

COURT EN BANC MINUTES
Tuesday, March 17, 2020, at 5:00 p.m.
Boone County Courthouse
Law Library, 2nd Floor

Judges Present: Judges Kevin Crane, Brouck Jacobs, Jeff Harris, Jodie Asel, Carol England, Sue Crane, Tracy Gonzalez, Leslie Schneider, Stephanie Morrell, and Commissioners Sara Miller and Casey Clevenger.

Others Present: Boone County Circuit Clerk Christy Blakemore and Court Manager Sherry Seiling, Adult Court Services Supervisor Brandon Walker, 13th District Defender Sarah Aplin and Assistant District Defender Jeremy Pilkington, Callaway Prosecuting Attorney Chris Wilson, Court Marshal Ben Pruett, Chief Juvenile Officer Ruth McCluskey and Supervisor Angie Bezoni, Court Administrator Mary Epping and Deputy Court Administrator Cindy Garrett

1. Call to Order/Welcome

The meeting was called to order at 5:00 p.m. by Judge Kevin Crane.

2. Introduction of All Guests

Judge Kevin Crane welcomed guests.

3. Protective Custody from Court

Chief Juvenile Officer Ruth McCluskey and Supervisor Angie Bezoni said the Juvenile Office often gets called to court with concerns for the safety of a child. They provided a handout regarding what authority the office has to investigate those concerns and the role of the Juvenile Officer in Child Welfare investigations. Ruth requested her staff be provided with some direction from the judge as to information the judge is requesting from the Juvenile Office. It was noted the juvenile officers will make hotlines if they are provided with information as to abuse/neglect of a child, however they may request that the party with the firsthand information also make a hotline call. Angie said the child abuse hotline often does not accept a report if a child was not with a parent when the parent used illegal substances and these calls are accepted as a documented call. Ruth said an order from court for the juvenile officer to investigate is helpful. Ruth said the Juvenile Office accepts referrals from Children's Division, who is the investigative agency, as the juvenile officer does not have the authority to investigate allegations of abuse and neglect.

Judge Stephanie Morrell asked deputy juvenile officers to let the court know what they need. Angie advised it is best for the juvenile officer to be called to the courtroom when all the parties are present as they can obtain firsthand information. Judge Leslie Schneider said she has found the juvenile officer's reports to be very helpful.

4. Approval of the February 25, 2020 Minutes

Judge Leslie Schneider moved to accept the February 25, 2020, minutes. Second: Judge Stephanie Morrell. The motion passed unanimously.

5. Order of Destruction

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 8 through 10 of the Court en Banc's packet. Judge Jodie Asel moved to approve the destruction of the records listed. Second: Judge Tracy Gonzalez. The motion passed unanimously.

6. Return to Jail after ROR

Judge Stephanie Morrell asked that this topic be passed to next meeting.

7. Probate Forms

Court Administrator Mary Epping said there was recommendation for the forms to be approved circuit wide. Judge Carol England said she has reviewed the forms and is in agreement to using them.

Judge Tracy Gonzalez moved to approve the updated forms circuit wide. Second: Judge Stephanie Morrell. The motion passed unanimously.

8. Updated Jury Zip Codes

Court Administrator Mary Epping provided a handout. She said an order was passed in 2018 and since that time there have been two additional zip codes added. Mary asked to amend the prior order to add the two new zip codes.

Judge Leslie Schneider moved to approve the proposed changes to the jury mileage payment. Second: Judge Carol England. The motion passed unanimously.

9. Coop Plan

Court Administrator Mary Epping said the Continuity of Operation Plan was created for an event such as a tornado or flood but not necessarily for a pandemic situation. She said the plan will be updated to include a pandemic plan. Mary said the Health Department has recommended if someone in your business is positive, the building be closed for 24 hours to allow for cleaning. Mary said should that occur we need to know what our plan would be. Mary said she has not followed a process of closing if someone is being tested as that has not been the guidance provided. She noted only 3% of those currently being tested are showing positive. Mary said Health Department is willing to come to an

agency and make an analysis if there is a positive test of someone within one of our buildings.

Mary inquired if a committee should be created to make decisions. She said multiple attorneys have had concerns about making contact with clients at the jail.

District Defender Sarah Aplin said they have a line for jail clients to call them. However private attorneys don't have this option unless they accept collect calls. Callaway County attorneys can call clients. Callaway also has it set up for in person visits without contact.

Mary stated for those judges anticipating to appear via webcam, they should get with Technology Services Supervisor Chris Fishman-Weaver as it needs to be tested prior to any use.

Judge Brouck Jacobs arrived at 5:23 p.m.

Judge Jeff Harris said he has cleared his docket for March and he will further assess for people in custody for his April 6 and 7 docket unless the case is set for final disposition in a probation case, an unadjudicated case, or a guilty plea, as those are the only cases he feels need to be heard the way he has assessed it.

