

COURTS TECHNICAL ASSISTANCE MONOGRAPH  
NO. ONE

**THE IMAGE OF JUSTICE:  
Facility Planning for the Courts**

Lawrence Siegel



**THE AMERICAN UNIVERSITY**  
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT  
Institute for Advanced Studies in Justice  
The American University Law School  
Washington, D.C.

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Adjudication Division  
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**Foreword**

If we were asked to identify the most common problem currently facing state and local courts in the United States we would answer unequivocally: the facilities in which they are housed. Every aspect of a court's operations is affected by the quality, nature and amount of space available to it.

The problem is not simply one of old or outdated facilities. In many cases, older courthouses are quite functional and may also represent architectural and historic traditions of value to the local community as well. The problem is, rather, that many courts are housed in facilities -- new as well as old -- which cannot adequately support the range of judicial functions, services and activities which courts must perform. The implications of these deficiencies are far-reaching; they affect not only the image of the judicial system which the court conveys but also the efficiency and capability with which the court can operate. Records systems, caseload processes, the probation function, courthouse security, convenience to the public -- all are affected.

From 1972 through 1982, the Courts Technical Assistant Project conducted over 75 technical assistance assignments dealing with specific court facility problems as well as more than 400 additional assignments which dealt primarily with other aspects of judicial process but involved facility-related issues as well.

Although the subject of court facility planning is relatively new as a discipline in its own right -- as opposed to facility planning in general -- a body of information and experience has been developed during the past several years which can be invaluable to individuals charged with court administration planning functions. Much of this knowledge has been accumulated during the course of the Courts Technical Assistance Project and other LEAA-sponsored activities.

The purpose of this monograph is to synthesize in a single document the principal functional, management and aesthetic issues which relate to court facility planning and the various considerations which bear on their analysis and assessment. The basic premise of the monograph is that the effectiveness and efficiency with which a court can operate is determined, in large part, by the facilities in which it is housed and that the facility needs of a court system must be planned for systematically and comprehensively, taking into account all of the needs of the various "users" of the system as well as the needs of the system as a whole. Clearly, no court system budgets for such things as the personnel and other costs incurred because of inefficient space layouts, inconveniently located work stations, or potential security hazards resulting from the physical arrangement of the courthouse from inadequate facilities. Yet, these costs -- as well as the dysfunctions that result -- are considerable and are incurred on a regular basis when such space problems exist.

Court facility planning must be concerned with addressing future as well as present needs. The monograph, therefore, devotes considerable attention to a variety of strategies for analysing current needs and projecting future space requirements. Consideration is also given to various interim options that court facility planners might consider in situations in which it is advisable for various reasons to postpone final decisions regarding court facility needs.

We hope that this monograph will provide a useful reference point for those charged with court facility planning responsibilities. It is by no means intended to serve as a substitute for obtaining professional expertise when needed. It should be used, rather, as a foundation for identifying the facility needs of a court system and for determining available options which can be considered in response to these needs.

We are grateful to the many judges, court administrators and other state and local officials with whom we have worked over the years on a variety of court facility issues. Their experiences and insights were heavily relied upon in the preparation of this report.

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## I. Introduction

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## I. INTRODUCTION

### A. Purpose of the Monograph

Near the center of the seat of government in most American counties stands the characteristic structural symbol of our system of justice -- the county courthouse -- its location and architecture celebrating the verities of an earlier age of American history. Generally, the county courthouse is a rather austere building, relatively undistinguished in aesthetic treatment, in need of repair and better maintenance, out of date in function, yet respected and regarded with pride.

In most jurisdictions, responsibility for planning for the court facility is one of many management functions necessary to operate the court system. Participating at various stages of the facility planning process are numerous individuals at both the state and local level: judges, administrators, planners, clerks of court, county administrators and commissioners, and, often, members of the local bar who serve on courthouse committees. While these individuals bring management and justice system expertise to the task, they rarely have specialized training in facility issues per se.

This monograph was developed to provide those involved in the court facility planning process with a framework for identifying the operational needs which a court facility must serve, assessing the adequacy of existing facilities in meeting these needs, and determining alternative strategies for remedying identified deficiencies. Attention is given to both functional and program factors as well as aesthetic issues.

The monograph concentrates upon the various planning tasks and strategies necessary for improving existing court facilities. Those involved with the construction of new facilities should consult an earlier publication series, Guidelines for the Planning and Design of State Court Programs and Facilities, published by the National Clearinghouse for Criminal Justice Planning and Architecture.

The process of planning for a court facility is an on-going one which must take into account the interests of many user groups. In most cases, competing and often conflicting demands are made upon limited space and resources. Priorities must be set and be continually reassessed in light of developments both within and outside of the judicial system which influence the workload of the court and the physical requirements for its operation. The following sections of this publication are designed to provide both a perspective on court facility needs as well as tools by which these needs can be identified, analysed, and addressed.

## B. The "Typical" County Courthouse

The wide range of features and uses which characterize the county courthouse make it difficult to delineate the "typical" facility. At one extreme is a small number of large and complex court buildings which process about half of the country's caseload and contain about 60 percent of the country's courtrooms. At the other extreme are the many small facilities which process the remainder of the caseload and which are located in lightly-populated counties that might be considered rural. Thus, in thinking about "typical" county court facilities, one must be concerned with a large number of small courthouses and a small number of large court facilities.

The county courthouse usually contains facilities for the general trial court with state and county jurisdiction and, often, for municipal and limited jurisdiction courts as well. In many smaller counties, terms of court are short and periodic; in larger counties with larger caseloads, courts tend to have uninterrupted terms and use the court facility daily. In the largest jurisdictions, courts frequently occupy several buildings, sometimes dispersed to population centers and sometimes specially designed according to the nature of cases being handled, i.e., civil, criminal, juvenile, etc.

In most states, maintenance of the county courthouse is still the financial responsibility of county government, although, in some jurisdictions, facilities receive support from state funds. When the court's jurisdiction contains a large city, funding sources are likely to be more complex.

In addition to housing court functions, the county courthouse is frequently the home of county government offices and generally includes the county jail or is located close to it.

In both the court facilities which house only court related agencies and those which include non-court offices, the configuration and allocation of space is frequently a product of chance as much as conscious planning. Often, the initial layout and design of the building, even many decades after construction, determines how and where additional functions are accommodated. In many instances, the characteristics of the physical plant, i.e., heating and electrical systems, wall and roof construction, etc., are major factors in subsequent space decisions.

In larger counties and municipalities, courthouses usually are no more than fifty years old. Many are products of the public works programs of the 1930's, while others are more recent in design. In jurisdictions which have experienced recent rapid population increases or statewide jurisdictional reform, courts are sometimes housed in converted office buildings, warehouses, or other buildings which were not originally constructed for court use. In many rural counties the most recent occasion for construction of a new courthouse was a fire in its predecessor. Here and there, a relic of colonial days has been

preserved and kept in use, sometimes as the nucleus of a continually growing complex of court and county government buildings.

Occasionally, an architectural gem has survived and been maintained with care as a living example of the continuity of judicial functions. Some county courthouses have been designated as historic landmarks, with no exterior alteration permitted except as approved by the local historic preservation commission. By and large, however, the "typical" county courthouse is a structure whose prominence and role in the community are tied both to the philosophical role which the building symbolizes and to the features of its physical appearance.

## C. Determining Court Facility Requirements

The physical requirements of a court facility are determined by the functional purposes which the building must serve, the operational needs of the various agencies and individuals who use the building, and the nature of equipment which the facility must house. In both the small and the large court facility, analysis must begin at a common point: the existing spaces in the building. These spaces must be categorized and described. At the same time, the equipment and operational space needs of each building user must be identified. These two elements -- the characteristics of the existing space and the space needs of the users -- must be matched in such a way as to meet individual user needs and, at the same time, improve the court's capacity to perform its business.

To arrive at a definition of facility needs, then, it is necessary to have a definition of the functional characteristics of the building's occupants. Too often, such a definition, if based strictly upon the court's current method of operating, will be inaccurate or misleading. Current operations may be obsolete. Current operations are almost certain to be constrained by existing facility design (which also may be obsolete). Current operations may also have grown in response to hidden agendas (some of which are lost in antiquity) related to such concerns as electoral visibility or Cousin Julia's inability to type accurately.

Once over the hurdle of defining a court's functional characteristics, planners face another challenge. In the effort to match spatial characteristics to functional needs, it is important to remember that space equates to cost and the best system of spaces must equate to the best use of available dollars. In the effort to create the best system, it must be recognized that what is best for one part may not be best for another. The requirements for one user may conflict directly with those for another. What is best for the whole system may not be best for any one part. The costs and resources needed to operate the complete system may be in balance only when most or all parts are made to sacrifice some of their space needs.

Allocations of space in a facility should therefore reflect the



relationship between the various operational functions performed in the building to one another, as well as the overall space needs of the court system. In this regard, the viewpoints of court facility users provide considerable direction to the facility planning process.

Figure 1 on the following page provides a list of occupants who commonly use a county courthouse. Each category of user will perceive its facility needs according to its operational purpose in the building and will want a facility which is optimum for its specific needs. For example, a trial attorney might prefer that all of his/her cases be called in the same courtroom. Title searchers might prefer easy access to the land records room, a convenient place to set up typewriters and record books, and no encumbrances to locating and using necessary records. A public defender might prefer that his main office be near the criminal courtrooms and accessible to the jail and court holding cells. A judge is likely to prefer private access to his chambers, as well as exclusive use of one courtroom adjacent to his chambers. The general public will want clear and accessible information about court procedures and schedules, office locations, and routes of travel. All of these interests must be identified and analyzed, first individually and then -- because they may conflict -- within the context of the total justice system activities taking place in the courthouse.

In most jurisdictions, the search for optimum court facilities must focus upon determining the best way to satisfy a given set of needs with a given level of resources. A variety of options must be considered and assessed against their relative costs and benefits to each user involved, as well as to the system as a whole. Often, there are several alternative ways by which the court system's facility needs can be provided, each of which may be satisfactory in certain circumstances. Before any detailed facility planning can proceed, certain basic questions must be answered in order to determine the overall direction and parameters planning should take. These questions include the following:

- What priority needs constitute "adequacy" for the facility? What secondary needs should be met in the near future?
- Should an existing inadequate facility be replaced or can it be adequately renovated in order to meet priority needs?
- Do apparent trends in court business justify investment in permanent facilities, or would it be more prudent to lease space until trends become clearer?
- Is the cost of operating a system of court buildings justifiable, or is it economical for several courts to share a single facility?
- Is it reasonable to expand an existing facility, or will future caseload growth likely require a new building in the near future?

