

COURT EN BANC MINUTES
Tuesday, December 11, 2018, at 5:30 p.m.
Callaway County Courthouse
Jury Assembly Room, 2nd Floor

Judges Present: Judges Brouck Jacobs, Jeff Harris, Kevin Crane, Jodie Asel, Carol England, Sue Crane, Michael Bradley, Leslie Schneider, Commissioners Sara Miller and Casey Clevenger, and Columbia Municipal Judge Cavanaugh Noce.

Others Present: Boone County Circuit Clerk Christy Blakemore, Unit Manager Sherry Seiling, Adult Court Services Supervisor Brandon Walker, Callaway County Prosecuting Attorney Chris Wilson, 13th District Public Defender Sarah Aplin, Assistant 13th District Public Defender Jeremy Pilkington, 12th District Public Defender Kathryn Benson, Assistant 12th District Public Defender George Batek, Public Defender Sam Baker, Judges Elect Tracy Gonzalez and Stephanie Morrell, Court Administrator Mary Epping, and Deputy Court Administrator Cindy Garrett

1. Call to Order/Welcome

The meeting was called to order at 5:53 p.m. by Judge Kevin Crane.

2. Introduction of All Guests

Judge Kevin Cranes welcomed guests.

3. Approval of the October 23, 2018 Minutes

Judge Leslie Schneider moved to accept the October 23, 2018, minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

4. Orders of Destruction – Circuit Court

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on page 4 of the Court en Banc's packet. Judge Michael Bradley moved to approve the destruction of the records listed. Second: Judge Jodie Asel. The motion passed unanimously.

5. Adult Court Services Transition to eFiling

Commissioner Sara Miller arrived at 6:04 p.m.

Court Administrator Mary Epping said she is working with the clerk's office regarding ways to move more court offices to eFiling. While Adult Court Services will start eFiling some things, bond investigations cannot be eFiled due to timing concerns. However, in an

effort to move away from a paper process, ACS will continue to email judges bond investigations marked "urgent." The judges should respond to ACS and copy the criminal clerk inbox. As we begin this new process ACS staff will remind judges in the email to copy the criminal clerk's office on their response/order. ACS staff will verify the clerk was included when they receive the return email. This process will allow the clerk to email the document with the judge's order to the jail versus faxing the document. This process will start immediately and eliminates ACS having to make paper copies and walk to the clerk's office, and the clerks faxing the jail.

6. Treatment Courts

a. BJA Grant

Commissioner Casey Clevenger said OSCA applied for and received a \$3 million BJA grant on behalf of Boone County and four other counties. The funding is spread across 3 years for all 5 counties. She said this grant is an equity and inclusion grant that has a goal of improving outcomes for minorities within treatment court. The money will be used for culturally relevant treatment, transportation assistance, housing assistance, and a peer support program for the participants. The funding for this program will start January 1, 2019.

b. Veterans Report

Commissioner Casey Clevenger said she wanted to provide a copy of the Veteran's Treatment Court report on pages 5 and 6 of the Court en Banc packet. She said Dr. Kelli Canada with University of Missouri has been researching the 13th Circuit Veteran's Treatment Court over the past three year period. She provided this summary with her findings. Commissioner Clevenger pointed out some noteworthy findings regarding the participants of the court that included an increase in monthly income, an increase in employment, an increase in quality of life, a decrease in feelings of depression and loneliness, and a significant change in personal responsibility that led to the participants being admitted into treatment court. Commissioner Clevenger said they have applied to present the results of this study at the national drug court conference next year.

Commissioner Clevenger reported on the Treatment First project. She and Judge Kevin Crane had a meeting with the Boone County prosecuting attorney's office and Commissioner Clevenger met with Public Defender Sarah Aplin. She said all parties are working on ways to get people into treatment court more quickly. The current plan addresses cases on the public defender waitlist where the prosecuting attorney is willing to offer a diversion. The public defender has agreed to enter their appearance for the limited purpose of getting those cases off the waitlist and into treatment court on pre-plea diversion offers. Currently the wait list has been provided to the prosecuting attorney and they are comparing that list with their offers. The prosecuting attorney will then generate a list of cases with pre-plea diversion offers and they will coordinate with the public defender to get those clients onto a docket and potentially into treatment court.

