

**COURT EN BANC MINUTES
Tuesday, April 19, 2016, at 5:30 p.m.
Callaway County Courthouse
Jury Assembly Room, Second Floor**

Judges Present: Judges Christine Carpenter, Gary Oxenhandler, Kevin Crane, Jodie Asel, Deborah Daniels, Leslie Schneider, Carol England, Kimberly Shaw, Sue Crane, Michael Bradley, Commissioners Sara Miller, Casey Clevenger and Municipal Judge Robert Aulgur.

Others Present: Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Judy Groner, Callaway County Prosecutor Chris Wilson, Adult Court Services Supervisor Brandon Walker, 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 and introduced guests.

3. Approval of the March 15, 2016 Minutes

Judge Leslie Schneider moved to accept the March 15, 2016, minutes. Second: Judge Kevin Crane. The motion passed unanimously.

4. Destruction of Records – Boone County Circuit Court

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

5. Bond Committee

Judge Gary Oxenhandler provided two handouts, an email from attorney Rusty Antel and a Final Draft Proposed Rule/Administrative Order Regarding Bonds. He said those on the bond committee are in agreement that there should not be a bond schedule, and a judge must review the nine considerations in determining a bond amount. Judge Oxenhandler reported this process will extend the amount of time people are in jail. He noted very few courts around the state provide access to judges twenty four hours a day. Judge Oxenhandler said the finalized protocol for setting bonds must be shared with law enforcement, and the prosecuting attorney and law enforcement must understand the critical role they play in the process and the court's approach. He noted a new chair will

need to be appointed to carry on the discussion. Judge Kevin Crane noted the bond schedule was put in place to get people out of jail, however due to current laws there is a need to amend the circuit's practice. Judge Crane said Cindy Garrett helped gather the processes of the seven largest circuits. It was found that in all others circuits except Greene County, judges only set bonds within 24 hours after the prosecuting attorney decides to file. Therefore, jail population was higher for the short term. Judge Christine Carpenter said she intends to appoint Judge Crane as the new chair of the committee.

6. Legislative Update

Court Administrator Mary Epping reported there are two bills that allow for the Callaway Court Marshal and both have passed out of committee but are not moving. She said HB 2332 includes veteran's court being able to grant a limited driving privilege, and it also has the added language for a Court Marshal in Callaway County. HB 2743, which creates the 47th circuit of Audrain and Callaway counties has been filed but no hearings are scheduled. Mary said there have been several bills filed and introduced on April 12, 2016 for community service work in lieu of fines. SB 585 which passed, created the 46th Circuit, splitting Christian and Taney counties, and it states "In a single county circuit that changed from a multicounty circuit on or after August 28, 2016, any juvenile court employee, who receives all salary from the state, shall be a state employee, received state-provided benefits under this subsection, including retirement benefits from the state retirement plan, and not be subject to subsection 2 of this section while employed in that circuit." Mary also provided an update on SB 591 regarding expert witness, stating it is on the house calendar for 3rd reading. This bill amends how experts may testify in criminal cases. There is also a bill that allows the court to place defendants on electronic monitoring if found guilty of violation of order of protection. This bill has passed out of committee.

Deputy Court Administrator Cindy Garrett said HB 1792 requires school officials to report the additional charges of terrorist threat and statutory rape. The House has passed this bill. HB 1641 and SB 618 requires certified youth to be held in detention facilities versus jails until the youth reaches the age of 17 or until their case has been disposed of in the adult court system. This would take effect on January 1, 2017 for any youth certified after August 28, 2016. The bill has been passed out of the House and the SB is scheduled for hearing in committee. HB 1755 specifies that parental liberty to direct the upbringing, education, and care of his or her children is a fundamental right not subject to infringement without demonstrating a compelling governmental interest. This has been reported do pass in the house. HB 1877 changes the law regarding the child abuse and neglect central registry and the reentry of children previously released from Children's Division custody. It was reported do pass in the Senate. SB 918, SB 977 and HB 1262 all have to do with youth having restraints removed prior to entering court or the court making findings as to the need for a youth to remain in restraints. The Senate bills have been voted do pass out of committees and the house bill was passed out of the House.

7. Court Marshal Uniforms

Court Administrator Mary Epping said the court marshals would like to switch uniforms as there have been problems with suppliers being timely with orders, and the current uniforms do not last long due to fading and becoming wrinkled easily. The new uniforms would all be navy with no stripe down the leg. The material is similar to that of Columbia Police Department (firmer fabric that would last longer). It is within the budget to get each officer two sets of the new uniforms, each set would cost about \$100, so \$2,800 to purchase uniforms for everyone. In 2016 we budgeted \$5,200 for robes, uniforms and vests.

Mary said that historically the Court Marshal wore a different color (light blue, all officers wore grey). Mary asked the Court en Banc for approval of this change. There is a visual mark on their arm for rankings. The Court en Banc had no objection to the change.

8. X-Ray Machine, Administration of Justice Fund

Court Administrator Mary Epping reported for 2016 the circuit budgeted \$4,500 out of Boone's Administration of Justice Fund for a new Hiemann X-ray Hi Trax 2 software upgrade. Court Marshal Les Werner contacted the company and learned the actual cost would be \$12,500. When we had the initial request, the person asking did not know the full scope of what the upgrade would take. There was also \$32,000 budgeted in the Callaway Law Library Fund to buy a new X-ray machine for a security station. Les has been in contact with the US Marshals and learned they have two X-ray machines available that the circuit could purchase from surplus. Mary requested to purchase these machines, one for Boone and one for Callaway. These devices are newer than Boone's and meets the needs Les was looking for.

