's survey, 8 are accredited through the commission—Broward, Collier, Lee, Manatee, Orange, Seminole, St. Lucie, and Volusia counties.⁹

Screening

Current best practices recommend utilizing risk assessment tools; over half of the pretrial programs surveyed reported using these tools

Pretrial program best practices recommend screening eligible defendants. As part of this process, best practices recommend conducting a criminal history check, interviewing the potential participant, and subsequently verifying information obtained from an interview.¹⁰ In addition, the best practices recommend utilizing an actuarial risk assessment tool to support non-subjective and data-driven decisions. OPPAGA's survey of Florida's pretrial programs found that many programs gather defendant information on substance abuse and mental health history, employment status, and educational achievement. Programs also obtain information on the defendant's criminal history, including the

⁹ Initial accreditation years are as follows: Broward (2014), Collier (2019), Lee (2009), Manatee (2015), Orange (2011), Seminole (2019), St. Lucie (2021), and Volusia (2008).

¹⁰ The Florida Accreditation Standards for Pretrial and Probation Agencies require certified programs to investigate the circumstances of the defendant's family, employment status, financial resources, character, mental condition, length of residency in the community, criminal history, history of failures to appear, flight to avoid prosecution, and other facts necessary to assist the court in its determination of eligibility for release.

nature of the current charge, sex offender registration status, and current probation and pretrial release status. Programs may also obtain victim input and information verification from the defendant’s family.

In 2021, 17 programs reported using risk assessment tools along with interviews during the screening process. Risk assessments use information on defendant characteristics, environment, or circumstances to create a risk profile or score that estimates the likelihood that a negative outcome will occur. In the context of pretrial risk assessment, negative outcomes can be defined as the risk of a defendant not appearing in court or being rearrested during the pretrial period. Of the 17 programs that reported using risk assessments, 10 reported using the tool in all screenings, 5 used the tool in at least half, and 2 used the tool in less than half. The programs reported using eight different risk assessment tools, the most common two being the Florida Pretrial Risk Assessment Instrument and the Florida Pretrial Misconduct Eligibility Assessment Instrument (5 programs and 4 programs, respectively). Other tools used include the Ohio Risk Assessment System, Virginia Pretrial Risk Assessment Instrument, and Public Safety Assessment. In 2021, programs conducted over 120,000 screening interviews using risk assessment tools, representing the majority of the total screenings.

Florida statutes require that before a person can be released on supervised nonmonetary conditions, the pretrial 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.¹¹ In 2021, 15 programs reported that in all cases, the program certified to the court that it obtained and investigated or otherwise verified these elements before the court released defendants on nonmonetary conditions under the supervision of the pretrial program. (See Exhibit 5.) Programs reported that either a lack of cooperation by defendants or an inability to make contact with family, employers, or other references prohibited verification of all cases.

Exhibit 5

For 2021, 15 Pretrial Programs Reported Certifying to the Court That It Verified Information Before Recommending Release Under Pretrial Supervision

County Pretrial Program	Percentage of Cases Certified in 2021	County Pretrial Program	Percentage of Cases Certified in 2021
Alachua	100%	Miami-Dade	100%
Bay	0%	Monroe	100%
Brevard	99%	Okaloosa	100%
Broward	100%	Orange	100%
Charlotte	100%	Osceola	95%
Citrus	0%	Palm Beach	10%
Collier	100%	Pinellas	1%
Duval	100%	Polk	100%
Escambia	0%	Santa Rosa	50%
Flagler	0%	Sarasota	100%
Highlands	15%	Seminole	37%
Lee	100%	St. Lucie/Okeechobee/Martin	0%
Leon	100%	Volusia	100%
Manatee	100%		

Source: OPPAGA analysis of pretrial program survey responses.

¹¹ Section [907.041\(3\)\(b\)](#), F.S.

Public Safety

Most pretrial program participants comply with court-ordered conditions

Ensuring public safety is a goal of both pretrial programs 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 programs can impose other varying levels of release conditions, including telephone check-ins, counseling, drug and alcohol testing, and GPS tracking.

During 2021, Florida's pretrial programs reported that 10,379 defendants were non-compliant with program conditions. (See Exhibit 6.) The court revoked over 4,000 participants from pretrial programs as a result of these infractions.¹² Programs reported varying rates of noncompliance with program conditions, ranging from 2% of program participants to 45%. However, for most programs, these infractions make up the majority of program noncompliance as compared to failure to appear in court and rearrests. For example, in Leon County's pretrial program, violation of program conditions accounted for 70% of all infractions, with the most common being failure to abstain from drugs and alcohol and non-compliance with electronic monitoring requirements. Similarly, in the Collier County program, 80% of infractions were for program noncompliance, with failing to physically check-in to avoid drug screenings and positive drug screens being the most common infractions. Other examples of noncompliance infractions include missing phone check-ins and violating curfew conditions.

¹² This figure represents 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.

Exhibit 6

For 2021, Pretrial Programs Reported 10,379 Defendants Were Noncompliant With Program Conditions

County Pretrial Program	Total Number of Defendants Noncompliant With Program Conditions ¹	Total Defendants Served	Percentage Who Were Noncompliant With Program Conditions
Charlotte	12	696	2%
Osceola	58	1,902	3%
Orange	187	4,373	4%
Citrus	5	99	5%
Hillsborough	12	243	5%
Okaloosa	86	1,791	5%
Manatee	220	3,293	7%
Polk	434	5,716	8%
Alachua	74	867	9%
Highlands	16	365	4%
Sarasota	251	2,645	9%
Martin	19	185	10%
Monroe	177	1,559	11%
Brevard	252	1,990	13%
Lee	435	3,398	13%
Okeechobee	6	46	13%
Palm Beach	655	4,708	14%
Flagler	82	550	15%
Broward	1,603	8,758	18%
Pinellas	803	4,372	18%
Bay	272	1,814	15%
St. Lucie	186	859	22%
Escambia	315	1,442	22%
Volusia	1,084	4,453	24%
Miami Dade	1,945	8,260	24%
Leon	939	3,157	30%
Collier	107	323	33%
Santa Rosa	144	410	35%
Total	10,379	68,274	15%

¹ Two pretrial programs (Duval and Seminole counties) did not provide the number of defendants who were noncompliant with program conditions.

