

## **New members announced**

### **Roll call**

Present: Anna Baldwin, Lisa Bertke, Beth Murphy, Ted Disabato, Tara Ohler-Jenney, Kendal Dauphin, Stacy Ross, Jim Sahaida, Eileen Muir

Absent: Mike Dauphin

### **Judges**

Thom Gross, public info officer for 22<sup>nd</sup> Judicial Circuit Court  
Lives a half a mile from here, been in the city for 33<sup>rd</sup> years

All 31 judges live in the city and they enjoy the beauty, convenience, and frustrations of living in the city  
Judges can address any questions except for specific cases that they manage

The 22<sup>nd</sup> Circuit Court has the highest average sentence of any circuit in the state. Defendants are more likely to go to prison in this circuit than any other. They hear over 300 trials a year out of 3-4,000 felonies that are charged. The largest amount of the felonies plead out

Judge Bryan Hettenbach and Judge Thomas Frawley

They also give tours...you can observe a trial

Bryan Hettenbach, thank you for inviting us. You probably don't know a lot about us. We are 2 of 31 judges in the state court in the city of St. Louis. They are barred from speaking out about specific cases in front of us or trends. They have to be fair and make a decision. You don't see them on TV much, not on social media. Can answer questions about the court system.

31 state court judges located in the city of St. Louis. In order to be a state court judge they have to live in the city. The judges have been appointed by 5 different governors over 5 different decades. Judge Hettenbach came from private practice (25 years). 8 years ago was appointed by the governor. Judges come from all over: police force, prosecutors, private practice, etc. 8 years ago assigned to a general court division, tried more cases than any other in the state. 1/3 of all trials in the state are in St. Louis. This is more trials than a typical judge will see in an entire career. Then he moved on to non-jury civil matters. Public land disputes. Then was the docket controller for felony crimes. During the two years on that position, 4,000 cases went through the gate. For the last year he has been the probate judge. Not a lot of probate anymore, most of his time is spent on mental health issues. He presides over video hearings from Barnes.

Tom Frawley, been on the bench a long time. 4 decades ago. Appointed by Governor Ashcroft. Originally in domestic family court (divorce, paternity cases). Went to juvenile court where he served for 5 years. Put him back in family domestic. Now he is moved to general trial division. Tries criminal cases, divorce cases, and juvenile certifications. The Supreme Court has asked him to travel the state to handle family law matters. Lincoln County, Warren County, St. Louis County, Jefferson County, Franklin County.

Were you ever victims of a crime? Judge Frawley's brother was killed in an automobile accident. 5 people died in a head on collision. He understands being a victim. I've had my car stolen, who hasn't. Sad commentary, but it's true.

Two important questions that Judge Frawley wants to address: What is probation and what does it mean? How can you become involved?

How can you get involved? Jury service. It is a way to understand what goes on in your city. The issues that you are dealing in your neighborhood are the same all over the city. Jury service provides a way to understand how difficult it can be to determine if a defendant is guilty or what the sentence should be. Participate in Neighborhood Accountability Boards. Allows the neighborhood folks to meet with the young people who have committed lower level crimes. Most of these kids do not think that anyone is affected by their crime. They don't process that there is a victim. Show up at court. Come on down. If you're the victim and you don't come, you're an idiot. Lady stole \$20,000 from her employer. If you are a victim you have a legal right to make an impact statement. The employer testified that he never thought he would have to go bankrupt, it was emotionally upsetting. They were ready to retire, but now they had to keep working. Incredibly impactful statement, and the judge sentenced the lady to 10 years. But that is what you can do as victims. If you're there, you get an answer.

What is probation? It is not a free pass. If I believe that you are worthy to get yourself off the drugs or get yourself an education we will use probation. Only for lower level crimes...murder and robbery you are not getting probation. We are talking about lower level crimes, C and D felonies. Possession (not use) of a weapon. You are monitored by the board of probation and parole. You have to report to them. You must show proof of pursuing an education, substance abuse treatment, get a job or show that you are looking for a job. If they are not complying then a warrant is issued. At that point the judges have a full range of punishment. Drug case would be 1-7 years, gun case 1-4 years. It is not "probation and they never see them again". He is hated at MSI and he is pretty happy about that. Don't screw up, it is one and done.

