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RURAL COURTS COMMISSION

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August 27, 2007

Ms. Trisha McLeod
Clerk to the Transylvania County Board of Commissioners
21 East Main Street
Brevard, North Carolina 28712

Dear Ms. McLeod:

On behalf of the Rural Courts Commission, I am writing to thank you for your assistance at our recent meeting in Transylvania County. We appreciate your taking the time away from your very busy schedule to provide staff assistance to the Commission for its visit to your district.

I am pleased with the support the local county and court officials expressed during the meetings and appreciate all the hard work you provided to us in getting the meetings scheduled, in providing information for invitations to all the guests, and for all the other services you performed behind the scenes. We could not have had such successful meetings without your very able assistance and I sincerely appreciate your willingness to help us in our time of need.

With my sincere thanks and deep appreciation, I am

Sincerely yours,

Kimberly S. Taylor
Kimberly S. Taylor

Recommendations of the North Carolina Rural Courts Commission for

Transylvania County

Current Conditions

The Commission (RCC) wishes to thank Senior Resident Superior Court Judge Mark E. Powell; Transylvania County Commission Chairman Jason Chappell; County Commissioner David Guice; County Commissioner Lynn Bullock; County Commissioner Daryle Hogsed; Clerk to the County Board of Commissioners Trish McLeod; Transylvania County Manager Artie Wilson; Clerk of Superior Court Rita K. Ashe; Transylvania County Bar Association President Michael Eubanks; Sheriff David Mahoney; Register of Deeds Cindy M. Ownbey; Tax Assessor/Collector David Reid; Chief Deputy Eddie Gunter; Jail Lieutenant Mike Carpenter; Executive Director of SAFE Salley Stepp; Assistant District Attorney Doug Mundy; County Attorney Jeanne Hall; Attorney Curtis Potter; County Emergency Manager David McNeill; Architect Richard Worley; County Project Manager Larry Reece; Reporter Kate Herold; Reporter Jon Rich; and Reporter Sherrill Barber for sharing their valuable time with us on August 17. We particularly thank you all for the thought you each put into your communications with us and for the excellent way in which our meeting with you was organized.

We also wish to thank the Transylvania Board of Commissioners for the delicious food you provided at our meeting and for lunch. The lunch break was most enjoyable. Artie Wilson and Trish McLeod have our special appreciation for their hard work.

The courthouse is an example of Victorian architecture from the late Nineteenth Century with Italianate influences and an appropriately conservative outward appearance. The original part of the building has two floors as does the old jail which has been converted to office use. These two portions of the courthouse are joined as a split level which inhibits use by those who are physically handicapped. A modern portion includes an elevator which ameliorates part of the access difficulties of the physically disabled.

The large courtroom provides adequate seating for either Superior or District Court sessions but is limited as to access for those who are physically disabled. The Bench, jury box, and witness stand are all elevated at least one step and access through the Bar is tight. The second courtroom on the first level of the lower floor is quite small and adequate only for non-jury sessions with limited dockets of cases. Public seating is limited to less than forty persons. Handicapped access is better than in the larger courtroom but not complete.

Due to the configuration of the large courtroom people inside the courthouse enter the courtroom to the side of the Bench which is distracting to the Judge and jurors if a jury is empanelled. It also creates a potential security problem because these people cannot be seen until they enter the courtroom.

There is no holding cell for either courtroom. Prisoners are brought from the jail in small groups through public hallways and seated in the jury box or along the wall until their cases are called. This is a dangerous practice as prisoners can easily assault members of the public or be assaulted by them. Contraband, including drugs and weapons, may be passed when prisoners are being moved through public hallways.

The courthouse is shared by judicial and non-judicial functions. The County Tax Assessor and Collector and the Register of Deeds each have offices on the first level of the original courthouse. Residents using their offices periodically encounter fights between and among persons in the courthouse for court purposes. Both these offices have filled their available space and have no room for future growth. The District Attorney, Clerk of Superior Court and other court agencies are also located in the courthouse. The Clerk of Superior Court is located on the first floor and the District Attorney on the second. Both these offices are full with no growth space for records or staff. Room for private meetings between attorneys and clients and between court officials and members of the public and defendants is severely limited. In addition, Transylvania County will be served by a Public Defender beginning January 2008. There is no room in the courthouse for the Public Defender and staff.

The present courthouse has no jury pool room and because of the interior arrangement of stairwells and hallways jury members, both those selected to serve on juries and those in the larger pool who have been summonsed to serve, must mix in the public areas with victims, witnesses, relatives of parties and defendants who are in custody and those out on bond. This is a dangerous situation as well as one that potentially exposes jurors to evidence not admissible in court and threats from trial participants. Such mingling has resulted in mistrials of serious felony cases in other counties.

The courthouse lacks external security. There are no metal detectors and no single point of entrance through which the public could pass and be screened. The Sheriff and County Manager are presently working to address this very dangerous situation by establishing a single point of entrance equipped with a metal detector and an x-ray machine. This change will involve having the public enter from the side rather than the front door and converting the front door to an exit. The County has begun construction to effectuate this change which also includes educating the public.

Internal security is provided by panic buttons in the courtrooms and individual agency offices. County and Court officials testify that response is rapid when a panic button is pressed. This is a good system and probably well known to troublemakers who frequent the building. The hallways are less well protected except when law enforcement officers are present for court or other official duties. Several courthouse officials indicated fights were a frequent occurrence in the building. Hallway fights should be reduced once

cameras are installed as planned. The Sheriff has a good plan to install cameras viewing eight areas with monitoring by retired officer volunteers.

