

CRIMINAL JUSTICE ADMINISTRATION COORDINATION COMMITTEE
MINUTES OF DISCUSSION HELD ON
February 25, 2020

Present: Judges Brouck Jacobs, Kevin Crane, Jodie Asel, Kimberly Shaw, Tracy Gonzalez, Stephanie Morrell, Commissioner Casey Clevenger, and Columbia Municipal Judge Cavanaugh Noce. Also present were Boone County Commissioner Janet Thompson, Boone County Auditor June Pitchford, Boone County Circuit Clerk Christy Blakemore and Unit Manager Sherry Seiling, District Deputy Public Defender Jeremy Pilkington, Prosecuting Attorney Dan Knight and First Assistant Prosecutor Roger Johnson, Probation and Parole District Administrator Jared Drummond, Reality House Executive Director Blair Campmier, Major Tom Reddin, Detention Director Keith Hoskins, Race Matters, Friends representatives Peggy Placier, Susan Maze, Margaret Tyler, Sarah Walish, Breanna Heidari and Maria Parker, Missourian Reporter Grace Zokovitch, 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 guests.

2. Review Minutes of January 7, 2020

No corrections were noted.

3. Jail Populations

a. Trends

Court Administrator Mary Epping said in January we noticed an overwhelming high number of in custody defendants being in out of county housing. Mary put data together and said on page 3 of the packet is a snapshot of the data received every other week from the jail. It shows a steady upward trend between June 2019 and the end of January 2020. Mary also looked at data from 2013 through 2019 and every year beginning in October, it dipped down as we neared the holidays, so this year was an unusual trend. Mary also compared the reports from June through January and found the numbers were up in every category for length of stay. She also looked at the first report of year and it showed there to be more people in 2020. Mary said the misdemeanor numbers for people in custody continues to about 2%, which has not changed. On page 6 of the packet is the total in custody for the year. Mary said data from the court's database shows criminal filings in FY18 compared to FY19 have increased. Mary also noted Rule 33 and bond changes have been implemented so those could play a part with the increasing numbers. Mary does not recall the numbers ever being this high since 2010 with 111 being the highest number in out of

county. Detention Director Keith Hoskins said yesterday the numbers were 56 out of county with 36 of those being paid placements.

b. Cost

Boone County Auditor June Pitchford provided a handout on costs. June reported Boone County has an appropriation in the general fund for out of facility housing. Reality House is not part of the out of facility housing. There is a second appropriation in the law enforcement services fund, known as Prop L, which is a 1/8 cent tax that funds law enforcement activities. The practice is to always spend the general funding first and then to move to the law enforcement services funding. There is a policy of calculating at the end of the year any unspent Prop L out of county funding and setting it aside, earmarking it, and there is currently an accumulated amount of more than \$1 million. June said for a number of years we spent the general revenue funds and some of the Prop L funds but always put some of the Prop L funds aside. In 2019 we spent all the general fund and we will have spent all of the money appropriated in Prop L and will need to release some of the accumulated Prop L money. June put together a tabulation which shows the amount spent for out of county housing, where the money was spent and the days that were paid for. It was noted that 1/2 of the inmate days are at Reality House with Cooper County right behind that as well as other entities utilized. June noted Reality House had a price increase during the year that ended up with an average daily cost of just under \$40 for a total of over \$324,000. Reality House is also paid for work release. This program is operated at a cost of \$48 per day with a price increase during the year. Reality House then collects revenues from the inmate and bills the county for the difference. Therefore the net cost to the county is substantially less for the work release program. The gross costs to the county is \$48 a day, however with the revenue collected the net costs to the county was about \$11 a day. She said the budget is based on an average sum amount. She said the price is volatile with other counties as it is based on supply and demand. Detention Director Keith Hoskins said some counties are experiencing a decrease in population so they are renting out beds at a reduced rate. Other counties are experiencing an increase in population therefore their price is increasing. Keith said Pulaski County has called and been willing to have beds at \$35 a day, however it is a two hour drive one way to take and pick up an inmate. Therefore the jail has to look at cost of transportation, and hourly rate of employees when determining where to place inmates out of county. He said right now bed space in central Missouri is at a premium. Keith said 95 inmates in out of county housing two years ago was the highest before we had 111 this year.

c. Outstanding Warrants at \$500 or Less

This topic was skipped.

d. No bond and Cash Bonds

Court Administrator Mary Epping said we have seen an increase of no bonds and cash bonds. Detention Director Keith Hoskins said in 2015, 32.4% of their population had a cash bond. As of last month 68.8% of their population had a cash bond. He said between cash bonds and no bond it accounts for roughly 82% to 83%

of their population. Keith noted that cash bonds are very seldom posted as it means there is no surety (10%). Keith said therefore only about 17% of their population has a chance to post bond.