FIGURE 1

COMMON COUNTY COURTHOUSE OCCUPANTS AND USERS

Court

Judges

Operational Staff

- Clerks
- Probation
- Recorders
- Registers

Administrative Staff

- Secretaries
- Bailiffs
- Law Clerks
- Administrators

Private Bar and Related

Attorneys

Legal Service Personnel

Public Officials

Prosecutors

Defenders

Law Enforcement

- Police
- Sheriff
- County Offices
- Tax Assessor
- County Clerk
- Other

Public

Litigants

Witnesses

Jurors

Agency Clients

(Probation - adult & juvenile Parole, etc.)

File Users (Liens, Wills, Titles, etc.)

License Applicants (Marriage, Hunting, Business, etc.)

Trial Spectators

approach the relationship between facilities and operations is critical. If space is not used well, operating costs may be excessive or case handling capacity may suffer. The planning approaches which appear to have succeeded, at least as to user satisfaction, are those which combine a high sensitivity to local customs with attempts to remedy undesirable operational practices that have developed as a result of previous space deficiencies.

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## II. Determining the Adequacy of a Court Facility: The Question of Standards

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## II: DETERMINING THE ADEQUACY OF A COURT FACILITY:

### THE QUESTION OF STANDARDS

#### A. Where do Evaluation Standards Come From?

An inch is an inch; a second lasts for one sixtieth of a minute; ASA 125 photographic film produces a properly exposed negative in certain specified amounts of light; 90 proof bourbon is not 80 proof vodka; and a 6-32 nut and bolt fit each other. These statements are accurate because standards have been established to define and control the conditions they describe. For any standard to have utility, it must be specific, it must be applied consistently, and it must meet with widespread acceptance. Few standards in any field are laid down as postulates for all to follow; almost invariably they are the results of intense study, assessment and compromise among all interested parties. The degree of precision reflected in a standard can have widespread implications. For example, if the standards for machine screws are made more strict, production tolerances will become smaller and production costs may rise. If, however, the standards are not strict enough, more production flexibility may result but, at the same time, too many nuts and bolts will not fit.

Ideally, standards should be sufficiently precise to establish a minimum level of performance and, at the same time, be sufficiently flexible to permit application to various types of planning or design problems. Given the wide-ranging complexities involved in judicial facility planning and the variety of contexts and environments in which this planning takes place, it is important that whatever standards are developed for judicial facilities avoid over-specific solutions. The most useful facility standards will most likely be those which provide a description of the characteristics of an adequate facility and the underlying premises and assumptions for this description rather than a reference table which lays out, item by item, the quantitative characteristics which the facility should contain.

To be useful, judicial facility standards should be interpreted liberally according to the limitations of each situation. The appropriate size for a judge's office, for example, can rarely be found simply by consulting a reference table. The application of a facility standard must begin with a functional study which delineates the various uses to which the office is put and the operational requirements which these uses impose. It is also necessary to know whether the office is to be located in an existing facility or in a new one, and how it will fit (functionally as well as dimensionally) within the total facility. It is particularly important that standards for individual space be created with reference to one another because the standards are not so much building blocks for the facility as they are pieces temporarily taken out of context from an arrangement of interconnected parts making up the whole.

Standards intended to have widespread application have to meet with widespread acceptance. Industrial and scientific standards usually are established by conventions of concerned persons and institutions. In many cases, they are proposed by special committees and submitted to the relevant bodies for discussion, modification, and, finally, acceptance. Facility standards seem well suited to similar methods of development, and some initial steps in that direction have been taken by states which are establishing space and facility standards and courthouse accreditation commissions.\* It remains to be seen, however, whether these efforts will prove fruitful and whether they can be replicated in other states. Two points are still unclear regarding the process by which these standards have been developed: (1) the degree to which these states have sought agreement from courts and counties alike regarding the applicability and acceptability of the standards, and (2) how the standards differentiate between the need for new facilities and deficiencies in existing structures.

#### B. Developing Judicial Facility Standards

No mandatory standards for court facilities exist, and there is no generally accepted mechanism either for establishing court facility standards or for enforcing their acceptance in particular jurisdictions. In this regard, state and local courts are distinct from correctional and detention agencies for which facility standards have been developed. Compliance with such standards has been mandatory in order to obtain federal and state financial aid for construction and, significantly, to comply with court decisions establishing the rights of prisoners to live in facilities which meet certain minimum standards of adequacy. Thus, the impetus for developing standards for correctional facilities has been the availability of funds from non-local sources and the court-imposed obligation to provide satisfactorily for persons in the custody of correctional agencies. No analogous obligation or financial aid has yet been established for court facilities.

Theoretically, courts should be in a position both to promulgate and to enforce judicial facility standards but, to date, they have made little progress in doing so, except by the most liberal definitions. Courts are dependent for their financial support upon executive and legislative agencies. Although they do collect and, often, retain fees and fines from litigants to cover court costs, these monies are generally

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\* Space and facility standards intended for use in all levels of courts have been announced by Hawaii, New Hampshire, and Puerto Rico, while Georgia, Massachusetts, Nebraska, New York, and West Virginia are in the process of developing such standards. By legislative act, New Hampshire established a courthouse accreditation commission in 1971 which is claimed to have already proven itself. Its power appears to rest mainly upon public reaction to the dissemination of a list of accredited and nonaccredited courthouses in the state.

applied to operating budgets and are not feasible sources for capital improvement. Moreover, as enforcers of facility standards, courts are in a significantly different position regarding a court facility than when they address a correctional or other public facility in which they have no direct interest. County funding bodies often voice suspicions about requests from judicial agencies for court facility improvements. Most courts are only able to obtain improvements in their facilities after a long process of sustained negotiating pressure by court officials on county government over a period of years.

Nevertheless, whether improvements in court facilities are achieved at a bargaining table or through litigation -- which some jurisdictions have been forced to pursue -- the need for judicial facility improvements must be gauged against some set of standards which define, as clearly as possible, what it is that constitutes adequacy in a judicial facility. The need for such standards is most sorely felt in regard to existing court facilities where the majority of problems exist and where they will have to be solved. One may argue at length about the meaning of adequacy and, admittedly, its determination is a qualitative and subjective judgment. However, if the assumptions and initial conditions which define court facility adequacy are carefully established, there should be few real difficulties in applying these measures to specific situations.

In developing qualitative judgments about a court facility, it is important to remember that an adequate facility is a totality, not simply a collection of individual features or characteristics. Its features must be in balance if the resulting entity is to be an adequate facility. Allocations of net square feet for individual spaces, circulation arrangements, accessibility, and all the other familiar descriptive terms must be assessed on one side of the adequacy equation. On the other side of the equation must be weighed the total cost of the building and the effectiveness of its components in producing a structure which facilitates the business of the court and reflects favorably upon the overall image of the court as an operating institution.

#### C. Pre-Testing Facility Standards

For those jurisdictions which contemplate the development of facility standards, it is important to note that skepticism should be the best guide for their review. Proposed standards must be thoroughly measured and evaluated in a number of facilities prior to being adopted. Comparative evaluations of existing facilities can be the best tool both both arriving at the standards and for assessing their validity.

Unfortunately, a large scale program of formal evaluations may be beyond the reach of most court systems unless substantial funding is available to conduct such studies. Given the complex issues with which facility standards deal, the problems of evaluating them, the wide range of different conditions for which their application is sought, and the



diffuse and insufficiently funded programs for their research and development, the early availability of proven guidelines is unlikely. However, a number of reference points have been developed during the past ten years which can be of great assistance to the court planner. These are discussed below.

#### D. References

In addition to the previously mentioned standards development efforts in some states, several publications suggest facility standards which may be adapted and modified for different situations. Although primarily intended for new facility planning, the standards and accompanying commentary can provide useful background for those involved in planning court facilities. None of these publications, however, are directed toward evaluating existing facilities and none provide instant and automatic specifications.

The first of these publications is The American Courthouse, prepared under the aegis of the American Bar Association and the American Institute of Architects in their Joint Committee on the Design of Courtrooms and Court Facilities and published by the Institute of Continuing Legal Education at the University of Michigan in 1973. In addition to providing an illustrated survey of past, present, and future courthouses, The American Courthouse discusses the functions of the various levels of court jurisdiction and presents numerous tables containing spatial and environmental suggestions. Many of these tabulations, however, may be of more interest to architects than to court personnel, because of their technical orientation.

Space Management and the Courts, also published in 1973, was prepared by the Courthouse Reorganization and Renovation Program and issued by the Law Enforcement Assistance Administration's National Institute of Law Enforcement and Criminal Justice in Washington, D.C. Although the material contained in the document is somewhat similar to that in The American Courthouse, there are several specialized sections which may be of particular value to court facility planners on such topics as preparing to deal with facility problems, assessing court security, and procedures for determining court personnel needs.

In 1975, the American Bar Association Commission on Standards of Judicial Administration published a book written by Allan Greenberg, Courthouse Design: A Handbook for Judges and Court Administrators. Greenberg explores the processes by which a new courthouse is created and provides general guidelines and procedures applicable to courthouse design projects. The book concentrates upon analyzing the functional requirements which should be incorporated into courthouse design, particularly courtroom planning. No attempt is made to tabulate square footage needs or environmental criteria for developing individual spaces.

More recently, the National Clearinghouse for Criminal Justice Planning and Architecture of the University of Illinois issued a multi-volume set of Guidelines for the Planning and Design of State Court Programs and Facilities. As noted earlier, the primary focus of the Guidelines is upon the design of new facilities to house criminal justice agencies and the technical, space and environmental needs imposed by the various functions which they perform. The Guidelines do not address issues relating to the evaluation of existing facilities

In addition to these publications, the Courts Technical Assistance Project of the Institute for Advanced Studies in Justice of The American University has published approximately 75 reports of technical assistance provided to state and local courts regarding facility design during the 1972-1982 period. The reports cover virtually all aspects of court facility assessment and planning, including the development of facility evaluation guidelines, suggestions for the most effective strategies to remedy various types of facility deficiencies, and methodologies for estimating the cost and means of financing various court facility programs. The technical assistance reports are available from the Law Institute at The American University or, on loan, from the National Criminal Justice Reference Service.

