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CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT

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CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT

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PLANNING ASSISTANCE TO MARICOPA COUNTY
AND THE CITY OF PHOENIX IN THE PHYSICAL AND
CLERICAL CONSOLIDATION OF COUNTY JUSTICE OF
THE PEACE COURTS AND THE
PHOENIX MUNICIPAL COURT
(PHASE I)

NCJRS

AUG 11 1978

ACQUISITIONS

October 1977

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TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. ANALYSIS OF EXISTING SITUATION	3
III. RECOMMENDATIONS AND COMMENTARY	7
IV. CONCLUSION	17
V. APPENDICES	18
Appendix A - List of Persons Interviewed	19
Appendix B - List of Facilities Visited	21

I. INTRODUCTION

In the September 1977 issue of the American Bar Association's Journal there appears at page 1226 an article entitled "Arizona's Experiment With Appellate Reform" authored by the Honorable Eino Jacobson and the Honorable Mary Schroeder, Judges of the Arizona Court of Appeals. The article describes an experiment designed to provide justice at reduced expense at the appellate level by eliminating such traditional costs as transcripts, etc. A segment of one sentence in particular serves best to introduce the "why" of this report. In a state with the "...most rapidly growing population in the country..." steps must be taken to insure justice for all while recognizing the need to conserve resources.

During the first quarter of 1978, county funded Superior Court Judges and support staff, now housed in an older structure, will move into a new court facility. Space vacated by this transition will be available for new use. The six county funded Justice of the Peace Courts, presently housed in different leased premises (some in a substandard facility), need new facilities. City funded and operated Municipal Court Judges, presently housed in an old Studebaker-Packard Dealership building called an "...unsuitable facility in which to conduct court business..." by a recent report¹ need new facilities.

In order to assess the "best use of the land" the city and county through its representatives within their respective court systems sought assistance from the LEAA's Criminal Courts Technical Assistance Project at the American University Law Institute. In addition to the short range space needs, the Court Administrator for the Maricopa County Superior Court identified the possibility of longer range procedural changes

1. "Caseflow Management Report" by Coopers and Lybrand.

which might be feasible. As a result, a consultant team was formed that included Mr. Larry Siegel, court facility planner in New York City, who has had much experience in court facility management and design, Mr. John Peters, the former Clerk of the Superior Court of San Diego County, California, who has a wide range of experience in adapting diverse clerical functions to a single "support" system and Bruce Beaudin, of Washington, D.C., an attorney with wide experience in the problems of court administration associated with jurisdictional transfer.

The clearly stated purpose of the team's site visit during late September was threefold:

- 1) analyze the best possible uses that might be made of the space available;
- 2) analyze the possibility of combining whatever support services (i.e. clerical) were feasible; and,
- 3) determine whether there was a need and desire for additional assistance to the City of Phoenix, County of Maricopa, and State officials by the American University's Criminal Courts Technical Assistance Project.

The team's approach included interviewing various City, County, and State officials (see Appendix A); examining various sites (see Appendix B); delivering a preliminary report of its findings to those officials at a joint meeting near the end of the site visit; determining whether there was any real need for continued participation by American University's Criminal Courts Technical Assistance Project; and submission of a "preliminary" written analysis of its findings. The report herewith submitted constitutes the completion of the task.

II. ANALYSIS OF EXISTING SITUATION

The consultant team approached its task with the idea of determining how space about to be vacated by Maricopa County's Superior Court Judges might best be used. Ancillary to that objective the team anticipated conducting a "quick" analysis of support functions to determine the feasibility of streamlining some of them. The task quickly emerged as a very complex one, that involved city/county relationships, city/county judicial prerogatives, county/state legislative changes, etc. In order to put recommendations into an understandable perspective it might be worthwhile to consider some history.

For the purposes here, the following description of Maricopa County will suffice.

"Most of what is now Maricopa County was included in the territory of New Mexico until 1863, at which time the Arizona Territory came into being. The growth of Phoenix and other settlements along the Salt River, which supplied irrigation water, resulted in the creation of Maricopa County, adopting its name from the Maricopa Indians, on February 14, 1871. During the next ten (10) years the boundaries changed frequently but were stabilized in 1881 and remain so to this day.

"Today, Maricopa County covers a total area of 9,226 square miles, with a population of 1,260,500 - or 55% of the state's total population. Phoenix, the county seat and state capitol, is a thriving business, financial, and cultural center."²

The County has a Superior Court composed of a Presiding Judge and thirty four additional judges. The Superior Court is a court of general jurisdiction hearing juvenile, probate, civil, and criminal cases.

