



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

*Theresa Galvin (6th) Chair, Dan Tarwater III (4th) Vice Chair,
Jalen Anderson (1st AL), Crystal Williams (2nd AL), Tony Miller (3rd AL),
Scott Burnett (1st), Ronald E. Finley (2nd), Charlie Franklin (3rd), Jeanie Lauer
(5th)*

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri 64106
(816)881-3242

Wednesday, June 12, 2019

1:00 PM

Twenty-fourth Regular Meeting

K.C. Legislative Assembly Area, Kansas City, Missouri

Theresa Galvin, Chair, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present 8 - Jalen Anderson, Crystal Williams, Tony Miller, Scott Burnett, Ronald E. Finley, Charlie Franklin, Dan Tarwater III and Theresa Galvin
Absent 1 - Jeanie Lauer

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

A motion was made by Dan Tarwater III, seconded by Jalen Anderson to approve the journal of the previous meeting held on June 10, 2019. The motion passed by a voice vote.

4 HEARINGS

Theresa Galvin, Chair, introduced the discussion on security issues at the Jackson County Detention Center. She said that anyone present to speak in opposition to the current policy will be allowed 15 minutes and representatives from the Detention Center will be allowed 15 minutes to respond.

Tracy Spradlin, attorney, said that changes to the policies at the Detention Center were a surprise to everyone. The message being sent is that an officer of the court could be suspected of giving weapons to their clients. This process creates a disparate treatment of female attorneys. She said that she and other attorneys have a stake in the safety of themselves and their clients. She said that it has not been shown that attorneys are smuggling in contraband in this way. She said that everyday other metals pass through security, including belts, tie clasps, and paper clips without issue. She said that everything is out of date at the jail, including the telephone visitation system. Ms. Spradlin said that there are

circumstances when a professional may need to visit the jail even though they are not yet listed in Casenet as the attorney of record. Ms. Spradlin continued that this policy will have a chilling effect on female attorney's ability to get business or manage their clients at the jail. She said she can come into the downtown courthouse without even passing through security. No attorney would want to risk their bar license or their personal freedom and safety by smuggling contraband in the Detention Center in their bra.

Molly Hastings, attorney, presented next. She said that she comes at least once a week to the Detention Center. She does not want to meet with clients or in front of a judge wearing a bra she would wear to a volleyball match. She said these are restrictions that would never happen to a man. Ms. Hastings said that this policy has unintended consequences and now that we know about those consequences we have a responsibility to fix it.

Ms. Hastings said that it is not fair to say that as female attorneys they are elitist or entitled. This policy is about the rights of the individuals at the jail, many of whom are innocent. She said these detainees at the Detention Center deserve representation.

Laurie Snell, attorney, said that this is a sexist policy against women. She was surprised to find this policy in this day and age. Ms. Snell commented that it felt unfair to her to have to go in the bathroom to remove her bra just to see her client. She continued to say this sends a message that women and women alone cannot be trusted. She said that what she wears should not be an impediment to doing her job. She said we are all in support of security and safety at the Detention Center, but there is no evidence that contraband has been brought in by women to the jail. The problem is the jail. Many facilities are able to ensure the safety and security of people without infringing on anyone's rights.

Carie Allen, attorney, said that corrections officers and other employees at the jail have always treated her wonderfully. She has experience at numerous jail facilities handling capital offense cases. Aside from the facility at Potosi she has never had an issue passing through security. She said normally if the security system buzzes she is wanded and allowed to enter. She added that prisons and jails are different types of facilities. She said that Potosi is not set up to accommodate attorney client visits. The security policy at the Detention Center is not a normal security procedure.

Ronna Hollaman-Hughes, attorney, said that she supports the comments of the woman who spoke before her. She said that it is possible to ensure the security and safety of everyone without discriminating against an entire

population.

Major Michael Montgomery of the Jackson County Sheriff's Office said that in November 2018 the voters of Jackson County sent a clear message that they wanted the Sheriff to oversee the management of the Jackson County Detention Center. He said that since January the Sheriff's Office has taken 47 assault reports, 11 property damage reports, and eight contraband reports. He said that to restrict entry of these and other items, all employees, vendors, and others entering the Jackson County Detention Center would need to clear through security. We cannot put a price on our security. He added that if a Sheriff's Officer was killed or injured by contraband, we would not be having this conversation.

