

**COURT EN BANC MINUTES
Tuesday, April 7 2015, at 5:30 p.m.
Callaway County Courthouse
Jury Assembly Room, 2nd Floor**

Judges Present: Judges Christine Carpenter, Kevin Crane, Gary Oxenhandler, Deborah Daniels, Leslie Schneider, Carol England, Michael Bradley, Sue Crane, and Kimberly Shaw, and Commissioner Sara Miller (arrived at 6:07 p.m.).

Others Present: Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Judy Groner, Adult Court Services Supervisor Brandon Walker, Technology Services Supervisor Steve Smith, Court Administrator Mary Epping, and Deputy Court Administrator Cindy Garrett.

1. Call to Order/Welcome

The meeting was called to order at 5:30 p.m. by Judge Christine Carpenter.

2. Introduction of All Guests

Judge Christine Carpenter welcomed guests.

3. Approval of the March 10, 2015, Minutes

Judge Gary Oxenhandler moved to accept the March 10, 2015, minutes. Second: Judge Kevin Crane. The motion passed unanimously.

4. Destruction of Records – Boone County Circuit Clerk

Deputy Court Administrator Cindy Garrett reported the Boone County Circuit Clerk's office has asked to destroy by shredding the documents on pages 7-9 of the Court en Banc's packet. Judge Leslie Schneider moved to approve the destruction of the records listed. Second: Judge Kimberly Shaw. The motion passed unanimously.

5. Legislation

Court Administrator Mary Epping provided an update on pending legislation. She noted the Senate appropriations approved funding for a Drug Court Commissioner for the 13th Circuit and a Court Marshal for Callaway County. Tom Dunlap, Chris Wilson, Judy Groner and Mary Epping went to the Senate Judiciary, committee to testify in favor of Senate Bill 532 regarding the Court Marshal. Chris Wilson also testified on the House Bill with similar language. All felt positive about the responses received from their testimony. The Boone County lobbyist is also continuing to ensure this bill gets passed. The Senate appropriations also eliminated 5 FTEs for DJO III's, without designating a circuit. Funding was approved by the Senate to fund salary adjustments for judges, for the judicial conference, and salary adjustments of the Commissioners. Mary said House

Bill 717 is for Public Administrators to appoint Guardian ad Litem. Both Boone and Callaway Public Administrators testified in opposition to this bill. Public Administrator Cathy Richards stated she was speaking on behalf of 115 public administrators who opposed said bill. House Bill 300, which raises the age of juvenile court jurisdiction to age 18, has been amended to include appropriations and the effective date was changed to January, 2017. Mary asked to be notified of other legislation the court wanted her to track.

6. Confidential Information on Email, new Security Guidelines in Effect

Technology Services Supervisor Steve Smith explained the process for using secure email when sending confidential records to individuals outside the judiciary email system. Pages 10-14 of the Court en Banc's packet outlines the specific details. Steve explained this policy has been in effect since March 6, 2015. He encouraged everyone to notify individuals who will receive secure email of the security changes. There is information on the Circuit 13 Technology Help page (available on everyone's desktop) that explains the secure email process, and documents that can be sent to non-court recipients that outline what to expect when they receive a secure email, and what they need to do. There is no additional step for judges or staff sending the email except checking it as a secure email. Supreme Court Operating Rule 4.24 and 2.05 define confidential documents.

7. Boone County Electronic OnCall Committee

Court Administrator Mary Epping requested a committee be developed to discuss utilizing electronic means for on-call purposes. The Boone County Sheriff has technology available to go electronic for warrants through secure email. Columbia Police Department officials also contacted Judge Christine Carpenter about using electronic means for search warrant requests. Judge Deborah Daniels suggested contact be made with the Highway Patrol as she believes this process was recently implemented in Jackson County and there needed to be a memorandum of understanding between the Court and Highway Patrol. Judge Sue Crane noted Callaway is already utilizing electronic means for on-call purposes with the exception of search warrants. There was discussion about the need for uniformity versus judicial independence. Those who agreed to be on the committee were: Judge Michael Bradley, Judge Sue Crane and Judge Gary Oxenhandler.

8. Alternative Sentencing

a. MAT Medical Assisted Treatment

Judge Christine Carpenter reported there are a lot of changes occurring in alternative sentencing. The State of Missouri purchased a triage program that all adult drug courts are required to use when screening drug court participants. The tool is called RANT (Risk And Needs Triage). This tool divides individuals into quadrants based on risks and needs. Resources are to be concentrated on high risk/high needs clients, and treatment

must be redesigned based on the quadrant the client is in. Boone County is a pilot site, along with St. Charles and St. Francois counties. Grant funding was received through OSCA to transform our drug court into the RANT model, including hiring an individual for 10 hours a week to complete RANT assessments. In addition, Judge Carpenter explained Medical Assisted Treatment (MAT) is being required for drug courts. The Department of Justice, SAMHSA, the National Drug Court and the American Bar Association all say not allowing people to take medication to assist with their treatment is malpractice. Funding is now available for individuals in need of medications, which is a change from the past. MAT must be allowed to receive federal funding.

b. Docket Entries Directing People to ASC Programs

Judge Christine Carpenter said there is a need to increase the Boone County Drug Court caseload to a maximum of 120 clients. Individuals will now be accepted into the program based upon their RANT screening. She requested that effective immediately, when making docket entries referring clients to alternative sentencing, that the order read the client be “referred to complete alternative sentencing court if eligible and accepted into the program.” The Drug Court program will also be screening clients on 559 and 217 diversion programs. Judge Carpenter is putting together a presentation about the changes for the Bar in July and would be happy to share with anyone interested. Judge Carpenter thanked the Court en Banc for their support of the alternative programs.