Parking is at a premium in the courthouse area. All available space is used for this purpose. This does create another potential security hazard if someone had a bomb in a vehicle as happened in Oklahoma City in April 1995. The Sheriff should consider installing a security camera overlooking the parking lot due to the proximity of a public park which has attracted convicted sex offenders in the past. With ideal conditions, parking should be a safe distance from the courthouse for security and noise reasons.

Spanish language interpretation is provided by locally available Spanish speakers including a member of the District Attorney's staff. No state certified Spanish language interpreters reside in Transylvania County. There is a growing population of residents who speak Spanish as a first language in the county and the need for qualified interpreters is an increasing challenge.

Recommendations

The RCC congratulates the Transylvania County Board of Commissioners for their leadership in addressing the challenges noted above. Sheriff Mahoney and County Manager Wilson in particular have provided excellent leadership as well. Indeed, county and court officials of Transylvania County have all exhibited wonderful cooperation in working to address their shared challenges.

The Transylvania County Courthouse has served the people of Transylvania County well for many decades but it has simply been outgrown. As more people come "across the forest" to live in the county they will bring more business to the courthouse. Property records fill the Register of Deeds' rooms, more tax records are created and more civil and criminal cases are filed. These increases of records take up space not now available and bring with them the need for additional staff to serve county residents. The courthouse was built at a time when security needs were much less than we now face. The building design does not lend itself to modern security applications such as a single point of entrance or to the accessibility requirements of the Americans with Disabilities Act.

The Transylvania County Board of Commissioners with the leadership of Chairman Jason Chappell has recognized the necessity of addressing these challenges. The RCC has some recommendations for near term application as well as longer term considerations. For the short term the RCC recommends:

- * Installation of a metal detector at a single point of entrance for the courthouse. This is already being implemented and is required for public safety in the facility.

- * Consider use of internet-based legal reference services for the law library. These services are available at a fraction of the cost of hard copy subscriptions and take up only a fraction of the space required to store books. The Facilities and Security Committee

should consider this recommendation and whether to relocate the law library to smaller quarters.

- * Consideration by the Facilities and Security Committee of improving security at the entrance to the larger courtroom next to the Bench. This could be through assigning a bailiff to control this door when court is in session, installation of a peephole or some other means.

- * All bailiffs should be sworn officers and have training as bailiffs.

- * Plans should be made to make the large courtroom ADA-compliant. This will require attention to the elevated jury box, witness stand, clerk's work station and Bench.

Consideration could also be given to reversing the layout of the larger courtroom so that the Bench is at the end opposite from where it is now. The cost of a reversal may be such that it would not be feasible. Short and long-term cost issues are discussed further below.

- * Consideration by the Facilities and Security Committee of installing a wall across the second floor hallway to reduce traffic behind the larger courtroom. This wall should be located such that it does not interfere with access from the elevator.

- * Consideration should be given to installing screens on windows which face second floor windows in nearby buildings.

- * Consider construction of a vehicular sally port and walk way across the roof of the present County Office Building to bring prisoners from the jail to the courthouse. This would greatly reduce the commingling problem. It is especially important to ensure that jurors do not see in-custody inmates.

- * Request the U. S. Marshal's Service to perform a security evaluation of the Courthouse and make recommendations.

- * The RCC recommends that emergency courthouse evacuation plans be developed and rehearsal drills conducted. Judges assigned to hold court in the county should be provided copies of these plans and shown where they are to go in case of emergency.

- * The RCC recommends adoption of local certification of interpreters to ensure acceptable qualifications. The Ninth District plan is recommended as a model. Commission Member Ella Wrenn will be glad to provide a copy of this plan and to answer any questions regarding implementation.

- * Assign a bailiff to escort Clerk of Superior Court and county financial staff to the bank when deposits are made.

- * Consider relocation of non-court agencies to another building to provide space for the Public Defender's Office which will require a reception area, conference room and at least one attorney office.

Transylvania County has begun making long range plans for responding to courthouse needs. The first of these is construction of a new jail and law enforcement offices for the Sheriff's Department at a tract of land several miles from the present courthouse. The RCC recommends that this facility include a courtroom which can be used for first appearances and other hearings to greatly reduce the number of prisoners who must be transported to the courthouse. This will save money for the Sheriff and improve security. This courtroom should be equipped for use of video appearances so that Judges can hear matters involving prisoners without having to leave the courthouse. A Judge could recess an ongoing trial or hearing to conduct an emergency video hearing for someone in the

jail. This could also be done by a Judge holding court in another county if that county has video equipment installed.

The RCC recommends that Transylvania County officials consider establishing a timeline for construction of new or additional courthouse facilities to include what use is to be made of the existing courthouse. Consideration should also be made as to location of a new courthouse if that choice is made. Significant savings and security benefits can be realized by locating a new courthouse facility adjacent to the new Public Safety Center.

We suggest that the shorter the time between construction of the new Public Safety Center and construction of new courthouse facilities the less Transylvania County should spend on interim measures such as building a courtroom in the present County Office Building. Creative docket management, such as splitting daily calendars, can enable the courts to function short term with current facilities.

Should the County decide that new courthouse facilities are more than five years in the future, we recommend relocating the Register of Deeds and Tax Assessor/Collector offices to another building to provide them adequate space and allow for sufficient space for court offices in the original courthouse. In this situation, construction of a courtroom in the present County Office Building should be considered.

The RCC suggests that construction of new courthouse facilities would enable Transylvania County to respond to security, space and ADA accessibility challenges more completely, more satisfactorily and more economically than attempting to retrofit the old courthouse.

We congratulate you on recognizing the serious challenges you face and for the start you have made in addressing these challenges. In our opinion your hard work will provide your residents with the services and security they deserve. Please call upon any or all of us if we can be of any assistance as you move forward.