2. Maricopa County, 1977 - Facts and Figures (a pamphlet).

In addition, there are eighteen Justices of the Peace six of whom are situated in the City of Phoenix. These courts, not of record and of limited jurisdiction, handle traffic violations, felony preliminary hearings, criminal misdemeanors (up to \$300 or 6 months in jail), civil cases up to \$1,000, paternity suits and child support matters.³

The City of Phoenix, seat of Maricopa County and the Arizona State Capitol, supports a Municipal Court that has jurisdiction over some misdemeanors and most traffic violations. Its judges have concurrent jurisdiction with the County Justice Courts in traffic cases and misdemeanors. At present it is composed of a Chief Judge, twelve additional judges, and an average of two part-time judges. A request has been made to the city for an additional division.

During the first quarter of 1978 the entire Superior Court bench presently located in the Old Court House will move into a newly finished building known as the West Court Building (hereafter WCB). This move will "free up" space which has been modified for court use. Other units of the Court will remain in their present quarters in the East Court Building.

The six Justice Courts, presently located in several different buildings, occupy their present premises in conjunction with various city/county lease arrangements.

Finally, noted, the City of Phoenix Municipal Court is presently located in a former Studebaker-Packard dealership building remodeled to meet the "needs" of a court. A recent study succinctly stated that "the Court needs more suitable facilities in which to conduct business."⁴

An analysis of the above situation would seem to lead to a simple

3. Facts taken from pamphlet referred to in footnote 2.

4. "Caseflow Management Report", Coopers and LyBrand, p. 33.

conclusion; move the Municipal Court Judges into the space being vacated by the Superior Court Judges and move the Justice Courts into the same space. (There are 19 useable courtrooms that will be available and 19 (6 Justices + 13 City Court Judges) judges who need space.) Also, combine some of the clerical functions common to the Justice and Municipal Courts. The solution is, however, not so simple. Some political realities standing in the way require analysis.

The City is responsible for its courts; the County for its courts. Justices of the Peace and their Constables are elected by their constituents to four-year terms. These Justices appoint their own respective staffs. Judges of the County Superior Court are appointed by the Governor under a merit selection plan. The Clerk of the Superior Court is elected. The judges of the City Municipal Court are appointed by City officials. To complicate matters just a bit further, some of the County Justices of the Peace are in space leased by the City to the County, and the City and County jointly own the building known as the Old Court House (OCH). Thus, any analysis of spatial needs must contemplate City/County politics and hard questions such as "who will renovate?" and "at what cost?" or "who will buy from whom?" or "lease from whom?"

Finally, any analysis must take into consideration past, present, and potential future efforts to consolidate or streamline the justice operations in Phoenix and Maricopa County. After all, it is of little consequence to the residents of Phoenix, who pay city, county, and state taxes, to know that the judge who handles his case does it in a building 2/3 owned by the County, refurbished by the City, leased back to the City, and about to be sold to the City.

In fact, efforts have already been made to create a unified court system in the state of Arizona. In 1974 (HB 2017) and again in 1976 (SB 1331)

attempts were made to combine the County Justice Courts and the City's Municipal Court. Although nothing seems likely to happen in the present Legislature the need for some remedial legislation prior to October 1978 may be the catalyst for another bill. At any rate, the unique City/County combinations that exist in Phoenix and Maricopa County argue for a concerted approach to the problems of justice.

The team believes that despite the history recited above, it would be feasible for the Justice Courts and the City Municipal Courts to occupy the OCH. Based on our preliminary study, the available facilities can be converted to the uses suggested above under the conditions set forth in the following Recommendation Section.

III. RECOMMENDATIONS AND COMMENTARY

A. RECOMMENDATION

A Task Force composed of city and county officials should be established to oversee the long and short range planning, monitoring, and implementation necessary to achieve effective use of City and County Court resources and facilities.

COMMENTARY

The creation of a Task Force or Facility Advisory Group is appropriate for a number of reasons. City and county planners, fiscal overseers, judges, administrative heads, and judicial personnel from the City, County, and State systems must work in concert to achieve any result that will benefit all interests. It is axiomatic that those who aren't a "part of the solution," will continue to be a "part of the problem." The Task Force must be balanced and composed of those who are empowered by state and local governments to make the ultimate decisions involved here. Its purpose should be fourfold:

- ① Develop a fiscal and policy approach to authorize and guide the progress of the project outlined in Recommendation B;
- ② Develop a comprehensive and long range fiscal plan;
- ③ Select a facility program from among those tendered as a result of the project proposed in Recommendation B; and
- ④ Review, approve, and oversee implementation of the facility plan, program and design.

It should be the overall objective of this group to move the project to rapid fruition.