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### III. Factors Influencing Court Facility Needs

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### III. FACTORS INFLUENCING COURT FACILITY NEEDS

#### A. Common Determinants of Court Facility Needs

Not all courts have the same facility needs although their functions and purposes may be similar. The specific space requirements of a court system are determined by the various characteristics of the system's jurisdiction, caseload and operations. Among the factors which have particular bearing on a court's space needs are the nature of jurisdiction exercised by the court, the type and volume of its caseload, the nature of proceedings conducted, the personnel, equipment and operational systems housed in the facility, the size and characteristics of the population served, and the spatial and construction characteristics and condition of the present facility.

The following list summarizes significant factors relating to four types of judicial processes which must be taken into account in determining a court's space needs:

#### ● Characteristics of the criminal procedures impacting court space needs

1. Persons in custody are involved (defendants, witnesses).
2. Trials are frequently by jury.
3. All cases have arraignment and pre-trial conferences.
4. Persons in custody should not have access to judicial chambers.
5. Provisions for public attendance are required.
6. There are constitutional provisions for a speedy trial in criminal cases.
7. Probation department personnel participate heavily in post-disposition activities.

#### ● Characteristics of civil procedures impacting court space needs

1. Citizens are against citizens in the usual case.
2. Rarely are persons in custody involved.
3. Matters are somewhat less likely to go to jury trials, with some exceptions.
4. Specific matters may have specific space needs (e.g., uncontested divorce, personal injury, motor vehicle negligence)
5. The proportion of conference and research time is higher than in criminal cases.
6. The pace of case processing is somewhat at the court's discretion.
7. Provisions for public attendance are required.



● Characteristics of domestic relations procedures impacting court space needs

1. Parties generally are related to each other.
2. Material facts may be very personal.
3. Persons in custody are sometimes involved.
4. Much activity takes place outside of courtrooms in Family Service Bureau spaces.
5. Jury trials are rare and some proceedings are private.
6. Relatively little conference or research time is required.
7. Backlogs are usually kept quite low to minimize disposition delay.

● Characteristics of juvenile procedures impacting court space needs

1. Defendants are minors.
2. Persons in custody are sometimes involved, but, if juveniles, they may not be held with adults.
3. Much activity takes place outside of courtrooms in Family Service Bureau spaces.
4. Proceedings are private.
5. Relatively little conference or research time is required.
6. Backlogs usually are kept quite low to minimize disposition delay.

As the above listings suggest, the facility needs of a court with a high criminal caseload as opposed to one with a high juvenile caseload may differ dramatically in regard to the need to provide security and custody capability. Similarly, a court which handles a large volume of short-duration cases and non-public proceedings and hearings may have facility needs distinct from those of a court with a high percentage of long-duration cases. In addition, planning options can vary, depending upon whether a courthouse belongs to a larger system of facilities within one jurisdiction, is part of a multi-county circuit, or constitutes a complete court system for the jurisdiction.

It should be noted that facilities for criminal court functions include all that is needed for civil functions plus additional features directed to the unique aspects of processing criminal cases. Of significant concern, in this regard, is the capability of the facility to provide for the custody of detained persons. Secure holding and circulation spaces are needed to permit detainees to be moved to and from courtroom without loss of custodial control. Many facilities, especially older ones, do not provide such custodial features as safe and secure holding cells, private detainee circulation areas between

courtrooms and jail transportation points, or secure interview spaces for attorneys and detained defendants. In addition to a security capability, a court which handles criminal cases must also provide space for the office activities of the prosecutor, defender and probation personnel.

The practical consequences of a jurisdiction's size and caseload volume are also important. In large facilities, where each activity is assigned to specific spaces, distances between spaces may affect the way in which the court conducts its business. In smaller facilities the relationships between spatial arrangements and the conduct of a court's business are less significant.

Facility planning for a large urban court takes on additional issues if that building is one of a group of facilities. Such questions as where to best accommodate additional court needs and how to group functions optimally must be examined in terms of the totality of facilities involved rather than the specific facility in question.

In contrast these issues are of little significance in a very small county where caseloads do not justify more than periodic short terms of court conducted by a circuit riding judge who moves from one county courthouse to another. Although each county may be constitutionally mandated to provide a suitable court facility, courthouse planning among small counties in a judicial circuit is usually not coordinated because each facility is owned and operated by its own county government and they share no common administration. Because of the infrequent use of the small county courthouse, there is little economic justification to support the provision of facilities which are comparable to those required in large jurisdictions and, often, petit jury deliberation, grand jury hearings and juvenile court hearings may alternately occupy the same room. Rarely would there be private secure corridors for prisoner movement between the sheriff's office and the courtroom or the presence of amenities which are deemed essential for a large court facility.

Between these two extremes are those individual court buildings which house a complete court system, busy enough for at least one court to sit almost every week, yet not so busy as to be dispersed over several locations within the same jurisdiction. Facilities in this category are generally found in counties with populations ranging between approximately 40,000 and 250,000. Facility planning in these courts involves many of the problems and opportunities found in the smaller systems as well as those associated with the larger systems because courthouse usage is proportionately high. These facilities, in particular, have been put under considerable stress by population growth, caseload changes and other developments relating to court jurisdiction and activity which have recently taken place.

B. Impact of Recent Caseload and Jurisdictional Changes  
on Court Facility Capabilities

The pervasive social, economic and cultural changes that have taken place in the United States since World War II have had immense impact upon the nature of the caseload which state and local courts are handling. Every segment of the caseload spectrum has been affected: civil, criminal, domestic relations and juvenile. In addition, changes in laws and procedural rules have affected the criminal caseload, particularly, while alterations in traditional views on divorce and automobile negligence, for example, have strongly influenced the mix of civil cases filed in the state court system.

The mix of cases included in court calendars has thus changed complexion dramatically over the past several decades, presenting considerable problems for facility planners who need to project space needs over the long term and devise flexible styles of response. The most significant of these developments and their facility implications are discussed below.

1. Increase in Traffic Violation and Automobile Negligence Cases

The number of moving and non-moving traffic violations has been increasing rapidly, so much so that some jurisdictions have introduced administrative procedures to handle these cases. As the number of vehicles and drivers on the road increases, a corresponding rise in court caseload has resulted, both from traffic code violations as well as personal and property damage resulting from automobile accidents. In addition, the proliferation of interstate highway systems has brought major traffic enforcement problems to counties that are far from urban centers.

Facility needs to handle traffic-related violations, as opposed to personal injury suits, are definable. Whether treated as criminal acts or non-criminal violations, traffic cases tend to be short, non-jury hearings, often settled by pleas and occurring in very high volumes. For defendants, long courtroom waiting periods followed by short proceedings are typical. Facility plans can be specialized for such matters, either within a general court facility or in a specialized traffic court building. The traditional trial courtroom is not well suited to process these matters and the sheer volume of persons involved in these cases can overwhelm the capacity of waiting and courtroom spaces in facilities not planned to handle that level of caseload.

Accompanying this high level of traffic-related violations has been a rise in personal injury and property litigation that has created immense pressure on civil calendars. The quantity of cases that have had to be absorbed would have been considered shocking a generation ago. The introduction of no-fault automobile insurance procedures has further confused this already difficult area of caseload management by introducing marked uncertainty about the nature and quantity of future

caseloads at both the general and the limited jurisdiction court level. The initial effects of no-fault legislation appear to have been concentrated in the lower courts with limited jurisdiction where automobile negligence caseloads have often dropped off or almost disappeared. If, however, constitutional challenges to no-fault systems succeed, caseloads may be modified again. If further legislative modifications are made to the no-fault levels and to the procedural requirements imposed by such systems, caseloads can change almost overnight.

The majority of automobile negligence matters reaching trial appear to be handled without juries and many other cases are settled in conference or out-of-court. In some jurisdictions, however, local officials have been concerned about a possible increase in the incidence of jury trials although, at this point, no statistical data has been developed to verify this trend one way or another. In any event, the uncertainty in so many jurisdictions about what direction this large segment of the civil calendar will take presents critical problems for almost all court facility planners.

2. Increase in Juvenile Matters Disproportionate to Juvenile Population Growth

Juvenile offenses have become a major caseload component in many jurisdictions, representing one of the fastest growing areas of court work as well as one which demands relatively large amounts of facility space and personnel. Juvenile hearings usually are private and non-jury matters, requiring small courtrooms with somewhat intimate plans and a less formal arrangement than that of the larger courtrooms used for adult adjudicative matters. In comparison with other types of caseloads, more non-courtroom space is required to handle juvenile matters than is needed for most other types of cases. Facilities for shelter and detention of juveniles are often needed as well as space for intake and supervision functions which require large amounts of individual and group interviewing and counselling spaces.

In the last fifteen years, juvenile caseloads in many jurisdictions have increased disproportionately faster than has the juvenile population in general; a ratio of as much as ten to one is not uncommon. As a consequence, it is difficult to project facility needs for handling juvenile cases because of the lack of reliable predictors with which juvenile caseloads can be projected.

Forecasting the future development of facility needs in this volatile category is difficult enough because of the lack of meaningful guidelines with which to predict trends in juvenile caseloads. The problem is made all the more difficult, however, by the increasing possibility that juvenile laws may be changed so that future juvenile proceedings will more often be held before a judge, use juries, and involve other courtroom activities associated with adversary criminal proceedings.

### 3. Increase in Volume and Severity of Criminal Cases

In many jurisdictions, the criminal caseload has long since shifted away from drunkenness and disorderly conduct into the more serious problems of violent crimes against strangers, violations of drug laws, and drug-related crimes. In court facilities hearing such cases, the need for adequate prisoner-handling and security provisions is both crucial and expensive, in terms of both construction and personnel costs.

The startling rate of criminal caseload growth of the last twenty years is not diminishing, although there is some feeling that this growth is related, in part, to societal problems which can best be addressed outside of the conventional justice system forum. For the foreseeable future, however, we may still have to reckon with the bleak implications of current crime statistics and statistical trends and recognize that caseloads in the criminal courts will not drop materially in the years ahead.

