

**Audit of the Pretrial Release Program of the Orange County  
Corrections Department**

# **AUDIT REPORT**

Report by the  
Office of the County Comptroller

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Audit of the Pretrial Release Program of the  
Orange County Corrections Department

The Pretrial Release Program was established in 1977 with the purpose of releasing non-violent, non-dangerous inmates back into the community after an investigation of their community ties. The authority to release inmates is granted in the Florida Statutes and Florida Rules of Criminal Procedure. These laws are implemented through an administrative order from the Chief Judge of the Ninth Judicial Circuit of Florida.

April 2000  
Report No. 286

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April 19, 2000

Mel Martinez, County Chairman

And

Board of County Commissioners

We have conducted an audit of the Pretrial Release Program of the Orange County Corrections Department. The audit was limited to a review of compliance with the Administrative Order No. 07-97-06 governing the program, as well as determining whether steps to measure the effectiveness of the program were being maintained. The period audited was July 1, 1998 through December 31, 1998. Certain other matters outside the audit period were also reviewed.

Responses to our Recommendations for Improvement were received from the Manager of the Community Corrections Division of the Corrections Department and are incorporated herein.

We appreciate the cooperation of the personnel of the Corrections Department during the course of the audit.

Martha O. Haynie, CPA

County Comptroller

c: Ajit Lalchandani, County Administrator

Ray McCleese, Director, Corrections Department

# EXECUTIVE SUMMARY

## Executive Summary

We have conducted an audit of the Pretrial Release Program of the Orange County Corrections Department. The audit was limited to a review of compliance with the Administrative Order No. 07-97-06 governing the program, as well as determining whether steps to measure the effectiveness of the program were being maintained. The period audited was July 1, 1998 through December 31, 1998. Overall, compliance with the Administrative Order and steps to measure the effectiveness of the program were adequate. However, improvements are needed as stated below:

We found Pretrial Release Program files were not always complete and a final review may not always have been performed. Some files were missing copies of a Warrant and Local Criminal History Checklist or a Charging Affidavit.

We could not document the number of new Pretrial Release intakes reported for each month.

When a new telephone reporting system was implemented, the number of times per month a defendant was required to call in was reduced. Inquiries to other Florida counties indicated a requirement of more frequent calls to the pretrial office. This requirement should continually be reevaluated.

Case tracking of defendants released on pretrial release was done by the use of artificial tracking dates, not actual court dates. Use of actual court dates would help ensure a more timely notification of missed court dates.

Except for not concurring with the recommendation relating to reevaluating call frequency, the Corrections Department concurred with our remaining recommendations for improvement and corrective action is either planned or completed.

# ACTION PLAN

Audit of Pretrial Release Program  
Action Plan

NO.	MANAGEMENT RESPONSE			IMPLEMENTATION STATUS		RECOMMENDATIONS
	CONCUR	PARTIALLY CONCUR	DO NOT CONCUR	UNDERWAY	PLANNED	
1.	X			COMPLETED		We Recommend the Pretrial Services Unit review all new files for proper and complete documentation before filing.
2.	X			COMPLETED		We Recommend the Pretrial Services Unit create a list of defendants released during the month and periodically reconcile this list to the new intakes input into the Court Alternatives system.
3.						We Recommend the Pretrial Services Unit perform the following:
A)			X			Reevaluate the telephone calling requirements.
B)	X				X	Use actual trial dates of cases to monitor persons released through the Pretrial Release Program.

# INTRODUCTION



### Background

The Pretrial Release Program in the Orange County Corrections Department was established in 1977 with the purpose of releasing non-violent, non-dangerous inmates back into the community after an investigation of their community ties such as current address, employment, and criminal history. The Pretrial Services Unit, which is under the Community Corrections Division, operates both the Pretrial Release Program and the Pretrial Diversion Program. The approved budget for 1999 Fiscal Year for the Pretrial Services Unit is \$542,077. The Pretrial Release Program is staffed with four community correction officers and one staff assistant. Prior to March of 1998, the Pretrial Release Program was operated as a part of the Central Booking Facility.

The authority to release inmates through pretrial release is granted in Sections 903.047 and 907.041, Florida Statutes, Florida Rules of Criminal Procedure 3.131, and the Florida Constitution. These laws are implemented through an administrative order from the Chief Judge of the Ninth Judicial Circuit of Florida, the current version being no. 07-97-06.

The average monthly caseload during the audit period was 449 persons who have been released through pretrial release and are awaiting trial. The caseload represents the number of defendants on the program at the end of each month. Not every defendant who makes up a monthly caseload was necessarily released during the given month. Depending on the type of crime and number of court appearances required to settle the case, a defendant may be in the Pretrial Release Program for several months. The average number of inmates screened for release each month of the audit period was 1,367, with 143 or approximately 10 percent average actual releases or new intakes per month. The average number of cases closed or finalized and removed from the program during each month of the audit period were 154. Cases can be closed because the defendant has appeared in court or because the defendant missed the court date or was rearrested and has been revoked from the program.

