

**CRIMINAL JUSTICE ADMINISTRATION COORDINATION COMMITTEE
MINUTES OF DISCUSSION HELD ON
July 24, 2018**

Present: Judges Brouck Jacobs, Jeff Harris, Kevin Crane, Jodie Asel, Michael Bradley, and Joshua Devine. Also present were Boone County Commissioner Janet Thompson, Boone County Auditor June Pitchford, Prosecuting Attorney Dan Knight, Assistant Prosecuting Attorney Tracy Gonzalez, Public Defender David Wallis, Assistant Public Defender Sarah Aplin, Attorneys Rusty Antel, Finley Gibbs, and Kay Evans, Boone County Sheriff Major Tom Reddin, Jail Captain Jennie Atwell, 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, 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 June 19, 2018

Court Services Supervisor Brandon Walker noted a correction on page 4 under Home Detention fees, first paragraph, seventh sentence, stating it should say "*Brandon said these agencies normally require the full amount up front, but in long term pre-trial situations or sentences of significant length that may not be feasible.*"

3. Public Defender Wait List

Deputy Court Administrator Cindy Garrett said there were 25 juvenile cases on the last waitlist that have been assigned to private counsel, therefore can be removed from the waitlist. Assistant Public Defender Sarah Aplin said those cases have not yet been removed from the waitlist due to time constraints, but they will be removed. Public Defender David Wallis said they have found a decent number of misdemeanor cases have been resolved without the public defender entering their appearance, as there has been a waiver of jail time or the defendant has obtained private counsel. Sarah said she is finding this by comparing their list against Case.net to check on status of cases. Judge Kevin Crane said he has recently learned with caseload distribution that OSCA does not count probation cases towards the judges open cases. The public defender has probationers on their waitlist, however it does not reflect as cases on the judges open list.

4. Misdemeanor Cases at Boone County Jail

Court Administrator Mary Epping said page 13 of the agenda packet is the new page added to the Thursday report. Mary said Court Administration has a staff member reviewing the jail list every other week to capture the number of defendants at the jail for pre-trial misdemeanor cases only. The report shows the number of defendants at the jail, the number of days they were/are present at the jail, their charges and bond amount, and an update on their current case status. Mary said so far it is showing these cases represent 2- 3% of the defendants in custody. Judge Brouck Jacobs said he reviewed the low level felonies, where there are approximately 800 cases for

approximately 200 people in the jail, which shows multiple charges and/or multiple case for each defendant. He said many of the low level felony cases have out of county holds, federal holds, multiple cases or bond revocation noted. He said there are also not many present on single low level felony cases. Judge Kevin Crane said there are hardly any present on a sole misdemeanor charge. He said there is a notion the jail is filled with people on misdemeanors only, which is simply not true. Judge Jacobs said of those there on low level felony cases, they are presumably in the process of undergoing a bond investigation, which likely will recommend a reduction in bond if they are only in jail for a low level felony.

5. JRITP Project, the Reduction of Institutional Treatment Beds

Probation and Parole District Administrator Todd Fleharty provided a handout of a pilot project being offered by Probation and Parole in Boone, Bucannon and Butler counties. He said the legislator granted \$5 million to provide treatment services for high risk offenders. He said the project will start in Boone County on September 1, 2018. He requested the court not order this special condition as P&P has to do an assessment, which he will review next month. This program will be an alternative to incarceration. There will be enhanced treatment services, similar to co-occurring disorder track for drug court, except for additional enhancements. There will be more supervision and treatment services in the program. Those in the program will have an employment, housing, and peer support specialist available. Their target is to provide this service to 200 people in Boone County for the first year. They will have one or two dedicated officers within their office. Attorney Kay Evans asked if defendants can be assessed prior to sentencing. Todd said if a sentencing assessment report is court ordered, it will be part of that assessment report. Within that report it will be recommended as a condition for the defendant to participate in the Justice Reinvestment Initiative caseload. The qualification of the program is the defendants have to be on felony supervision, cannot be pending revocation, must have a year left on supervision, have to be screened through P&P, and must live within Boone County. Todd said if a defendant is in violation status, they must have gone through the court system and the court must order them to be continued on supervision. Todd clarified that a defendant cannot enter the program until the revocation process is resolved. This program will be recommended by P&P prior to them recommending revocation or at the time of sentencing. Todd said for probation violators where there is a recommendation or possibility of revocation they will also be screened for this pilot project. He said any time there is a substantial change within the status of a person's supervision, they will complete the assessment. For example, if a person becomes in violation status, their score will be elevated based on their present issues, therefore they will complete a new assessment. If their score goes up, then they could become eligible for the program. Commissioner Janet Thompson asked if housing is a component of the project. Todd said funds are available for people to become stable. The money goes to the provider, who can reallocate it to a housing program. They will be working with the Phoenix program, therefore if someone within that program becomes homeless, they can place them into a housing program such as In2Action. Todd said this program is designed for people with an ongoing issue in the criminal justice system, have substantial substance abuse issues and moderate mental health concerns. It could also be an individual with a long history of substance abuse who are new to the criminal justice system. Public Defender David Wallis asked if Probation and Parole could put people in jail as a sanction. Todd said that would not occur in Boone County, despite having the authority. Boone County Auditor June Pitchford asked what the sources of funding was from the State. Todd said it was from passing of law from state government, so there is long term commitment to the funding if found successful.

