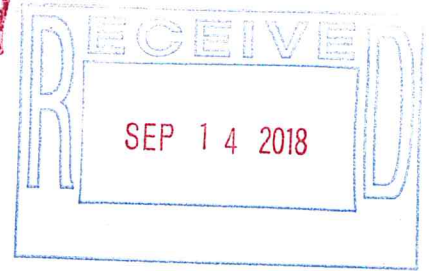


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COURT EN BANC MINUTES
Tuesday, August 21, at 5:00 p.m.
Callaway County Courthouse
Jury Assembly Area, 2nd Floor

Judges Present: Judges J. Hasbrouck Jacobs, Jeff Harris, Kevin Crane, Jodie Asel, Kimberly Shaw, Carol England, Michael Bradley, Leslie Schneider, Joshua Devine, Commissioners Sara Miller and Casey Clevenger, and Columbia Municipal Judge Cavanaugh Noce.

Others Present: Boone County Circuit Clerk Christy Blakemore, Callaway County Circuit Clerk Megan Morse, Adult Court Services Supervisor Brandon Walker, Callaway County Prosecuting Attorney Chris Wilson and Assistant Prosecuting Attorney Ben Miller, Callaway County Sheriff Clay Chism, Attorney Finley Gibbs, 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. Approval of the July 24, 2018 Minutes

Judge Kimberly Shaw moved to accept the July 24, 2018, minutes. Second: Judge Carol England. 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 Carol England. The motion passed unanimously.

5. Extradition/Warrants

Judge Joshua Devine arrived

Columbia Municipal Judge Cavanaugh Noce arrived

Judge Jodie Asel said Sheriff Carey requested a meeting with Tracy Gonzalez, Christy Blakemore, and her regarding his concern on the amount of time it takes when someone is picked up on a Boone County warrant and a decision is made whether to extradite. She said a specific case was discussed where a defendant had been held for 45 days waiting

on this process. Judge Asel said the current process is that when a warrant from Boone County is served out of state, the sheriff's office is notified, who notifies Tracy Gonzalez in the prosecutor's office. Tracy sends an email to the court for the court to determine if they want to extradite, if the case is a probation warrant. The judges may make an order limiting extradition to adjoining states, adjoining counties, etc. There are a number of factors to consider when making this decision. If it proceeds, Tracy Skaggs begins the formal extradition paperwork. Judge Asel proposed that, instead, the sheriff file a memo with the clerk that a defendant is being held on a Boone County warrant. That letter would be part of the court file and go to the judge who issued the warrant, at which time the judge would make a docket entry. Judge Asel said there is a distinction on warrants for failure to appear, warrants for probation violations, and original probable cause warrants that are served where no action has been taken on the file. Judge Asel said she learned that on original probable cause warrants the prosecutors were making the decision on what action to take, which she does not believe is permissible unless the prosecutor chooses to nolle the charge, which would address the warrant. Judge Asel said her initial thought was to skip the group email and for the memo just to be filed, however she understands there needs to be a process built in for the prosecutor to provide input as they would need to contact victims to determine if they want to proceed with or nolle the case.

It was noted in Callaway County the Sheriff contacts the prosecutor to see if they want to proceed on the warrant.

Judge Kevin Crane said the court has to make an order if they are changing the warrant, such as to contiguous states or adjoining counties, so the holding state has the authority to release the defendant from our warrant.

It was agreed there needs to be written protocol with the revised process in Boone County. Circuit Clerk Christy Blakemore said she has notes of a proposed protocol from their meeting that she will share with Judge Asel. This item will be reviewed at Court en Banc in September, for final approval.

6. County Law Enforcement Restitution Fund (Section 50.565, RSMo.)

Callaway County Prosecuting Attorney Chris Wilson said Callaway County would like to pass an ordinance to institute a Callaway County Law Enforcement Restitution fund pursuant to section 50.565, RSMo, which was passed in 2004. Chris said the Callaway County Commission supports and wants to pass the ordinance but he wanted to make sure the court would be willing to assess the fee. Chris said the statute has specific uses for the fees collected. The fees are administered by a board of trustees made up of five members: two appointed by the presiding commissioner, two appointed by the sheriff, and one is appointed by the medical examiner. Chris said in most counties the fee is split 50/50 between the sheriff and the prosecutor. He polled Missouri prosecutors and of the 68 who responded, 63 of them have the fund in their county. Chris plans to use the fund to cover an additional employee on his staff due to the fine collection center being dissolved. In 2017 roughly 3,400 tickets went to the fine collection center from Callaway

County. Of those, about 2,100 tickets were written guilty pleas and therefore not handled by his office. Once the fine collection center is dissolved, those 2,100 tickets will come through his office, which will require another .5 or 1.0 FTE for a support person or paralegal. That could mean up to 6,700 misdemeanors or infractions will be handled by his office. Sheriff Clay Chism said in Callaway County there is not a public safety sales tax and his office is funded 100% from general revenue. There are 15 road deputies for the entire county, compared to Cole County's 27 deputies, and Boone County's 45 deputies. He said when looking at the last three years of UCR data, Callaway deputies are running at 74% of the call load of Boone County and they are doubling the calls of Cole County, however have half the staff of Cole County and one third of Boone. Boone County and Cole County both have public safety or law enforcement sales taxes. He knows the county commissioners support this effort and he believes the tax payers would support the county gaining revenue from those who commit the crimes.