The BI Profile telephone reporting system was implemented in December 1998. Defendants on this system are required to make scheduled calls with the use of a password and answer questions pertaining to their participation in the program and their court dates. If the scheduled calls are not made, an exception report is faxed to the Pretrial Release Unit for investigation. Defendants can be revoked from the program for not making their calls.

**Scope, Objectives,  
and Methodology**

The audit scope included a review of compliance with the Administrative Order No. 07-97-06 which governs the program, as well as determining whether the effectiveness of the program was being tracked. We did not determine program operating cost or whether the organizational structure was effective. The audit period was from July 1, 1998 through December 31, 1998. Certain other matters outside the audit period were also reviewed. The audit objectives were as follows:

1. To ensure compliance with program criteria per the Ninth Judicial Circuit Pretrial Release Administrative Order No. 07-97-06 and other appropriate legal regulations.
2. To ensure eligible inmates were considered for the program.
3. To determine whether the effectiveness of the program was being measured.

To ensure compliance with program criteria per the Ninth Judicial Circuit Pretrial Release Administrative Order and other appropriate legal regulations, we obtained internal procedures for the Pretrial Release Program and reviewed them for adequacy. We also interviewed the appropriate personnel in the Pretrial Release Unit regarding their responsibilities. We chose a sample of 30 inmates placed on the Pretrial Release Program during the audit period and determined whether a criminal history was on file, an interview was conducted, a signed release order was on file,

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## INTRODUCTION



program requirements were met, and criteria of the Administrative Order were applied.

We also reviewed the procedures for the new BI Profile telephone reporting system and chose a sample of 15 arrestees put on the Pretrial Release Program since the implementation of the BI Profile system. We determined whether the arrestees had been making their scheduled calls and, if not, whether follow-up procedures were being performed.

To ensure inmates were considered for the program, we chose a sample of 30 inmates and determined whether they were screened for possible release through the Pretrial Release Program. We also reviewed procedures for court ordered releases used when the arrestee does not meet the qualifications of the Administrative Order, but still appears to be a good candidate for the Pretrial Release Program.

To determine whether steps to measure the effectiveness of the program were being maintained, we reviewed statistics maintained on the Pretrial Release Program and tested for accuracy.

## Overall Evaluation

In our opinion, the compliance with the Administrative Order and steps to measure the effectiveness of the program were adequate. However, improvements are needed as outlined in this report.

# RECOMMENDATIONS FOR IMPROVEMENT

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**RECOMMENDATIONS  
FOR IMPROVEMENT**



Files Are Not  
Always  
Complete

**1. The Pretrial Services Unit Should Ensure That All New Files Are Reviewed For Completeness**

During our review of the Pretrial Release Program files, we noted the following:

- A) Three of the 30 Pretrial Release files reviewed did not include a Warrant and Local Criminal History Checklist.
- B) Two files did not contain a copy of the Charging Affidavit and five files contained copies that were too poor to read, although all charges appeared consistent with other documentation in the file.
- C) All 30 files did contain an Interview Form, but two were not complete, as they did not have the verification portion completed.

Pretrial Release Directive PTR-03 states that upon releasing a defendant from custody a completed release package should be retained in the Pretrial Release Unit. This package consists of an interview form, criminal history, arrest affidavit, release form, and a warrant checklist. Per Pretrial Release Directive PTR-01, once the interview process has been completed, the Community Corrections Officer is to verify the information obtained to ensure its accuracy and completeness, as failure to provide accurate information during the process could affect the arrestee's opportunity to be released through the program. A final review of the release package or new Pretrial Release file does not always appear to be performed before being submitted to the Staff Assistant for filing with the other Pretrial Release Program files. Such a review would ensure all required documents are included in the file. Although the Corrections Officer may ensure that all conditions have been met prior to release of an arrestee, questions could arise at a later date which may not be answered due to lack of documentation on file.

**We Recommend** the Pretrial Services Unit review all new files for proper and complete documentation before filing.

**Management's Response:**

Concur. The Pretrial Services Unit has been meeting this recommendation since January 1999. A Senior Community Corrections Officer was hired and one of her responsibilities is to provide quality assurance on each release package. Quality Assurance is completed prior to the release package being forwarded to the Staff Assistant for data entry into the Tiburon, Automated Probation System (APS), the Community Corrections Division's new computer program. Should there be errors in the release package, the Senior Community Corrections Officer will either amend the packet or refer the packet back to the releasing Community Corrections Officer for editing. The Community Corrections Officers try to obtain the best possible copy of the charging affidavit to include in the release packet.

**2. A List Of New Pretrial Release Intakes For The Month Should Be Created And Retained**

A List of New  
Releases is Not  
Kept

Adequate documentation of new Pretrial Release intakes is not retained. When the Staff Assistant makes new Pretrial Release Program files during the month, she keeps them on her desk for the entire month. At the end of the month, she counts the files and verbally reports the number of new files to the Manager. She then files them with all of the other active Pretrial Release files. The Manager reports this count to the Office of Management and Budget for Performance Measures and on Community Corrections Statistical Summaries. The Staff Assistant also assigns a Master List or Pretrial Release number and inputs the data into the Court Alternatives system, which is a case tracking system and includes the defendants' court dates. The system does not appear to be able to print a list of new intakes due to the fact that there is no field for the release date, only the arrest date. If documentation on the number of and names of defendants released on Pretrial Release for the month is not maintained, it may not be possible to determine who makes up the number of new intakes and some names could be duplicated or altogether omitted. Good business practices

include maintaining documentation of performance numbers reported for verification purposes.