Source: OPPAGA analysis of pretrial program survey responses.

Maximizing court appearance rates for released defendants is a key part of the mission of pretrial programs. In response to OPPAGA's survey, pretrial programs provided information on supervised defendants who failed to appear in court. As a whole, the programs reported that an average of 4% of participants failed to appear for at least one court appearance, with numbers ranging from 0 in Hillsborough, Okeechobee, and Martin counties to 637 in the Miami-Dade County program. (See Exhibit 7.)

Exhibit 7

For 2021, Pretrial Programs Reported an 8% or Less Failure-to-Appear Rate

County Pretrial Program	Total Number of Defendants Who Missed at Least One Court Appearance	Total Defendants Served	Percentage Who Failed to Appear
Hillsborough	0	243	0%
Okeechobee	0	46	0%
Martin	0	185	0%
St. Lucie	1	859	0.1%
Charlotte	3	696	0.4%
Flagler	4	550	0.7%
Collier	4	323	1%
Monroe	15	1,559	1%
Broward	191	8,758	2%
Manatee	64	3,293	2%
Orange	89	4,373	2%
Sarasota	63	2,645	2%
Seminole	27	1,298	2%
Alachua	24	867	3%
Bay	50	1,814	3%
Brevard	56	1,990	3%
Lee	115	3,398	3%
Palm Beach	140	4,708	3%
Pinellas	116	4,372	3%
Duval	88	1,960	4%
Leon ¹	137	3,157	4%
Highlands	14	365	4%
Osceola	72	1,902	4%
Polk	201	5,716	4%
Santa Rosa	15	410	4%
Citrus	6	99	6%
Okaloosa	111	1,791	6%
Escambia	96	1,442	7%
Volusia	320	4,453	7%
Miami-Dade	637	8,260	8%
Total	2,659	71,532	4%

¹ The Leon pretrial program noted that its failure-to-appear total only included instances in which the court issued a failure-to-appear warrant.

Source: OPPAGA analysis of pretrial program survey responses.

Twenty-eight pretrial programs reported that 4,598 (6%) of the total number of participants were arrested for a crime committed while in the program. (See Exhibit 8.)

Exhibit 8

In 2021, Pretrial Programs Reported the Number of Participants Arrested for a Crime Committed While in the Program and Most Reported a Rate of 8% or Less

County Pretrial Program	Participants Arrested for a Crime Committed While in the Program	Total Program Participants in 2021	Percentage of Participants Arrested for New Crime
Alachua	8	867	1%
Charlotte	7	696	1%
Escambia	13	1,442	1%
Monroe	20	1,559	1%
Bay	35	1,814	2%
Brevard	41	1,990	2%
Flagler	9	550	2%
Okaloosa	29	1,791	2%
Okeechobee	1	46	2%
Duval	68	1,960	3%
Orange	114	4,373	3%
Martin	5	185	3%
St. Lucie	32	859	4%
Pinellas	156	4,372	4%
Santa Rosa	18	410	4%
Hillsborough	13	243	5%
Lee	173	3,398	5%
Manatee	154	3,293	5%
Palm Beach	248	4,708	5%
Osceola	114	1,902	6%
Collier	23	323	7%
Highlands	26	365	7%
Sarasota	180	2,645	7%
Broward	665	8,758	8%
Leon	258	3,157	8%
Polk	434	5,716	8%
Volusia	361	4,453	8%
Miami-Dade	1,150	8,260	14%
Seminole	223	1,298	17%
Citrus	20	99	20%
Total	4,598	71,532	6%

Source: OPPAGA analysis of pretrial program survey responses.

Most pretrial programs revoke defendants' participation for violating conditions of release

Participants' behavior while on pretrial release can result in the revocation of their release. Potential causes for revocation include noncompliance with program conditions, failing to appear, and arrest for a new crime. In OPPAGA's survey, 18 programs reported instances of revoking release for at least one of these infractions, with 12 of these programs reporting that all infractions led to a revocation of release.

The percentage of participants whose release was revoked varied across programs. Eleven programs reported a revocation rate of less than 20%; the average revocation rate of the 18 reporting programs was 19%. (See Exhibit 9.) Overall, these 18 programs reported 19,423 various infractions of which 9,034 (47%) led to a revocation of release. Similar to other processes, differences in revocation

practices can be impacted by administrative orders. For example, an administrative order for the Palm Beach program requires the program to apply to the court for the revocation of release for any violation of a condition of release. In contrast, an administrative order for the 1st Judicial Circuit, which includes the Escambia, Okaloosa, and Santa Rosa programs, states only that an infraction may result in the revocation of release. Additionally, a program’s use of technology such as GPS or continuous alcohol monitoring may affect revocation rates. Constant monitoring with these tools results in almost immediate alerts of noncompliance, which facilitates a timely sanction response.

Exhibit 9

For 2021, 18 Programs Provided the Number of Participants Whose Release Was Revoked

County Pretrial Program	Participants Whose Release Was Revoked	Total Participants	Percentage of Participants Revoked
Flagler	12	550	2%
Charlotte	22	696	3%
Orange	390	4,373	9%
Hillsborough	25	243	10%
Seminole	142	1,298	11%
Monroe	213	1,559	14%
Highlands	56	365	15%
Volusia	777	4,453	17%
Brevard	349	1,990	18%
Polk	1,069	5,716	19%
Sarasota	494	2,645	19%
Bay	357	1,814	20%
Collier	69	323	21%
Miami-Dade	1,787	8,260	22%
Palm Beach	1,043	4,708	22%
Leon	731	3,157	23%
Pinellas	1,075	4,372	25%
Escambia	424	1,442	29%
Total	9,035	47,964	19%

Source: OPPAGA analysis of pretrial program survey responses.

Successful pretrial program completions promote public safety and individual freedom

Pretrial programs support both public safety and the freedom of the accused who remain under the presumption of innocence until proven guilty. Successful completions of pretrial programs by appearing at all court dates, following all program conditions, and avoiding re-arrests uphold both goals. Most programs reported successful completion rates of over 70%, with a statewide average of 76%. (See Exhibit 10.)