Chris is requesting a commitment from the Court en Banc that they would consider taxing a fee to defendants. His recommendation would be to break down of the maximum statutory \$300 fee by class. For example: \$300 on A, B, and C felonies; \$200 on D and E felonies; and \$100 on A and B non-traffic misdemeanor cases. Chris said in 2004, the court declined to assess the fee partially due to the concern of it taking priority over Crime Victim Compensation or other costs. Chris said OSCA has a priority code for all fees and the law enforcement restitution fund is near the bottom, therefore all other costs get paid first. There was discussion about the ability to waive fees and it was acknowledged that Callaway County does not charge defendants for jail board fees. Judge Kevin Crane said this proposed fee would only be relevant to the four circuit judges and two associate judges, Division VI and VII, who handle criminal matters in Callaway County. If the ordinance was passed, the Court en Banc would need to determine the amount assessed based on charge classifications. Chris has a copy of the ordinance passed in Audrain County. Chris suggested a local court rule so the fee would be automatically assessed as part of court costs Judge Crane said he supported the Callaway County Commission enacting this ordinance and that judges who do criminal law in Callaway County would in some way utilize the fee to benefit law enforcement in Callaway County. Court Administrator Mary Epping said the court costs administrative order could be updated for this fee worded in such a way that gives judicial discretion. Judge Jeff Harris said he does not doubt the needs are pressing and there is a statutory basis to address them, and conceptually it sounds like a good idea; however, he has a level of personal discomfort in blessing something when he has not seen the details and the level of specificity is unknown. Judge Crane said Chris was only seeking support for the county commissioner to enact the ordinance which would create the fund pursuant 50.565 RSMo, however the details as to how the fees would be assessed would later be approved by Court en Banc by an administrative order.

7. Rule 4.7 Update

Court Administrator Mary Epping said our local court rules are sent to the Supreme Court and are periodically reviewed. The clerk's office recently contacted us and said our local court rule 4.7 Redaction of Identifying Information of Sexual Assault Victims needed to

be updated due to the criminal code update. Section 566.226 RSMo, should now be 559.226 RSMo. Judge J. Hasbrouck Jacob moved to accept the change. Second: Judge Carol England. The motion passed unanimously. Mary noted this update will be in effect within 60 days.

8. Legislative Update

Court Administrator Mary Epping said some judges attended a recent training and she was not sure who had participated in the OSCA legislative update, therefore she wanted to open the topic if anyone felt there was legislation passed that had not been previously discussed that needed to be addressed. Mary said she saved the OSCA update that she will email the court. Circuit Clerk Christy Blakemore said there are several changes with regard to probate. Judge Michael Bradley said he is planning to meet with the clerk to address the legislative changes with regard to guardianship. Judge Carol England said she just participated in an eVote for the State Judicial Records Committee regarding all new forms for probate guardianship and conservatorship. Once the vote is approved the new forms will be sent.

9. Alcohol/Drug Related Traffic Report

Deputy Court Administrator Cindy Garrett presented the Municipal Court report for January through July, 2018, on intoxication-related offenses as set out on page 6 of the Court en Banc's packet. The report was reviewed and no action was taken.

10. Sexual Harassment Prevention Committee

Deputy Court Administrator Cindy Garrett requested the Court en Banc approve the Sexual Harassment Advisory Committee as noted on page 7 of the Court en Banc's packet. Melissa Vesser and Clint Troutman are new members to the committee. Alisha Ollar, Kirsten Lange and Kay Crouse agreed to serve another two year term. Judge Carol England moved to approve the advisory committee as noted on page 7 of the Court en Banc's packet. Second: Judge Kimberly Shaw. The motion passed unanimously.

11. Other

Columbia Municipal Judge Cavanaugh Noce said at the last Court en Banc meeting there was a question as to destruction of records. It was noted a clarification email was sent after the Court en Banc meeting and Judge Kevin Crane signed the order for the records to be destroyed. Judge Noce said their financial year ends in October therefore they will wait a full extra year to request destruction of records so there are no concerns.

12. Comments from the Public

No comments.

13. Meeting Date

The next meeting is scheduled for September 18, 2018, at 5:00 p.m. to convene in the Boone County Courthouse, Law Library. Adjourned at 5:42 p.m.

Prepared by: Cindy Garrett
Cindy Garrett
Deputy Court Administrator

Submitted by: Mary Epping
Mary Epping
Court Administrator

Distributed on: 9/14/18