Diana Turner, Director of Corrections, asked the Corrections Department associates to stand and be recognized. In considering her response to this situation she thought of an email she received from Corrections Officer Lawanda Shepherd who emailed to thank her for efforts to keep the COs safe. Ms. Turner said that it is her responsibility to make sure Lawanda Shepherd goes home to her three kids every day. She added that a lot of people have had to adapt to this new policy. She has only had one professional reach out to her to try to resolve this and to share their concerns. She said that in these attorney's comments we heard seven references to their being treated separately and five references to their being inconvenienced. The County has no provision to provide for law enforcement personnel if they are injured on the job. She said that Corrections Officers have twice the suicide rate of a police officer. Of the 35 professionals that visited the jail yesterday, 18 of those were women and six attorneys asked for non-contact visits, not because of this policy.

Sheriff Darryl Forte' said that because of the accusations of constitutional violations against inmates and the possibility that he personally could be liable, on the advise of his attorney, he was limiting his comments. He said that he is here to talk on behalf of the inmates and the staff at the Detention Center. He said he cares about the humanitarian piece of this issue. He asked, how many hearings have been held about the conditions of the jail and the rapes at the jail. Sheriff Forte' added that he was notified of this meeting through social media. He said he would not compromise on safety. He will look to the Legislature for additional equipment. He has to be a voice for the people who transferred the facility to the Sheriff. He said that the Federal government can throw millions of dollars at an issue, such as 9/11 to deal with security, but the County does not have those unlimited resources. He said that he hears people talk about the Sixth Amendment, but what about the Eighth Amendment? He added there will

not be in reduction in security for our people. He said that former inmates have contacted him to thank him for making a difference. He said that he will continue to use social media to get the message out. He said our President of the United States has used social media to communicate since day one. If the President has the right to do that, then he has the right to do that as well.

Theresa Galvin, Chair, then opened the discussion up to questions from the Legislature. Crystal Williams said that we have been told that this policy is not directed at one group of people, but yet it has an impact on only one group. She asked those present for recommendations on how to fix this problem.

Diana Turner said that the statement about only attorneys of record being allowed to meet with inmates was an error in the choice of verbiage on her part. She should have clarified that to include any professional visit for an inmate.

Carie Allen said that the Crossroads facility has high security and she has never had an issue with her underwire bra there. She recommends that the Detention Center staff meet with representatives at Crossroads to see how they handle their security matters.

Ronald E. Finley, County Legislator, asked Major Montgomery if the figures he reported on assaults, property crimes, and contraband were typical or is there an unusual spike in these crimes.

Major Montgomery said that there are no specific records for these incidents prior to the Sheriff taking over the jail on January 1. Diana Turner said that the Department of Corrections has asked for funding for private security to handle this function at the facility. This cost would be about \$415,000 to provide 24/7 private screeners to supplement their staff. While she cannot discuss specific security details, that other jails do not want to have this fight. She said that 104 women work at the jail and have figured this out.

Theresa Galvin said that in 2017 the Legislature adopted resolutions to provide funding for additional x-ray equipment and body orifice scanners. She added that the Legislature has approved every funding request to provide for improved safety and security at the Detention Center.

Scott Burnett, County Legislator, asked if a wand can be used to check anyone that sets off the metal detector. Diana Turner said that wand

does not identify what the specific metal is that is setting off the scanner. It will not distinguish if there is contraband inside the bra or if it is the wire setting off the metal detector.

Jalen Anderson, County Legislator, said that this is a simple thing to fix. He said that the fact of the matter is that we are slowing down the process of justice by not fixing real problems at the jail.

Tony Miller, County Legislator, asked if there was anyone present who has been denied entry to the jail. Jessica Ross, attorney, said that she was denied entry just this morning. She said she was going to appear in court via the video link but when she couldn't enter the jail she rushed over to Division 34 in Independence. She made a record with the judge regarding this issue.

Laura O'Sullivan stated that she was at the jail yesterday and watched a woman remove her bra by the metal detector and was given her bra back after she passed through the metal detector. She said that she had a student with her who was not able to go through security. The Sheriff's statements that 18 women passed through security yesterday is not correct. But she said that the COs are wonderful and that this is not about them.

Mr. Miller asked if any of the contraband found was underwire. Diana Turner said it was not.

Mr. Miller said that the Sixth Amendment is a serious thing and should not be sacrificed for the illusion of security. Equating female attorneys with inmates who have contraband does not help us find a solution. He said that non-contact visits are not the same as contact visits under the Sixth Amendment. Mr. Miller said that these women attorneys have been pre-checked. He added that his recommendation is that if an inmate meets with an attorney that could not pass security, then they should be searched after the contact visit.

Diana Turner said that all inmates are stripped searched after all contact visits. She asked how many of the Legislators were attorneys. She said that she could appreciate then their support for the opposition on this issue. She saw many Legislators out speaking with the protesters this morning and she applauded that but she did not see anyone coming over to speak with associates at the jail today. She said that because of this protest they had to increase security at the facility.