Hettenbach: Point gets lost. We are located in the city of St. Louis but they are a state court. They are not the city municipal court. The law that they follow (bail bonds, constitutional requirements, crime definition, penalties) is state law. The same laws apply in KC, Columbia, Mississippi County, etc. The significance of this is that a 17 year old gentleman in rural Missouri that has a semi auto pistol with a clip and covers it with his jacket has committed a crime. Unlawful use of a weapon. Take that same guy and have him stand here in your neighborhood. They have committed the same crime. Is that conduct in rural Missouri a problem? Probably not. Is it a problem in our neighborhood? It most certainly is. When it comes time to deal with it, they must follow state law. Same procedure. Max would be 4 years. Same classification as failure to pay child support, etc. Felony class D. He would be paroled in 5 months. If he has spent 5 months in jail in St. Louis, then when he comes in front of them and he gets a 4 year sentence. Put him on a bus to Potosi, process him and then let him go. That is how this system works. The law we follow does not come from the Mayor, the board of Alderman, the judges are not free to make it up. Calls to put these guys away for 20 years, it is an empty call. They have to follow the state law for the crime charged. Let's say you are the judge and this guy has done his 5 months in jail. What do you do if you are the judge? Do you send him to prison for 5 years? Or do you put him on probation for 5 years. With probation you might have a hook in him. He might fail and commit another crime, pull the trigger and send him back to jail. Most people on probation don't fail, most succeed. People wonder who is the fool that put this guy on probation? Probation provides a hook in him. It's not always just a straight line function.

**Audience question:** who controls the 5 month number?

**Answer:** The board of probation and parole that makes that decision. Based on good time credit, credit time for the time that they behaved. The idea is that we will save money because they won't be in

prison. The thought was to spend a piece of that money on integrating them into the community. But unfortunately, nobody spent that money to integrate the guys back in the community.

**Audience question:** How often is the parole criteria reviewed?

**Answer:** Parole board members are appointed by the governor. How often do they review the years served? It is internal to the parole board.

Probation for younger men and women. Trying to provide them with a way to become productive members of society. They have failures and successes too. The goal is to help these young people figure it out. Most of them do not have a job or a high school diploma. Most have two children from different partners. No real skills. The goal is to help them try and figure out...put a hook in them. Give them employment opportunities, job training. We need to look at how to phase in all these programs so that there are more opportunities to get a job.

**Audience question:** Your anecdote about the urban and rural areas...is there an opportunity to create a gun free or drug free zone?

**Answer:** You can change those laws at the state level. There is very limited ability to create a law that regulates within the City of St. Louis conduct that would qualify as a state felony. Not saying that it can't be done, but it is tricky and hard to do. A school zone is already an enhanced crime. Chances of getting a law through the legislature is remote and a special law that applies to city of St. Louis. The people out of state don't understand our problem. Until they understand the magnitude of our suffering there isn't much that can be done.

**Audience question:** More and more crimes are being committed by juveniles.

**Answer:** Judge Frawley has been recognized for his work in Juvenile and Family Court. To be a juvenile you have to be under 17. Juvenile court is designed to be rehabilitative as opposed to punitive. No matter what crime they commit, they are sentenced to the division of youth services and cannot be held past age 18. St. Louis has the most secure juvenile facility in the state. It's basically a dorm. The kids aren't in cells. It is an effort to try and give them structure but not allow them in the community. The goal is to get them back in the community ASAP with some mentoring and education. Informal adjustment, parents are brought in in an effort to try to help this family keep it together. Next level is a formal adjustment...for example a burglary or car jacking. Process of a trial, plea of guilty, disposition which is a sentence. Probably will be back in the community assigned to a juvenile officer. Regular reports are sent to the judge. These kids don't get it...neighborhood accountability boards can help with this.

45 circuit courts in the state of Missouri. St. Louis has the highest incarceration rate in the state. Highest bail bonds in the state. And yet we still have high crime. If there is some place where energy and effort and money that the court might make some dent it is in the juvenile court. When you have 13 year old kids with guns you have a problem. If there is a place where the court might do something better, it is getting to these kids when they are young.

**Audience question:** They stole my tools in my driveway, if I catch the person and I do something to him then what will happen to him?

**Answer:** He will be charged with assault. The Castle Doctrine allows you to use the force necessary to protect your "castle". Your truck does not constitute a castle. I can't tell you what is going to happen for certain if you go after the criminal and harm them, but it won't be good.

**Audience question:** We have had several car jackings some involving juveniles with weapons. There is a big difference between stealing a lawnmower and pulling a gun on someone and stealing their car. Are those juveniles also going to be out on the street at the age of 18?