Commissioner Clevenger felt an important reason to work on this is due to the opioid epidemic. She said there are people currently on the waitlist who are in need of treatment and are at a high risk of overdosing during this wait time.

Commissioner Clevenger reported on a final project where she has been working with Boone County Jail Captain Keith Hoskins for a medication assistance treatment "MAT" program at the Boone County Jail. She said in treatment court they are mandated to use MAT if they want to receive federal dollars. She said MAT is the medication that people in recovery for heroin or any opioid take to avoid ongoing opioid use. The project is for people in jail who will be entering treatment court. The participants will be offered a Vivitrol shot before being released from jail, therefore being at a reduced risk for overdose upon release from jail. She said the protocol is currently in place which starts with communication from treatment court staff to the jail staff advising who will be entering treatment court upon release, so the jail can get them on the list for a Vivitrol shot. She said most people on MAT are able to work, care for children, pay taxes, pay child support, etc. which they often are unable to do when on heroin. She said the manufacture of Vivitrol is providing the participant the first shot for free. Once participants are in the treatment court program the medication is paid for through DCCC programming fund, which includes approximately \$40,000 for MAT.

7. Appointment of Board of Jail Visitors

Judge Kevin Crane noted on page 7 of the Court en Banc is a current list of the Board of Jail Visitors. Deloris Yokum has volunteered to be a Democrat participant. A male Republican is still needed to complete the board membership. Judge Brouck Jacobs agreed to find a member to fill this vacancy. Judge Crane said once a Republican name is provide an email will be sent for an e-mail vote as the new term begins January 1, 2019.

Judge Kevin Crane said he was served a breakfast and lunch today from the Boone County Jail that mimicked what was served to the jail inmates. He found both meals to be good and nutritious.

8. Grand Jury Visiting Jail

Judge Kevin Crane said Gary Oxenhandler and Rusty Antel brought to his attention in the jail section of the statutes is a requirement that a committee of 3 from the grand jury, visit the jail each term. He said this process has started in Boone County and they will soon start the process in Callaway County. Judge Crane said it used to be in the grand jury chapter of the statutes that all grand jury members had to visit all county buildings. He said that part of the statute was removed.

9. Appointment of Family Court Commissioner

Judge Kevin Crane noted on page 8 of the Court en Banc's packet is a copy of the most recent order from 2015 appointing Commissioner Sara Miller as the Family Court Commissioner for a 4 year term. Judge Carol England moved that Commissioner Sara

Miller be reappointed as Family Court Commissioner for another four year term.
Second: Judge Kimberly Shaw. The motion passed unanimously.

10. Docket Schedule

Judge Kevin Crane said a handout was provided of the updated 2019 Boone and Callaway County court dockets. Court Administrator Mary Epping said one purpose of the docket is for reliability for the clerks and attorneys. The changes to the 2019 docket include: Boone County Circuit – Division II's 5th Monday to be consistent with 2nd, 3rd and 4th Mondays; Boone County Associate Circuit - moving the Division IX schedule to Division XI and the Division XI schedule to Division IX, and expungement dockets are now accurately reflected for associate circuit divisions; Callaway County Associate Circuit - Division VII has Paternity Motions and Trials on the 3rd Wednesday morning and afternoon and Criminal Non-Support on the 4th Thursday afternoon.

11. Budget Amendment Callaway Jury

Court Administrator Mary Epping provided a handout regarding the 2018 Callaway County jury budget. She said the jury budget has only been its own budget for two years. She said there is currently about \$2,600 left for expenditures for the year. The Callaway County Auditor believes an additional \$5,000 will cover the 2018 expenses for jury trials and grand jury expenses. Therefore, Mary needs to submit a budget revision. Judge Carol England moved to amend the jury budget to increase expenditure by \$5,000. Second: Judge Sue Crane. The motion passed unanimously.