### 4. Increase in Volume and Nature of Divorce and Domestic Relations Cases

Nationally, the divorce rate has skyrocketed. Many states have modified their divorce laws to simplify procedures, shorten the duration of cases, and remove the barriers which prevented couples from legally terminating their marriages. Courts are now granting divorces at an estimated national rate of at least four per thousand of population each year. Jurisdictions have noted five year increases of from twenty percent to two hundred percent in divorce filings. Overwhelmingly, these are uncontested cases. Unlike many other civil actions, both parties desire a speedy disposition of the case and no argument is offered by the defendant, who, in fact, is usually not present.

Thus, the large caseloads of divorce cases, although greatly increased in recent years, can be disposed of with relatively little demand on court facilities. Hearing rooms without jury provisions and without the judicial space for prolonged argument and examination are adequate for most proceedings. Although typical civil trial courtrooms are not needed for such proceedings, they are often used one day per week for these cases because they are already available. Referees and masters are increasingly used to preside over what is, largely, an administrative proceeding.

Domestic relations cases, on the other hand, are also increasing as rapidly as other family matters but make greater demands on court facilities than divorce cases. Contested cases -- so often bitterly and even tragically fought -- are typical. They require facility arrangements that do not push estranged husbands and wives into confrontations and do not require negotiating attorneys to leave their clients unsupervised in lobbies and courtrooms.

### 5. Population Growth

Probably the single most important influence on trial court facility needs in recent years has been the population growth of most urban and metropolitan centers. Although, generally, a court's caseload will increase as the population increases, the specific impact of population growth on a court's caseload is difficult to predict. Many jurisdictions are finding that increases in specific types of cases as well as a change in the mix of cases entering the court system cannot be directly traced to corresponding population growth. As noted earlier, the increase in juvenile caseloads, for example, has not paralleled a growth in the juvenile population in most jurisdictions. In order to develop any reasonable forecasts of court facility needs, some quantitative relationships between the size of the population segments in the jurisdiction, various socio-economic characteristics of the population, and caseload types must be established. This subject is addressed at length in Chapter V.

### 6. State Constitutional Changes

A major factor influencing court facility needs in recent years has been the trend toward state court system reorganization. Through the adoption of new judicial articles for state constitutions in a number of states, the jurisdiction and administration of state lower court systems have been consolidated and the common multiplicity of lower courts unified into single tier systems. Accompanying statewide court unification has been a strong increase in statewide administration and state financing of many court functions previously operated by local governments. In a few jurisdictions, the state has also assumed financial responsibility for court facilities, although, in a number of states, this remains a local obligation.

When statewide court consolidation occurs, information regarding the comparative adequacy of trial court facilities in each county becomes very important. Among the facility issues which statewide court consolidation generates are the following:

- Where can newly created courts be housed?
- Which existing facilities can provide space for newly designated courts?
- What minimum standards should be mandated for the amount and type of space needed by each type of judicial operation?
- What should be done with existing facilities that will no longer remain in operation under the new system?

Generally, an inventory is conducted of each facility to ascertain all of the space and equipment resources available and to identify deficiencies with which the new system must deal. Suggestions for conducting such an inventory are provided in Chapter VII.

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## IV. Common Facility Problems in State and Local Courts: The Technical Assistance Experience

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#### IV. COMMON FACILITY PROBLEMS IN STATE AND LOCAL

##### COURTS: The Technical Assistance Experience

In the more than 75 facility-related technical assistance assignments conducted by the Criminal Courts Technical Assistance Project (CCTAP) at The American University between 1972 and 1982, the planning needs of statewide court systems, judicial circuits and districts, and individual county, city and state facilities were addressed. Every type of court jurisdiction was included: general and limited jurisdiction courts as well as appellate; courts with very small caseloads as well as those with very large ones; courts with civil, criminal, juvenile and special jurisdiction as well as courts with specialized jurisdiction.

During the course of these assignments, four basic categories of problems were identified which were often interrelated. These problems, along with their associated causes, are presented in Figure 2 on the following page. The nature of each of these problems and the strategies used to address them are discussed below.

##### A. Commonly Encountered Court Facility Problems

###### 1. Insufficient Space

The most frequently encountered facility problem in the state and local courts studied by the CCTAP was insufficient space available to perform court functions at a level consistent with the jurisdiction and caseload volume of the court. This problem usually became critical when the jurisdiction could not find space for a newly added courtroom. For most courts requesting technical assistance, their facility problems had undoubtedly developed over a long period of time although outside assistance was not sought until the space shortage provoked a crisis in the court's operation.

In several states, constitutional changes mandated the unification of certain courts, bringing lower courts under the same administrative jurisdiction and, often, under the same roof as general trial courts. In these jurisdictions, assistance was requested to squeeze additional space for case processing functions into an existing court facility. Typical of the types of problems encountered in this regard was one county where city-operated magistrate courts became part of a statewide county court system and, thus, moved into the crowded county courthouse without any expansion of the facility.

Recommendations to solve problems of insufficient space were made in two broad categories: (1) interim expedients and (2) long-range solutions of a more fundamental and costly nature. In the short term,

FIGURE 2

State and Local Court Facility Problems Encountered  
During the Provision of Technical Assistance by the CCTAP

<u>Problem</u>	<u>Major Contributing Cause</u>
Insufficient space	Caseload growth
	Constitutional/Legislative changes
	Introduction of new court programs
Inadequate facilities	Changes in volume/mix of caseload
	Constitutional/legislative changes
	Facility deterioration
Security	Changes in volume/mix of caseload
	Constitutional/legislative changes
Need for system-wide facility planning	Constitutional/legislative changes

it generally was possible to make do by reorganizing the use of space within an existing facility and by making some simple interior modifications, such as partitioning. In most instances, the recommended interim solutions required removal from the courthouse of some inactive records and non-court functions. In most cases, the CCTAP recommended that every occupant -- court and non-court alike -- tighten its belt until major renovation or new construction could take place.

Overall, minor improvements generally were made possible by relocating operating units in the available space and by improving the efficiency of space use. However, just as the number of squares on a checkerboard does not increase as the checkers are moved, so does the total amount of courthouse space not increase, regardless of how space is reallocated, unless additional space is constructed. Locating adequate space in existing facilities for additional courtrooms proved most difficult because of the need for large areas of high-ceiling, column-free spaces and for controlled access and circulation. The quality of spaces provided by these make-do recommendations was seldom at levels that would be considered adequate for new court facility construction in terms of the area, accessibility or accommodations in the courtroom.

2. Inadequate Space

The second most frequently encountered problem in technical assistance facility assignments was inadequate space which was manifested by a variety of situations in which space, which had been made available to a court, was unsuitable for court use. Frequently, these conditions resulted from previous space reorganizations made in an attempt to provide suitable facilities for court functions. One municipal court, for example, housed in a former stone fortress, stored court records in ancient dungeon cells which previously had been used as holding cells and juvenile detention cells.

In most jurisdictions, the problem of inadequate space had developed over a number of years, with local responses taking a piece-meal approach which generally involved the least expensive expedient. Although no single set of court facility standards of adequacy has been developed, for most courts with inadequate facilities, their greatest problem has not been the lack of quality standards to invoke but the failure of their communities to accept quality as a valid criterion for determining judicial facility needs.

In dealing with inadequate courthouse space, the most realistic strategies are those which focus upon steadily upgrading existing facilities over an extended period of time rather than seeking to replace them with new facilities for which qualitative and quantitative space standards have been developed. The methodology for dealing with this problem requires the development of guidelines by which the adequacy

The greatest difficulties encountered in implementing technical assistance recommendations were the following:

- projected costs exceeded available funds;
- facility improvements were to benefit only one agency (the court) but no other agencies housed in the facility;
- the funding agency (usually the county government) either did not consider the court's facility problems serious or rejected the proposed solutions as infeasible;
- preexisting polarizations of agency viewpoints resulted in fairly objective recommendations being unacceptable and nonnegotiable.

Even relatively minor recommended changes did not meet with uniform acceptance by funding authorities. Funds for courthouse renovation or construction were invariably scarce. Although the court agencies requesting technical assistance accepted most of the consultants' recommendations, including suggestions for detailed space use changes as well as conceptual planning, transforming these recommendations into actualities often proved difficult. Only where the changes could be made by the requesting agency itself, and involved nothing more than the reorganization of existing spaces, could the recommendations be easily implemented. Generally, however, these situations did not occur in the jurisdictions which had the greatest court facility problems.

In retrospect, perhaps the most striking aspects of these studies concerned what may be termed resource investment planning. It was rare to find a facility viewed as a resource and managed according to a policy that was sensitive to initial investment as well as continuing operating costs and anticipated life-time benefits. Instead, government usually responded only to the crises that appeared when caseload growth and other problems had created intolerable facility inadequacies. Criteria for facility planning provided in the few published guidelines that existed were irrelevant to most government authorities selecting feasible options. Nevertheless, the court has to function regardless of the condition of its facility.

During the course of technical assistance service provision, it became apparent that many of the space problems facing state and local courts in this country could be avoided through a program of systematic facility planning. This subject is treated at length in the following chapter.

when judicial budgets include security personnel, the positions usually are low-paying and without career potential, attracting mainly retirees. Although police officers rarely are assigned to court security duties, their presence in criminal courts as witnesses usually is welcomed as an additional security measure.

In many jurisdictions, court security improvements were accomplished by providing equipment, often through federal funds, to remedy security problems. Courtroom alarms connected to a sheriff's office and walkie-talkie and radio pager equipment has been frequently installed. Metal detectors of the walk-through and hand-held varieties, some of which had been surplus airline security equipment, have been put in use at courtroom and courthouse doors in a number of facilities. Although some judges have requested that at least one high security courtroom be provided in their facility, rarely have there been enough dangerous situations in any one facility to justify the cost of such measures, either in existing courthouses or newly constructed ones.

The capability for providing adequate security should be a significant determinant in assessing the adequacy of a courthouse's design. The use of personnel to compensate for design deficiencies is far more expensive, especially in larger facilities, than it is to incorporate proper design characteristics to ensure the security of court personnel and operations. The common practice of security officers escorting prisoners through public corridors and elevators is not edifying; it offends one's sense of propriety as well as security and indicates the need for both better planning of new facilities and the difficulty of improving security in existing facilities which were not designed with security issues in mind.