As has been pointed out, the OCH is jointly owned by the City and County. The Justice Courts and Superior Courts are the County's responsibility. The City Courts and the City's responsibility. The "justice"

dispensed in all of these courts is ultimately the responsibility of the Supreme Court of the State of Arizona. All too often the members of this team have seen the unfortunate results of planning space utilization without thorough preparation. In this situation, for example, consider the following hypothetical that would prove most unfortunate.

- Suppose the County fiscal authority decided to keep its share of the OCH and convert it to uses other than court use. It might remodel the space, cut up usable courtrooms, and house other county agencies in altogether inappropriate places. It might, for example, uproot the Public Defender and relocate him from a "safe" separate facility into a facility where other agencies and court functions at odds with defendant interests are housed. The City might then have to construct new city facilities or let its judges and citizens continue to experience a "second rate" system of justice. The probability is that no new facility would be constructed and the citizens who pay the taxes would become unfortunate victims of "poor planning."

Clearly, the most sensible approach to achieving the best solution here is one which brings together all the important actors and decision makers from the beginning. Our recommendation is that at a minimum the Task Force include the following:

- Presiding Judge of Superior Court
- Presiding Judge of Municipal Court
- Court Administrator of Superior Court
- Court Administrator of Municipal Court
- Representative of County Board of Supervisors
- Representative of City Council

- Representative of Justice Courts
- Representative of Constables
- City Architect
- County Architect
- City Budget Officer
- County Budget Officer
- Sheriff
- State Court Administrator

An appropriate "chair" for the Task Force might be the Chief Justice of the Arizona Supreme Court. Since the group should be as divorced from politics as is possible under the circumstances the most neutral role would seem to be that of the judiciary.

B. RECOMMENDATION

The Task Force should order the institution of a three phase facility, and operational planning and design project with the following objectives:

- Prepare and evaluate alternate plans for the use of the facilities with recommendations for feasible and cost effective programs;
- Prepare, evaluate, and recommend a suitable operational plan with such options as a centralized Justice Court Clerical Office and a combined City Court - Justice Court Clerical Office;
- Prepare facility programs and schematic sketches of the selected plan for each use of each facility; And
- Prepare any architectural designs and documents necessary for carrying out the programs.

COMMENTARY

While it appears that space is available to accommodate present

and foreseeable court needs of the City and County Courts (See Recommendation C) any operational or functional modifications to the procedures of each court, needed to adapt them to the best potential of the facility, should be feasible within the scope of applicable current and projected rules and statutes. The Justice Courts and Municipal Courts have been the subject of study and bills that attempted to unify them. Thus spatial functions should be adaptable to current and projected uses.

In many, but not all, of their current operations, the Municipal and Justice Courts are similar and have similar facility needs. Compared simply by courtroom and net space needs, the parity between current court needs and OCH capability implies that the building can house both courts, but the adequacy of existing arrangements must be assessed.

Each court primarily handles cases involving large number of people making short courtroom or clerk's office appearances. The City Court especially disposes of most of its cases without courtroom appearances, through clerical processing of mailed payments and by pleas and personal transactions at the public counter. Each court holds a relatively small number of bench trials and even fewer jury trials, but each court handles a large number of arraignments and courtrooms hearings. Each court has similar criminal jurisdiction, subject to considerable uncertainty about changes in the new criminal code scheduled for October, 1978 implementation. The operations of both courts might change in the future, as they have in the past, in terms of total caseloads, types of cases, caseflow procedures, ratios of trials to filings and of jury to non-jury trials, and other factors with significant facility needs impacts.

Space use in the east wing, owned by Maricopa County, now predicated on Superior Court needs, characterized by a smaller number of longer cases involving relatively fewer persons and more often requiring jury

trials. The east wing does not house a central clerk's office. Each superior courtroom is adjoined by a judge's suite including space (usually separate offices) for a secretary, clerk, court reporter, and bailiff. City Court judges have smaller personal staffs and the court has a very large central clerical office. Justices of the Peace have individual clerical staffs of 3 to 5 persons and a Constable in attendance in the courtroom.

Superior courtrooms are large in order to accommodate juries (of 21) and counsel, but have relatively small spectator areas. They are not arranged to circulate crowds expediently from corridors, to spectator areas, to judicial areas, to the fine payment station, and out. Generally, their ceilings are high, often more than is esthetically appropriate, and their acoustics are abominable. In the original courtrooms, massive woodwork and panels are used to frame the judge's door and exposed ceiling beams have decoratively worked ends and surface designs.

