

April 16, 2019

Justice of the Peace E.F. Herrington Address to Public and Commissioners regarding Justice Court Relocation

I have 3 objectives in addressing you today.

First, that you walk away with a better understanding of what a justice court is and does;

Second, that you have a time-line of how we arrived at this fork in the road; and

Third, that you have a clearer understanding of the enormous impact your decisions have for people who enter our courthouse, especially the most vulnerable--victims of crime and their families.

So, think of me, your justice of the peace, as the judicial first responder and our justice court as the emergency room. Just about everyone enters our court first. Whether you run a stop sign or murder someone, you see me first. I can take your money, evict you from your home, have your served with a protection order, and put you in jail. Within our lobby, you'll find both plaintiff and defendant, landlord and tenant, victim and perpetrator. This is where they go to battle.

As far as a brief history of how we got to where we are today, I'll share the following with you.

If you go back 13 years, you'll find an entry in the Minutes under Capital Projects for \$100,000 to be used for moving of offices in the county. I can only guess that they were talking about justice court, because in the Summer of 2006, justice court, along with the DA's office, where I worked, and the sheriff's office, were moved out of the courthouse and down to the dirt lot by the jail. The commissioners' staff moved into the DA's office, and soon the county manager sat in the justice court's old office. We were moved to so-called "temporary modular units" aka trailers. To say that this situation lacked security and dignity is an understatement. The glass at the clerk's office was thicker than the walls of the building.

And there we sat, month-by-month, year-by-year, out of sight and out of mind. We anxiously waited for word, for plans, discussion, anything that looked like something was happening, and in February 2007, there was a glimmer of hope when "construction of a new county complex or an addition to the current courthouse" appeared on the Commissioners' agenda, only to be postponed to a future agenda.

Almost a year later, "begin the planning for the new justice complex," appeared under Capital Projects again on the Commissioners' Agenda.

2007 passed by, and 2008, 2009, 2010, and nothing.

Around 2011, my predecessor moved back into the courthouse, where justice court was allowed to temporarily share the courtroom with the district judges. The entire justice court staff was squeezed into what used to be a mail room. Again, there was little regard for space requirements or even reasonable confidentiality required of a court. Public safety issues were ignored. But again, this was just another “temporary” arrangement.

So, when I took office in January 2013, I inherited these tight quarters which I shared with two clerks and anyone else who happened to be passing through. Since then we’ve encroached upon the district court offices and oozed out into the lobby a bit in an effort to give the presence of some type of security.

Then the DMV office was added to the mix. When they say there are two different people in the courthouse, those who work there and those who are not happy to be there, they must be talking about our court lobby. Adding the much loved DMV to our collection of clientele really stirred the pot.

I now have a bailiff, one part-time clerk, and two deputy clerks squeezed into the office. Since 2014, we’ve seen a 310% increase in traffic cases alone with 130% of that increase occurring since 2017. Criminal cases have increased by 28% and civil filings, which include protection orders, have increased by 45%. I predict that our caseload will continue to grow and it won’t be long before staff requirements will grow as well.

In April of 2013, now that’s seven years after being placed in a temporary trailer and almost three years after moving to another temporary office, the county was put on notice by district court judges that it was time to follow through with the responsibility of providing a suitable facility for the justice court.

On April 12, 2013, I attended the first meeting of the Justice Court Relocation Committee where we outlined timelines and requirements. At the very beginning, I set forth the court’s minimum requirements to ensure public safety and court staff while preserving the dignity of the court. An adequate facility would include a courtroom, a secure holding area for inmates, appropriate areas for attorney-client conferences, safe areas for witnesses and victims as required by Nevada Revised Statute, pretrial services, judicial chambers and court staff work areas, and last but not least, adequate restroom facilities for staff and public. I suggested consulting with experts in field of courthouse construction, but was told that would be too expensive.

Options of co-location up here on B Street, and relocation to the detention facility property were discussed three years ago, and throughout the ensuing months, several different options were presented which seemed to ignore the most basic requirements that were set forth in our initial meeting. Ideas ranged from almost feasible to the absurd. Some options that would have required enlargement or renovation to adapt to a courthouse were determined to be too costly.

It seemed that each month there was another decision only to be replaced by yet another decision, and there we continued.

Finally, in early February, according to our Operations and Projects Coordinator, the architect was working on a digital 3D model of the proposed structure, and the next step was interior design detailing, historic approval, site utilities design, community development approval, bid package assembly, bid award, and then coordination with the contractor for schedule and actual construction activities. Worst case scenario might move start date into late 2019 or early 2020.

So, it wasn't a real surprise to me when everything came to a screeching halt, again. This has been the pattern for the last 13 years. In fact, if what I'm hearing is correct, our office could end up in a trailer again for a "temporary period" of 10 years, and may I add, again.

And yesterday afternoon, I received yet another change of direction. The options that are being presented tell me that you are not listening

I simply can't believe you anymore. I feel like Charlie Brown and Lucy, only it's the commissioners holding the football. And I recognize that I've seen different commissioners address this project over the past 13 years, and I can think of only one common denominator throughout this whole futile process. If we keep heading down this patch, we'll have the most expensive courthouse never built.

Let's go to safety: According to a study in 2012, so it's already a bit outdated, a courthouse in America is the crime scene for a shooting, bombing, or arson attack on an average of once a month. Violent assaults occur in courthouses on an average of more than one a week. It's unquestionable that a more study would show increased numbers.

Although the violence that occurs in courthouses is typically an unplanned, spontaneous response to a courtroom situation, the location where a criminal decides to commit an offense can be greatly influenced by a perception of where he or she is most likely to be successful.

And please, let's not fool ourselves and think that just because we're a small county that "it won't happen here." I realize that the cost of facilities, screening equipment and security personnel may be daunting, but it's nothing compared to the cost, especially the human toll, that occurs when it's not addressed. Ask the victims of the recent Masontown, PA, courthouse shooting who were shot down in the lobby. Masontown has a population of just 3,300 and is most likely facing millions of dollars in lawsuits for something that was almost predictable.

In closing, courthouses are unique and complex buildings and require great attention to planning and design. Most people are compelled by law to come to the courthouse and we have the highest obligation to provide them with a secure environment.

So I ask that the relocation of the Justice Court become your highest priority. It your duty, as a commissioner to provide suitable quarters for county purposes. The decisions you make have far-reaching impacts on the lives of the people you represent and because of this, citizens have every right to expect you to have a positive and steady influence over the direction of county government.

Thank you.

E.F. Herrington
Justice of the Peace
Virginia Township Justice Court