**Answer:** There is a provision that a juvenile can be certified as an adult. One criteria is if the crime was of such a magnitude it should be tried in the adult courts. If the decision is not to send them, they will be out at age 18. If they go to adult court, they will be put in dual jurisdiction. Keep them until 21, if he doesn't do what he is supposed to do, they can extend the sentence.

**Audience question:** Who determines the adult certification?

**Answer:** Juvenile officer is responsible for the certification. Criteria include: magnitude of the crime, was anyone injured, likely to be rehabilitated, time left in the system to get them rehabilitated, race is also a factor.

**Audience question:** Can someone as young as 14 be certified?

**Answer:** They can. Kid commits the crime at 16, we don't certify him, the kid is much more rehabilitative at 14. It is a tough call. They certified the kid that shot Norvell Brown. Juvenile officer is part of the court, not the police system.

**Audience question:** At the St. Stephen's Town Hall meeting the police officers expressed the desire for a special gun court.

**Answer:** Cannot happen because of state law.

**Audience question:** Why do the police believe that it can happen?

**Answer:** The judges have a different job to do than the police officers do. The job of the judge is to make sure that the system works fairly for everyone. When crime is high there is a temptation to ask them to play more to one side. Gun court is a great slogan, but it is an unconstitutional punishment court. When you show up on day one in court, we presume that you are innocent. But in the case of a gun court, before you are even charged, you are in the gun court....then when time for a trial and the jurors walk in the courtroom, they are in the gun court. That presents prejudice and presumes punishment. Purpose of the gun court is to send a message. So why not have a gun court? Presume punishment. Look at stop and frisk in New York. Great crime fighting tactic...but it is an unconstitutional way to fight crime. Ideas can sound good but are in fact unconstitutional. No place in the country that has a gun court that has decreased crime. It stands the system on its head.

**Frawley:** We are a state court. We are still bound by the four year maximum and the parole board is still going to decide how long they are locked up. Gun court or no gun court.

**Audience question:** Other state courts have a gun docket.

**Answer:** This would have to be a Municipal court component that the city can pass. And a juvenile component in Birmingham, Alabama. We already have a gun court in our juvenile court. Philadelphia also had one at one time...it was disbanded. Wouldn't someone come up with more funding if it was working? It was originally done to move the cases faster. We are already moving at such a fast pace, the Circuit Attorney is asking to slow down so that they can prepare the case. It is not a vaccine for crime...it just doesn't work. If you want to raise penalties go to the legislature.

Certification as an adult...only 8 juveniles certified as adults last year? Judge Frawley heard 8 and certified 7. The one that was certified, had no prior involvement, good family, he thought he was

redeemable. He is on probation...he now has a job and he is back in school and is going to graduate a year late.

**Audience question:** these are adult crimes being committed by young people...the number of juvenile certifications struck her as a low number.

**Answer:** I can't say that you're wrong. The juvenile officer makes the first determination. She is the gate keeper. The state statute has a mandatory certification hearing...I don't think there were that many that he didn't hear.

**Audience question:** Is juvenile behind closed doors, hidden.

**Answer:** It still is to some extent. Abuse and neglect cases no one could come in. Judge Frawley and his wife had foster kids. Kids between the age of 3 and 8. Went to one of his foster kid's hearings and he wasn't allowed in the courtroom. Made it his personal goal to get abuse and neglect hearings open and they now are. A or B felony, serious events are open hearings.

Juvenile system...it is not punishment. Guilty of unlawful use of a weapon, you will go to gun court. More intense supervision than other crimes. You have more obligations in reporting and monitoring. They don't get locked up...more like probation.

**Audience comment:** My gal was one of the carjacking victims. 14 years old...they said at the very most he would be in juvenile division until 18. Received the same answer...that decision is made by Youth Services. Is this young man rehabilitated? If you are the victim it is hard to accept.

**Audience question:** How do you rehabilitate these kids? 14 going to be 15? Let him out at 18? What is so magical that happens in the dorm room?

**Answer:** The good news is, I was never a delinquent. He doesn't know exactly what happens. Our juvenile division was written up in Parade magazine. They have a very good program with these young people. How can you rehabilitate a kid in 4 years and make up for 14 years of crappy parenting. One of the goals of the judges is to distinguish stupid from mean and nasty. It is a very high % of the kids that turn their lives around. They have a high success rate of rehabilitating.