9. Payment Plan Warrant Request Form Revisions

Judge Kevin Crane stated Adult Court Services Supervisor Brandon Walker worked to revise the warrant request form, which is on pages 15 – 17 of the Court en Banc’s packet, in collaboration with the associate judges. A check box was added to the form to indicate whether the defendant was offered community service work in lieu of the fine. Judge Michael Bradley indicated Brandon Walker advised this has always been protocol, however this will now document that it was offered. The ACS form is generated any time after 90 days when the offender has not complied with court orders, including payment of fines. Language was added to include an option for a capias warrant bond amount without including the 20% debt collection fee. There was discussion regarding adding debt collection and concerns of the Court being a debt collector. Supreme Court Operating Rule 21.07 was read and requires courts on JIS to utilize the Debt Collection program. Judge Michael Bradley moved to study the possibility of not having Adult Court Services monitor payment of fees and instead sending everything to debt collection, and not have associate judges issue warrants or show cause orders. Second: Judge Leslie Schneider.

In Favor: Judges Michael Bradley, Leslie Schneider, Sue Crane, Carol England, Gary Oxenhandler, Leslie Schneider, and Deborah Daniels.

Opposed: Judge Kevin Crane.

Court Administrator Mary Epping agreed to work with Brandon to research how other courts proceed with clients who fail to pay fines and to compare their collection rates. It was ultimately decided to continue using the form in its current existence while more research is done.

10. Law Library Fund Balance Report

Court Administrator Mary Epping provided the annual required report on revenue, expenditures and balances of the Callaway and Boone County Law Library Funds. Mary will be working with the Boone County Auditor for a budget amendment to expend some of these funds for the ground floor video conferencing equipment. In Callaway County some of the funds were recently expended for the new walk through metal detector. This fund may also be expended in the future when the x-ray machine is added. The Court en Banc reviewed the report, no action was taken.

11. Administrative Order for Change in Court Costs

Deputy Court Administrator Cindy Garrett referenced pages 18-28 of the Court en Banc's packet regarding proposed changes for the Administrative Order listing court fees. Circuit Clerk Christy Blakemore clarified the fees have been charged as they are now recommended, but we wanted to get them formally approved through an Administrative Order. Judge Leslie Schneider moved to approve said changes. Second: Judge Kevin Crane. The motion passed unanimously.

12. Municipal Court Six Month Intoxication-Related Offenses Report Update

Deputy Court Administrator Cindy Garrett provided an update to the previously approved six monthly report of July 1, 2014 through December 31, 2014. Cindy looked into the two cases from Hallsville that were reported as being disposed through Violation Bureau Citations. When following up with the Hallsville clerk, it was found the two cases were inaccurately coded as they were disposed of through a plea of guilty in Court. The coding was corrected by the clerk and the report has been updated to accurately reflect said correction.

Judge Christine Carpenter also noted that Columbia Municipal Judge Robert Aulgur thanked her for inviting municipal judges to the Court en Banc meetings. She believes this was a good suggestion for them to be invited.

Judge Gary Oxenhandler asked if reports are received from Municipal Courts on non-alcohol related traffic violations. Court Administrator Mary Epping noted monthly reports are received and that the Deputy Court Administrator also completes yearly audits with the Municipal courts to verify that tickets, citations and court orders match up and monthly receipting is accurate.

13. Probation and Parole – Agency ID

Circuit Clerk Christy Blakemore and Judge Christine Carpenter discussed our circuit being a pilot site for Probation and Parole reports being received electronically through efilng. This process is available to begin on April 13, 2015. Judge Carpenter believes all who receive P&P reports need to have some input on how to handle the process. There was discussion on the options. Judge Gary Oxenhandler moved for all Probation and Parole documents filed, to be emailed to the judge by the clerk in pdf format, and the email subject line have designated call letters. Emails should come individually by case number. The judges can then individually control their own folders. Second: Judge Deborah Daniels. The motion passed unanimously.

14. Uncollectible Debt Reports

Circuit Clerk Christy Blakemore noted that Boone County Courthouse's recent audit revealed our total debt of fines and costs is \$8.4 million. The auditor suggested items older than five years be written off. Christy ran a report for outstanding costs older than ten years which encompassed a little over \$2 million. Judge Gary Oxenhandler moved to write off all fees over ten years and to ensure warrants are withdrawn. Second: Judge Leslie Schneider. The motion passed unanimously. Judge Oxenhandler thanked Callaway Circuit Clerk Judy Groner and her staff for the work they did for Callaway's uncollectible debt that provided insight to the process.

15. 2016 Budget Schedule

Court Administrator Mary Epping explained page 31 of the Court en Banc's packet reflects her proposed schedule for preparation of the 2016 circuit budget. The Court en Banc will need to meet on August 4, 2015 to approve the budget before it is presented to county commission.

16. Bench Bar Meeting, April 14, 2015

The Bench Bar meeting is April 14, 2015 from 5:30 – 7:30 p.m. The cost is \$35.00. The judges pay individually and court staff is paid for through the budget. This year's meeting is being held at on The Roof at The Broadway Hotel in Columbia.

17. Other

Court Administrator Mary Epping advised the Supreme Court has asked for the public to send suggestions on how to fix Municipal Court to the clerk of the Supreme Court.

18. Comments from the Public

None

19. Next Meeting Date

The next meeting is scheduled for May 12, 2015, at 5:00 p.m. to convene in the Boone County Courthouse, Law Library.

Judge Kevin Crane moved to adjourn. Second: Judge Michael Bradley. Adjourned at 7:35 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping Distributed on: 5/7/15
Mary Epping
Court Administrator