#### 4. Need for System-Wide Facility Planning

In most states, the provision and maintenance of trial court facilities are still the financial responsibility of county or municipal governments and, thus, have not been generally addressed in the system-wide planning activities of most state court administrative offices. However, with the development of unified state court systems has developed an increasing concern on the part of local officials that the facilities provided to a court be adequate to permit its operation under the new system. Although, to date, the need for system-wide planning of this type has been addressed in only a few jurisdictions, it will become critical for every state in the years ahead.

In those states which have begun system-wide court facility planning, attention is generally concentrated on two topics: (1) allocating resources within the state system and (2) establishing standards for facilities in which state court operations will be housed. Even in states where court facility provision is still a local responsibility, staff and equipment is generally provided from a state-wide budget. In order to allocate these resources most efficiently, planners must analyse operational needs from a state or regional perspective rather than in terms of individual courthouse

units. In most jurisdictions, each court location must be analysed according to its relative workload in light of the state-wide operation and needs of the court system as a whole. In most cases, economies must be obtained by concentrating case filings in a smaller number of more efficient facilities or, at least, organizing judicial activities in the state in a manner which supports the most efficient use of judicial system resources.

In developing plans for state-wide and/or regional resource allocation, criteria must be established for determining which existing court facilities should be absorbed into the state court system and for developing standards by which the adequacy of these facilities can be assessed. However, before existing facilities coming into a state-wide system can be evaluated against such standards, they must be inventoried. This topic, which has been mentioned earlier, is of such widespread importance that it is treated at length in Chapter VII.

#### B. Common Impediments to Implementing Technical Assistance Recommendations

The technical assistance studies conducted by the CCTAP usually limited their treatment of long-term solutions to an examination of caseload growth patterns and to estimates of the remaining useful life of existing facilities, based upon caseload trends and the anticipated physical deterioration that would occur. In some situations, a locally proposed space change, such as a recommended relocation of county offices to other buildings, offered an additional opportunity to assess specific facility options that would be available in the future.

Recommendations for major long-term increases in space were derived by estimating an existing facility's maximum capacity for court-related activities, rather than by estimating future caseloads and resultant needs. Four questions about the recommendations had to be answered before presenting them to a funding body:

- Will the cost of improvements justify the results?
- Will it really be feasible to vacate all the space needed in the courthouse for future court activities?
- Will the community agree to raise whatever funds are needed?
- How can the decision to take action be forced?

The greatest difficulties encountered in implementing technical assistance recommendations were the following:

- projected costs exceeded available funds;
- facility improvements were to benefit only one agency (the court) but no other agencies housed in the facility;
- the funding agency (usually the county government) either did not consider the court's facility problems serious or rejected the proposed solutions as infeasible;
- preexisting polarizations of agency viewpoints resulted in fairly objective recommendations being unacceptable and nonnegotiable.

Even relatively minor recommended changes did not meet with uniform acceptance by funding authorities. Funds for courthouse renovation or construction were invariably scarce. Although the court agencies requesting technical assistance accepted most of the consultants' recommendations, including suggestions for detailed space use changes as well as conceptual planning, transforming these recommendations into actualities often proved difficult. Only where the changes could be made by the requesting agency itself, and involved nothing more than the reorganization of existing spaces, could the recommendations be easily implemented. Generally, however, these situations did not occur in the jurisdictions which had the greatest court facility problems.

In retrospect, perhaps the most striking aspects of these studies concerned what may be termed resource investment planning. It was rare to find a facility viewed as a resource and managed according to a policy that was sensitive to initial investment as well as continuing operating costs and anticipated life-time benefits. Instead, government usually responded only to the crises that appeared when caseload growth and other problems had created intolerable facility inadequacies. Criteria for facility planning provided in the few published guidelines that existed were irrelevant to most government authorities selecting feasible options. Nevertheless, the court has to function regardless of the condition of its facility.

During the course of technical assistance service provision, it became apparent that many of the space problems facing state and local courts in this country could be avoided through a program of systematic facility planning. This subject is treated at length in the following chapter.



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## V. Developing a Court Facility Planning Capability

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## V. DEVELOPING A COURT FACILITY PLANNING CAPABILITY

Facility planning proceeds in two major steps: a determination of facility needs and development of appropriate remedies. At the local level, facility planning responds to local conditions, especially the facility needs of trial courts and the problems of existing facilities. At the state level the focus is somewhat broader. State-level planning concentrates on overall costs and on providing equivalent facilities everywhere in the state. Some state court administrative offices also provide local court agencies with technical assistance for their specific local facility problems.

This chapter is directed mainly toward local planning activities which are developed in response to local needs, although they also provide input for statewide planning. Many topics of interest to state planners are also covered, however.

In Chapter IV, the major facility deficiencies in local courts were categorized as those of insufficient space, inadequate facilities, inadequate security, and the lack of system-wide planning. These categories provide a general description of the overt symptoms of space deficiencies in state and local courts; to begin solving these problems, however, it is necessary to identify their specific causes and to respond to them in the light of current and expected future facility needs.

Manifestations of facility problems are quite apparent to most persons working in courthouses: file storage overflowing into closets and corridors; awkwardly located offices which seem to make it unnecessarily difficult for persons in related operations to work together; excessive and annoying movement around the building in order to process simple matters; people without a place to sit waiting to make court appearances; handcuffed prisoners and guards riding the public elevators in company with jurors, judges, staff and public; one hundred jurors assembled in a room which, at best, can seat only fifty; courtrooms where the judge cannot see the witnesses; etc., etc.

Planners usually are asked to respond to these space problem symptoms, in other words, to deal with crises. The essence of planning, however, is to establish conditions which minimize the likelihood of crises. To bring about such conditions planners must anticipate problems before they occur.

### A. Principles of Court Facility Planning

#### 1. General Planning Concepts

To determine what sort of facility is needed to house a given judicial system, information must be collected about all facets of judicial

operations that can then be translated into facility needs for each operational element. Among the information items which must be collected are the following:

- how much space,
- in what location,
- of what physical characteristics,
- with what amenities and environmental conditions,
- of what general shape and arrangement must the space be?

This initial categorization of space needs will permit ready identification of changes in a court's facility requirements and can be performed through a quick numerical method of assessment. Assessing long-term facility needs, however, is a complex process, and the needs are often difficult to state. For these reasons, it is important to approach facility planning within a proper analytical framework.

The planning rationale described in this chapter draws heavily upon concepts from the field of systems analysis which can be applied to facility analysis. These concepts are particularly applicable to analysing the case processing operations of a court and the relationship of the case processing system and the use of space. They also permit analysis of a court's operations (and a comparison of those of different courts) through the use of conceptual models that relate space, operations, and cost factors to each other.

This procedure permits an examination of the trade-offs between specific operating procedures and their space needs in relation to the cost of maintaining a given level of caseflow. This procedure also permits a comparison of different courts according to a rational system of analysis and an estimation of the benefits, if any, of changing their operations or space use. It is especially useful for developing a program of facility needs that can accurately describe the space requirements for a new facility in reference to the procedures that will be used for moving cases through the court. The results of these analyses permit examination of the trade-offs between specific operating procedures and their associated space needs with the costs of maintaining a given level of caseflow.

Court facilities must function over long periods of time, accommodating whatever changes become necessary in their courts' operations. Some means are therefore also needed for estimating what the future facility needs of a court may turn out to be. In that search, caseload forecasts are a basis for anticipating the possible needs for future numbers and types of case processing units. Despite all the unreliability inherent in long-range forecasting techniques, we must maintain a degree of reliance on these techniques in order to orient our planning for new or modified facilities.

Another element with a marked effect on court facility planning is the need for security and propriety in daily operations. The impact of security needs on the architectural plans of court facilities is reflected in the arrangements of access and circulation within them and can be evaluated to include the square feet and cost of the spaces contributing to facility security. Techniques for incorporating these various factors into a coherent facility plan are discussed in following sections of this chapter.

## 2. Treating Courts as Systems

By taking a simple, undramatic look at how courts operate, we are able to find at least one aspect in which court operations can be analyzed as a system: case process.

Disputes first come to a court's attention when cases are filed with the court clerk. The cases then go through various procedural steps as the parties to the disputes press their claims and as the court acts to resolve the cases. At some time after filing, every case is closed, so far as those procedural steps are concerned. Some cases are resolved either by the court's disposition or by some form of settlement. Other cases wither away until they are forgotten by everyone but the clerk, who still holds the case records, but, under some court rules, is eventually permitted to close them.

The business of resolving a case thus involves:

- case filing (input) -- a beginning;
- a sequence of procedures over a period of time-- a process
- and a disposition (output) -- an end.

The procedural steps by which a court handles its cases constitute a case processing system in which cases flow, over a period of time, from the system's input to its output. A number of individuals, agencies and functions are involved in the process, all of which must be considered in developing the court's facility plan.

## 3. Taking Different Perspectives into Account

The space needs of a court facility must be assessed from a variety of perspectives, including those of the various users of the courthouse and the space implications of the numerous functions that are performed. Among the factors that must be considered are:

- numbers of persons involved in each different category of participation, such as counsel, witnesses, public, etc.;

- circulation patterns (movements) of each category of participant;
- functions of each category of participant (e.g., witness testifies from witness stand under examination by counsel);
- scenario of events taking place within each space in the facility.

Facility planners view a facility as a system of spaces made up of functional areas where defineable activities are conducted. Facility planning is, thus, concerned with defining the size of the area needed for each functional space and the circulation system (or systems) relating functional spaces to each other. Two types of decisions about space are made by facility planners: (1) how much space does each participant and function need, and (2) where should each space be located.

Judicial personnel, on the other hand, may have a different concept of a judicial facility from that of facility planners, seeing it as the surroundings in which a related group of activities take place, all connected with processing the judicial matters that constitute the business of a court. In that concept, a courthouse is a building where cases are filed, judicial decisions are rendered, and all the intermediate steps in the judicial process take place. It is not so much a system of spaces as a system of functions taking place within a courthouse.

Neither the judicial perspective nor the planning view is wrong. They represent different perspectives on the same topic.

