

COURT EN BANC MINUTES
Tuesday, May 20, 2008, at 5:30 p.m.
Boone County Courthouse
Law Library, Second Floor

Judges Present: Jodie Capshaw Asel, Gary Oxenhandler, Kevin Crane, Cary Augustine, Christine Carpenter, Deborah Daniels, Carol England, Larry Bryson and Commissioner Sara Miller.

Others Present: Boone County Circuit Clerk Christy Blakemore, Unit Manager Lana Brooks, Information Technology Supervisor Christopher Kilbride, Court Marshal Les Werner, Karen Dungan with Missouri Probation and Parole, Court Administrator Kathy Lloyd, and Assistant to the Court Administrator Joy Rushing.

1. Call to Order

The meeting was called to order by Acting Presiding Judge Jodie Capshaw Asel.

2. Approval of Minutes

Judge Christine Carpenter made a motion to approve the minutes of the April 8, 2008 meeting. Second: Judge Cary Augustine. The motion passed unanimously.

3. New Community Supervision Center in Fulton

Karen Dungan, with Missouri Probation and Parole, talked to the judges about the new Community Supervision Center that Probation and Parole will be opening soon in Fulton. The new building will house the Probation and Parole offices and room to house 45 individuals. The facility will be used as an alternative to incarceration, to assist individuals in transitioning back into the community. It is not a "program," and each individual who is housed there will have an individualized plan. It will not be a lockdown facility, but the individuals will be on electronic monitoring. Individuals at the Center will receive counseling, life skills education, and similar assistance in returning to the community.

The Fulton facility will serve Callaway, Audrain and Webster counties. If they have the capacity, they make take some Boone County and Cole County people. There are already three Community Supervision Centers in Missouri, in St. Joseph, Farmington and Hannibal. The ones in St. Joseph and Farmington have been in operation approximately two years, and the one in Hannibal is new. Centers are currently being built in Kennet, Poplar Bluff and Kansas City.

4. Report of the Legal Research Committee

Judge Gary Oxenhandler said the committee looking into the renewal of the WestLaw contract had an interesting meeting with a representative from Lexis/Nexis. They are

asking that this matter be continued to the court's next meeting to give the committee time to review the comparative advantages of the two electronic research providers.

5. Alternative Sentencing Update

Judge Christine Carpenter provided information on several topics regarding the Alternative Sentencing Courts.

- A.** *Referrals to the Alternative Sentencing Courts.* In spite of Judge Carpenter's attempts to educate attorneys on the appropriate procedures for referrals to the Alternative Sentencing Courts, there are still problems with this process. Referrals need to be made early in the case, in order to have the most impact on the defendant, not as a last-minute plea bargain after the case has been hanging around for months. She will be making bench cards for each courtroom with the procedures for each Alternative Sentencing Court, so the judges can provide the cards to attorneys to make sure they have the correct information.
- B.** *Support Organization for Drug Court.* At the state drug court conference Judge Carpenter discovered that they are the largest drug court that does not yet have a not-for-profit, 501(C)(3) organization raising funds to support their program. The state Drug Court Commission is saying that the drug courts need to begin paying more of their own way, and a not-for-profit organization would be able to help do that. She would like to see such an organization started here. The governing board would not have access to any client information. There was a general discussion of the allowed uses of 501(C)(3) organizations. Judge Carpenter said she was just bringing the topic forward for the court's information.
- C.** *Adopt A Spot.* The Alternative Sentencing Courts are looking for an Adopt-A-Spot area which the staff, alumni, and current participants can work on as a joint project. There was a general discussion of concerns of safety and liability. Judge Carpenter said the program would be entirely voluntary.
- D.** *National Drug Court Conference.* The National Drug Court Conference is next week in St. Louis. She arranged for a night out with the Cardinals, and the conference sold 1,000 tickets to the game.
- E.** *DWI Court.* Court Administrator Kathy Lloyd directed the court to page 5 of their packets. In order to determine what incentives might exist for participation in a DWI Court, staff checked on the disposition of felony DWI's by the court in 2006 and 2007. Of the 194 cases disposed, 43 cases were misdemeanors and 151 cases were felonies. Eighty-six of the cases resulted in incarceration in the Missouri Department of Corrections, and 37 of those were other than incarceration under chapters 559 and 217. A DWI court would offer defendants an alternative to incarceration under Chapter 559. A higher fee would be charged in DWI Court to help pay for the court, since there may be limited state funding for the program.