In the east wing, most spaces are awkwardly broken up and insufficiently open to flexible use by the two courts. Foremost among the types of modifications that should be considered are these:

- Larger courtrooms - keep several for jury trials but modify jury boxes and increase spectator seating. Others should be studied to see how effectively they can be divided into two courtrooms, or divided into a non-jury courtroom with effective circulation for a high volume of participants, and a waiting room.
- All courtrooms - study ancillary spaces (judge's suites) individually and in relation to each other to find simplest ways to combine or renovate, and save space to create additional new courtrooms.
- West wing (owned by the City of Phoenix) - study its most effective use on lower floors for central clerical and

administrative offices and on upper floor for program spaces.

In essence, court facility planning should be based upon the concept of the case processing unit rather than the courtroom. A case processing unit is a conceptual, not a physical, entity, including a proportionate share of all court space needs referenced back to each judge. Without belaboring the point, it means that a court facility plan must be sensitive to all court operations and activities in relation to caseloads, personnel, and operational procedures. In this instance, a facility plan for joint court use of the OCH should provide for:

- ① The number of spaces of each type (e.g. jury courtrooms, non-jury courtrooms, large courtrooms, small courtrooms, clerical offices, judges' and staff offices, jury rooms, public waiting spaces, etc.) needed for efficient and effective operations.
- ① Sufficient areas for required spaces, and for modules or mixtures of spaces.
- ① Accessibility of all spaces in reference to security, privacy, and public circulation needs.
- ① Amenities for staff and public use.

Subject to net square foot availability, cost and benefit tradeoffs should be derived and analyzed to determine how much renovation is warranted, always bearing in mind the very real possibility of changed future needs. A design carefully tailored to this year's needs may be severely functional long before its renovation costs can be justified. A marked degree of flexibility and adaptability to future needs is more beneficial and, in the long run, less costly.

At the same time, there is no reason that certain clerical functions common to both Municipal and Justice Courts could not be combined in a one or two phase process. A decision to combine all 6 Justice Courts in a single facility should be accompanied by a companion decision to combine some clerical functions.

The six justice court clerks each operate independently, with his or her own system of case processing. A centralized office would establish uniformity of forms and procedures and provide the capability for more efficient manpower use.

A second step toward smoother operations would be to combine the clerical functions of the municipal and Justice Courts. The Municipal Court, presently automated but frustrated in reaching maximum efficiency by unusually large increments of computer "down time", could easily adapt their computer operations to effective Justice Court use. Minimal programming changes would be necessary. The merger of these two operations would be slightly more complex than merging all the Justice Courts, but is clearly feasible.

In-depth studies of both the Justice Courts' clerical procedures and the Municipal Court's clerical procedures should be accomplished prior to the formulation of any plan to combine these functions. Nevertheless, it appears to the consultants that consolidation could be accomplished quite easily.

From the above brief analysis it is apparant that there are many possible alternatives of space use and functional changes which can be considered. With the time available it is not possible to do more than suggest a few. It is critical, however, for the ultimate decision makers and users to assess all possibilities from both cost effective and justice effective standpoints.

C. RECOMMENDATIONS

The Task Force should order the preparation of report on the physical condition of the old courthouse including analyses of the structural, electrical, mechanical and plumbing code compliances and a description of deficiencies together with estimates of remedial cost.

COMMENTARY

As the Superior Court moves its Judges out of the OCH it is logical to move the four outside Justice Courts in to join their two colleagues. At the same time the vacated space affords a logical place to which the City Courts might move. Several conditions would have to be satisfied for both City and County officials before any move could be made:

- ① The entire building would have to be declared physically sound and in code compliance not only for the present but for a lengthy period, perhaps twenty five years or more.
- ② Both the city-owned west wing and the county-owned east wing would have to be available for the most effective use in support of joint occupancy.
- ③ The total space available should meet present and projected needs of both courts.
- ④ Any renovations necessary to suit the building to the functional and symbolic needs of both courts should be feasible in reference to the expected usable lifetime, and total investment to be made in court operations.

The two wings of OCH have a net area of approximately 66,000 sq. ft. (exclusive of the city and county jail floors). In the east wing are 19 courtrooms (14 occupied by Superior Court Judges, 2 by Justices of the Peace) and 3 by Superior Court Commissioners.) There is also a proposal

to "create" a courtroom in the west wing for the City Court operated Prosecution Alternative to Court Trial (PACT) program.

The Municipal Court occupies about 21,000 square feet for its 12 courtrooms at 12 North 4th Avenue, an additional 2,000 square feet elsewhere and 7,000 square feet in the west wing of OCH.

Total space occupied by the 6 Justice Courts includes 3,900 square feet in the OCH and 6,000 square feet in other buildings.

