

CRIMINAL JUSTICE ADMINISTRATION COORDINATION COMMITTEE
MINUTES OF DISCUSSION HELD ON
June 19, 2018

Present: Judges Brouck Jacobs, Jeff Harris, Kevin Crane, Jodie Asel, Kimberly Shaw, Michael Bradley, Joshua Devine, Leslie Schneider, and Commissioners Casey Clevenger and Sara Miller. Also present were Boone County Commissioner Janet Thompson, Boone County Auditor June Pitchford, Assistant Prosecuting Attorney Tracy Gonzalez, Public Defender David Wallis, Assistant Public Defender Sarah Aplin, Attorneys Rusty Antel and Finley Gibbs, Major Tom Reddin, Jail Captain Keith Hoskins, Columbia Police Department Legal Counsel Nicole Volkert (arrived at 8:00), 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.

2. Review Minutes of May 15, 2018

No corrections were noted.

3. Public Defender Wait List

Public Defender David Wallis said Deidra Wood will start with their office on July 1, 2018. She comes from the Callaway County Public Defender's office and will take on a full caseload upon starting in his office. He said his office will then be over overstaffed by one attorney.

Judge Kevin Crane said David has requested that on cases, such as child support, where the state is more interested in the defendant paying the arrears versus receiving prison time, the state and public defender can waive an SAR at the plea and disposition can be completed at that time. David said when waiting for a SAR, his staff keep a case open from plea to disposition, but they do practically nothing other than verifying the client appears for the interview. He said if the case can be resolved at the plea it allows them to take new cases more quickly. He also said if their clients know what they are getting, they are much more likely to plead guilty as they have a known sentence. Judge Crane said if the public defender requests a waiver of the SAR and the state is not opposed or defers, then the court can agree to waive the SAR. David acknowledges his staff needs to be reaching out to the prosecuting attorney assigned to cases prior to being in court to see

if they are in agreement with waiving the SAR. It was agreed the waiver of an SAR can be considered on supervised and unsupervised cases.

Assistant Public Defender Sarah Aplin said last week they assigned 31 cases off the wait list and the week prior was a similar number. She said the first group assigned were all B felonies and last week she began assigning felony probation violations, felonies, and misdemeanor DWI cases in the order in which they went on the wait list. Judge Jodie Asel said her biggest concern are the defendants in the Department of Corrections who have been on the waitlist since September and October on unrelated cases. Judge Crane said it is his understanding that DOC inmates who have requested a speedy trial are being assigned a public defender on their pending Boone County cases. David said it takes significantly more time in travel to meet with the DOC inmates on cases. He said last week they took 47 cases, many of those were clients in custody. Judge Crane said the court is requesting on a weekly basis to be provided with the number of cases disposed, the number of cases where the public defender has entered their appearance, and the number of cases removed from the waitlist. There was also discussion on how the waitlist sent to the judges is not able to be sorted. Sarah said she can organize the list by division and she will continue to see if there is a way to send the document in a spreadsheet that can be manipulated.

Judge Crane requested when a case is finally disposed that the judge make an entry giving the public defender leave to withdraw as that allows the attorney to close the case immediately. It was noted this entry is on the guilty plea form and the associate judges currently check this for all public defender cases. David said he can make sure his attorneys make this request in court.

Judge Michael Bradley said under the current practice the misdemeanor cases will never be assigned counsel to be resolved in court. He said he has more than 60 cases on the waitlist dating back to October where the state is not waiving jail time. David said he is unsure what is going to happen but the ACLU lawsuit is scheduled for trial in October. Judge Bradley said he has asked the prosecuting attorney if they are willing to waive jail, however they typically say no. Assistant Prosecuting Attorney Tracy Gonzales said she took this information to their last attorneys meeting and they will waive jail time if they can, however it has to be across the board and not just for public defender cases.