Judicial functions, as applied to spaces, must be translated into architectural functions in order to be given meaning for determining facility needs. For example, spaces needed for non-jury trials as compared to jury trials have these significant differences:

- space for jury observation and deliberation are not needed;
- placements, actions, sightlines, and acoustic relationships of participants are different;
- a different treatment of surface textures and furnishings may reflect a different psychological environment;
- there is no need to provide for circulation of jurors to an assembly space.

Judicial proceedings in non-jury and jury trials may differ for other reasons also, such as a more active role for the judge and different forms of argument, examinations, and other trial tactics. These

factors, however, are not directly useful in facility planning until they are translated into their space implications.

#### 4. Distinguishing Between Functions and Operations

The terms "function" and "operation" have somewhat similar meanings and frequently are used interchangeably, but their distinctions should be kept in mind. The term "function" describes the purpose or goal of an aspect of court work; the term "operation" describes a processing activity incident to performing a function. For example, one function of a county clerk might be to issue marriage licenses upon proper application. In performing that function several operations take place, including storage of forms, issuance of applications by mail or at a public counter, inspection of applications, handling money, validating licenses, and issuing licenses. Personnel involved in those operations may perform other county clerk functions as well, or they may be involved in only one operation of that function. The organization of staff to perform functional operations has a bearing on the spatial relationships which should be provided in each office and, consequently, the appropriate floor plan. The public counter, for example, could be segregated into areas for specific functions if convenient (i.e., marriage licenses at one area, dog licenses at another, handling cash at another, filing of civil or criminal cases at another) or there could be one area for all functions, arranged for the various operations involved and sharing common equipment.

Opinions regarding the optimal arrangements of space to perform court functions will depend upon the perspective one has as to the role of the function in the total justice system. A county clerk might be interested in the clerk's office operations from a department manager's viewpoint and seek to use the space, personnel, time, and financial resources most efficiently. A county judge, however, might be more interested in the functions of the county clerk's office which affect court records' availability than he is in the operations which actually bring them to court. A facility planner must be interested in all existing operations and in the operational changes likely in the future, so that effective space relationships can be devised to house the operations over a period of time.

#### 5. Recognizing the Relationship Between Court Space and Court Operations

There is no lack of awareness that the improvement or replacement of facilities is expensive. It is not so widely appreciated, however, that the retention of outmoded or inefficient facilities also is expensive. How much of the operating budget of any court is a direct consequence of poor space use? In point of fact, any operating cost that can be attributed to poor space use is wasteful, but how often do we pay real attention to that drain on our scarce resources? It is doubtful that any court budget includes space use inefficiency as a cost item because we



are not accustomed to measuring its cost consequences in terms of additional personnel or increased case processing delay.

We do understand, however, that some citizen-users of our courts hold low opinions about the judicial system. We might well find that some part of the disrespect shown for the system -- and the law -- traces back to the disrespect some agencies of government illustrate by the disgraceful conditions they permit in court facilities. There is a direct relationship between the space provided to a court system and the cost and efficiency of its operations.

## B. Adapting a Planning Strategy

### 1. Identifying facility needs

In most cases, a comprehensive planning strategy must be developed which addresses fundamental causes rather than superficial symptoms. A comprehensive planning strategy must include:

- determining a court's facility needs as they exist today and as they can be forecast into the future;
- evaluating the capability of the existing facility to accommodate present and projected needs;
- assessing the facility's deficiencies in terms of their importance for the court's present operations and their probable future significance;
- developing a program to remedy the deficiencies, including immediate and long-term remedies, which includes consideration of such options as: reorganization, renovation or expansion of existing facilities; lease or purchase of available facilities to supplement or replace existing facilities; construction of new facilities.

The task of identifying a court's facility needs requires a description of all of the spaces needed by a court to function properly: courtrooms, judges' chambers, clerical offices, corridors, etc. Among the information which must be gathered are the following items:

- what type of spaces are needed?
- how many of each type of space is needed?
- what size should each type of space be?
- how should the spaces be located in relation to one another?

- how should the spaces be related to public, private, and secure corridors?
- what physical features should the spaces have?

Needs must be determined by analysing the court and its facility as a single integrated system and treating the facility as a resource whose attributes contribute to the processing of cases. Court facility needs must, therefore, be analysed in terms of the case processing business of the court, rather than solely in reference to the physical plant. The analysis must take into account both current practice and expected future developments in caseload levels and case-handling techniques.

It must be stressed that court facility needs do not exist in isolation from personnel and equipment needs and facility planning must take into significant account the personnel and equipment requirements for the court in arriving at space needs.

### 2. Evaluating Existing Facilities

Once a statement of facility needs is developed, an existing facility can then be evaluated to determine how well it satisfies those needs. Are there enough courtrooms? Are they the proper sizes and types for the judicial proceedings assigned to them? Are functions that would benefit from close physical relationship appropriately located? These particular questions are representative of the many that could be formulated. The evaluation process, however, will always include four topics:

- are all required spaces actually located in (or near) the courthouse?
- is the area of each existing space adequate for its intended use?
- is the accessibility of each space appropriate to its use?
- are the accommodations satisfactory?

### 3. Assessing Facility Deficiencies

The facility evaluation results will highlight space deficiencies which can then be further analysed to identify their causes. For example, the lack of a jury assembly room may turn out to result from the storage of inactive files in a space which (a) would be suitable for jury assembly and (b) could be made available, if (c) the files were purged of unnecessary material and (d) some were relocated to suitable space on or off the premises. Facility deficiencies highlighted by this

type of analysis can be ranked according to their importance to the effective operation of the court so that a corresponding prioritized program of corrective actions can be prepared.

Some deficiencies are temporary, caused by such unusual short-lived situations as the presence of a visiting judge for whom courtroom and chamber space is lacking. These deficiencies do not require the same long-range solutions as those which result from fundamental changes in court activity, such as a year-after-year increase in the proportion of criminal cases on the total docket which may require the permanent addition of security and prisoner handling features.

#### 4. Developing Action Programs

Once facility problems are identified and analysed in terms of their causes, an action program must be developed to address both current deficiencies and future needs. Such a program must be formulated in reference to feasible options for remedying these deficiencies, which might include improving existing facilities, lease or purchasing additional facilities, or constructing new facilities. These various options are discussed briefly below.

##### a. Improving Existing Facilities

The possibility of remedying specific deficiencies in the existing facility through renovation or reorganization must always be considered. Virtually any court facility, large or small, that has been in use for at least a decade probably can benefit from a reorganization of space use. Space use should be examined in a regular and continuing management space program and be adjusted to keep in tune with developing needs.

However, although reorganization can increase the efficiency of space use and improve inadequate space allocations by more effectively assigning amounts of space to all activities, it cannot create new space. Sometimes, however, additional space can be created by interior renovations. Space can, in effect, be shifted from one room where it is not needed, to another where it is needed, by moving a common wall. New offices can be built in the unused balcony of an old courtroom. Wasteful large spaces can be made into a variety of more useful smaller ones. Renovation is also a way to repair physical deficiencies in a facility otherwise worth saving.

##### b. Expanding Existing Facilities

Although a combination of reorganization and renovation measures can frequently make substantial improvements in the adequacy and utility of space, where caseloads have grown well beyond the capacity of a facility, expansion may be the only way to obtain sufficient space. Space may have to be located for horizontal expansion and/or a determination may have to be made as to whether the structure is

suitable for vertical expansion. In any event, great care must be exercised to minimize the interruption of ongoing court operations by any construction work.

Experience has shown that expansion is rarely fully successful except in facilities which originally were planned for later expansion. Staged growth is, therefore, becoming an increasingly important consideration for new court facilities, although ad hoc expansion sometimes represents the only feasible means of acquiring necessary court space.

##### c. Procuring Additional Facilities

When deficiencies in a courthouse are overwhelming, a new facility may be the best answer. However, before assuming that no other remedy is feasible, other alternatives should be considered. If there is little reason to believe that future developments will justify the cost of a new building, and if the existing facility is structurally sound, it may be more effective to lease space that is, or can be made, suitable for certain court functions. Some court-related activities, such as those of the prosecutor, public defender, probation and parole offices, can function satisfactorily in conventional office spaces located away from courtrooms. These offices are, therefore, prime candidates to be relocated to adjacent buildings, making courthouse space available for renovation to provide more courtrooms. As a temporary measure, leased office space can be an expedient, but adequate leased courtroom space can be difficult to find and expensive to renovate, because courtrooms impose unique physical requirements. If renovations in a leased facility are needed, they probably will be expensive because an owner would expect to recover renovation costs within the duration of even a short lease.

##### d. Constructing New Facilities

Although a facility planner can exercise a broad range of sophistication and innovation in planning a new facility, control and understanding are also necessary to prevent costs from soaring. The need for a new facility rather than a supplement to an existing courthouse, is established when the combination of costs to repair, maintain, operate, and upgrade an existing facility at an adequate level of quality, plus the expected future additional cost of ownership, make new construction the most feasible alternative.

#### C. Developing a Comprehensive Planning Program

The process of planning should address two questions about a given situation: What can be done about it?; What should be done about it? The first answer structures possible courses of action that might move a situation from its current condition to a desired future condition. The task of arriving at such answers is the subject of this

section. The second answer provides a judgment regarding the course of action which is best to follow. The complexities of that task will be discussed in Section D.

### 1. Distinguishing Between Facility Problems and Functional Problems

A broad range of options is available to remedy facility problems: reorganizing, renovating, or expanding existing facilities; leasing or purchasing additional space; and/or constructing new facilities. Often these physical solutions to facility problems are actually responses to situations which might better be termed functional or operational problems, rather than facility problems.

In the strictest sense, typical facility problems include a lack of air conditioning, a fire hazard, a leaking roof, or unsafe structural conditions. Other often-cited facility problems might be a lack of sufficient courtrooms or other spaces necessary for handling a given caseload. It must be said, however, that when examined closely and objectively, many of these latter "facility problems" are symptoms of functional problems that might be less expensively and more effectively solved through operational measures rather than space planning measures.

Consider, for example, the situation of a multi-courtroom facility where a particular courtroom is used only about half the time because it is assigned to a judge whose caseload requires a high proportion of conference and other off-bench time. This is neither an unusual situation nor an intolerable one, so long as there is a courtroom for each judge and a caseload which is matched by a satisfactory case processing rate. However, if the caseload were to increase to the extent that additional case processing capacity became needed, would there now be a facility problem or a functional problem? Would space be short or would it be inefficiently used?

