

**CRIMINAL JUSTICE ADMINISTRATION COORDINATION COMMITTEE**  
**MINUTES OF DISCUSSION HELD ON**  
**April 17, 2018**

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**Present:** Judges Brouck Jacobs, Kevin Crane, Kimberly Shaw, Michael Bradley, Joshua Devine, and Columbia Municipal Judge Cavanaugh Noce. Also present were Boone County Commissioner Janet Thompson, Assistant Prosecuting Attorney Tracy Gonzalez, Public Defender David Wallis, Attorneys Rusty Antel, Kay Evans and Finley Gibbs, Major Tom Reddin, Jail Captain Keith Hoskins, Columbia Police Department Legal Counsel Nicole Volkert, Boone County Auditor June Pitchford, Probation and Parole District Administrator Todd Fleharty, Reality House Operation Director Blair Campmeier, Boone County Circuit Clerk Christy Blakemore, Unit Manager Sherry Seiling, Court Services Supervisor Brandon Walker, Court Administrator Mary Epping, and Deputy Court Administrator Cindy Garrett.

**1. Call to Order/Welcome**

Judge Kevin Crane called the meeting to order in the Law Library of the Boone County Courthouse at 7:45 a.m. and welcomed everyone. Judge Crane introduced Sherry Seiling who is the new Unit Manager in the Boone County Circuit Clerk's office, replacing Lana Brooks.

**2. Review Minutes of March 6, 2018**

No corrections were noted. Probation and Parole District Administrator Todd Fleharty said under the section of "Probation and Parole Warrants" he wanted to note that Probation and Parole rarely issues warrants on probation cases. He said the only time they would issue a warrant is if they feel the situation is fairly significant. Todd also noted under the section of "Other," Probation and Parole currently has two pilot projects in the state of Missouri where probation and parole staff are being armed, given handcuffs and clubs, and given authority to search offenders on supervision. He said this pilot is in Trenton & St. Louis.

**3. Adult Court Services Report**

Adult Court Services Supervisor Brandon Walker reported last week his office had 167 in their programs which is the same as this time last year. He said a few weeks ago he sent an email notifying the ACS annual report has been placed on the website. He has received some positive feedback. He wanted all to be aware that he added information to this year's report regarding history of programs and services within the office. He said information that may be most beneficial to the associate judges is the write up on fines and costs, as it has gone through a lot of iterations.

**4. Other**

Mary Epping read a letter received from a client of Adult Court Services regarding the positive experience she had with the services provided to her.

Judge Kevin Crane noted from the last two Thursday reports regarding jail population, there were two people being paid for to be housed in out of county facilities.

Judge Kevin Crane inquired about emails received from probation and parole regarding violation reports. He noted the report will either indicate "Court Action Requested" or "No Court Action Requested." He said there are times, when a report says "No Court Action," however, within the violation report, it indicates a need for court action. Probation and Parole District Administrator Todd Fleharty said he believes this is an oversight from his staff as they have to manually check the form if they are requesting court action. Todd said he will address this with his staff.

Judge Kimberly Shaw said she is still receiving case summary reports from Probation and Parole on misdemeanor cases. Probation and Parole District Administrator Todd Fleharty said they do an initial case summary if a SAR was not completed. He indicated there will also be a final case summary, however there are no longer the regular case summaries every six months.

Todd said Boone County Probation and Parole has been selected to participate in a pilot project to begin in July or August through the Justice Reinvestment Initiative Act where funds will be received to provide treatment to high risk substance use offenders. He said once they find more information as to specifics of the program and how it is determined what makes an individual high risk, he will report back. He said the pilot project will be in conjunction with one of their treatment providers. He clarified this funding will not impact those clients participating in treatment courts, in that the clients for the pilot project will be much higher risk with repeat offenders who have been through system before who have chronically used substances. He said supervision and treatment will be increased. Attorney Kay Evans asked if attorneys could request their clients be ordered into this program. Todd said referrals would be generated by probation and parole based on their assessment tool to determine eligibility. They will be targeting those offenders for which other programs and services have not worked.