**We Recommend** the Pretrial Services Unit create a list of defendants released during the month and periodically reconcile this list to the new intakes input into the Court Alternatives system.

**Management's Response:**

Concur. The Pretrial Services Unit has been meeting this recommendation since January 1999 and will continue to be able to meet this requirement with the implementation of APS. The releasing Community Corrections Officers complete a daily tracking form of cases that they researched each day for possible release. This tracking form also includes daily releases for each officer. Once the Staff Assistant receives the release package, she enters the case into APS. She assigns each case released to the releasing Community Corrections Officer and is able to compile a report at the end of each month to document the number of cases with names of the offenders that each officer released. The releasing Community Corrections Officer reconciles his/her daily tracking forms to the list printed from the data entered into APS to double check that all cases were accounted for during each month.

**3. The Pretrial Services Unit Should Reevaluate Changes Made To Their Reporting And Tracking Systems**

During our review of case tracking tools utilized by the Community Corrections Division, we noted the following:

- A) The Pretrial Release Program only requires calls to the Pretrial Release Unit to be made once a month if

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## RECOMMENDATIONS FOR IMPROVEMENT



a traffic or misdemeanor offense was committed and twice a month if a felony offense was committed. Prior to the implementation of the BI Profile system in December of 1998, calls were required to be made weekly for any type of offense. The change in the length of time between calls after the implementation of the new system was due to the cost of the calls to the defendants, which can average between \$2 to \$6 per call. Inquiries to other Florida counties who operate a pretrial release program indicate a requirement of weekly calls. Without more frequent calls, sufficient monitoring of defendants may not be maintained and may, in turn, impact public safety.

- B) Defendants who are released through pretrial release are tracked through the use of expiration dates recorded in the Court Alternative system which are approximately how long specific cases generally take to get through a court appearance or finalized in some other manner. These dates are different for each type of charge: traffic cases are three months, misdemeanors are six months, and felonies are nine months. As such, cases are tracked by artificial future dates and not by actual dates such as a court date. A more proactive approach would be to utilize court dates to track defendants in Pretrial Release Program. This would help ensure more timely notification of missed court dates. Current procedures rely on the Clerk of the Court system to notify the Pretrial Release Unit when a defendant misses a scheduled hearing.

**We Recommend** the Pretrial Services Unit perform the following:

- A) Reevaluate the telephone calling requirements.
- B) Use actual trial dates of cases to monitor persons released through the Pretrial Release Program.

**Management's Response:**



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## RECOMMENDATIONS FOR IMPROVEMENT



- A) Do not concur. The Pretrial Services Unit releases offenders according to Administrative Order No. 07-98-46. Due to the conservative nature of this Order, the offenders released to this program inherently represent a lower risk offender than those of other jurisdictions that require more frequent telephone reporting. It should also be reaffirmed that Pretrial Release is an alternative to the more common means of release by bail or bond where no supervision takes place. Each telephone call to the BI Profile system costs the offender \$2.00 per minute with an average cost of \$2.00 to \$6.00 per phone call. Since Pretrial Release is to be a non-monetary and/or minimum cost alternative to bond, it would seem counterproductive to increase the offender's financial responsibility by increasing the overall cost of the program. The releasing Community Corrections Officer has the authority to increase the level of supervision and require the offender to make more frequent calls to the BI Profile telephone monitoring system as appropriate. It is the belief of the Unit that these offenders are being supervised at an appropriate level according to their risk to the community.
- B) Concur. The Unit is currently addressing this issue as a result of implementation of APS. The Pretrial Services Unit will be able to track misdemeanor and traffic cases by their actual court date because the releasing Community Corrections Officer provides the offender with the court date prior to release. The Unit's Staff Assistant will then be able to enter that information into APS and therefore be able to track those cases monthly. The felony cases, however, are not assigned a court date until the State Attorney's Office formally charges the case. In the case of felony offenses, the Pretrial Services Unit will still need to create artificial expiration dates. Once it has been determined that an actual court date has been set, the Staff Assistant will be able to edit the court date in APS. The Division is currently in the process of creating Crystal Reports which will enable the Unit

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## RECOMMENDATIONS FOR IMPROVEMENT



Audit of the Corrections Department Pretrial  
Release Program

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to run reports based on a case's expiration date. The Unit's Staff Assistant will be able to reconcile that report with the Clerk's Office computer system to determine whether or not the case was satisfied on the scheduled court date. If it was not, the Staff Assistant will change the case's expiration date to reflect the new court date. By doing so, the Unit will have a more accurate account of the active caseload. By April 1, 2000, these plans will be fully implemented and we will be in compliance with this recommendation.