**Audience question:** Things that are happening, juveniles are committing crimes, what are they doing to hold the parents accountable in the system. Can they be charged with anything?

**Capt Mueller:** when juveniles commit a felony, the parents are issued a citation. They will be charged a fine or community service. Very difficult to proceed with prosecution on the state level. If you have a single parent family...mom is working two jobs, they give her a \$150 fine, are they doing more harm than good? The parent has the opportunity of community service in lieu of the fine.

**Hettenbach:** one difference between 14 and 18 years old. You can get the kid from 14 to 18 without having all of the bad influences. You can do that for a few years...that in and of itself is some progress. 15 year old shot someone, certified as an adult, now is 21 years old. At 21 he is a young man...he will probably not make it. Whatever they do...it is better than doing nothing.

A lot of those kids will say can you put me in the country, I don't want to live in the city. They realize that they have to get away from the bad influences.

#### **DESCO Representatives**

Jenny Mitchell, property mgr for DESCO

Marnie Miceli-Clark, property Admin for Loughborough Commons

We are also very concerned about the neighborhood, they have close to 24 hours of security, off duty police man rotates shift 16 hours a week. They move him around so that no one will know when he is there. They can't prevent everything from happening. They do everything that they can. Main concern is for the safety of their tenants. Our contact info is here. They are here to listen to you. And pass that info on to ownership.

**Audience Question:** the security people around here...they can't do nothing for anybody. This resident chased a kid who grabbed a woman's purse. Security didn't do anything. 300 lb security guard probably is physically unable to respond.

**Answer:** That is the kind of info that they need to know. They hire security companies for a lot of their centers.

**Audience comment:** Security guard at Chesterfield was his age and seemed more capable.

Same feedback. Hire off duty officers on a more permanent basis.

You have influence on the security company.

Many residents reported walking into Schnucks to report an issue and being told that there is nothing that the manager can do.

DESCO is a sister company of Schnucks, it is not Schnucks.

Dave Tallent - It shouldn't fall on the residents to call the police...the security staff should also call the police.

Mgr Jackie...things need to be reported to the police. Make her aware of things you don't like but we don't want to crucify her.

**Audience comment:** Just so that you are aware...lots of people have dialed 911 from the parking lot. Car fixing scams, they do call, but why do we even have the security guards there if we have been told by the businesses that we need to call the police? Why are they just there for a presence? What is the benefit.

**Answer:** The store management and store security should be contacting the police, and the rep will talk to them about this.

**Audience question to Police officers:** Do you really want us to call the police for panhandling?

**Capt Mueller:** They receive a couple 100 calls a month for Loughborough Commons. From Capt Mueller perspective...DESCO needs to take action on their own about what is happening on their lots. Problem on the common ground that needs to be addressed. This delays the police from getting to other calls.

Rep asked if Capt Mueller is willing to meet with them? Capt Mueller is absolutely willing to meet.

One resident works for Schnucks...Schnucks is just one place in the commons. If anyone has an issue, please come in and let the mgr know. She will call the police and ask the problem person to leave...if they do not leave the manager will call the police. Use your cell phone, take a pic of the person and forward to the store. Reps have been asked to prosecute and if someone is arrested they will absolutely prosecute. Regarding police for security instead of regular security guards? Resident worked at Grand and Gravois for 10 years...some people don't want to go there now. Had off duty police officers as in-house security. Problem was that police officers had to leave the building to go take care of the

paperwork and left them with no security. Catch-22 with that. He is seeing the same pattern starting now at LC as at Grand and Gravois.

### **Officer Wilson**

Happy New Year. I am liaison Officer for Holly Hills. Give you a card, contact me via email. I'm here to help you with quality of life, making things go better for you. Derelict vehicles, suspicious activity.

In the crime stat handout, it states to never leave title and registration in car, you can leave your registration but not your title.

Rat Patrol been helping? They're out there regularly...and daytime. Justin Johnson was asking about the Rat patrol. The concern is that they haven't gone thru official training. We don't ask anyone to carry guns...Capt Mueller stepped away. They don't sponsor the gun part. Rat Patrol member states they have a don't ask don't tell policy. Officer Wilson and Capt Mueller response: If something would happen, we can't say that we are affiliated with the Rat Patrol.

Capt Mueller is interested in meeting with the Rat Patrol. It was an ad hoc group formed when the Rat Patrol members felt the police weren't going to help us. Capt Mueller is just asking for a better understanding of the group.