Exhibit 10

Most Pretrial Programs Reported a Successful Completion Rate of Over 70% in 2021¹

County Pretrial Program	Successful Completions in 2021	Unsuccessful Completions in 2021	Total Defendants Exiting Program in 2021	Percentage With Successful Completion
Broward	2,202	2,459	4,661	47%
St. Lucie	381	221	602	63%
Escambia	897	424	1,321	68%
Monroe	482	213	695	69%
Leon	1,269	526	1,795	71%
Pinellas	2,794	1,075	3,869	72%
Sarasota	1,382	512	1,894	73%
Bay	1,013	357	1,370	74%
Palm Beach	3,126	1,034	4,160	75%
Collier	209	65	274	76%
Manatee	1,420	438	1,858	76%
Okeechobee	23	7	30	77%
Lee	1,858	523	2,381	78%
Volusia	2,774	803	3,577	78%
Miami-Dade	3,362	927	4,289	78%
Flagler	363	95	458	79%
Polk	3,993	1,069	5,062	79%
Alachua	486	120	606	80%
Highlands	199	49	248	80%
Brevard	1,641	349	1,990	82%
Osceola	1,262	261	1,523	83%
Martin	121	24	145	83%
Orange	2,774	454	3,228	86%
Okaloosa	1,500	226	1,726	87%
Citrus	59	8	67	88%
Seminole	911	111	1,022	89%
Hillsborough	141	14	155	91%
Charlotte	411	22	433	95%
Duval	1,595	68	1,663	96%
Total	38,648	12,454	51,102	76%

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

Source: OPPAGA analysis of pretrial program survey responses.

Cost Efficiency

County governments primarily fund Florida's pretrial programs. Program budgets vary widely, and some programs receive grants in addition to local funding. Determining the cost effectiveness of pretrial programs is challenging, but current literature speaks to individual and societal benefits to pretrial release as well as cost efficiency. Some programs provided OPPAGA with an estimated cost savings as compared to county jail per diem rates.

Pretrial programs are primarily funded by county revenue, with six programs also receiving grant funds

In 2021, pretrial programs reported calendar year budgets ranging from \$71,221 in Flagler County, which served 550 participants, to \$8.4 million in Broward County, which served 8,758 participants.

Across the state, pretrial program budgets totaled over \$41 million, with county funds making up 94% of the total. No programs reported utilizing private funds, while six reported receiving grants.

Exhibit 11
2021 Budgets for Florida Pretrial Programs

County Pretrial Program	Calendar Year 2021 Budget ¹	County Pretrial Programs	Calendar Year 2021 Budget ¹
Flagler	\$71,221	Escambia	\$967,518
Citrus	\$87,591	Manatee	\$982,523
Bay	\$101,755	Polk	\$1,053,804
Highlands	\$123,029	St. Lucie/Okeechobee/ Martin	\$1,554,741 ³
Brevard	\$124,000	Volusia	\$1,712,222
Santa Rosa	\$130,433	Sarasota	\$1,721,668
Hillsborough	\$148,000	Palm Beach	\$1,743,567
Collier	\$334,102	Alachua	\$1,824,688
Osceola	\$505,977	Leon	\$1,895,588 ²
Monroe	\$546,610	Lee	\$2,664,556
Seminole	\$558,909	Orange	\$3,100,264
Charlotte	\$698,958	Pinellas	\$3,661,572 ⁴
Okaloosa	\$705,616	Miami-Dade	\$4,753,449
Duval	\$912,440	Broward	\$8,415,915
Total All Programs: \$41,100,716			

¹The Collier and Manatee pretrial programs provided county fiscal year budgets, not calendar year.

²The Leon pretrial program noted that collected fees were not included into its total program budget.

³The St. Lucie pretrial program reported that Martin County contributed \$270,000 and Okeechobee County contributed \$120,000 towards the overall budget.

⁴The Pinellas pretrial program noted that its budget included a variety of post-sentencing supervision programs beyond pretrial supervision.

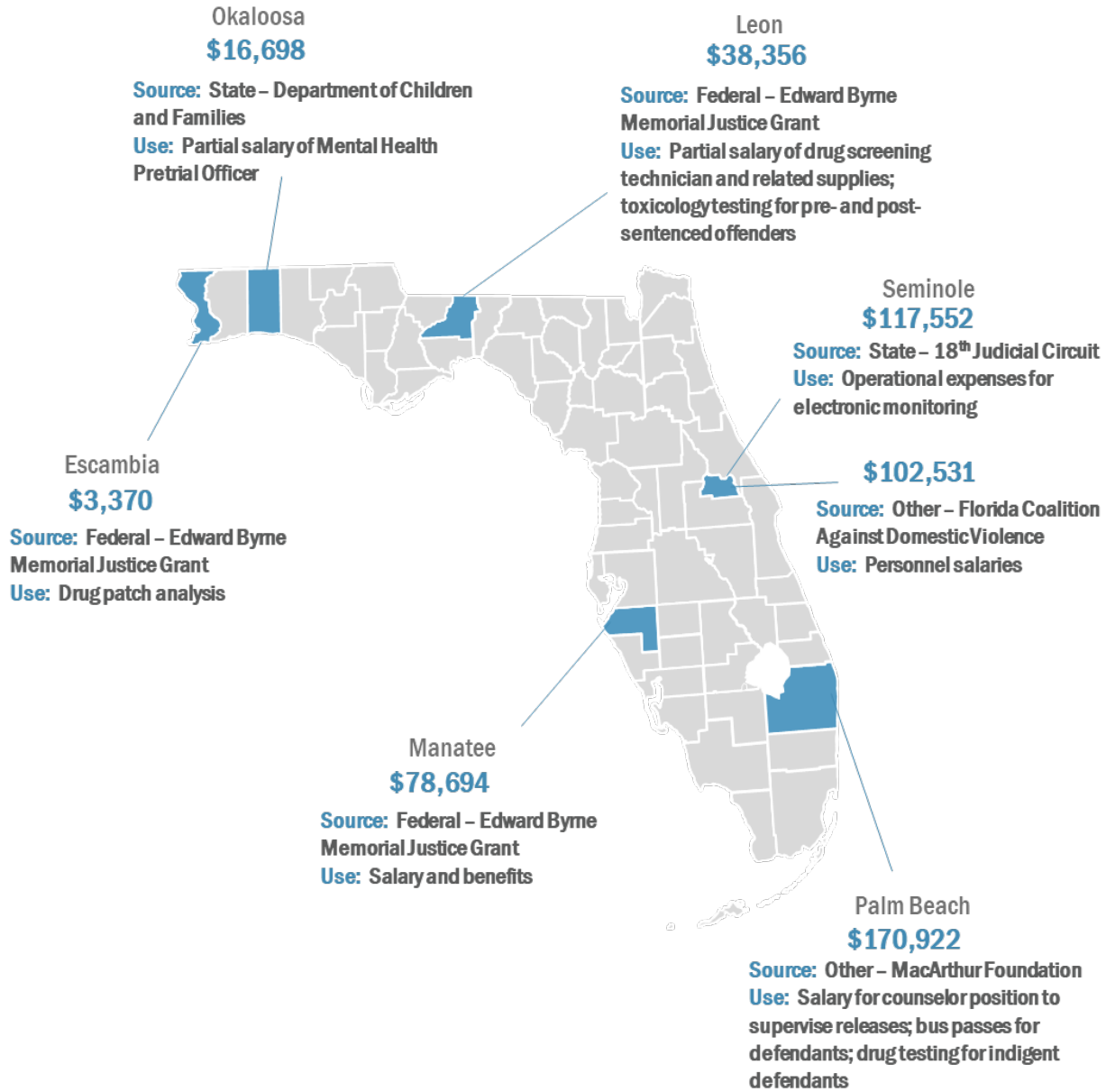
Source: OPPAGA analysis of pretrial program survey responses.