Darryl Forte' said that they would be asking for additional equipment that may be making this situation better.

Scott Burnett said that if even after inmates meet with officers of the court they are searched, then he does not understand the problem. Officers of the court should be allowed to meet with their clients.

John Picerno, attorney, said that he has never seen an instance of an attorney bringing in contraband. He said that these women are not going to jeopardize their safety by bringing in contraband. Why, if these inmates are stripped searched after a visit, would we deny their access to their clients. This is a solution to a non-issue. No other jail in the state of Missouri or Kansas has this issue.

Theresa Galvin said that she has heard maintenance people are not allowed to wear steel-toed boots anymore. Additionally maintenance staff are working side by side inmates with tools that could be used as weapons.

Charlie Franklin, County Legislator, said that he hates that it now feels like we are further apart and that the Sheriff's Office does not sound willing to compromise on this issue.

Tracy Spradlin said that she is bothered by the suggestion that they would violate the law and jeopardize their livelihood by bringing in contraband.

Scott Burnett asked the parties if they were willing to speak further to reach a resolution. Tony Miller recommended the Office of Ethics, Human Relations, and Citizen Complaints as a possible mediator. Scott Burnett recommended the Center for Conflict Resolution. Darryl Forte' said they would discuss these matters today.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

None.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[5226](#) Consent Agenda.

A motion was made by Dan Tarwater III, seconded by Tony Miller to waive the reading of Ordinance #5231. The motion passed by a voice vote.

[5231](#) Consent Agenda.

[5234](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[20180](#) A RESOLUTION nominating candidates for appointment to the Jackson County Sports Complex Authority, for a term to expire July 15, 2024.
(Legislature As A Whole - 1st. Meeting)

Theresa Galvin announced that nominees to the Sports Complex Authority will be interviewed at the June 24, 2019 meeting.

[20181](#) A RESOLUTION authorizing the Sheriff to execute a Memorandum of Understanding with the United States Marshals Service for participation in Operation Clean-Up.
(Justice and Law Enforcement Committee - 1st. Meeting)

[20182](#) Finance and Audit Committee moved to adopt. Consent Agenda.

9 CONSENT AGENDA

[5226](#) AN ORDINANCE enacting sections 5547 and 5573, Jackson County Code, 1984, relating to the petty offense code, with a penalty provision.
(ADOPTED)

[5231](#) AN ORDINANCE appropriating \$2,370,375.00 from the undesignated fund balance of the 2019 Grant Fund and awarding a contract on Bid No. PW 09-2018 for the Rock Island Rail Corridor Shared Use Path - North Segment Project, No. 3221, to Radmacher Brothers Excavation Co., Inc., of Pleasant Hill, MO, at a cost to the County not to exceed \$11,067,439.71, and authorizing the Director of Parks + Rec to approve line item adjustments at no additional cost to the County.
(ADOPTED)

[5234](#)

AN ORDINANCE appropriating \$79,067.00 from the undesignated fund balance of the 2019 Grant Fund in acceptance of the Jackson County Disproportionate Minority Contact Coordinator grant awarded from the Missouri Department of Public Safety.

(ADOPTED)

[20182](#)

A RESOLUTION transferring \$33,437.00 within the 2019 General Fund and authorizing the Director of Finance and Purchasing to issue payments totaling \$33,437.00 to various economic development agencies for annual membership dues.

(ADOPTED)

Ordinances #5226, #5231, #5234, and Resolution #20182 were sent to the Consent Agenda for adoption.

A motion was made by Dan Tarwater III, seconded by Tony Miller, to approve the Consent Agenda. The motion passed by a roll call vote:

Yes: 8 - Jalen Anderson, Crystal Williams, Tony Miller, Scott Burnett, Ronald E. Finley, Charlie Franklin, Dan Tarwater III and Theresa Galvin

Absent: 1 - Jeanie Lauer

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

None.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

None.

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Ronald E. Finley, County Legislator, requested that the County Legislature set up a time for further discussion on the County's reassessment. He said that it is important to be mindful of the deadline for informal reviews on June 24, 2019. Theresa Galvin said that the deadlines are set by state statute to complete the process by June 28th with the deadline for the Board of Equalizations set for July 8th.

14 NEW BUSINESS

None.

15 ADJOURNMENT

A motion was made by Dan Tarwater III, seconded by Crystal Williams, to adjourn the meeting. The motion passed by a voice vote.

Meeting adjourned until Monday, June 17, 2019 at 1:00 P.M. at the Jackson County Courthouse, 415 E. 12th Street, Kansas City, Missouri, 2nd Floor, Legislative Assembly Area.