Another frequently encountered "facility problem" is that of providing storage space for clerks' files. Case files are not the most difficult problem, at least in clerks' offices, because most civil and criminal records can generally be purged or archived within a provided period or other reasonably short period after termination of a case. Land records, wills, and estate records, however, present a much more critical problem because they continue to grow, year after year, with an inevitability matched by their increasing usage. Technology offers many ways to reduce such storage space requirements by shrinking the physical size of the information content and storing it, perhaps in a different format or on a different medium.

It is the change of storage medium that makes possible a reduction of storage space needs but, paradoxically, also reduces the techniques acceptance by court personnel. Among the reasons offered for lack of acceptance of new techniques, several are prominent:

- The life of the new media is not well proven; they may not last as long as the original documents and hard copies.
- The accessibility of the new media is not as easy as it was under the old system; users of the filed material will not be able to receive the service to which they are accustomed or which they need.
- Users may not accommodate themselves to the new media.
- A large investment in equipment is necessary; the county just cannot afford it.
- The documents actually filed with the clerk represent the entities which are mandated to the clerk's care and custody; copies are not legally accepted substitutes.

Introducing this situation as a facility problem merely states it in the same way that it is normally described by courts when they set out to find more file storage space. Clearly, storage space is a fundamental facility need in any court; however, it is not so clear that continuation of existing file practices is an appropriate way to establish the dimensions of the problem. The cost of moving a standard legal file cabinet to a new building includes about \$700 just to build the space it requires! Does this "hidden cost" make the need for more efficient filing systems more compelling?

Two of the most frequently considered techniques for reducing space needs for file storage and retrieval are microfilm systems and computer systems, but neither has yet been widely adopted. In addition to the technical reasons just mentioned, two other reasons must be noted. First, court staffs are not always able to comprehend the full significance of either the technology, *per se*, or its potential impact on court operations. As a consequence, there may be a lack of confidence in the systems, a lack of knowledge of their existence or, on the other hand, an excessive and unwarranted belief in their benefits. Second, there is a common failure to systematically examine the file storage problem as a true facility problem in which space needs, equipment needs, and personnel needs interact, and then to determine the benefits and costs of alternate ways of filing, storing, updating, and retrieving court records.

### 2. Allocating Resources

Courts use three major resources to carry out their activities: personnel, equipment, and space. As previously noted, each category interacts with the others to determine the total costs for performing a particular function or process and the degree of effectiveness with which it can be achieved.

For each court activity or process a choice must be made regarding how best to mix the three types of resources: what combination of space, people, and equipment will best facilitate the activity at an acceptable cost? Facility planning is aimed at determining the best mix of these resources, in the context of current and anticipated future facility needs. Making these decisions requires a comparison of financial, performance, and image costs associated with various options.

#### a. Making Cost Comparisons

Cost measurements of each court activity component can be made fairly easily. Court buildings have an initial cost of construction, in addition to ongoing costs for operation, maintenance, repair, and modification. The emphasis given to modification costs is intentional. Most court buildings are technically useful much longer than the functions taking place within them remain constant. In short, the buildings are operable, or can be repaired to remain operable, long after the specific functional needs have changed for which they have been planned. Over the course of a building's lifetime, it will inevitably have to be modified or renovated to become suitable for new programs, new processes, and different quantities and mixes of caseloads.

If construction is contemplated, a simple method for estimating costs involves the calculation of the gross square feet and the net square feet of the proposed building and then multiplying their ratio (1.54 to 1 is reasonable) by the approximate construction cost per square foot in the jurisdiction (currently somewhere in the range of \$70 to \$90 for metropolitan courthouses). Gross square feet describes the total area of the building, including all spaces, and is commonly used in estimating construction costs. Net square feet, however, describes the functional spaces where courts conduct their work and is computed exclusive of building services areas, i.e., public hallways, stairs, elevator, wall thicknesses, etc. The computation of net square feet is a useful tool for comparing different buildings or different floor plans for one building. Using the formula provided above, the cost per net square foot can be derived by multiplying the costs per gross square foot by the gross to net ratio.

This type of analysis permits the comparison of different space use proposals but should not be considered as an accurate alternative to a detailed cost estimate. The gross square foot method, given accurate data to rely upon, is very useful, but is based on the average cost of all construction methods, finishes, and materials. Consequently, it is less useful for comparing the costs of different structural or aesthetic approaches and should be used simply for providing an initial indication of the relative costs involved in various space options.

#### b. Making Performance Comparisons

Performance measures are common for equipment and personnel operations, but far less so for space. Computer performance is

measured by such factors as throughput, processing rate, storage capacity, response time, input capacity, etc. Other equipment, from pencils to typewriters to photocopiers, can similarly be described in terms of the adequacy of its performance based on intended use. On the other hand, measuring the performance of personnel operating in various capacities from file clerks to judges has been the subject of many studies and almost as many controversies. The general terms of reference, however, are reasonably clear, even if there is some disagreement about specific performance measures. The subject of building performance, however, introduces unfamiliar territory. Although many of the published space standards for court facilities imply performance measures when they state minimum or desirable areas for types of spaces and list the different types of spaces required for court proceedings. These are, at best, no more than indirect measures. Published standards rarely treat the effect of space allocations on a court's case processing capacity or other performance gauges. It is probably easier to approach this subject from the perspective of showing how certain dysfunctions in a building can lead to problems with caseload, security, public convenience, or other matters.

#### c. Making "Image" Comparisons

In one sense, we are accustomed to measuring a court building by its aesthetic image. The aesthetic image is an architectural concept of how a building should represent and convey the purpose and meaning of the court it houses. The exteriors and interiors of court structures should produce an effect upon the people who use them reflective of the philosophy and dignity associated with the concept of justice often engraved upon their facades.

Design features alone, however, do not make up a court building's image. Personnel practices and equipment usage can also contribute significantly to the total image of the environment which is conveyed. For example, an image of the court is conveyed when a citizen, wishing to file papers or obtain information, is confronted by a clerk who, when his attention can be secured, walks slowly to a dusty filing cabinet, pulls out a twenty-five pound book, blows off the accumulated dust, opens it to a page in its second inch of thickness, dips his pen in an ink bottle, and proceeds to make the required entry. Contrast this image with that of a well-staffed clerk's office where, upon receipt of a filing, a clerk turns to a computer terminal, types a brief entry, looks at the video display -- perhaps also receiving a printout -- and responds with an index number and an announcement that the matter has been entered into the permanent file. The difference in image is strong.

### 3. Accommodating Future Needs into the Action Plan

#### a. Importance of long-term planning

Facility planning consists not only of determining needs and

structuring options for action but, also, of selecting the responses most likely to produce the desired result and remain useful for as long a time as possible. Plans are derived from simplified models of the situations they are intended to manage (i.e., models that have been abstracted and simplified until they can be understood and manipulated). The planning environment, however, must include all of the complexities of current operations; it cannot be simplified. No planning response can be isolated from the passage of time or from its interaction with related but uncontrolled factors. Thus, the likelihood of a plan's ultimate success depends strongly upon just those facts we would prefer to eliminate from consideration because they are awkward or unforeseeable in their effects.

Facilities exist functionally in two dimensions, space and time: the finite spaces of their interior floor plans and the span of years during which they remain in use. Unfortunately, "to remain in use" does not always mean the same thing as "to remain useful". If a facility's functional requirements change with time, its interior space plan may become obsolete. To remain useful, the space plan may have to be altered to match new requirements, although such modifications can be difficult to accomplish unless their likelihood has been foreseen throughout the facility's construction history. Several strategies for including in the planning process the probability that needs will change are described below. Some of these strategies are specific techniques for allowing a facility to grow and alter; others simply represent alternative ways for allocating available resources.

#### b. The Need for Growth Staging

Unless careful and explicit planning has been made to accommodate growth needs in defined stages, the ad hoc expansion of a facility will rarely be satisfactory. Without growth planning built into the initial facility design, the cumulative investment required to make the facility adequate for given stages of development will be higher than necessary and the functional quality resulting may well be less than adequate.

The projected development of facility needs should be responded to in stages which are economically feasible and which permit a long and effective functional lifetime for the growing facility. Decisions must be reached early on as to the points at which the expected growth of case processing needs will require facility expansion. In devising the growth staging plan, the following considerations should be kept in mind:

- actual needs may grow either more or less rapidly than expected;
- if expected needs do not develop (and alternative uses for the space cannot be found), unnecessary costs will have been incurred in constructing and carrying unused space;

- ongoing operations will be excessively disrupted and costs will mount if additional space is constructed in too-small increments.

There is, thus, a risk in determining when the optimal time to expand will occur and how large that expansion should be. Not only does construction disrupt a court's work and frustrate its personnel, but the question must be considered -- how many times can we go to the well? Most administrators will opt for the biggest chunk of construction they believe can be landed, so as to avoid having to seek construction money too often. Another factor to weigh in planning for staged growth is the time interval that will pass between the point of initial planning and the time final occupancy of the court facility takes place, especially in large, bureaucratically-strangled cities, where it can reach ten years. Obsolescence may be well underway before the first court session can be held.

In a new facility, initial construction ought to be planned to produce a building adequate for at least ten years of occupancy, and, preferably, fifteen or twenty, depending on the duration of construction and renovation periods. The dust ought to be allowed to settle before the next round of renovation begins. Planned stages of future growth must not be so rigid as to deny to future planners options to adapt the facility to its demonstrated needs. The facility's space plans must, thus, permit a high degree of flexibility and adaptation.

Although the need for long-term planning is critical, it should also be recognized that forecasts of caseloads and case processing needs can lose their validity if they look too far ahead. For example, the period of unprecedented caseload changes we have been experiencing since the end of World War II does not offer statistically valid bases for long-range forecasts of caseloads or facility needs. There is no way to be certain how long those trends will continue. Nevertheless, when a facility is needed, it must be built, whether or not our view of the future is accurate. This subject is addressed in greater depth in the following chapter.

#### c. Purchasing or Leasing Additional Space as an Interim Measure: Pros and Cons

Nothing that has been said so far is intended to rule out the use of leased or purchased space as an appropriate means of accommodating staged growth needs. On the contrary, this is an attractive option when future needs are uncertain but current needs are pressing. Several technical problems, however, are likely to affect the quality of such adapted facilities for court use.