Of the six programs that reported receiving grant funds, three received a federal Edward Byrne Memorial Justice Assistance Grant. Two programs received grants from other entities—the MacArthur Foundation and the Florida Coalition Against Domestic Violence. One program received a grant from the Florida Department of Children and Families, and one program received a grant from the 18th Judicial Circuit. These grants ranged from \$3,370 to \$170,922. (See Exhibit 12.)

Programs used these funds for various purposes, including drug-testing supplies, GPS monitoring, bus passes for defendants, and personnel salaries. For example, the Palm Beach program reapplies for the MacArthur Foundation grant each calendar year and in 2021 used the funds for a temporary pretrial counselor position to assist in supervising releases. The Seminole program received a grant from the 18th Judicial Circuit related to its use of electronic monitoring in domestic violence cases. While the grant continues to support that practice, the program also uses the grant to cover expenses for other cases that require GPS monitoring.

Exhibit 12

Six Pretrial Programs Reported Receiving Grant Funding in Calendar Year 2021



Source: OPPAGA analysis of pretrial program survey responses.

Many programs also charge fees to defendants for a variety of services. (See Appendix A for additional information about defendant fees.) Many of these fees relate to drug screening, alcohol monitoring, or electronic monitoring. Most programs reported that the inability to pay fees does not preclude defendants from participating nor does it prematurely end their participation. For example, the Santa Rosa program noted that defendants are reminded of outstanding fees and if not paid in a timely manner, the program asks the court to assess the fees at sentencing. Programs also reported that revenue from collected fees may be utilized to pay vendors, such as a drug or an alcohol testing company or an electronic monitoring provider, may be retained for program operation, or may be transferred to county general revenue. In determining annual budgets, programs that retain fees for program operations do not necessarily include those fees in program annual budgets due to the variability in fee collections. For example, the Escambia program calculates its budget from the average

fee payments collected in previous years, while the Palm Beach program reported that it uses collected fees to offset the program's overall budget.

Pretrial release may decrease economic, social, and emotional costs to defendants; limited information is available on the cost effectiveness of Florida's pretrial programs

A benefit of providing pretrial release is avoiding costs to both individual defendants and society more broadly. Incarcerated individuals may lose housing, income, employment, and property. Other hardships include damaged reputations, childcare costs, inability to pay child support, and other disruptions to family life. Avoiding these costs through pretrial release supports the goal of maximizing freedom for defendants prior to conviction. Pretrial detention can also potentially minimize costs to the government and taxpayers by preventing additional crime, minimizing court costs related to failures to appear and prosecuting additional crimes committed during release, and avoiding the expense of supervision and monitoring costs. Pretrial programs should weigh the cost of detention to individual defendants against the broader societal costs in the case of pretrial release failure and in making decisions that minimize overall costs.

OPPAGA reviewed recent literature on the effectiveness and cost efficiency of pretrial programs. The literature concerning both factors demonstrates the overall positive outcomes of pretrial programs, such as benefits to government, individual defendants, and society. A general trend in pretrial programs is the use of actuarial risk assessment tools. Studies have found these tools to be effective in determining risk factors and therefore in mitigating costs associated with intensive supervision or detention. Studies of pretrial programs have documented the negative impact of pretrial detention on both the overall labor market and cost to government. Additional studies have determined that pretrial programs provide a cost benefit to both individuals and society as a whole. One study estimated that each released defendant provides a social benefit ranging \$55,143 to \$99,125 and another estimated the mean cost of release to be \$19,500 and the mean cost of detention to be \$40,300 for an average case.^{13,14} These findings suggest that pretrial programs can be a cost-effective way to monitor defendants as their cases progress through the criminal justice system.

Cost evaluations can be difficult due to program differences, which include variations in pretrial program's processes, the services provided, and the number of staff required. For example, some programs that do not provide assessments and recommendations to judges have less staff than programs in which staff conduct interviews, utilize assessment tools, and verify information to aid judges in their participation decisions. These operational differences can lead to variation in pretrial program budget amounts.

Some pretrial programs were able to provide OPPAGA with limited information on cost efficiency. In its survey, OPPAGA asked programs to provide an average per diem cost per participant. Fifteen programs provided an estimate. Most of the information compared pretrial program costs to detention costs in local jails. For example, using a per diem jail rate of \$58/day, the Santa Rosa program estimated a net savings of over \$1.6 million during 2021 based upon the number of incarceration days avoided through pretrial release. While unable to provide per diem numbers, the Brevard program noted that the program provided the county with an annual jail cost savings of \$3.5 million in 2021. Similarly, the 14th Judicial Circuit reported that in 2021, almost \$5 million was avoided in jail bed expenses directly

¹³ Liu, Patrick, *et. al.* "The Economics of Bail and Pretrial Detention." *The Hamilton Project* (December 2018): 14. https://www.hamiltonproject.org/assets/files/BailFineReform_EA_121818_6PM.pdf#:~:text=These%20shares%20have%20risen%20over%20time%2C%20fueling%20questions.their%20labor%20market%20activities%20and%20causing%20increased%20recidivism.