12. GAL Implementation Plan

Deputy Court Administrator Cindy Garrett said the GAL Implementation Plan on page 9 and 10 of the Court en Banc's packet is to be reviewed annually. No revisions were made to the document this year. Judge Leslie Schneider moved to accept the GAL Implementation Plan. Second: Judge Sue Crane. The motion passed unanimously.

13. Public Defender, Juvenile Division

Court Administrator Mary Epping said this is an area that we need to continue to work with the public defender on for options and creative solutions as a circuit. Mary said currently the court has spent more than \$20,000 in Boone County on representation for juveniles that the public defender would have normally represented. These expenses are currently being paid out of Family Services and Justice Fund. She said while the fund currently has a high balance, the revenue will not offset this expenditure along with the other items budgeted. Judge Leslie Schneider said this is more than an issue of money, as there are issues regarding timeliness of representation of the juveniles as attorneys who ultimately get appointed are very rarely at detention hearings with the youth. She is concerned representation does not comply with the DOJ compliance agreement with St. Louis County. Judge Schneider strongly advocated for the public defender to resume representing juveniles as it is in the juveniles' best interest. District Defender Sarah

Aplin said she is always willing to come to the table to discuss. Judge Sue Crane voiced her support of Judge Schneider's concerns saying the Callaway County Public Defender is still representing juvenile clients in Callaway County and she really appreciates the job being done and hopes to see it continue. She feels juveniles are well served in Callaway County.

14. Other

Court Administrator Mary Epping said she was made aware on Monday that Adult Court Services will be over budget by \$15,000 in 2018 for home detention equipment, however there is revenue to offset the costs due to income from the participants of home detention. Judge Shaw moved to increase the Boone County Circuit Court budget by \$15,000. Second: Judge Michael Bradley. The motion passed unanimously. If it is determined this item needs to be posted before a vote, an email vote will be sent.

Columbia Municipal Judge Cavanaugh Noce said there are significant changes to the show cause process for municipal cases effective January 1, 2019, therefore he recommended those judges hearing municipal cases review the rule.

Court Services Supervisor Brandon Walker requested that a home detention study be ordered prior to ordering defendants placed on home detention.

Court Administrator Mary Epping said she, Brandon Walker, and Christy Blakemore met with Boone County Auditor June Pitchford regarding the DOC reimbursement incentive being offered which is \$12.50 per day for counties using alternatives to detention. June suggested reimbursement for the costs of staff who supervise defendants on bond supervision. Mary said they are meeting with DOC on December 19, 2018. Boone County is currently owed approximately \$600,000 for reimbursement of jail days.

Commissioner Casey Clevenger said Boone County Mental Health Court is currently at capacity of 40. She said for new people ordered into this court they will be triaged to see if they may be an appropriate fit for another treatment court, otherwise they will be on a wait list for mental health court.

Judge Kevin Crane said this is Judge Michael Bradley's last meeting as he retires on December 31, 2018. Judge Bradley has agreed to be a senior judge. Judge Crane reminded all that a retirement breakfast for Judge Bradley and a farewell breakfast for Judge Joshua Devine is scheduled for December 28, 2018, from 8:00 to 9:00 a.m. in Boone County. The swearing in ceremony for all elected officials is also on December 28, 2018, at noon. Finally, a robing ceremony for Judges Tracy Gonzalez and Stephanie Morrell will be on January 4, 2019, at 3:00 p.m. in the Boone County Ceremonial Courtroom.

15. Comments from the Public

No comments.

16. Meeting Date

The next meeting is scheduled for January 29, 2019, in Boone County at 5:00 PM. Judge Michael Bradley moved to adjourn. Second: Judge Carol England. The motion passed unanimously. The meeting adjourned at 6:34 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

Distributed on: 1/25/19