

## SURVEY OF PRE-TRIAL SERVICES

### Executive Summary

The Office of the Commission Auditor (OCA) conducted a two-part survey of pretrial release services. Part one of the survey involved gathering information to gain an understanding of the pretrial services provided by The Alternative Program (T.A.P.), Inc. Part two of the survey comprised of conducting a review of the pre-trial programs offered by Miami-Dade, Broward, Palm Beach and Duval Counties. In addition, part two of the survey noted whether the jurisdictions contracted with Community Based Organizations (CBOs) to provide pretrial services or performed these services in-house.

The survey yielded the following findings:

- Miami-Dade County is the only jurisdiction among those surveyed that contracts an outside agency, T.A.P., Inc. to provide pretrial services.
- Miami-Dade County is also the only jurisdiction that in addition to contracting with a CBO, also provides in-house pretrial services. All other jurisdictions surveyed provide in-house supervision only. This may or may not include referring defendants to outside agencies for services; however, the defendant is responsible for all cost incurred for services provided by outside agencies.
- Eligibility Requirements
  - Miami-Dade County Pretrial Services (PTS) and T.A.P., Inc. have similar eligibility requirements including that the defendant must be a first time offender charged with a non-violent crime.
  - In addition, Miami-Dade County adheres to CS/House Bill 607 which mandates additional requirements that T.A.P., Inc. is not obligated to follow.
  - According to memoranda dated May 9, 2001 and June 6, 2001 from Commander Cox, Pretrial and Monitoring Services, 75-80% of TAP defendants from October 2000 to April 2001 were ineligible for Miami-Dade County's pretrial custody release programs due to their inability to meet eligibility requirements.
    - Miami-Dade County does not have the flexibility of varying eligibility requirements.
    - The results of the 2001 study may mean that during FY 2000-01, the eligibility requirements for T.A.P., Inc. were not rigidly adhered to; nevertheless, a new study would have to be conducted in order to determine if this is still true of the agency.
- The Miami-Dade County PTS program seeks to interview all defendants charged with a felony offense and booked into the Pre-Trial Detention Center. For FY 2007-08, there was a total of 20,112 individuals with felonies attending bond hearings. Of those, PTS interviewed 17,974 prior to court, an 89% interview rate. This requires far more manpower and funding than other jurisdictions.
- The Miami-Dade County PTS program does not refer individuals to T.A.P., Inc. (see Services provided as to how clients are referred to T.A.P., Inc.).

	T.A.P.	Miami-Dade	Broward	Palm Beach	Duval County
<b>Number of Defendant on Pre-Trial Services</b>	Under Grant #1 served 1367 defendants.  Under Grant #2 served 210 defendants.	2582 defendants accepted into the Pretrial Diversion Program.	1700 defendants	1500 defendants, which includes 1200 out of custody and 300 in jail.	314 defendants under day reporting, with or without electronic monitoring.  17 defendants under home detention.

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<b>Services Provided</b>	<p>T.A.P. Inc. operates the Alternatives to Incarceration (ATI) Project, a diversionary program for nonviolent criminal defendants. ATI gains custody release of pretrial defendants through the courts as an alternative to continued incarceration. This program provides opportunities for these individuals to perform community service and/or make restitution in lieu of serving jail time.</p> <p>A defendant is referred to the ATI in one of five ways:</p> <ul style="list-style-type: none"> <li>• ATI Project conducts interviews at the correctional facility;</li> <li>• Judge order or counselor request during hearing/trial;</li> <li>• Public Defender's Office; or</li> <li>• During bond hearing.</li> </ul>	<p>The PTS and the Pretrial Diversion (PTD) programs are both components of the Miami-Dade County Department of Corrections and Rehabilitation Pretrial Services Bureau.</p> <p>The role of the PTS program is to decrease the number of days a defendant spends in custody while awaiting court appearances, when he could be safely released to the community.</p> <p>PTD is a deferred prosecution program for first time offenders charged with third degree non-violent felonies. Defendants are referred into the program by the State Attorney's Office at the time charges are filed. Successful completion of PTD results in the case being dismissed.</p>	<p>The Broward County Sheriff's Office (BSO) provides all of the services for pre-trial defendants.</p> <p>Services are provided under three BSO's Supervision Programs: Standard Supervision Program, Intermediate Supervision and Electronic Monitoring/House Arrest Unit.</p>	<p>The Palm Beach County Pretrial Services Program provides all pre-trial services. The Pretrial Services Program is divided into an Intake Unit and a Supervision Unit.</p> <p>The Supervision Unit provides supervision for defendants released from jail pending the disposition of their cases in Court.</p> <p>The Palm Beach County Sheriff's Office provides the electronic monitoring for approximately 143 pre-trial defendants. This includes those individuals who are on house arrest.</p>	<p>A defendant may be ordered by a Judge into one of three different scenarios while on pretrial services:</p> <ul style="list-style-type: none"> <li>• Day Reporting</li> <li>• Day Reporting with GPS monitoring provided by a civilian agency</li> <li>• Home detention with radio frequency monitoring</li> </ul>
<b>Types of Supervision</b>	<p>ATI Project has the following five programmatic areas of service:</p> <p><b><u>Court Appearances</u></b> Court Counselors and the Adult Services Supervisor attends bond hearings and courtroom sessions daily;</p>	<p><b><u>PTS Program</u></b> The Supervision Unit provides telephone monitoring of all defendants released into the PTS program and case management for those referred to agencies for services. The defendant is responsible for the agency's cost for services provided.</p>	<p><b><u>Standard Supervision Program</u></b> Monitors the activities of felony and misdemeanor defendants via telephone check-in, office and home visits;</p>	<p><b><u>Supervision Unit</u></b> The Supervision Unit provides supervision which includes verification that the defendant is following any court orders or services ordered by the Court. This includes but is not limited to abiding with curfew, drug testing, mental health services, and/or anger management</p>	<p>The Jacksonville Sheriff's Office Department of Corrections operates the Pre-trial Services Unit which runs Day Reporting and the Community Corrections Division which oversees the electronic monitoring for home detention.</p>