¹⁴ Baughman, Shima Baradaran. "Costs of Pretrial Detention." *Boston University Law Review* 97, no. 1 (2017): 18. <https://www.bu.edu/bulawreview/files/2017/03/BAUGHMAN.pdf>

attributed to the Bay pretrial program. The St. Lucie program estimated a cost savings of nearly \$7 million, with additional savings for Martin and Okeechobee counties; the St. Lucie program based the calculation on a per diem jail rate of \$80.81, noting that the rate did not include medical costs. (See Appendix B for additional cost information.)

Statutory Requirements

Statute requires pretrial programs to submit weekly registers and annual reports

Florida statutes require pretrial programs to submit weekly registers displaying information relevant to program defendants' release and annual reports providing an overview of program operations and defendants served. (See Exhibit 13.) The Citizens' Right-to-Know Act requires each pretrial program to prepare a register containing descriptive information that must be updated weekly.¹⁵ A copy of the register must be located at the office of the clerk of court in the county where the program is located and must be readily accessible to the public. Statute requires weekly registries to contain 11 items, including the

- name of each defendant accepted in the program;
- charges filed against each defendant;
- defendant case number; and
- any required court appearances.

Additionally, by March 31 every year, each program must submit a 15-item annual report covering the previous calendar year to the local governing body, such as the county sheriff's office or board of county commissioners, as well as the clerk of court's office in the program's county.

OPPAGA assessed the programs' compliance with these statutory requirements and found that programs generally complied. For instance, OPPAGA verified that 26 programs maintained the required weekly registers, with the exception of Broward and Citrus counties. Additionally, 27 programs produced an annual report in 2021.¹⁶ However, OPPAGA's analysis found that 26 pretrial programs did not report all required data, in some cases because certain elements did not apply to the program.

¹⁵ Section 907.043(3), F.S.

¹⁶ The Broward pretrial program did not provide weekly registers or an annual report to OPPAGA for review.

Exhibit 13

Florida Statutes Require Pretrial Programs to Produce Weekly Registers and Annual Reports

Weekly Register Requirements

1. The name, location, and funding source of the pretrial release program.
2. The number of defendants assessed and interviewed for pretrial release.
3. The number of indigent defendants assessed and interviewed for pretrial release.
4. The names and number of defendants accepted into the pretrial release program.
5. The names and number of indigent defendants accepted into the pretrial release program.
6. The charges filed against and the case numbers of defendants accepted into the pretrial release program.
7. The nature of any prior criminal conviction of a defendant accepted into the pretrial release program.
8. The court appearances required of defendants accepted into the pretrial release program.
9. The date of each defendant's failure to appear for a scheduled court appearance.
10. The number of warrants, if any, which have been issued for a defendant's arrest for failing to appear at a scheduled court appearance.
11. The 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.

Annual Report Requirements

1. The name, location, and funding sources of the pretrial release program, including the amount of public funds, if any, received by the pretrial release program.
2. The operating and capital budget of each pretrial release program receiving public funds.
- 3a. The percentage of the pretrial release program's total budget representing receipt of public funds.
- 3b. The percentage of the total budget which is allocated to assisting defendants obtain release through a nonpublicly funded program.
- 3c. The amount of fees paid by defendants to the pretrial release program.
4. The number of persons employed by the pretrial release program.
5. The number of defendants assessed and interviewed for pretrial release.
6. The number of defendants recommended for pretrial release.
7. The number of defendants for whom the pretrial release program recommended against nonsecured release.
8. The number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release.
9. The number of defendants assessed and interviewed for pretrial release who were declared indigent by the court.
10. The number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond.
11. The 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.
12. The 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](#); nonviolent felonies; or misdemeanors only.
13. The number of defendants accepted into a pretrial release program with no prior criminal conviction.
14. The 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.
 - c. Was arrested for any offense while on release through the pretrial release program.
15. Any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial release program.

Source: Section [907.043](#), F.S.

Pretrial programs varied in compliance with weekly register reporting, with some programs missing important required information

To assess pretrial program compliance with reporting requirements, OPPAGA analyzed a sample of the programs' 2021 weekly registers to determine if the registers contained all statutorily required elements.¹⁷ OPPAGA requested that the programs provide weekly registers from the first weeks of May and November during calendar year 2021 and analyzed register content. OPPAGA found that the format and organization of registers varied and included Excel tables and PDF reports. Some registers enumerated defendants and provided descriptive details, such as prior criminal history, release dates, and indigency status. For example, the Orange County program listed each new defendant accepted into the program and provided the defendant's name, booking number, and whether the defendant was assessed and interviewed. Other registers categorized defendant information in a table with details such as prior convictions, failure to appear dates, and case numbers. For instance, the Highlands program organized the table by week and provided information including the number of defendants assessed and interviewed, arrest charges, and successful and unsuccessful completions. While formats varied across the pretrial programs, the information provided in the registers was generally easy to follow.

However, OPPAGA's comparison of registers to the statutorily required elements found that not all programs reported all required information. (See Exhibit 14.) Twenty-five programs reported the names and numbers of defendants accepted into the program and 24 provided the court appearances required for defendants accepted by the program. Twenty-five programs also provided the charges filed against the defendants and the case numbers of defendants accepted into pretrial release. However, 25 programs did not provide certain required elements. For example, 13 programs did not provide the number or type of noncompliance infractions committed by the defendant nor whether the program recommended that the court revoke the release. Two programs reported not making revocation recommendations to the court, so the programs do not provide this information. Furthermore, 18 programs did not report the number of indigent defendants assessed and interviewed for pretrial release. Three programs stated that this was because the defendant's financial status is unknown prior to first appearance. OPPAGA also found that six programs' weekly registers did not include the nature of any prior criminal convictions of defendants. Three programs suggested that there are state and federal restrictions on the release of non-Florida criminal history information, so the programs do not disclose it.

¹⁷ Section [907.043\(3\)](#), F.S.