6. Opening of the P&P District 6 Satellite Office

Probation and Parole District Administrator Todd Fleharty said as of Wednesday, July 18, 2018, they have officially opened their Satellite Office for Probation and Parole District 6 at 316 Tiger Lane. This location will house all P&P officers that supervise the Treatment Court Clients as well as the two dedicated Sentence Assessment Report (SAR) writers. He said when someone is ordered to have a SAR completed and P&P is not present at court, the clients should be instructed to report to their satellite office. All other clients will need to report to the District Office (main office) which remains at 1903 N. Providence. The main office is for regular P&P clients.

Todd said they received a 40% cut to funding for institutional treatment programs. Therefore to offset the cut they have discontinued sending people on parole to institutional treatment. Therefore those now eligible for institutional treatment are those on probation.

7. Adult Court Services Report

Adult Court Services Supervisor Brandon Walker reported their numbers ticked up slightly, similar to the beginning of year. They have 120 on bond supervision and 45 on electronic monitoring. He does not anticipate any changes in the near future. Judge Kevin Crane said as of Thursday there were three defendants being housed out of county.

Probation and Parole Administrator Todd Fleharty said his office can provide Sober Link. He said most of his staff have been trained on this program. Todd described the program as a breathalyzer, in that the person receives a text message on their phone, they have to take a photo of themselves and then they have to blow into a device. He said this program is available for those on probation. Todd said Sober Link is less expensive than the TAD device and he believes it gets better results than TAD. Brandon said they have had Sober Link for years, however it is not a continuous alcohol monitoring. He said you have to trust the participant to keep the Sober Link device with them. He said his office used the device four years ago. Brandon said the program has improved in that it now provides facial recognition technology. He said there is a software update that he is working to get, as he could see using this device more in the future.

8. Other

Public Defender David Wallis said his office is receiving multiple applications for the same defendant, when the initial application is denied. He said the court is directing the defendant to complete a new application. He said the process should be if the PD denies an application, they file the reason for denial. The proper procedure is for the defendant to appeal the initial denial. The court can accept the ruling, requiring the defendant to hire private counsel or be represented pro se, or the court can overrule the PD determination and appoint the PD. If circumstances change for a defendant, such as change in job situation, the appropriate thing for the judge to say is due to change in circumstance overrule the PD determination and order appointment of the PD. If the person is not in custody, they will be placed on the waitlist. Judge Joshua Devine said he has had some occasions where he granted the appeal, and directed the PD to enter forthwith or to advise if the PD was placing defendant on the waitlist, however he is not getting a response from the PD despite sending notice. David said he will address this within his office.

Columbia Police Department Legal Counsel Nicole Volkert asked that expungements be sent to the records custodian for the Columbia Police Department. Judge Kevin Crane said he has noticed everyone is using the statewide form for order and judgement of expungement, which is

the correct process. Judge Jodie Asel said the order is assessable online, which she is requiring. Circuit Clerk Christy Blakemore said she will make sure the form is available on our website. Judge Asel asked that the application and order both be made available. Nicole requested that the paperwork they receive include the OCN number. Judge Asel said the process is cleaner if she signs the order immediately after the hearing. She said the order should then be provided to all the agencies listed. It was agreed the process is best served for the case to be on the record.

9. Next Meeting

The next meeting will be Tuesday August 21, 2018, at 7:45 a.m., in the Law Library of the Boone County Courthouse. The meeting adjourned at 8:22 a.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Distributed on: 8/17/18

cc: Meeting Attendees
Presiding Commissioner Atwill
Commissioner Parry