

**CRIMINAL JUSTICE ADMINISTRATION COORDINATION COMMITTEE
MINUTES OF DISCUSSION HELD ON
January 29, 2019**

Present: Judges Kevin Crane, Jeff Harris, Brouck Jacob, Jodie Asel, Kimberly Shaw, Tracy Gonzalez, Stephanie Morrell, and Columbia Municipal Judge Cavanaugh Noce. Also present were Boone County Commissioner Janet Thompson, Boone County Circuit Clerk Christy Blakemore and Unit Manager Sherry Seiling, District Public Defender Sarah Aplin and Deputy District Defender Jeremy Pilkington, Boone County Prosecutor Dan Knight, Probation and Parole District Administrator Todd Fleharty, Reality House Operation Director Blair Campmier, Boone County Detention Director Keith Hoskins, Columbia Police Department Lieutenant Paul Dickinson, Attorney Rusty Antel, Race Matters, Friends representatives Peggy Placier, Nina Hampton, and Carol Brown, Court Services Supervisor Brandon Walker, Treatment Court Administrator Clayton VanNurden, 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. Introductions were made.

2. Review Minutes of December 11, 2018

No corrections were noted.

3. Public Defender Wait List

Judge Kevin Crane said he met with District Public Defender Sarah Aplin and Deputy District Defender Jeremy Pilkington about two weeks ago. He said some of the items discussed included: 1) For defendants not in custody and on the public defender wait list, it is requested for the judges to put more onus on the accused to hire private counsel. He noted the default is for the defendants to wait for a public defender to accept their case. Sarah said other jurisdictions have a list of private attorneys that is provided to the defendant so the person can contact people on the list and inquire about representation. She noted when the defendant returns to court, he/she has to report to the judge on what attempts they made to obtain an attorney. Court Administrator Mary Epping said she sent an email to Thad Taylor with the Boone County Bar and Chris Wilson with the Callaway County Bar for them to inquire if attorneys are interested in being included on a local list. 2) The Public Defender has agreed to begin taking cases from the wait list for defendants in the Department of Corrections with a probation violation matter pending. Sarah said her clerks are currently assigning all of those cases from the waitlist. Judge Crane said this will help to keep defendants from being paroled from DOC, sent to the Boone County Jail, appointed a public defender, and then addressing the probation violation, which often results in being revoked and returned to DOC. Sarah said at a later

time they will also begin assigning cases from the waitlist of those defendants in DOC with pending charges.

Judge Crane said a long term plan is to find a representation solution for in-custody juvenile cases. He said there has been discussion about seeing if the MU Law School would be interested in having Rule 13 students work on juvenile defense cases. Attorney Rusty Antel inquired about number of kids in custody. It was noted in 2018 there were approximately 160 kids in detention (it was later determined this number is 119). There is a need to have an attorney present at the detention hearing to advise the juvenile of their rights, etc. Rusty said the problem with supervising law students is that it often takes more time than doing the case yourself.

4. Violation Reports Filed When Defendant is in Treatment Court

Probation and Parole Administrator Todd Fleharty said historically when individuals on probation are in treatment court, probation and parole has eFiled the violation report to the sentencing court. He said there have been occasions, based on their report that the sentencing judge and treatment court commissioner both take action which has resulted in multiple warrants or conflicting orders. Judge Kevin Crane said Commissioner Casey Clevenger has termination hearings and if the defendant is terminated from treatment court, the sentencing court should then make decisions based on probation reports. Judge Jodie Asel said she reviews each probation violation report, however she does not take action if the individual is in treatment court. She said when Commissioner Clevenger issues a warrant, it either says for the defendant to be returned to her division, or if the defendant is being terminated from treatment court, the warrant will indicate for the defendant to appear in circuit court. The circuit judges discussed they want to continue to have the probation violation reports filed in their division as they want to know what is going on with the case. However, they requested probation and parole officers clearly indicate in the recommendation portion of the report that the person is in treatment court. This should alert circuit judges to not take action.

5. Adult Court Services Report

Adult Court Services Supervisor Brandon Walker reported their numbers remain the same as a month ago with 179 on supervision. He said the mix has changed slightly as they have fewer on home detention (37) and more on bond supervision (142).

6. Race Matters, Friends Bail Fund Group

Race Matters, Friends representative Peggy Placier and Carol Brown provided a handout. Carol reported their goal is to get some of the decisions in writing. She inquired when a bond is paid, can they write a check in the clerk's office using a business check. It was clarified by Circuit Clerk Christy Blakemore that if the defendant is in custody at the jail, the bond has to be posted at the jail; however, if a defendant is at the courthouse on a warrant, then a business check can be written to the circuit clerk. Carol said their group has been approved to be on the bond posting list, however they need to know what

information to provide for the list. Court Administrator Mary Epping advised they need to provide a telephone number to be listed with their agency so defendants know how to contact them. Carol said they understand Adult Court Services works with defendants to set up payment plans. She is wanting to know what action needs to be taken so defendants can set up a plan to pay their costs and fines, without any of the bond money posted by Race Matters, Friends going towards those costs, in an effort for the bond to be returned in full to the group. Judge Jodie Asel said the local court rule says fines and costs are to be taken out of bond money. Carol requested that the local court rule be changed so their agency's money does not go towards fines and costs. Judge Brouck Jacobs suggested it be at the judge's discretion, which would then be on a case by case basis. Carol reported St. Louis City Court created an administrative order so that Arch City defenders' bond is returned in full. The judges requested to review the St. Louis order as a framework before any action is taken as to a rule change.

7. Other

Judge Kevin Crane advised Callaway County will be trying a new process for the way they set criminal cases instead of using the trial setting docket. He said felony cases are randomly assigned to a circuit judge. He said within 30 days of arraignment the attorneys involved in the case will discuss a potential plan for the case and they will submit a form to the court, noting if the case will require a hearing and, if so, and an estimated amount of days for the trial. They will then include proposed dates for the trial. This form will provide the judge with a more informed decision on the case. The judge will then set status hearings on their next law day docket. Judge Crane said this new process will start February 11. Judge Crane said he will keep everyone posted on how the process works in Callaway County before making any decisions as to the process in Boone County.

Probation and Parole District Administrator Todd Fleharty provided an updated Judicial Reference Guide to the judges. He said they made some minor changes which includes the new Earned Compliance Credit rules.

8. Next Meeting

The next meeting will be Tuesday, February 26, 2019 at 7:45 a.m. The meeting adjourned at 8:22 a.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Distributed on: 2/22/19

cc: Meeting Attendees
Presiding Commissioner Atwill
Commissioner Parry