Exhibit 14

Weekly Register Samples Varied in Compliance Depending Upon the Statutory Requirement

Number of Pretrial Programs Reporting and Not Reporting

	Sample Week #1 May 2-7, 2021	Sample Week #2 November 1-5, 2021
Names and number of defendants accepted into the pretrial release program.	25 1	25 1
Charges filed against and the case numbers of defendants accepted into the pretrial release program.	24 2	25 1
Court appearances required of defendants accepted into the pretrial release program.	24 2	24 2
Nature of any prior criminal conviction of a defendant accepted into the pretrial release program.	20 6	20 6
Number of warrants, if any, which have been issued for a defendant's arrest for failing to appear at a scheduled court appearance.	19 7	19 7
Date of each defendant's failure to appear for a scheduled court appearance.	18 8	17 9
Names and number of indigent defendants accepted into the pretrial release program.	19 7	20 6
Number of defendants assessed and interviewed for pretrial release.	15 11	15 11
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.	13 13	13 13
Name, location, and funding source of the pretrial release program.	14 12	14 12
Number of indigent defendants assessed and interviewed for pretrial release.	8 18	8 18

Note: The Broward pretrial program did not provide OPPAGA with a copy of its 2021 weekly registers and the Citrus pretrial program reported that it does not prepare weekly registers.

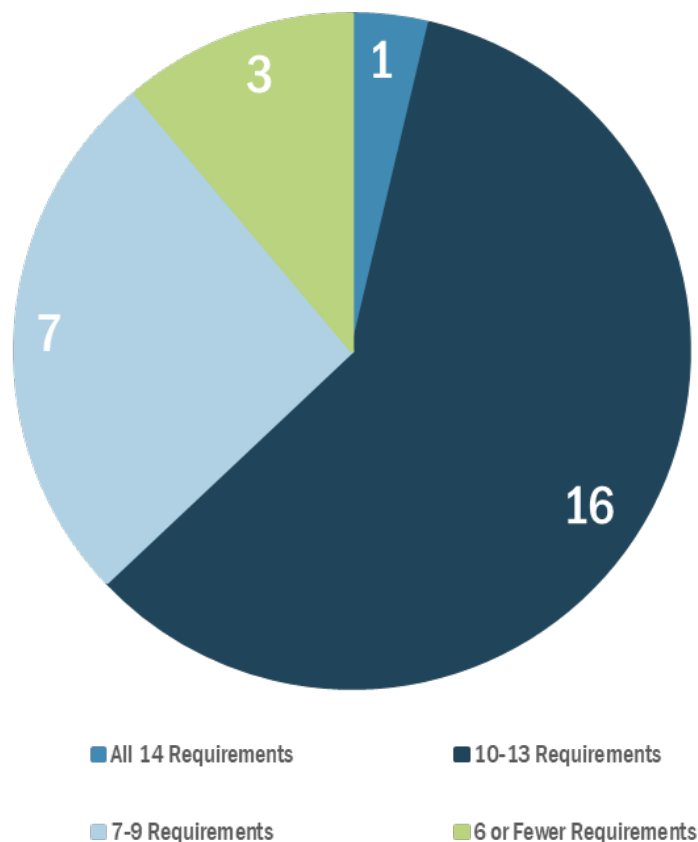
Source: OPPAGA analysis of pretrial program weekly registers for the first weeks of May and November 2021

Most pretrial programs' annual reports did not include all statutory requirements

OPPAGA analyzed the 2021 annual reports of 27 pretrial programs to determine if the reports contained the elements required by statute.¹⁸ Compliance ranged from one program (Volusia County) fulfilling all 14 requirements to two programs (Bay and Pinellas counties) fulfilling three or fewer requirements.¹⁹ (See Exhibit 15.)

Exhibit 15

Pretrial Programs Varied in the Number of Statutory Requirements Included in Annual Reports



Source: OPPAGA analysis of 27 pretrial program 2021 annual reports.

Sixteen pretrial programs generally reported most elements required by statute. (See Exhibit 16.) Many programs reported information related to program administration and budget. For example, 26 reported program operating and capital budgets, including public funds. Additionally, 25 programs provided the percentage of the total budgets representing receipt of public funds and the percentage of the total budget allocated to assisting defendants in obtaining release through a non-publicly funded program. Twenty-five programs reported the amount of fees received from defendants, and 26 provided the number of persons employed by the program.

¹⁸ The Broward pretrial program did not provide OPPAGA with a copy of its annual report.

