

**CRIMINAL JUSTICE ADMINISTRATION COORDINATION COMMITTEE
MINUTES OF DISCUSSION HELD ON
October 23, 2018**

Present: Judges Kevin Crane, Jeff Harris, Brouck Jacob, Michael Bradley, Joshua Devine, and Commissioner Casey Clevenger. Also present were Boone County Commissioner Janet Thompson, Boone County Auditor June Pitchford, Boone County Assistant Prosecuting Attorneys Tracy Gonzalez and Roger Johnson, Probation and Parole District Administrator Todd Fleharty, Attorneys Rusty Antel and Kay Evans, Race Matters, Friends Peggy Placier, Deloris Yocum, Carol Brown and Nina Hampton, Boone County Major Tom Reddin and Detention Director Keith Hoskins, Reality House Operation Director Blair Campmier, Columbia Police Department Legal Counsel Nichole Volkert (arrived at 8:05 a.m.), Boone County Circuit Clerk Christy Blakemore and 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 September 18, 2018

No corrections were noted.

3. Public Defender Wait List

Judge Kevin Crane said the waitlist has recently seen more cases come off the list than cases assigned as several cases were sent to panel attorneys. Judge Joshua Devine said he reviewed cases on the waitlist for his docket today. He said he originally had 85 cases for the docket and 30 felony cases have come off. He still has approximately 50 cases remaining on his docket today, with one misdemeanor case that is more than a year old. Judge Michael Bradley said he still has about 150 cases on the waitlist. Judge Crane said he anticipates there will be a decrease on the assignments once the funding is depleted. Judge Crane said at the circuit level, if they are able to work out a probation violation case such as for restitution, defendants are doing it on their own. He also said a defendant with a probation violation from a year ago is now making regular visits to the probation officer, obtained employment, and is testing clean on drug tests. Judge Crane therefore ordered a supplemental probation violation report. Judge Jeff Harris said he is seeing less defendants on his law day who are on the waitlist.

4. Adult Court Services Report

Adult Court Services Supervisor Brandon Walker reported their numbers are a little higher as of last week, however today they are down a bit. As of last week they had 134 on bond supervision and 41 on home detention. He said bond supervision is the number increasing.

Judge Crane noted as of Thursday there were five in out of county paid placements, however today there is only one in a paid placement.

5. Race Matters, Friends Bail Fund Group

Race Matters, Friends representative Peggy Placier provided all with a handout. She said they wanted to report on their group's progress since their last meeting with court staff. She said they are continuing their fund raising and developing their process. They are continuing to be in contact with the St. Louis branch of the national bail project. She said they had in depth discussions with Mary Epping and Judge Joshua Devine. She said the dilemma they have encountered according to the data is that very few defendants meet their current criteria for bail. They also found in the data that people held in jail for longer periods of time are disproportionately African American, which they would like to discuss further at a later time. She reviewed their current criteria which includes misdemeanor charges only, noting they would rule out certain violent offenses; the maximum bond limit is \$1,500; the individual must live in and be charged in Boone County; and they have been advised to look for failure to appear cases on defendant's records. Ms. Placier noted their group met with Judge Devine in an effort to see why so few people meet their criteria. Judge Devine advised that in his court many misdemeanor charged defendants are often released on their own recognizance (ROR) at arraignment, or others are allowed to post a 10% cash surety which avoids bail bond companies. Ms. Placier said their agency could afford a 10% cash surety. Judge Devine said on subpart A of their handout there are many folks who would post bond prior to coming to arraignment. He said the defendants that associate circuit judges would consider for ROR bonds would be non-violent misdemeanor cases, therefore domestic assaults normally would not qualify. He also noted for the 10% cash surety it would have to be the right case. Ms. Placier inquired if all judges of the 13th Circuit have the same practice as Judge Devine and inquired if cases with higher bonds could be considered for the 10% cash surety, which would allow them to help more people, which would be a similar process to the bail project in Louisville. Court Administrator Mary Epping clarified item number 4 in their handout, stating they looked at the number of days people were held in custody. When looking at people in custody for 0-10 days, there were more people white than black. For more days served, that distance between the two changed and then it was almost equal, however the longer someone was in custody, the more serious charges they had. Mary felt it would be interesting to look at what types of non-violent felons are being held for more than 30 days and of those is there disproportionality. She said that is an area to consider for the 10% cash surety, however she feels the judges would need more information to review and she would be happy to help with this. Judge Brouck