It's happening again...people warming their cars up. Getting stolen at a high rate. Don't warm it up in front of your house unattended...it is actually illegal. You can get a ticket. Get a club.

**Capt Mueller:** Just a follow-up...very briefly on the judges. For a long time there were complaints that the police don't do what they are supposed to do. They are addressing that. Then prosecutors weren't doing their job. Jennifer Joyce has addressed that. Then we complained about the judges and now the judges are getting more involved. 10 years ago you wouldn't have seen judges attending meetings. The next step...will be in corrections. The problem is that we have tried so many different things, and it seems that they are all ineffective. Sending them away is not solving the problem...they will do their time and come back to the same environment that has been their whole life. That is the biggest challenge. What do we want and expect corrections to do? Warehousing? Programs? Which programs are effective? How do we get them out of the environment that they have been in and make them productive members of society. Need better parenting...but when your parents are brought up in that same situation they repeat the cycle. We have made a lot of progress in certain areas, this is the next area for open and frank discussion.

Gun court question: it seems pretty obvious if you got arrested with a gun and there was an assault. Presumed innocent...but isn't it a given when you are arrested and a gun is involved.

Capt Mueller is a proponent of what in his mind is gun court...it's like the judge said, it is a good buzz word. And a good crime slogan, but what does it mean. He is for the fast tracking. We've all had our lawnmowers stolen...crimes with guns are a different level of concern.

We have a drug court...no one is assumed guilty walking into drug court. It depends on how it would be structured. He doesn't want to violate anyone's constitutional right. The police chief and Circuit Attorney are continuing to press for it. Continuing to meet with judges. Judge Hettenbach is the one that would have to be convinced.

**Beth Murphy:**

All of our utility boxes will be painted by an artist in the spring.

In April there will be a bond issue on the ballot...and city earnings tax. Only \$25 million, no property tax increase. Depts came to them and felt like they had to have funding. Majority is for the fire dept. Trucks and equipment that they have to replace. They have the most expensive vehicles. City rec centers such as Marquette will get a chunk of money. Earnings tax is \$300 million dollars for the city...if we lose it I don't know what we would do. It would last for another 5 years if we pass it. If it would fail it would have to be replaced by sales tax and property tax.

**Audience question:** before the RecPlex building was built here...taxpayers passed a bill. All city places were supposed to receive funding (Marquette, etc) where did that money go?

**Answer:** Unsure, it was before she was alderwoman.

**Audience question:** Any more money to the schools?

**Answer:** Nothing to do with the schools. Schools are funded strictly through property tax.

**Audience question:** Any readdressing of the bond for police officers?

**Answer:** Not as of yet because it would be such a large amount.

**Audience question:** Is the crime a top priority for our elected officials? What is being done?

**Answer:** Trying to pass bond issues...they tried and they failed. They got 61% of the vote and it didn't pass. That bill was only for infrastructure, not hiring more police officers.

They were trying to increase parking fees and they lost the red light cameras...they had to give \$5 million back. Safety should be main priority. They do need to put something together for the police dept. They are working on trying to refigure how they can get the red light camera money back.

**Audience comment:** I'm not a RAMS fan, but there was money...and now there's not money for cops.

**Answer:** The money for the stadium study did not come from the city. The regional sports authority paid for that...this money is coming from the state. The money for the stadium was coming from the income for the stadium...

**Alderman Villa:**

MSD will be on the April ballot also to make you feel worse. Govt is in fact complex...there just isn't one big pot of money. Capital improvement bond issue. Failed with \$199 million, now going for incremental \$25 million dollars. RecPlex centers...they are all getting old. Trash trucks have holes in them. Pres Reed dedicated 1.3 million to rec centers. Holiday lights looked great. Three distinct branches of govt...no one tells the judiciary what to do.

Geospatial decision in the spring.

Gentleman bought Lyon School. Reuse should be interesting...he plans on living in part of it and subdividing it into offices. Developers of property at South Broadway and county line...their \$10 million spec building for Greenstreet...the flood thing worked there.

**Dee Brown**

St. Louis Safety Group meeting, strength in numbers

Next one Feb. 22<sup>nd</sup>, South Grand Library  
All about building issues, problem properties

Hannah Ehrlich organizes the HH community garden, spring will be here very soon  
If you are interested in a garden plot contact her at [garden@hollyhills.info](mailto:garden@hollyhills.info)  
They have a lovely little space

Next HHIA meeting March 28<sup>th</sup> at the RecPlex