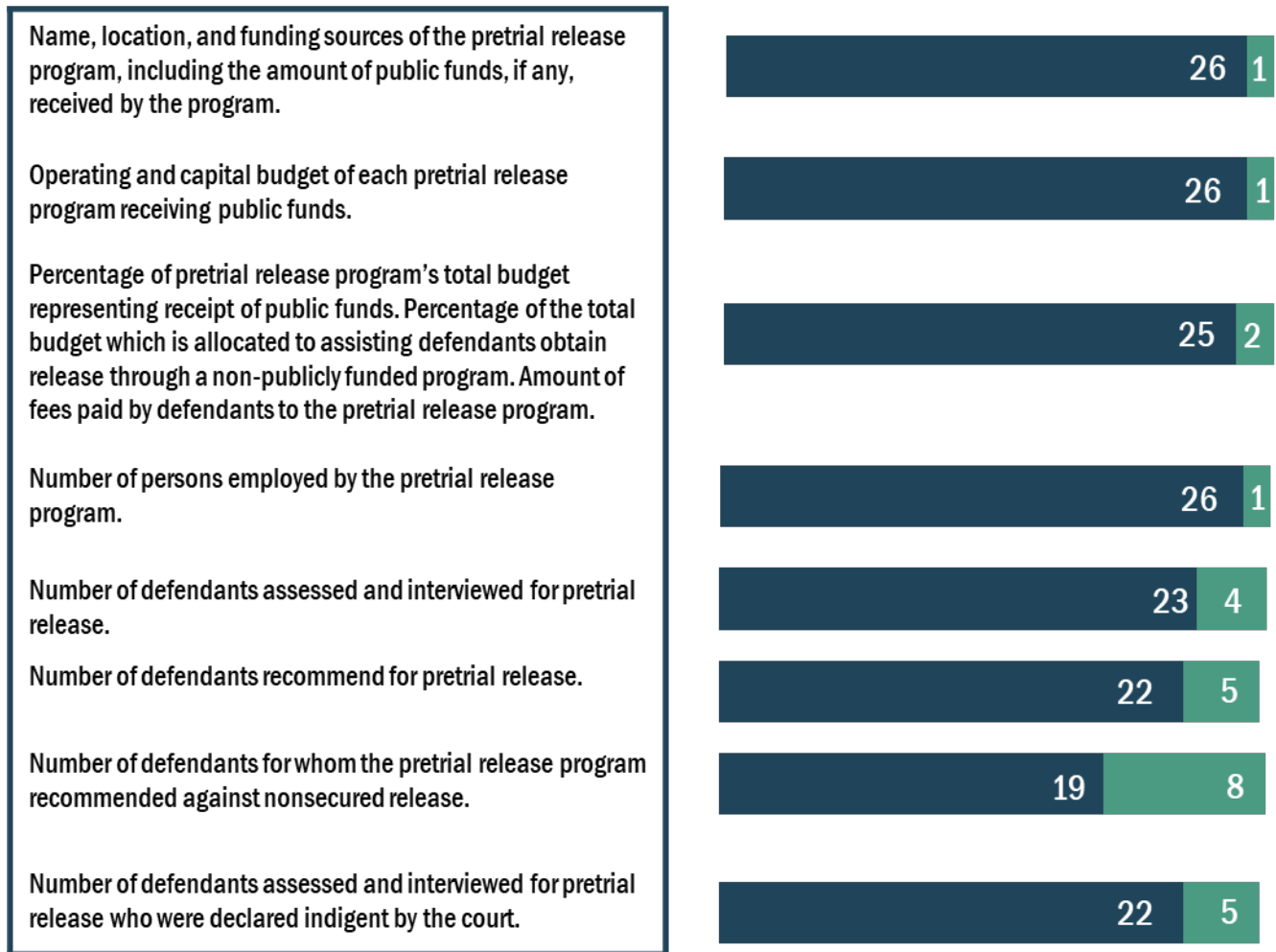
¹⁹ OPPAGA did not assess the reporting of s. [907.043\(4\)\(b\)15](#), F.S., which requires any additional information deemed necessary by the governing body to assess the performance and cost efficiency of the pretrial program, because it is unknown if any governing bodies have requested any programs to provide this information.

¹⁹ Sixteen programs reported the optional s. [907.043\(4\)\(b\)15](#), F.S., element.

OPPAGA’s examination of annual reports found that many were missing detailed information related to defendants. For example, while 23 programs’ annual reports included the number of defendants assessed and interviewed, 8 did not specify the number of defendants the program recommended against nonsecured release. Sixteen pretrial programs did not report the number of defendants for whom a risk assessment tool was used; this includes some programs that do not use risk assessments tools because judges make the determination. Three programs that conduct assessments reported not tracking the number of risk assessments completed.

Exhibit 16
Pretrial Program Annual Reports Commonly Lacked Detailed Defendant Information

Number of Pretrial Programs Reporting and Not Reporting



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.
- c. Was arrested for any offense while on release through the pretrial release program.



Number of defendants granted nonsecured release after the pretrial release program recommended nonsecured release.



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



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



Number of defendants accepted into a pretrial release program who paid a surety or cash bail or bond.



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.



The 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; nonviolent felonies; or misdemeanors only.



Source: OPPAGA analysis of pretrial program 2021 annual reports.

APPENDIX A

Pretrial Release Program Defendant Fees

Most pretrial programs reported that fees could be waived or reduced

Nineteen pretrial release programs reported charging fees to defendants. (See Exhibit A-1.) Programs reported that funds were directed to program revenues, general county revenues, and contracted service providers. Additionally, 12 programs noted that fees could be waived by judicial order. For example, the Lee program reported that fees could be waived by completing community service hours. The Pinellas program reported that the pretrial unit does not waive fees, but a judge could waive fees based on a participant’s specific situation. The Sarasota program reported that fees are charged only to defendants ordered to wear an electronic monitoring device, and that payments are made directly to the vendor. The Santa Rosa program has mandatory fees that if not paid in a timely manner can be assessed by the court at sentencing or case disposition.

Exhibit A-1

Nineteen Pretrial Release Programs Charged Fees to Defendants in 2021

County Pretrial Release Program	Service	Fee Amount	Total Collected	Fee Assessments and Waivers	Recipient of Fees
Alachua ¹	Electronic Monitoring/Global Positioning Satellite	\$5/day	\$19,179	Service hours can be completed in lieu of costs of service	Vendor
	MonitorConnect	\$5/month	\$2,715	DNP	Vendor
Brevard	Professional Probation Services	\$10/week	DNP ²	Mandatory unless waived by court	Program revenue
	Brevard County Community Corrections	\$10/week	\$3,690.00	Mandatory unless waived by court	Program revenue
Broward	Electronic Monitoring	\$5/day	\$59,018	Judicial waiver based on indigency	County revenue
	GPS or alcohol device monitoring	\$6-\$12/day	DNP Payments made directly to private vendors	Mandatory unless waived by court	Vendor
	Drug testing	\$5/test	DNP Fees collected in conjunction with probation department	Mandatory unless waived by court	County revenue
Charlotte	Alcohol/ethyl glucuronide testing	\$14.95/test	DNP Fees collected in conjunction with probation department	Mandatory unless waived by court	County revenue
	Synthetic drug testing	\$19.95/test	DNP Fees collected in conjunction with probation department	Mandatory unless waived by court	County revenue
Citrus	Electronic Monitoring	\$8/day	\$15,591.27	Mandatory unless waived by court	Program revenue