Judge Asel asked if there is anything that can be done to make an effort to not send defendants to DOC in one division when they have multiple cases pending in other divisions. Judge Crane said the parties have to advise the judge of the defendant having pending cases in other divisions. Judge Asel asked that there be a concerted effort to not have multiple divisions dealing with one defendant. Jail Captain Keith Hoskins voiced concerns about having defendants remain in jail until all pending charges are resolved as it could impact the jail population. Judge Crane said pending charges for those in DOC are taking a long time to resolve as they have not requested a speedy trial, therefore they are on the waitlist. Judge Asel said if the defendant remains in jail, they would have public defender representation, and could get their cases resolved, therefore getting credit for time served on all of the cases when they are serving time in DOC. All agreed having

a defendant have all cases addressed on one day would be difficult, however it would best serve all involved.

Judge Bradley said he routinely sees defendants on video arraignments that have pled in circuit court or had parole revoked and are arrested by county jail, but the defendant is moved to DOC prior to arraignment. He then issues a warrant, so the individual will be picked up after serving time in prison and be held in jail again. He proposed if someone is sentenced on a law day that the defendant remain at the jail until they can be arraigned the following day and apply for the public defender before being sent to DOC. It was agreed on these cases the circuit court needs to be made aware of the pending cases. Tracy said she will advise the prosecutors that they need to be cognizant of pending cases so they can advise the court. Attorney Rusty Antel asked if the case bound over to circuit court are screened to determine if there are other cases in circuit court. It was noted the only way to do this would be to no longer do random assignments, which all agreed random assignments need to occur. Defense counsel or the state can request that cases be assigned to the same judge. It was noted at the associate level they keep all cases with one judge if a party makes the judge aware of prior cases.

4. Jail Time for Attorneys to See Clients

Assistant Public Administrator Sarah Aplin said there are times when attorneys visit their clients at the jail that they have to wait 45 minutes in between seeing clients, which cuts down their ability to see multiple clients in a specific time frame. She asked that the jail be aware of this and asked for ways in which they could work with the jail. Jail Captain Keith Hoskins said the jail is running at minimum staffing and when there is an incident in the jail, it requires them to use all their staff. Things like a medical emergency will take first priority. He also said they have 40% of their inmates on a no contact list, therefore when bringing clients up to visit an attorney they have to often clear hallways to ensure compliance of the no contact restriction, which takes time. Keith said the email process is now in place where the public defenders can communicate with inmates. He indicated one public defender is currently signed up for this service. Public Defender David Wallis inquired if inmates are still able to send written letters to their attorney. Keith said they can still send a written, sealed envelope through the Boone County Jail mail system. Keith said they would prefer the inmate request form be completed electronically, which is immediate versus a day or two through the county mail system. Keith said the public defender application process is not electronically set up.

5. Stepping Up Initiative

Boone County Commissioner Janet Thompson said within the past six months due to work being done by this group and the Judicial Law Enforcement Task Force, Boone County was awarded the Pritzker Family Foundation grant of \$25,000, for children 0-3 years of age, to help get youth kindergarten ready. The Pritzker Family Foundation is a national group who has its spotlight on Boone County. The Boone County group working on the Pritzker grant will be attending the NACO annual convention in Nashville in July 2018. Commissioner Thompson said Boone County's team, which

includes Court Administrator Mary Epping, was one of four counties chosen to be part of a leadership lab due to the collaborative efforts occurring within our county. She said last year Boone County received a grant from the Corporation for Supportive Housing, thanks to the folks at the Boone County Jail. This funding allows for law enforcement agencies in Boone County to have the same RMGMS system so they will be allowed to share data. She said we are utilizing and integrating that data with the homeless data, which allows us to see, in real time, the folks that are high utilizers of the system. She said the next goal is to work with the health care providers in our community so there are ways to share their data and be much more mindful of how we are using resources within the community. Commissioner Thompson said two weeks ago she was invited as a representative of Boone County, to attend the Corporation for Supportive Housing's conference in Los Angeles. She said Boone County was on the agenda as the second plenary to talk about the efforts that happen when people are intentional about sharing data and coming together to solve problems. Commissioner Thompson thanked everyone for all that is being done. She, Mary, and others are working on finding a 24/7 access center.