Court Administrator Mary Epping reminded all that the clerks needs notice if there are any changes to scheduled dockets as they are working hard to get on top of everything to send out notices. Judges were encouraged to communicate directly with the clerks.

Judge Stephanie Morrell said on criminal cases, she believes the prosecutor and public defender are working to improve communication to work things out prior to the docket in an effort to cut down the number of people coming to the courthouse. Judge Tracy Gonzalez said she is now setting cases when she was originally scheduled to be out of the office as she feels those in custody need their cases to proceed.

Christy said she has instructed her clerks to continue cases for the next 30 days, however for those cases where the defendant is in custody, they are leaving them on the docket as scheduled.

Mary reminded all that pursuant to Administrative Order 03-2020 if judges have cases they want to be heard that are not listed on the Administrative Order to please get with Judge Kevin Crane for approval.

Mary said Boone County Counselor contacted her regarding Administrative Order 03-2020 as the order says 96 hour hearings and not civil commitment. There were no concerns for the order as it is written.

Judge Crane said the Prosecuting Attorney in Boone County has requested to have grand jury report on March 27 as they reportedly have 18 cases, all of whom are in custody. Judge Crane said this would be an exception to the Order that he would need to approve.

Judge Crane said the grand jury is already selected so it would not require getting a new panel. Callaway County Prosecuting Attorney Chris Wilson said he is fine with skipping to the next grand jury panel.

Judge Crane said he has drafted a document expressing there seems to be a plan to address the pandemic in the short term through a slowdown, however he feels there needs to be a long term plan until we can go back to normal. He is proposing a group of judges and technology professionals to see how the judiciary carries on after April 17, 2020, and long term planning. He plans to send his request to Clerk of the Supreme Court Betsy AuBuchon and Chief Justice of the Supreme Court Judge Draper. Judge Jeff Harris said he feels we need to begin working on the concerns locally but that the Supreme Court should be providing some guidance. Judge Harris said he felt Judge Dean Dankelson from Joplin might have some good insight from when they went through a natural disaster.

10. Bench/Bar Meeting, April 30, 2020

Judge Kevin Crane said this has been postponed and has not been reset.

11. Other

Deputy Court Administrator Cindy Garrett said it was recently discovered that for defendants ordered to complete BIP as condition of bond, the program requires defendants to admit to his/her offense. Judge Sue Crane said she is no longer ordering BIP as a condition of bond due to learning this information. It was agreed by the judges that they will no longer be ordering BIP as a condition of bond, despite being allowed as authorized under Rule 33. District Defender Sarah Aplin said there may always be cases where a defendant is asking to complete BIP in an effort to get out of jail.

Circuit Clerk Christy Blakemore inquired if family members are being allowed in the courtroom to observe for video dockets. It was agreed victims should be allowed into the courtroom but no other members of the public. Judge Brouck Jacobs said the Supreme Court order says the courtroom is limited to essential people. Court Administrator Mary Epping said her concern is our court has not issued anything to the public saying the courtrooms are closed or limited to a certain number of people and therefore feels if we are wanting to place limits then an order should be issued. It was agreed it should be limited to essential people and victims are considered essential as are parents in juvenile court cases and the judges have discretion for their individual dockets. It was recommended an order be issued using language from the Supreme Court. It was agreed during the pandemic media should be allowed in as requested.

Deputy Court Administrator Cindy Garrett said an order was issued by Judge Leslie Schneider on March 17, 2020 that restricted in-person visitation at the Robert L. Perry Juvenile Justice Center.

Judge Brouck Jacobs stated he understands the public defenders are staying on cases for individuals admitted to treatment court for pre or post plea diversion as the public defender wants to remain in the case to facilitate a withdraw of guilty plea at end of diversion. Commissioner Casey Clevenger said there are 44 cases in treatment court. Judge Jacobs said he has concerns about the public defenders staying in the case with the waitlist. District Defender Sarah Aplin said they like to stay in, in case an issue comes up, as they can view the documents on Case.net. She said administratively they make the cases inactive so those cases are not considered in the numbers for individuals caseloads. Judge Jacobs said if they are not affecting the caseloads then he would no longer be concerned.

Judge Brouck Jacobs inquired about law days and it was noted they are currently business as normal for in custody cases.

12. Comments from the Public

None.

13. Meeting Date

The next meeting is scheduled for April 21 2020, at 5:00 p.m. in Callaway County. Judge Tracy Gonzalez moved to adjourn. Second: Judge Stephanie Morrell. The motion passed unanimously. The meeting adjourned at 5:54 p.m.

Prepared and Submitted by: Cindy Garrett

Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping

Mary Epping
Court Administrator

Distributed on: 5/11/20