County Pretrial Release Program	Service	Fee Amount	Total Collected	Fee Assessments and Waivers	Recipient of Fees
Collier	Alcohol Monitoring	\$6.50/day	\$3,656.65	When court ordered unless waived for indigency	Vendor
	Drug Screening	\$6.75/test	\$268.13	When court ordered unless waived for indigency	Vendor
	Electronic Monitoring	\$4.10/day	\$1,377.60	When court ordered unless waived for indigency	Vendor
Escambia	Drug Patches	\$44/Patch	\$6,379.52	Can be waived if indigent	Program revenue
	Urinalysis	\$25/test	\$14,412.52	Cannot be waived	Program revenue
	GPS	\$12 or \$15/day	\$227,071.71	Can be waived if indigent	Program revenue
	Secure Continuous Remote Alcohol Monitoring (SCRAM)	\$15/day	Included in GPS Total	Can be waived if indigent	Program revenue
Lee	Pretrial Diversion Cost of Supervision	\$50/Month	103,497.00	Mandatory fee for all participants but can be waived by completing \$10/hour community service instead	Program revenue
Leon	Administrative Fees	\$40/month	\$147,899.57	Can be waived or reduced	Program revenue
	SCRAM Monitoring	\$12/day	\$43,326.50	Can be waived or reduced	Program revenue
	GPS Monitoring	\$9/day	\$16,932.00	Can be waived or reduced	Program revenue
	Alcohol Testing	\$5/test	\$13,200	Can be waived or reduced	Program revenue
	Urinalysis Testing	\$20/test	\$47,414	Can be waived or reduced	Program revenue
Manatee	Drug Testing	\$50 one-time fee	\$12,903.79	Can be waived	Program Revenue
	Electronic Monitoring	\$3.94/day	\$35,275.87	Can be waived	Vendor
	Electronic Monitoring Installation Fee	\$50 one-time fee	\$1,280.00	Can be waived	Program revenue
Monroe	Electronic Monitoring	\$4.25/day	\$3,258	Can be waived	County revenue
	Urinalysis	\$10/test	\$16,987	Can be waived	County revenue
Okaloosa	Electronic Monitoring	\$1-\$5 per day	\$18,516.21	Can be reduced if indigent	County revenue
Orange	Pretrial Services Telephone Reporting	\$6/month	\$14,402	Can be waived with financial waiver	Vendor
	Drug testing	\$17 one-time fee	\$38,240	Can be waived with financial waiver	County revenue
Osceola	Telephonic Reporting	\$10/day	DNP	Mandatory	Vendor
	Drug Testing	\$20/test	DNP	Can be waived if indigent	Vendor
	Alcohol Testing Fee	\$13.20/test	DNP	Can be waived if indigent	Vendor
Palm Beach	Cost of supervision	\$10/week	\$125,905	Mandatory unless waived by judge	Program revenue

County Pretrial Release Program	Service	Fee Amount	Total Collected	Fee Assessments and Waivers	Recipient of Fees
Pinellas	Electronic Monitoring	\$7/day	\$118,386.65	Mandatory except by court order and veteran's court	Vendor
	Alcohol Monitoring	\$10/day	\$286,707.11	Mandatory except by court order and veteran's court.	Vendor
Santa Rosa	Administrative Fee	\$50 one-time fee	\$15,050	Mandatory	Program revenue
	Drug/Alcohol Testing	\$25/test	\$19,903	Mandatory	Program revenue
Sarasota	Electronic Monitoring	DNP	DNP	Mandatory	Vendor
Seminole	GPS Monitoring	\$5.60/day	\$54,246.23	Judge permitted to waive based on court guidelines	Program revenue

¹The Alachua pretrial program noted that there are no fees for pretrial supervision. However, if the court orders electronic monitoring or GPS as a condition of pretrial release, a portion of the costs for these services is collected from the defendant and forwarded to the vendor.

²“DNP” means that the program did not provide that information.

Source: OPPAGA analysis of pretrial program survey responses.

APPENDIX B

Pretrial Program and Jail Per Diem Amounts

Within counties, pretrial program per diem rates are lower than jail rates, but comparisons between counties cannot be made

To assess the cost effectiveness of pretrial programs, OPPAGA requested per diem rates for both pretrial programs and county jails. Fifteen of the 28 pretrial programs provided per diem rates. Programs that did not provide per diem rates reported that the programs do not calculate the average cost per participant or do not collect this data. Per diem rates for responding programs varied from a low of \$1.91 in Duval to a high of \$84.00 in Hillsborough. These widely varied rates do not lend themselves to comparison because the programs are different in key ways, including program size, arrest population, screening, and monitoring practices.

OPPAGA asked Florida's 67 county sheriff's offices for jail per diem rates. The Florida Sheriffs Association and some sheriffs reported that there is no standardized method to calculate jail per diem rates. Because of this, county jail per diems do not lend themselves to comparison across counties. For example, sheriffs may or may not include outside medical care, pharmacy, replacing heating and cooling units, or other capital items in per diem calculations. Moreover, five sheriffs reported contracting with the U.S. Marshal Service, Federal Bureau of Prisons, and U.S. Immigrations and Customs Enforcement to house inmates or detainees and provided OPPAGA with the calculated per diem received from these entities. Reported county jail per diems ranged from a high of \$250 in Miami-Dade to a low of \$25.59 in Calhoun.²⁰ Exhibit B-1 includes the reported pretrial and jail per diems. In all 15 counties, pretrial program per diems were lower than jail per diems.

Exhibit B-1

Reported Pretrial Program Per Diem Rates Are Substantially Lower Than Jail Per Diems

County	Pretrial Program Per Diem	Jail Per Diem
Bay	\$32.40	\$49.06
Broward	\$4.98	\$197.81
Citrus	\$8.00	\$73.62 ¹
Collier	\$2.78	\$197.79
Duval	\$1.91	\$50.00 ²
Escambia	\$2.25	\$83.04
Hillsborough	\$84.00	\$142.55
Leon	\$3.54	\$91.00
Miami-Dade	\$37.00	\$250.00
Monroe	\$2.40	\$123.38
Orange	\$9.75	\$149.68
Osceola	\$7.00	\$148.18
Palm Beach	\$4.96	\$133.00 ³
Santa Rosa	\$1.98	\$84.00 ⁴
Seminole	\$13.60	\$73.50

¹Citrus County Board of County Commissioners contracts with CoreCivic to run the Citrus County Jail.

²The Jacksonville Sheriff's Office (Duval) reported its contract rate for U.S. Immigration and Customs Enforcement's detainees. The office does not have a current calculated per diem rate.

³Provided by the pretrial program in Palm Beach.

⁴Santa Rosa County Sheriff's Office provided its current federal inmate contract rate.

²⁰ Calhoun County jail per diem rate for males only. Females are housed in the Liberty County jail at a per diem rate of \$52.00.

Source: OPPAGA analysis of pretrial program survey responses. County jail per diem rates provided by county sheriffs' offices except where noted.

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