6. Domestic Violence Docket

Judge Deborah Daniels said that the Prosecutor's Office would like a domestic violence court. The court might be able to get funding through the DOVE unit. What they appear to be interested in is having a docket where victim advocates and prosecutors handling these cases could appear at one time. Court Administrator Kathy Lloyd said that the first step might be to consolidate the criminal cases on a separate docket, and see how it goes. There was a general discussion of some of the issues that would need to be addressed in setting up such a docket. Judge Asel asked Judge Daniels to chair a committee to look into a domestic violence program, with Judge Schneider as another judicial member and Assistant to the Court Administrator Joy Rushing as staff support.

7. Courthouse Expansion Update

A. Courthouse Technology Bid

Court Administrator Kathy Lloyd directed the court's attention to pages 6-8 of their handout regarding the bid for technology for the courthouse expansion. The bids for this project far exceeded the roughly \$150,000 which had been budgeted. The county is awarding roughly \$243,000 of the bid. Court staff have been able to identify \$75,000 in court funds that can be added to the amounts budgeted as owners costs to fund this award.

B. Approval of Level One Alternates

Court Administrator Kathy Lloyd distributed information on the Level One Alternates. There is a funding oversight committee on the courthouse construction project. County Auditor June Pitchford, County Commissioner Karen Miller, County Treasurer Kay Murray, Circuit Court Clerk Christy Blakemore, Bonnie Adkins with the Prosecutor's Office and Court Administrator Kathy Lloyd are on that committee. At the committee's last meeting they approved the court's Level I alternates, as shown on the handout. The main item is the reconfiguration of Hearing Room 2. This information is just to let the court know what additional items will now be included in the courthouse expansion.

8. Rule 67.1.1

Judge Asel explained that this proposed rule was generated by discussion which occurred at the last jail overcrowding meeting, where concern was expressed by the judges about the increasing number of high cash bonds which are being requested by the prosecutor's office. It appeared that they were asking for high cash bonds just as a matter of course, and that, as a result, these recommendations may have less meaning than in the past. There was a general discussion of the issue of cash bonds. Judge Larry Bryson made a motion to approve the proposed rule with the addition of the word "written" before the word "recommendation." Second: Judge Deborah Daniels. There was further discussion regarding the recommendation. Judge Cary Augustine called the question. The motion was passed with the following vote:

- Against:** Judges Kevin Crane, Gary Oxenhandler, Christine Carpenter and Leslie Schneider.
- For:** Judges Cary Augustine, Larry Bryson, Carol England, Deborah Daniels and Jodie Asel (breaking the tie).

9. Budget Amendment for Boone County Drug Court

Court Administrator Kathy Lloyd explained to the court that the budget for the Boone County Drug Court needs to be amended to redirect funds to pay the Reintegration Court drug testing and outside services costs for May. This proposed amendment is shown on page 10 of the judges' packet. When the court received funding for its Reintegration Court, they understood that the court would receive additional funding with the new calendar year. They were then informed by the state that the funding was awarded for the state's fiscal year, and should carry the court through June of this year. They have made it so far, but are now out of funds in the REI court. The balance of the fund has been allowed to accumulate with the knowledge that such local court funding would likely be needed at some point in the future.

Judge Christine Carpenter made a motion to approve the requested budget amendment. Second: Judge Gary Oxenhandler. The motion passed unanimously.