Todd said when a judge orders a defendant to an institutional treatment program, the judge can order them to be released at the time their treatment is completed versus having to complete the entire 120 days. If not ordered to be released upon treatment being completed, then they simply sit around until their 120 days are over. He requested that he be notified if a judge's order says to be released at completion of treatment, as he is to track this information. Judge Kevin Crane said he receives a report that says someone has successfully completed the program and sometimes it says they can be released effective on a certain date, however their 120 day is this date. Judge Crane said he made an order based on that report. Todd said it is his understanding these individuals have not been released until their 120<sup>th</sup> day. Attorney Rusty Antel said his experience has been that the reservation system that attorneys can request a bed date is ineffective. He said he



had one client who was sent and had a bed date 10 days after arrival at Fulton. He said the client did not go to treatment until day 33, therefore DOC is not using the time savings of the reservation date. He said normally no one goes to treatment until about the 32nd-35<sup>th</sup> day and therefore they are doing the full 120 days. Rusty inquired of Todd as to what was the purpose of making a reservation bed date if they are not going to honor it. Todd said there is a certain number of days (15-40 days) they need to process a person before sending them to treatment.

Judge Kevin Crane said that yesterday he asked Sarah Aplin for an updated wait list. District Public Defender David Wallis said their office has started taking out of custody cases off the wait list. He said cases are being taken off in chronological order based on those who have been on the list the longest. He estimated they have taken 50-60 cases off the wait list. David said their office was given \$10,000 in additional funds from the case contracting program that took care of just 16 cases. He said he has been approved for an over-staff attorney, which would be a 15<sup>th</sup> attorney. He said when he has a vacancy in his office he will be unable to fill, however until that time, they will have an extra attorney. With the extra attorney they should then be able to take another 50-60 cases off the wait list. He also indicated they have hired David Kirshner, who was in private practice. Mr. Kirshner has taken on a few cases. He noted on probation violation reports, they are getting a lot of probation violation cases. He is requesting the court to consider these reports carefully and if the court is going to take action, to make the finding required by statute that says due process requires a public defender. However if not planning to take action, he requested they be liberal in those cases, therefore not requiring a public defender to be appointed.

District Public Defender David Wallis said the Public Defender is a defendant in a lawsuit filed by ACLU in federal court. He said the summary motions were filed two months ago. He said the ACLU is saying the public defender is not adequately representing poor defendants. He said they are hoping for a summary judgment where a special federal master would be appointed who would work with the state and the public defender to make them work out a financial agreement to adequately represent defendants. They are hoping for a summary judgement soon, otherwise they are set for trial in May.

Judge Kevin Crane reminded everyone of Judge Daniels's retirement reception on Thursday, April 19 at 4:00 in the jury assembly room.

District Public Defender David Wallis said he has received several concerns from his attorneys saying they cannot get into the jail during the week to meet with clients. Attorney Kay Evans said they are unable to get in any room at the jail for a visit when video is going between the jail and courthouse. Judge Crane requested Keith Hoskins, defense counsel, Brandon Walker, associate judges and Judge Cavanaugh Noce stay after this meeting to see if there is a solution. Keith Hoskins said the computer kiosk for communication between an inmate and their legal counsel is still in the works. He said the hardware has been installed and the company is starting to do the software installation.

Commissioner Janet Thompson thanked Todd Fleharty for allowing Mackenzie Hayes to attend a best practices meeting in Alexandria, Virginia, along with Commissioner Clevenger, Clayton VanNurden and Kelly Wallis. She said eight jurisdictions throughout the United States were invited to share best practices. She said Boone County was invited due to the efforts of this group to reduce jail population and finding alternative ways to approach folks in the justice system.

**5. Next Meeting**

The next meeting will be Tuesday May 15, 2018, at 7:45 a.m., in the Law Library of the Boone County Courthouse. The meeting adjourned at 8:10 a.m.

Prepared by: Cindy Garrett Distributed on: 5/14/18  
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cc: Meeting Attendees  
Presiding Commissioner Atwill  
Commissioner Thompson  
Commissioner Parry