The total space available in the OCH less the space now used by Municipal and Justice Courts is about 55,000 square feet.

From the above facts it can be seen that about 25,000 square feet of space would be available in the OCH over and above the current space requirements of the Municipal and Justice Courts.

If a move should occur as outlined above it is likely that a total of 19 courtrooms would be required: 6 for the Justice Courts and 13 for the Municipal Courts. Since the east wing alone provides space for 19 courtrooms there is every reason to believe that a functionally satisfactory renovation can be achieved, provided, the building is as structurally sound as it appears.

D. RECOMMENDATION

The Criminal Courts Technical Assistance Project should assist the City and County Courts and other officials in implementing recommendations (b) and (c) above, provided there are assurances by both city and county officials, that the planning, monitoring, and implementation process will be shared jointly by city and county representatives.

COMMENTARY

As is readily apparent, the timing to accomplish something of utility and significance to the residents of the City of Phoenix and Maricopa County is critical. Circumstances have combined to create mutual

city and county needs and obligations that complement each other. Decision makers are aware of the problems and seem to be genuinely interested in discovering mutual solutions. It is imperative, however, that a disinterested, outside influence be available to coordinate efforts.

The recommendations in this report have been formulated to display an early assessment of what use is feasible for the OCH. Based upon this preliminary study, a more detailed analysis is recommended, because it appears likely that a worthwhile project is feasible and there is sufficient interest on the part of city, county, and court agencies to justify further assistance. We recommend that this assistance begin after assurance from county and city officials that such help is truly desired.

IV. CONCLUSION

The problems confronting the City of Phoenix and Maricopa County are intertwined. In order to realize the earliest occupancy and smoothest transition it is crucial that the Recommendations of (B) and (C) begin to be implemented as soon as possible. Assuming that the OCH will be vacated in the first quarter of 1978, and that renovations and occupancy probably cannot begin any earlier, four months is the maximum time available to complete all necessary reports without delaying completion of the project.

The County's general services department can begin to immediately analyze the soundness of the present structure. Concurrently, city, county, and court agencies can begin to put together the Task Force recommended in Recommendation A. Finally, the technical preparation of alternatives for the Task Force's consideration can commence under the auspices of the Criminal Courts Technical Assistance Project at American University.

If all participating agencies move with care and purpose it should be possible to meet the schedule outlined above and be ready to move ahead toward an effective and smooth transition.

V. APPENDICES

APPENDIX A

Persons Interviewed 9/25 - 9/28

1. Gordon Allison ✓ - Court Administrator, Superior Court, Maricopa County
2. Honorable John R. Barclay - Justice of the Peace, Maricopa County
3. Robert Bartel - Office of County Manager, Maricopa County
4. Honorable Robert Broomfield ✓ - Presiding Judge of Superior Court of Maricopa County
5. Constables from Justice of the Peace Courts
6. Court Administrator's (Gordon Allison's) Staff - Robert Carlberg, Peter Gorski, Terri Jackson
7. Noel Dessant ✓ - State Court Administrator, Arizona
8. Michael Elardo - Office of County Attorney, Maricopa County
9. Rodger Goldston - Chief Deputy, County Attorney, Maricopa County
10. Honorable Alan Hammond - Presiding Judge City of Phoenix, City Court
11. Mike Havemann, Assistant Court Administrator, City Court, Phoenix
12. Honorable Patricia Lamson - Justice of the Peace, Maricopa County
13. Honorable Harold Lee - Justice of the Peace, Maricopa County
14. Ross Lee ✓ - Public Defender, Maricopa County
15. Honorable Ronnie Lopez - Justice of the Peace, Maricopa County
16. Richard Mesh - Deputy Public Defender, Maricopa County
17. Charles W. Miller - County Manager, Maricopa County
18. Honorable John J. Murphy - Justice of the Peace, Maricopa County
19. Eugene J. Neff - Director of Probation, City Court, City of Phoenix
20. Donald Palmer ✓ - Clerk of Court, Superior Court, Maricopa County
21. Peter Starrett - Office of City Manager, City of Phoenix

22. Dan Thurber - Administrative Assistant, City Court, City of Phoenix
23. Honorable Tim Weeks - Justice of the Peace, Maricopa County
24. Edna Godbehere. Clerk of Honorable Tim Weeks

APPENDIX B

Facilities Visited

1. Old Courthouse - (City/County Building)
2. New Superior Courthouse - (County owned - West Court Building)
3. Present Superior Courthouse - (County owned - East Court Building)
4. City Courthouse - (City owned (12 North 4th Avenue)
5. J. P. Facility - (City owned, leased to County)

END