Mary said we tried to review all people in custody and tried to look at “low hanging fruit” in term of charges and what was going on in the case. She said some of these cases were taken to the judges and in the majority of the cases there were other things going on such as a history of failure to appear or the defendant having additional cases. Mary said we are happy to look at other areas if there are additional suggestions. She said she did not know exactly what caused the high numbers.

4. Felony Case/Preliminary Hearing

Judge Tracy Gonzalez said it came to the associate circuit judges’ attention that with Supreme Court Rule 32.06, which deals with change of judge, it needs to be applied differently than what they were doing. She said each party is entitled to a change in judge automatically without reason 10 days from the date the judge is assigned or 10 days from the date of initial preliminary examination being set. The judges now agree the two terms are synonymous with one another. Therefore, in order to make sure cases continue to move and that all people in custody are taken into consideration, at the initial appearance on felonies, both in and out of custody, the in custody cases will be given two court hearings, a bond hearing within 7 days (required by Supreme Court Rule 33) and a second hearing date. Instead of a review date there will be a preliminary hearing date that is the initial preliminary examination date, which brings the ability for a change of judge from any party if they choose to do so. With that being said they are cognizant that parties may not be ready for good cause and they will entertain motions for continuance for good cause. However, she noted if they can get preliminary hearings immediately that would be great as the associate judges have their six month time standards they have to adhere to. She is hoping this will also help with the jail overcrowding. Judge Gonzalez said there are more than 1,000 people on the public defender wait list so there is more opportunity to address the folks out of custody as well. The goal is to move the cases more quickly. Judge Gonzalez said if attorneys know they are not going to be ready and they need a continuance, a written motion to continue should be filed, to avoid having people transported from the jail. It was noted the bond hearing is being set within 7 days and the preliminary hearing within 6 weeks.

5. Adult Court Services Report

Adult Court Services Supervisor Brandon Walker said their numbers are up slightly from last week in that they are at 183 with 32 on home detention, which is down from their highs in late October and early November. Brandon said he is not aware of any specific trends.

6. Report from RMF Bail Fund

RMF volunteer Peggy Placier provided a handout. Peggy said they have several of their

volunteers present today, who introduced themselves. Volunteer Susan Maze said they are having their first year anniversary next Monday. She said since they first started they have bailed out 40 people with \$36,000 in bail funds. From the time being bailed out until their adjudication hearing or for those with cases pending, it has saved the county 5,510 days. She said there are still several people who bonded in April and May that are awaiting a public defender as they are on the waitlist. They calculated those out on bond based on \$40 a day, which equals \$220,000 they are saving the county if they had stayed in custody through the end of their case. It was noted the pending cases interfere with their revolving fund. To date they have only had one bond forfeiture. They said their total bond refunds is fairly dismal as they have only gotten back \$7,620, which is about 21% of what they expended. This is because of the cases pending for significant periods of time due to the public defender back log. Judge Kevin Crane said the court is using its own funds to pay for attorneys for limited scope representation. Peggy said they support increased funding for the public defender. Peggy said they also lose some money to fines, especially for traffic cases, however she said those loses have eased off as people are satisfying more of those fines through time served. She said they have seen positives with regard to Supreme Court Rule 33. She said more people are being released with summons and ROR which reduces disruptions in people's lives, however there are more failures to appear, which are the people they are more frequently bonding out of jail as these individuals ignore the initial summons. They are not aware of any alternatives for these people. They are watching what the General Assembly is doing as they might turn back the clock due to being lobbied about Rule 33. She said people are reporting they feel Rule 33 is letting dangerous people back out to the community, but she said they do not see this as an issue in Boone County. Peggy said they are also following the risk assessment algorithm required in Rule 33 and how that score will be used once put into effect. They want it be used as a rational for release, with release being the default. She said RMF have met with Court Administrator Mary Epping and Court Services Supervisor Brandon Walker regarding this. They are reviewing jail conditions, as one of their volunteers is a former correction officer and they are concerned for those in jail and the treatment they may not be receiving. They feel jail expansion may be needed, however they hope all strategies will have been exhausted in terms of reducing incarceration and cash bail. She said they met with Gary Oxenhandler who said out of county housing is less costly but then there are the transportation costs for people who need to come to court. She is also unsure if those housed out of county are eligible for the services of RMF. She said their agency is interested in coordination of community resources for the people they bail out as it is difficult to navigate services.