Mary provided a handout showing budget costs. To buy from the US Marshals, we would have to pay 6% of the original cost of the equipment to the federal government. Les estimates the original cost was \$30-\$35,000 each, which at 6% would be a cost to us of \$1,800 - \$2,100 each.

For Callaway County the court would need to purchase the rollers and have budgeted for this expense in 2016. It is anticipated they will cost \$2,500 to be paid out of the Law Library fund, which may be used for courtroom security.

In Boone County we have explored purchasing a longer front conveyor belt; however that cost would have been \$5,000. Mary said Les believes with the new machine, it can be positioned in such a way that we will not need the longer conveyor belt. There will be a cost for technician to calibrate each system, costing \$500-\$800 each.

Mary requested the Court en Banc's approval to use the Boone County Administration of Justice Funds that had been requested for the upgrade, to instead purchase the X-ray machine from the US Marshal; and to purchase the second unit from the US Marshal for Callaway County.

Judge Leslie Schneider moved to approve using the funds to purchase both units from the US Marshal. Second: Judge Kevin Crane. The motion passed unanimously.

9. 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.

Callaway Law Library Fund balance is \$58,598 as of today. This would be reduced by about \$5,400 with the new X-ray machine and rollers. Funds were already used to purchase the HP tablet for the visiting judge/backup tablet.

Boone Law Library Fund is \$89,740 as of today which includes the \$85,086 paid for the Ground Floor Video Conference equipment. Installation of that equipment will begin May 23, 2016 and will last two weeks.

The Court en Banc reviewed the report, no action was taken.

10. Uncollectible Debt Report

Circuit Clerk Christy Blakemore said they have written off in excess of \$500,000 and we have approximately 2.5 million left to write off.

11. 2017 Budget Schedule

Court Administrator Mary Epping explained page 8 of the Court en Banc's packet reflects her proposed schedule for preparation of the 2017 circuit budget. The Court en Banc will need to meet on August 9, 2016, to approve the budget before it is presented to county commission.

12. Administrative Order 01-16, Appointing Authority

Court Administrator Mary Epping previously emailed about this request but wanted to make sure it was reflected in the minutes. Page 9 of the Court en Banc agenda shows the new appointing authority administrative order. The changes include section 2 – that the Presiding Judge appoints the Callaway Sergeant, Juvenile Officer and Superintendent, and that the Juvenile Officer and Superintendent are no longer appointed by the Family Court Judge. This is based on Supreme Court Operating Rule 14.01 – assignment of judicial personnel, the anticipated changes in the Juvenile Standards, and recommendations of the outgoing Superintendent, Rick Gaines. His replacement will be announced soon.

13. O'Toole Award

Court Administrator Mary Epping reported at the last Court en Banc we reviewed the power point of our case filings and whether we were meeting time standards. Time

standards are for our own use but courts that meet or exceed them are also given the O'Toole Award. This award is given to circuits who achieved at least 5 of the 10 times standards and must not be more than 5% from achieving the remaining five standards.

However, now circuits may also be awarded the O'Toole Award if they have a "clearance rate of 1." In 2015 our circuit met 4 of the 10 time standards; however our disposition rate is 1.01 for Boone, and .97 for Callaway, for a total of 1.0 for FY 2015. Mary said the new criteria for this award will begin July 1, 2016, so if the circuit maintained or improved from FY15, it would get the award.

Judge Leslie Schneider recommended we have a goal to accomplish this award.

14. Bench Bar Meeting

Judge Sue Crane said Tuesday, June 28, 2016, is the Bench Bar meeting at the Fulton County Club. This will include a Trivia Night, with a judge at each table with the attorneys.

15. Other

Judge Christine Carpenter thanked Judge Oxenhandler for all the leadership he has provided to our circuit, including rewriting the local court rules, addressing sentencing issues, and taking the lead on many other projects. She said he will be missed on a daily basis but we are proud of what he has done to put us higher on the map. He has continued the tradition and our circuit is all the better for it.

Court Administrator Mary Epping said Boone County Probation and Parole District Administrative Director Vickie Fessler accepted a job in Jefferson City. Probation and Parole currently has a "supervisor of the day" should you need to make contact with them. Mary also requested that judges save their dockets routinely while on the bench, so the circuit clerk staff can process cases.

Judge Gary Oxenhandler said he had a law day yesterday afternoon and there was a defendant in front of him who he had seen many times before. He said after this defendant's case, which was in custody, the defendant turned around and said "Judge, good luck on retirement, I really enjoyed working with you." Judge Oxenhandler said he also wanted to say he has really enjoyed working with everyone, it has been a great trip, couldn't be a better place to work, regardless of your job title. He reminded everyone to not wait until it is all over to enjoy it as it is a very special place to work. He thanked everyone for all the love and support.

Judge Michael Bradley announced that Judge Carpenter won the 2016 Claire McCaskill award for those who have done outstanding work with Treatment Courts. Judge Carpenter thanked Commissioner Casey Clevenger for nominating her for the award, stating it was a very nice honor.

Judge Sue Crane said Commissioner Casey Clevenger recently received the Kate Coniff award that was presented by CARDV in Callaway County.

16. Comments from the Public

Callaway County Circuit Clerk Judy Groner said when elected to her current position, she was unfamiliar with the court system. She said Judge Oxenhandler called her and invited her to the courthouse where he introduced her to everyone. She said she was so grateful for his kindness.

17. Next Meeting Date

The next meeting is scheduled for May 17, 2016 at 5:00 p.m. to convene in the Boone County Courthouse, Law Library. The Court en Banc agreed all future meetings, whether they are in Boone or Callaway, would start at 5:00 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

Distributed on: 5/13/16