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	<p><b><u>Custody Releases</u></b> Clients are released into the custody of the agency. The agency is responsible for the clients' appearance in court;</p> <p><b><u>Monetary Restitution</u></b> Restitution payments are made directly to the program and these files are monitored monthly;</p> <p><b><u>Counseling and Support Services</u></b> Counseling, job referrals, employment assistance, placement in drug rehabilitation and mental health programs; and</p> <p><b><u>Referrals to Community Service Agencies</u></b> Food stamps, housing needs, health care, etc.</p>	<p>In addition, if court ordered, the Supervision Unit provides GPS monitoring of the defendant.</p> <p><b><u>PTD Program</u></b> Under the PTD program the defendant is referred to one of the following diversionary programs:</p> <ul style="list-style-type: none"> <li>• COURT Options, a CBO;</li> <li>• Advocate Program, similarly a CBO; or</li> <li>• Pre-trial Intervention – a state run program for probation and parolees.</li> </ul> <p>COURT Options and the Advocate Program assume supervision and referral making responsibilities for the defendant. If referred to an agency for services, the defendant pays the agencies directly for any services rendered.</p> <p>Defendants have 6-12 months to complete PTD, at which time if all conditions are met, the case is dismissed. If not, the case is placed back on the court calendar for prosecution.</p>	<p><b><u>Intermediate Supervision Unit</u></b> Conducts supervision through more frequent contact. Full-time employment is required. Defendants requiring assistance are referred to Community based programs for housing, employment, half-way housing, etc.; and</p> <p><b><u>The Electronic Monitoring/House Arrest Program</u></b> Offers the most intensive form of supervision including radio frequency tracking, remote alcohol testing and drive-by monitoring, and active and passive GPS. Defendants are monitored 24 hours per day.</p>	<p>counseling.</p> <p><b><u>House Arrest</u></b> For those individuals who are on house arrest, the Sheriff's Office provides monitoring. They utilize either passive or active GPS monitoring.</p>	<p><b><u>Day Reporting</u></b> The day reporting service provides case management for individuals. Defendants call in daily and report to an officer once per week. Case management includes referrals for GED, urinalysis, employment services. The defendant incurs all cost for referrals to outside agency.</p> <p><b><u>Home Detention</u></b> The Jacksonville Sheriff's Office Department of Corrections, Community Corrections Division provides radio frequency monitoring for defendants on home detention. Defendants pay a supervision fee and report to a Service Counselor once per week who refers them to outside agencies and conducts random drug test and urinalysis.</p>
<b>Costs to the County</b>	Miami-Dade County contracts with TAP, Inc. to provide services under two separate grants.	PTS budget for FY 2007-08 is \$4,732,900.	Passive GPS: \$3.99/day  Presently 150 defendants on GPS	Total annual cost to Pre-trial Services Program for the Supervision Unit is \$1.4 million this includes staff and operational cost. This is	Defendants under the home detention pay a \$15/day supervision fee.  <i>Further cost information</i>

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	<p>Grant #1 - \$416,500 to interview 1,524 defendants for program eligibility. Since October 2007, TAP has interviewed 1,454 defendants and provided service to 1,367.</p> <p>Grant #2 - \$59,500 for the interviewing of 697 defendants of which 210 received services.</p>		<p>Radio Frequency Tracking: \$2.55/day</p> <p>Presently, 450 defendants monitored by Radio Frequency</p> <p>Sobriety Testing: \$3.00/day</p>	<p>broken down as:</p> <p>\$3,948/day to operate</p> <p>In addition, defendants are charged a fee to be in the program. On average, the Supervision Unit collects \$1,100/day in fees. Taking this into consideration, the cost to run the Supervision Unit for defendants out of custody is <b>\$2.37/day.</b></p> <p>Additionally, the cost to the Sheriff's Office to operate the electronic monitoring program is as follows:  Passive: \$4.25/day  Active: \$7.94/day</p> <p>Again, the cost is offset by fees charged the defendants to be a part of this program. They include:  Unemployed: \$6/day  Employed: \$12/day</p>	<p><i>not available at time of survey.</i></p>