

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALPINE
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September 27, 2011

Presiding Justice Brad Hill
Court of Appeal, Fifth District
2424 Ventura Street
Fresno, CA 93721

Via E-Mail

RE: Alpine County Court Construction Project

Dear Justice Hill,

Please accept my apologies for the delay in this response to your request for information about our court construction project. I have been on vacation and it did not come to my attention until my return yesterday, and then not until the end of the day.

Our situation is truly unique and, I believe, strongly supports continuing with the project, even given the present financial climate under which the branch labors. The building was constructed in 1928 and designed as an all-purpose county facility. Originally housing the one county clerk/recorder, one treasurer/auditor, one district attorney, in addition to the single department superior court, all on the upper level, it has long since outlived its useful life for any purpose. The sheriff occupied the downstairs/basement area and recently moved out of most of its space due to Cal-OSHA reporting of unsafe (lack of emergency exit) and unhealthy (principally radon) conditions, which makes it unusable for us as well. The sheriff dispatch center remains in the small usable space downstairs, and there is a public entrance at that level with no security. The court occupies the upstairs, which includes a single courtroom, the clerks (we have four) utilize the former county clerk and treasurer space, the probation officer has a small office, and the two judicial chambers and CEO office round out the usable space of approximately 2550 square feet. There is one women's bathroom upstairs and another for men downstairs adjacent to the old sheriff space. The bathrooms frequently are out-of-service due to the ancient plumbing system. The HVAC system has been cobbled together over decades and is unreliable resulting in freezing temperatures in the winter and sweltering conditions in the summer. We have no jury assembly or deliberation room, no holding cell for in-custody defendants or juvenile segregation area, no secure and equipment appropriate IT facility, no attorney conference room, our records and supplies which we must keep on-site are on 2x4 framed shelving we have installed in the old treasurers safe and most of the records are in a rented storage facility in a Nevada town some 25 miles away. The upstairs entrance requires navigating two separate sets of steps and an uncovered walkway which is impossible for those with disabilities under any circumstances, and dangerous for all during winter months as the county public works employees have other snow and ice removal duties which seem to take precedence over our needs. I regularly shovel the stairs and walkway to minimize the danger to our staff and the public during storms. We have had infestations of insects, rodents, bats, and a break-in by a bear.

Clearly the most pressing problem we have is security. As mentioned, there is a downstairs entrance to permit the public to reach the sheriff dispatcher to make reports; it is generally unlocked although when we are in session it is locked with a note on the door to go upstairs and through the security screening. Screening occurs only when we are in session. We regularly have calendars on Mondays and Tuesdays, with infrequent settings on other days only as needed. If we aren't in session, there is no security presence in the building, and the clerks, CEO, and judges offices are enclosed with wood and glass panel doors that provide virtually no protection should entrance be sought by an intruder. There is only a small common foyer and hallway providing access to the courtroom, the clerks' office, and the chambers. Both judges travel on assignment to assist other courts in the region, and the CEO and clerks are alone at those times. When we have in-custody defendants, they are brought in through either of the public doors and moved through the foyer/hallway in the immediate presence of the public, including victims and witnesses. Those in custody must be seated in our jury box and be constantly monitored by at least one deputy to avoid contact with the others, whether friend, victim, witness, or otherwise. Trials are infrequent, but when occurring are particular security nightmares – we recently had to receive assistance from the AOC and the El Dorado County Sheriff to ensure adequate security presence. Our building and courtroom do not accommodate the number of jurors we must summon for even modest matters, and the parking is inadequate to handle their cars, which requires us to rent from the county a meeting hall several miles away where we must set up a rough courtroom, using folding chairs and tables and additional security for the remote and vulnerable setting. When the sheriff deputies moved out several months ago, the AOC installed a camera system to monitor activity in and around the building, but it is little comfort to us to know that if something does happen to any or all of us there will be a video record of the event. We do have a panic button system which goes through a private provider and then to our sheriff who would have to respond from their office some four miles away or, as frequently occurs, from the road if all those on duty are engaged in patrol.

I could go on, but I think the point of present facility deficiency is made.

There is another reason to proceed, however. Alpine County is principally federal government land, and there is little available property on which to build a courthouse. There presently are only two private parcels suitable and potentially available, in addition to the possibility of acquisition and rehabilitation of the existing building. The latter is the preferable option to our court, the AOC team, our Public Advisory Group. Much work has been done to make to proposed project acceptable to the county, and if not pursued to fruition that option may be lost forever as the county has expressed an interest in rehabilitating and using the building for its own purposes. The private parcels are listed for sale and if both do sell and the county determines to convert the building for its use the prospects for finding a suitable location would be virtually nil.

We are in a dire situation here, and it would be a terrible thing to lose the momentum we have built through the efforts of our talented AOC team over the past year or so. I hope this will assist those making tough decisions to see the merit of our project, and am available if I may be of any further assistance.

Sincerely,

David L. DeVore
Presiding Judge