6. Home Detention Fees

Court Services Supervisor Brandon Walker said Adult Court Services only does home detention/electronic monitoring and supervision for Boone County residents. He said for defendants with a Boone County case who need to serve on home detention or have supervision outside of Boone County, a third party agency provides the services. He said there have been a couple of cases recently where third party agencies made the court aware that defendants were not paying fees. Brandon said he does not advocate for these agencies, however the court needs to consider if the 13th Circuit is not enforcing fee payments then third party agencies may not be willing to serve clients from our circuit in the future. It was noted communication from third party agencies are filed with the court. Judge Kevin Crane said he believes it is okay to enforce the fees by a date certain as those defendants were given the benefit of being in their own county versus our county jail. Brandon said the notices of failure to pay fees from these agencies is usually due to third party agencies not requiring fees to be paid up front, however for cases on pre-trial are not able to do that. Judge Asel said she received a letter about outstanding fees from a third party agencies which was sent weeks or months prior to disposition, requesting that a condition of probation be the defendant pay outstanding fees. Judge Asel said when she disposed of the case weeks or months later she does not recall the outstanding fees, therefore either the attorneys need to request it be a term of probation or something needs to be filed closer to disposition. She has since set a hearing to add a condition of payment of fees on that particular case.

Brandon said Adult Court Services also assesses fees that are a part of the court's budget. He said the difference between Adult Court Services and a private entity is ACS is not achieving a profit, but are rather working to recoup costs. Brandon said his officers notify the court when fees are not paid, at which time a hearing is set, however at the hearing the delinquent fees are not always addressed. Brandon said currently he is directing his staff to put in the report a recommendation that the court order the defendant

pay the fees by a date certain. He said if the defendant fails to abide by the court's order, his staff will notify the court and request the defendant be removed from the program. Brandon said they always consider capacity to pay as part of their initial report, as there are times when fees are waived or reduced. He said if they send a report to the court, then they believe the defendant has the ability to pay. Judge Kevin Crane said the tax payer's end up paying for this if we do not hold defendants accountable for paying their fees. It was agreed the judges will enter an order to pay by a date certain and the court will be notified if the defendant fails to follow the order, with a recommendation a warrant be issued.

7. Adult Court Services Report

Adult Court Services Supervisor Brandon Walker reported all their numbers went down last month, for no specific reason. He does not anticipate any changes. Judge Kevin Crane said as of June 14, 2018, there were two people in out of county housing.

8. Other

Judge Jeff Harris said there were media reports a couple weeks ago about raising money for people in the Boone County jail who are awaiting trial for misdemeanor cases. He got the implication from the stories that there was a significant number of people in jail awaiting trial for misdemeanor cases only. Judge Harris reviewed the May 28 jail population report, where 226 people were in custody. Of those, there were 6 people awaiting trial charged only with misdemeanors. He individually looked at those 6 cases and found 4 were out of jail for whatever reason within 48 hours. He said the other 2 individuals entered pleas on June 6 and June 14. Judge Harris said he found this illuminating as the media reports indicated individuals were in jail on minor offenses who have not been convicted. Judge Harris requested going forward we include information on our weekly report that shows the number of misdemeanor cases in jail awaiting trial. Judge Kevin Crane said in prior years there was a perception that a lot of people were in jail on minor cases. He said Judge Harris's review is consistent with past analyses. Jail Captain Keith Hoskins said historically the jail has been running at 3% misdemeanors over the past 5-6 years. Keith has been in contact with the individuals wanting to raise money for a community bond program. He said they received a defendant yesterday for a misdemeanor with a \$50,000 bond, which this group will not be able to assist as this group is planning to consider those cases with \$5,000 bond or less. Judge Brouck Jacobs said on D and E felony cases, he believes there is a perception that people are in the jail for "non-violent" felonies, such as passing a bad check. He said anecdotally a bond investigation should get those cases out in less than a week. He said most people still in jail for low level felonies are probably due to having multiple cases, being on probation, or having failed to appear. He would be curious to know how many people are at the jail on low level felonies who have not failed to appear, are not on probation or do not have multiple cases. Keith said these cases are a rarity. Judge Harris feels we cannot act on antidote but to look at the facts. Court Administrator Mary Epping believes this task can be accomplished by staff in court administration.

9. Next Meeting

The next meeting will be Tuesday July 24, 2018, at 7:45 a.m., in the Law Library of the Boone County Courthouse. The meeting adjourned at 8:45 a.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

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cc: Meeting Attendees
Presiding Commissioner Atwill
Commissioner Parry