

**COURT EN BANC MINUTES
Tuesday, July 25, at 5:00 p.m.
Boone County Courthouse
Law Library, Second Floor**

Judges Present: Judges Christine Carpenter, Jeff Harris, Kevin Crane, Jodie Asel, Kimberly Shaw, Carol England, Sue Crane, Michael Bradley, Leslie Schneider, Deborah Daniels, and Commissioners Sara Miller and Casey Clevenger.

Others Present: Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Judy Groner, Attorney Manuel Tatayon, Callaway County Prosecuting Attorney Chris Wilson, Callaway County Sheriff Clay Chism, 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 Jeff Harris.

2. Introduction of All Guests

Judge Jeff Harris welcomed and introduced guests.

3. Approval of the June 20, 2017 Minutes

Judge Leslie Schneider moved to accept the June 20, 2017, minutes. Second: Judge Kimberly Shaw. The motion passed unanimously.

4. Destruction of Records

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 Jodie Asel moved to approve the destruction of the records listed. Second: Judge Christine Carpenter. The motion passed unanimously.

Skipped to Item #7

5. Probation and Parole Court Costs

Judge Kevin Crane said for cases being supervised by probation and parole, he has been writing in his docket entry that the defendant is not to be discharged from probation until all court costs, fines, and restitution (if applicable) is paid in full. Probation and Parole District Administrator Todd Fleherty has informed Judge Crane that probation and parole officers are making sure fees are paid prior to discharging from probation. Judge Crane is requesting that all judges put this same language in their order when clients are being

supervised by probation and parole. It is unclear if probation and parole follows the same process for supervised misdemeanor cases. Commissioner Casey Clevenger said she was recently at a training and learned that some folks are ordering treatment court fees as court costs. She inquired if clients are ordered into treatment court and then leave treatment court with a treatment court fee balance, are they also not to be released from probation until that balance is paid? Judge Christine Carpenter said the policy of treatment court is not to hold clients for not paying fees. Circuit Clerk Christy Blakemore said for cases disposed, the treatment fees are included with all the fees they owe, when sent to debt collection. Commissioner Clevenger said she would continue to look into this further regarding treatment court clients.

6. No Community Service Work in lieu of Court Costs

Judge Kevin Crane said we are not supposed to order community service work in lieu of court costs. He noted Court Services cannot take on this additional responsibility and Administration Rule 18-17 and COR21 do not contemplate anything but court costs being paid within 30 days. There were questions about the new bench card which references community service work for indigent defendant who do not have the means to pay. Judge Crane said in those situations you have the fees go to debt collection, however you cannot issue a warrant.

*Judge Deborah Daniels left the meeting
Moved to Item #8*

7. Callaway Jail, Work Release

Judge Carol England said Sheriff Clay Chism came to her after the first of the year and Sheriff Dennis Crane had come to her prior to that, with concerns about the work release program and the jail no longer having the ability to have a separate pod for those individuals ordered on work release. Sheriff Chism is interested in discontinuing the work release program, like many counties have done. The Sheriff is willing to work with the court, but is requesting to limit the number of defendants on the work release program to misdemeanor cases and felony cases who are in alternative sentencing court, as they are closely monitored. Judge Jodie Asel asked if defendants are automatically given the 25% reduction for good time. Judge England stated she and Judge Sue Crane order the individuals eligible for $\frac{3}{4}$ time as long as it is peaceably served. Judge England also said Sheriff Chism would like to raise the per diem for board fee for those who are paying. Sheriff Chism calculated the actual cost which came to \$48 a day, minus the couple meals they would miss due to being on work release, therefore it was proposed to charge \$40 a day per diem when on work release. Judge Asel asked about the possibility of a sliding scale as for some people, who might be working minimum wage jobs, \$40 could be a detriment. Judge England felt the sliding scale is something that could be considered. She asked if the court could agree to limit work release to misdemeanor cases and felony cases in alternative sentencing court who are doing their mandatory shock detention time? Court Administrator Mary Epping noted the importance of allowing these individuals to keep their job through work release so once they are

released from incarceration, they still have a job. It was noted there is a trend of eliminating work release. Judge England stated there is not a county east of our circuit that offers work release. It was noted the rationale for this is that many of the jails take federal prisoners, as it pays well. However, if you hold federal prisoners there are additional compliance requirements put upon the jail. Sheriff Chism noted the Callaway County jail was built in the 1980's and it was not built to meet some of these requirements. He noted the current problem is the area that was built for work release has been used to house female clients, sex offenders or SORTS clients. He stated there simply is no longer an area for work release, therefore they are housed within the general population, which creates a security risk as they have the ability to smuggle items into the jail. Sheriff Chism would like to find a solution and believes having only lower risk clients for work release would be sufficient. He also stated his jail staffing and road staffing are down in numbers, therefore they do not have anyone to ensure the work release inmates are at their designated work site. Judge Christine Carpenter asked if there is an alternative secure placement to house work release offenders, similar to Reality House in Boone County. There was an inquiry about the Community Supervision Center, which is funded by probation and parole. Judge England said she would follow up with probation and parole to inquire about using the Community Supervision Center, as they would also receive \$40 a day for the clients. It was agreed in the interim that only misdemeanor cases and felony cases assigned to alternative sentencing court would be ordered into work release.

*Judge Kevin Crane arrived at 5:10 p.m.
Returned to Item #5*

8. 2018 Budget Presentation

Court Administrator Mary Epping, Circuit Clerks Christy Blakemore and Judy Groner, and Deputy Court Administrator Cindy Garret presented the budget which was provided as a handout. Judge Christine Carpenter moved to accept the budget. Second: Judge Kimberly Shaw. The motion passed unanimously.

9. Other

Judge Leslie Schneider said she and Judge Christine Carpenter received letters from the Samaritan Center in Jefferson City. She noted the Samaritan Center provides legal services to indigent persons, including individuals within Boone and Callaway counties. The Samaritan Center is asking for the court's assistance in soliciting members of the local bar provide pro bono legal services through their agency. According to the letter currently only six bar members from Boone County have provided free legal services through their agency. Judge Schneider believes if the Court en Banc sent a letter to local attorneys requesting their assistance with the Samaritan Center, attorneys would be willing to sign up. Judge Christine Carpenter moved that the Court en Banc collaborate with the Boone and Callaway County Bar to send a letter to all local attorneys seeking their assistance. Second: Judge Kimberly Shaw. The motion passed unanimously.

Judge Kevin Crane stated he would also address it in the State of Judiciary in October 2017.

Judge Kevin Crane said he has been informed that interviews for applicants to fill the vacancy for Division I, might not start until August or September. Therefore, cases pending in Division I may have to split among the other three circuit judges, similar to the process when Judge Hamilton left. It was noted Judge Carpenter is willing to continue as a senior judge on cases where parties ask her to remain. Judge Crane said he will assume the remaining three video dockets for Division I for the rest of the year.

10. Comments from the Public

None.

11. Next Meeting Date

The next meeting is scheduled for August 29, 2017, in Callaway County at 5:00 p.m. to convene in the Callaway County Courthouse, Jury Assembly Room. Meeting was adjourned at 6:33 p.m.

Prepared by: Cindy Garrett
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Submitted by: Mary Epping
Mary Epping
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Distributed on: 8/25/17