Judge Stephanie Morrell asked about the services RMF provide to the clients they bond, as she frequently sees them in her courtroom, therefore she assumes they are there to ensure the defendant appears as scheduled. Peggy said they call and text people to remind them of court, offer rides, and appear in court with them. They also make efforts to locate people to get them to court. Peggy said RMF reiterates to defendants the need for them to show up so they get their money back. Judge Kevin Crane asked about her noting that there is an increase of cases with time served. She said she does not have anything to compare this to it was just their sense of the cases and they do not have any statistic to this matter. Judge Crane also inquired as to what statistics they have to show

more FTA on summons. They said when they started last March they were bonding a lot of people for minor traffic fines however they are now seeing more cases for failure to appear as those on minor traffic fines are no longer being placed in jail but rather given a summons. RMF said most of the cases they can afford to bail is FTA cases. Judge Morrell inquired if they are seeing a decrease in the number individuals not wanting to wait until the next morning to appear in front of a judge to see if bond is reduced or they are let out on an ROR. Susan said they used to bail out every day, however that lead to burn out with volunteers, so they now bond 3 or 4 days a week, so most people have been in jail for a day or two before RMF can bond them out. Peggy said due to this new process some of them are released by the court prior to RMF bonding them out. Judge Crane said the court is currently spending money for limited scope representation for some of the minor cases, which assists the system, he asked if the RMF donor money could be directed towards paying the attorneys to assist people. Sara and Peggy said their funds are limited enough that they would not have money to assist with this and still assist with bonding people out of jail. Sara said they had to stop bailing people out three times this year as they were out of funds.

7. Other

Judge Kevin Crane said there were two people in court who were in custody who reported having submitted multiple applications for the public defender and they were never contacted by anyone from the public defender. Judge Crane said the jail reports the applications are immediately sent to the public defender through interoffice mail. Public Defender Jeremy Pilkington said his staff is reporting it is often days before they get any applications. It was agreed the process needs to be investigated.

Commissioner Casey Clevenger said there has been an increase in the number of people who fail to report to treatment court. She said usually, when people are sentenced on a Monday, they are directed to report to treatment court that week, at which time a treatment court liaison meets with them and provides them with a form letter. There is normally one a month that does not make it to treatment court, however in February there have been 6 people so far that failed to show for treatment court. Commissioner Clevenger asked if attorneys can do more of a soft handoff to treatment court. She said if they fail to report to treatment court, they ask probation to make a home visit, they send a letter, and call the phone number they have been provided. If they fail to report a second time, the circuit judge is sent a letter, which usually results in a capias warrant. Commissioner said she is open to suggestions to decrease the number of failures to appear for treatment court.

Judge Brouck Jacobs said a number of times he has encountered someone in custody on his warrant for absconding and often times they will be in jail for weeks before probation and parole meets with them. Judge Jacobs asked if there is a way to get probation and parole to meet with them quicker, especially when there is a recommendation to continue on probation, at which time he will release them from jail. Probation and Parole Director Jared Drummond said if at their first appearance an order for a supplement report could be made, they will get the order through interoffice mail at which time a supervisor will ensure a report is completed prior to the next court date. Judge Jacobs asked if there is

another way for probation and parole to get notice as soon as the individual is taken into custody. It was noted probation is not always suspended upon a warrant being issued as normally the defendant has to be an absconder for 90 days before probation and parole will request probation be suspended. Probation and parole liaisons are in circuit court and immediately notify officers when a defendant is in custody so a supplemental report can be completed. Jared said his officers make every effort to get to the jail quickly so a report can be submitted to the judge with an appropriate recommendation. Jared said he will remind his officers in their staffing to get to the jail as quickly as possible.

Court Administrator Mary Epping said there have been discussions about the sequential intercept mapping exercise that happened and Burrell is working on a re-entry process where folks in the jail with mental health issues are set up with an appointment prior to leaving the jail, in an effort to provide a continuity of care. She said with the help of Dr. Kelli Canada from Department of Social Work, they applied for a NIH grant to get co-responders. These individuals with experience in the mental health field would assist law enforcement when responding to a mental health crisis. She said they are trying to put mental health services in place on the front end and back end.

Jared Drummond said probation and parole is also going to a more community based supervision model so their officers are being fitted with safety related equipment which includes bullet proof vests/body armor. He said the officers will not conceal weapons when wearing body armor displayed with MODOC.

Mary said there continues to be discussions with judges on how to address the public defender waitlist. One thing discussed is for individuals with a DUR, providing a checklist on things they can do to address their pending criminal issues. Mary said to let her know if there are other things we can do to expedite cases.

8. Next Meeting

The next meeting will be Tuesday, March 17, 2020, at 7:45 a.m. The meeting adjourned at 8:38 a.m.

Prepared by: Cindy Garrett Distributed on: 3/13/20
Cindy Garrett
Deputy Court Administrator

cc: Meeting Attendees
Presiding Commissioner Atwill
Commissioner Parry