



Sixth Judicial District

Archuleta County
La Plata County
San Juan County

Jeffrey R. Wilson, Chief Judge

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November 13, 2017

Chairman Steve Wadley
Commissioner Michael Whiting
Commissioner Ronnie Maez
PO Box 1507
Pagosa Springs, CO 81147
Via e-mail and Hand Delivery

Re: Archuleta County Courthouse

Dear Chairman Wadley, Commissioner Whiting, and Commissioner Maez:

I would like to thank you very much for your offer contained in your letter dated November 2, 2017, to allow the Sixth Judicial District to use the current BOCC building to conduct court operations in Archuleta County until a permanent solution can be implemented.

As you are aware, approximately three years ago, the Sixth Judicial District used the current BOCC building for court operations for approximately 30 days while the structural integrity of the courthouse roof was to be enhanced.¹ Since that time, the BOCC has moved into the building after remodeling the interior. While I have briefly been in the building since it was renovated into the current BOCC offices and meeting room, I am not completely familiar with its current configuration. I am therefore unaware if there is still a room that is appropriate to use as a jury room for jury deliberations, which is an essential component of an adequate court facility.

It is my understanding that the current building has only a single toilet unisex bathroom that would need to be shared between litigants, attorneys, public, staff, probation, and judges. One restroom of this nature is clearly insufficient for the number of people who will be using the courthouse every weekday. As you know, litigants and spectators can become extremely upset and potentially violent during and after court proceedings. This can occur in criminal cases but even more often in civil cases, particularly in a civil case where people may have had their

¹ Unfortunately, we were informed that the initial efforts at strengthening the load bearing capacity of the roof actually had the effect of weakening, not increasing the roof's capacity to withstand the snow load it must support each winter.

children removed from their care or their homes and businesses taken away from them. A shared bathroom is simply not safe for probation officers, staff, or judges. As part of normal probation supervision, probation officers will need to conduct urine tests with probationers in the single restroom, which will also be quite problematic for the public, staff, and probationers. Additionally, I am concerned that the occupancy limit on the BOCC building is insufficient to house probation, clerk's office operations and courtroom operations, particularly on days when jurors are pulled, creating further safety concerns.

I also have additional security concerns with what I know of the current configuration of the BOCC building. I am not sure that the non-public areas and the area that the clerks interact with the public can adequately be made secure. In addition to security concerns due to upset litigants, the court will take in sums of money as well as confidential documents and financial information that can only be sufficiently protected in secure staff office space.

In addition, when the district previously occupied the building, it became apparent that court clientele are not compatible with the building's location across the street from the middle school. As we have previously discussed, sex offenders will regularly be coming to the building. If the sex offenders are on probation, our local sex offender treatment board prohibits the offenders from being close to or loitering near a school. While in informal conversations with the county manager and county attorney we explored if there may be a way to work around this prohibition, the sex offender treatment board is separate from the courts and probation and we cannot require our local board to make exceptions for the sex offenders that they are supervising, particularly as this prohibition exists to preserve public safety. Additionally, the sex offender treatment board only deals with sex offenders who are on probation. There will still be people charged with sex offenses who will not be in custody coming to court, as well as criminal defendants who are appearing for non-sex related crimes. Neither the court nor probation will know if these defendants have a criminal history of sex offenses unless and until that offender is convicted of a criminal offense and the convicted defendant has undergone a pre-sentence investigation. In addition to sex offenders, individuals charged with or convicted of crimes of violence, physical child abuse, drug sales and/or use will be required to attend court and/or probation meetings across the street from the middle school.

The last time the BOCC building was used as a temporary courthouse, the Archuleta School District was extremely upset at the temporary location of the court facility. Whatever building we use as a temporary court facility, our use of such facility will last for at least several years until a permanent facility can be devised. I do not believe we should expose middle school children to the criminal defendants that would congregate outside of the BOCC building as they arrive and depart from the building. I doubt that the local community would approve of placing a court facility so close to the middle school for an extended period of time. The public safety implications alone probably preclude the use of the current BOCC building as a viable option for temporary court and probation operations.

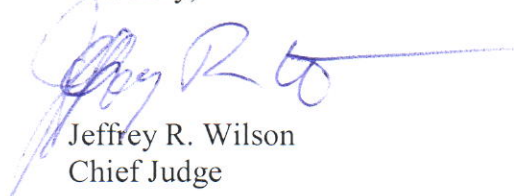
We have not yet received Dr. Kosnett's report which will provide an analysis of the medical records and symptomology of court and sheriff's office personnel and his toxicological findings after examining the building and its location. We will provide you with this report once we receive it.

We have previously made a request pursuant to the Colorado Open Records Act for the final report you have received from Herron Enterprises USA, Inc. We have not received any response to this request. In addition, Eric Hogue, the District Administrator of the Sixth Judicial District, requested in an e-mail to Bentley Henderson on September 21, 2017, that we be given information concerning the repairs to the structural integrity to the roof of the courthouse. While the roof was worked on last summer, it appeared to my staff that the work only addressed the issues regarding the leaking of the roof and not its structural integrity. As you know, the Sixth Judicial District still maintains equipment, furniture and other items in the Archuleta County Courthouse that we need to protect. For the past several years, our clerk's office has been required to have the weight of the snowpack measured by a local retired engineer in the winter. When the weight of the snow is excessive, the clerks ask the county to shovel the roof. Because we are no longer in the building, we will no longer be checking the weight of the snow load. We do need to know, however, if we need to remove and store our furniture and equipment before winter comes to protect the state's property. I would appreciate your prompt response to our request for a final version of the Herron report and information about the structural integrity of the roof above the probation department, upstairs courtroom, and judges' chambers.

As I have previously informed the board, the Sixth Judicial District will not return to the current Archuleta County Courthouse. Currently, two out of nine (22%) of court and probation staff are medically prohibited from entering the courthouse. This number may increase as staff continues to obtain medical evaluations. We are currently operating via an emergency order that I have issued that allows County Court for Archuleta County to be held outside of the town limits of Pagosa Springs. At some point, I may no longer be able to justify this situation as an emergency that allows us to hold county court in La Plata County.

I want to thank you for meeting with us tomorrow at your work session so that we can attempt to find mutually agreeable temporary and permanent solutions that will allow us to return court operations to Archuleta County.

Sincerely,



Jeffrey R. Wilson
Chief Judge
Sixth Judicial District of Colorado