10. Budget Amendment for Callaway County Drug Court

Court Administrator Kathy Lloyd stated that this request for budget amendment for the Callaway County Drug Court is to provide funding for Judge England and one of the Callaway Drug Court team members to attend the National Drug Court Conference. The proposed amendment is shown on page 11 of the judges' packet. When the budget was established for the Callaway County Drug Court, Judge England was not yet doing the drug court there. Judge Leslie Schneider made a motion to approve the requested budget amendment. Second: Judge Gary Oxenhandler. The motion passed unanimously.

11. Class 9 Budget Requests

Court Administrator Kathy Lloyd reminded everyone to get any requests they may have for Class 9 budget purchases for the 2009 budget (furniture, equipment, etc.) into her as soon as possible.

12. Safety Manual

Assistant to the Court Administrator Joy Rushing explained that staff had started drafting a safety manual when Jack Wonneman was Court Marshal. The recent amendments to the court's personnel policies provided for the formation of a safety committee, and one of the responsibilities of that committee is to review and recommend changes to the court's safety procedures. The committee met and recommended approval of this draft manual, with a few changes which have been made. Judge Leslie Schneider made a motion to approve the Safety Manual as presented. Second: Judge Cary Augustine. The motion passed unanimously.

13. Callaway County Security Recommendations

Court Administrator Kathy Lloyd informed the court that they received only a portion of their request for funding from OSCA for security improvements in Boone and Callaway Counties. In Boone County, the court received three hand-held metal detectors. In Callaway County, the request for reinforcing the judges' benches was approved, along with expansion of the capacity of the panic alarm system. OSCA did not approve the improvements which would limit access to the courthouse. The Callaway County Security Committee is recommending installing a card reader on the back door, and using this door as an employee entrance. The judges' door and the commission door would be accessed by key, and would be locked to the general public. Judges Carpenter and Oxenhandler asked whether this discussion should take place in closed session. Court Administrator Kathy Lloyd responded that matters involving the expenditure of money need to be open, and that she will not be providing details of the actual system in their discussion. Kathy asked the court to approve the expenditure of up to \$7,500 from the Administration of Justice Fund to purchase a door access system. Judge Leslie Schneider made a motion to approve the requested expenditure. Second: Judge Cary Augustine. The motion passed unanimously.

14. Change of Docket Format

Court Administrator Kathy Lloyd informed the court that OSCA has made changes to JIS which allow additional information to be shown on the court's docket sheets. In particular, the docket sheet will show information regarding time standards. The sheet will also show continuances which have been granted, and by whom the request for continuance was made. It will also show whether there are any warrants pending. Staff is asking whether the court would like the docket sheets which are posted to include this information. The consensus was that the posted docket should not include the information, but the judges would find it helpful. It was also the consensus of the court that a docket sheet similar to the one the judges receive should be made available to the prosecutors and the public defenders. Unit Manager Lana Brooks added that all dockets will show whether a speedy trial request has been filed in the case.

15. Municipal Court Updates

Assistant to the Court Administrator Joy Rushing stated that she had contacted the City Clerk in Auxvasse regarding reports in the paper about the firing of the Assistant City Clerk. The current City Clerk is Kris Edwards, and she is also the Municipal Court Clerk. She replaced the former Municipal Court Clerk, and then became City Clerk when that individual resigned. She said that the assistant that the newspaper reported had been fired has been rehired and is scheduled to return to work.

Joy also let the court know that she has scheduled another visit to Sturgeon to see whether the new clerk is now up to speed.

16. Other

Judge Oxenhandler directed a request to Circuit Clerk Christy Blakemore regarding placement of ASC 3 orders in relation to the docket sheets. Christy advised that she will make sure that the change is made.

17. Comments From the Public

None.

18. Next Meeting Date

The next meeting date is June 24, 2008.

Prepared by: _____
Joy Rushing
Assistant to the Court Administrator

Submitted by: _____ Distributed on: _____
Kathy Lloyd
Court Administrator

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