Jacobs said he has long been a proponent of doing 10% cash surety for low level felonies such as simple possession of a drug, felony theft, bad check, forgery, etc. He noted if they are able to post the 10%, the defendant can get that money back at the end of the case versus it being a bondsman's profit. He also said they can assign this money to an attorney, which may be enough for an attorney to enter their appearance, which could relieve the burden on the public defender system. Judge Jodie Asel said under the rule, the 10% cash is the defendant's money, therefore the money would be returned to the defendant and not the person posting the bond. It was noted court costs would also be deducted from this 10% cash posted. Judge Michael Bradley said he has been doing 10% cash since he has been on the bench for child support and theft, however his anecdotal evidence is that they very seldom post with this method in Boone County as there are a significant number of bail bondsmen who will post bond on credit. Judge Crane said he believes all associates judges operate as Judge Devine has described. Judge Crane also noted there are frequent situations where defendants are in jail with a bond set for the amount of restitution due, and they are released from jail due to time served. Judge Devine said they also address this issue on pleas, asking defendants if they have served any time in custody, as they can get credit for fines and costs for time served. Judge Crane asked about their group assisting those in custody who are charged with non-violent felonies, such as DUR, forgery, bad check, non-support, etc. He said there are E felonies where no one physically got hurt and there is no property damage. Ms. Placier said these are the cases they can expand their scope. Judge Crane requested this topic be placed on the next month's agenda. Judge Jodie Asel asked if Race Matters, Friends has the information that Adult Court Services looks at during their bond investigation process. She said the judges look at every case still in custody, often multiple times, where there are frequently multiple bond investigations. She said the judges consider so much information to determine if individuals are good candidates for release. She noted that may be a reason why not many defendants are being found that meet their criteria for the bail release program. Deloris Yokum said Carol Brown spoke with Brandon Walker last year regarding the bond investigation program and they were amazed with all the work completed by Adult Court Services staff. Judge Michael Bradley said the identifying information in the reports they receive from Adult Court Services does not include the individual's race, therefore race does not play a factor into their consideration. Commissioner Casey Clevenger pointed out the tools used by Adult Court Services are evidenced based to determine risk, therefore not subjective criteria.

6. Other

First Assistant Prosecuting Attorney Tracy Gonzales introduced Roger Johnson as the new first assistant once Tracy leaves the prosecutor's office. Roger was congratulated.

Probation and Parole District Administrator Todd Fleherty said Division of Probation and Parole along with the Department of Mental Health will be holding a Town Hall meeting on November 7 from 1:00 to 3:00 p.m. at the Boone County Electric Cooperative in their Community Building. The purpose of this town hall is to bring awareness to our community members and stakeholders in regards to the Substance Use Treatment Pilot

that was made possible through the Justice Reinvestment Initiative that has been brought to Missouri.

Columbia Police Department Legal Counsel Nicole Volkert said the Columbia Police Department just implemented a new records management processing system. She noted they recently learned that their report populated a juvenile office employee's home address instead of their work address. She asked to please let them know if this issue is noticed by others. She said this new records management system will be the same for the Columbia Police Department, Boone County Sheriff's Department and University of Missouri Police Department.

7. Next Meeting

The next meeting will be Tuesday, November 27, or December 11, 2018, at 7:45 a.m., in the Law Library of the Boone County Courthouse. The official meeting date will be known at least one week prior to the definite date. The meeting adjourned at 8:10 a.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

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cc: Meeting Attendees
Presiding Commissioner Atwill
Commissioner Parry