Industrial buildings and office buildings (commercial and government) are the usual candidates for lease or purchase. They have some inherent drawbacks as potential court facilities which may be overcome, at least partially, by ingenious designs, but at considerable renovation costs. For example, courtrooms require spaces whose height



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and column-free floor areas are not usually found in buildings which were not planned for court uses. Most authorities agree that a minimum sized trial courtroom (jury or non-jury) should not be smaller than about thirty feet by forty feet, with a corresponding floor-to-ceiling height of at least eleven feet. Spaces of such dimensions are not common in office buildings or even in industrial buildings, although they may be found in large department stores.

Security and other needs may dictate that separate vertical and horizontal circulation systems for detained persons be provided in a court facility. Although renovations can be partially successful in creating such circulation systems, they are very likely to be expensive, perhaps prohibitively so. Similarly, spaces for the secure detention and circulation of prisoners, although necessary in a criminal court facility, have little value on the rest of the real estate market and would be offered in a lease only if the full cost of their construction and removal was included.

A more practical solution to the use of space in non-court facilities is to adapt them to court-related functions not requiring proximity to courtroom and detention activities. Office buildings are architecturally suitable for many clerical functions and for prosecutors', defenders', probation, parole, and administrative offices. If distances between suitable leased facilities and the existing courthouse are negligible, it may be quite feasible to separate ancillary functions from courtroom-related functions by locating the former in other buildings and renovating the court facility to increase the number of courtrooms and detention spaces available.

#### 4. Choosing the Right Option

If the relative implementation costs and effectiveness of each of several planning options can be measured, these measurements can provide a rational basis for comparing the options and choosing among them. Such an analysis, however, involves assessing the value of all of the options over a long period of time, during which the needs they were intended to meet probably will have changed in unpredictable ways.

Facility needs exist in a dynamic environment, changing in type and quantity during a facility's physical lifetime. The amount of space needed for each activity may change, new activities may be introduced and old ones dropped, programs may be added or updated or changed, the mix of types of caseload may alter. In large and small courts alike, changes of this nature have become routine in the last several decades. Given this situation, the value of a carefully formulated solution, tailored precisely to current needs, must be discounted against the cost and difficulty of modifying it to meet unanticipated needs which arise in the future. This dilemma highlights the desirability for the selection of more flexible and general options, rather than fixed and specific solutions.

#### 5. Knowing When to Defer Decisions

When decisions must be reached in the face of the uncertainties presented by unknown future facility needs, a good general rule is that where the degree of uncertainty is large, it may be wise to defer decisions whose impact may be irrevocable. Interim arrangements frequently can be made which are not too specifically keyed either to the type or quantity of estimated long-range needs. Such arrangements can allow more costly action to be deferred until a more reliable estimate of future needs can be formed. Greater reliance can be put, temporarily, upon the use of personnel and equipment, rather than space. Similarly, construction can be deferred in favor of purchasing or leasing space on a temporary basis. It also may be possible to develop flexible space-use options with a more generalized range of applications.

#### 6. Strategies for Estimating Costs

When choosing among options, the cost of each facility component should be measured on a comparable basis so that an accurate indication of any actual cost differences can be obtained. Among the factors that should be compared is the anticipated duration of the space need and the expected useful lifetime of the options to address it. For instance, a clearly temporary requirement to increase case handling capacity for a particular type of proceeding or for a short-term backlog reduction program, will not ordinarily justify the same cost as a long-term need for additional capacity based upon a sizeable and steady increase in county population. The manner chosen to satisfy short-term or interim facility needs should not generally involve extensive construction or modification costs, specialized training for personnel in temporary jobs, or the installation of expensive equipment dedicated solely to meeting these interim needs. It at all possible, resources allocated to meet particular space needs should be directed towards the options which offer a useful lifetime reasonably matched with the estimated duration of the need.

When comparing different options, it is also desirable to annualize their costs, that is, to divide the total cost of each option by its estimated number of years of use. Because the initial and continuing costs of changes may accrue for a longer period than their useful life, this procedure discounts the economic value of solutions which may appear to be inexpensive initially but whose costs recur long after the need for the solutions has ended.

Costs are not budgets, however, and the lowest-cost method for achieving a desired result may not be possible to choose because it may not be possible to convey the financial advantages of the method within the constraints imposed by mandatory budget procedures. Capital budgets and expense budgets often present markedly different problems and opportunities for obtaining and allocating funds. From an analytic viewpoint, little can be said about this topic except to note that it may

present an excellent argument for program budgeting as an alternative to more traditional methods.

#### D. The Importance of Establishing an On-Going Facility Planning Function

Facility planning may take place in an atmosphere of crisis that reduces the opportunity to develop the most effective solutions. To be of value, facility planning must include comprehensive analyses of current and anticipated facility problems and provide the opportunities for a rational choice from alternative remedies.

Although facility problems are most acute in the largest jurisdictions, very few counties or cities have established a working structure to manage the use of criminal justice space and facilities by the many agencies they house. Adjusting available space and providing new facilities to meet the needs of users from many departments and government branches generally requires substantial mutual agreement and the services of an agency empowered to make decisions. It does not appear that these procedures are operative in any significant degree at this time.

The process of obtaining new space or modifying existing space is also subject to many bureaucratic constraints. Rarely is there a planning agency or other body responsible for assigning and monitoring space for all components of the criminal justice system. Within and among criminal justice agencies, a unit head who is effective in intra- and inter-agency relationships may be able to improve the unit's problems by being sufficiently energetic and persistent when an opportunity occurs. In that process, however, even the winner of existing space may be able to make only limited gains by working within the constraints of available space. When space cannot be created and other agencies cannot be forced to relocate, the situation is comparable to a game of chance where participants bid for the next available space using the earliest information they can obtain without bidding up the price. The process resembles what is described as a zero-sum game, in that the total space remains constant, so that what is given to one unit must be taken from another. In such situations, occupants rarely give up space voluntarily, preferring to hoard it as an asset which they know cannot easily be replaced. A unit relinquishing space it no longer needs does so with little likelihood it can receive a "space credit" to be redeemed at a later time if its needs again should increase.

Moreover, solved facility problems are often replaced by new problems unless there is an organizational means of preventing their recurrence. To the degree that facility difficulties are the result of inadequate planning, they can be expected to recur unless an administrative facility planning capability is established within the court organization. Selecting workable solutions depends entirely upon balancing conflicting needs, costs, and time priorities. In the final

analysis, the practical realization of an effective facility demands as much of art as of science and the best chance for its development lies in the creation of an on-going facility planning capability under the administrative guidance of a single facility planning coordinator. The following are some recommendations for establishing such a capability:

A facility planning function should be established as a component of court management and located in a centralized staff unit at a point in the organization where services can economically be provided wherever they are needed. The level of planning skill and experience developed here should be of benefit to the entire court and relate to other criminal justice and government agencies in the courthouse and elsewhere. The designated function should be the single point of internal and external contact within the court for facility related topics and the point of reference for facility planning information and services.

An inventory of existing space should be assembled. It must be regularly updated and periodically reviewed. Information should be collected from all department heads on simple reporting forms showing the actual space use in their units. Based upon that information, planning can proceed, future needs can be estimated, and specific facility programs can be developed.

The goals of a facility planning capability should be to assemble a reservoir of information about facility use and needs and the nucleus of a facility planning organization around which special management teams also can be constituted, if necessary, to handle unavoidable emergency situations. With that groundwork, problems can be solved more quickly and easily.

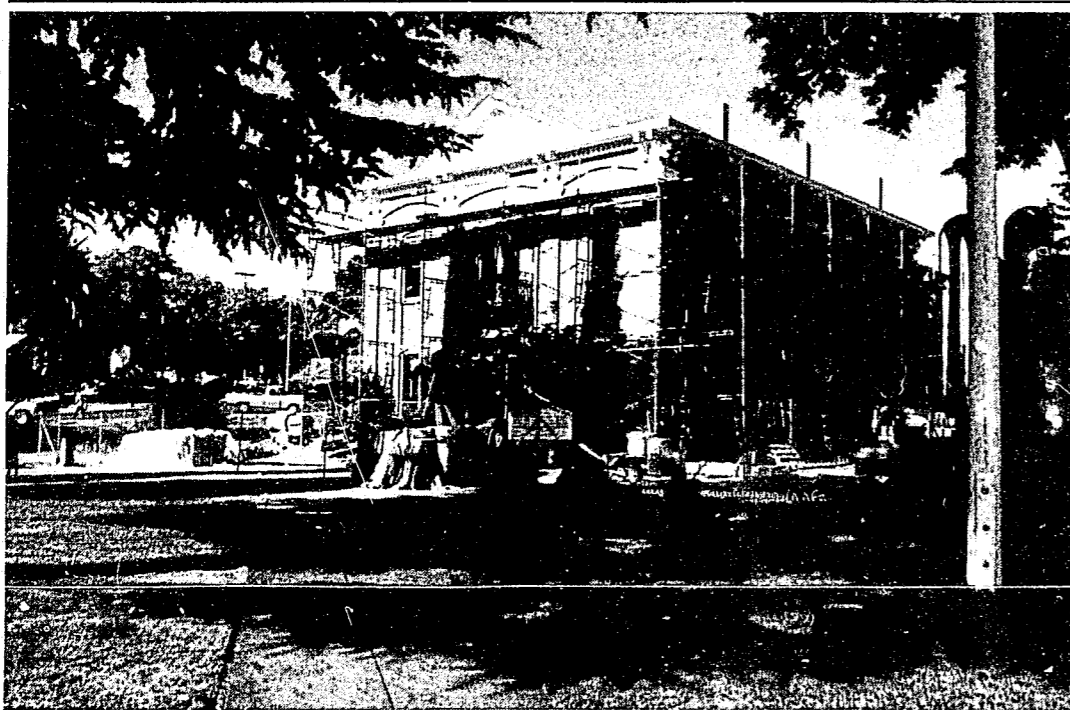
Vacant space is the planner's major asset. It must be searched out with diligence and should not be assigned for use until the total organization's needs have been reviewed.

The planning office should prepare space plans and statements of facility needs on a periodic basis, showing all space use and needs. It should coordinate purchases of furniture and equipment, coordinate leases or other arrangements for new space, and generally be responsible for implementing facility-use policy.

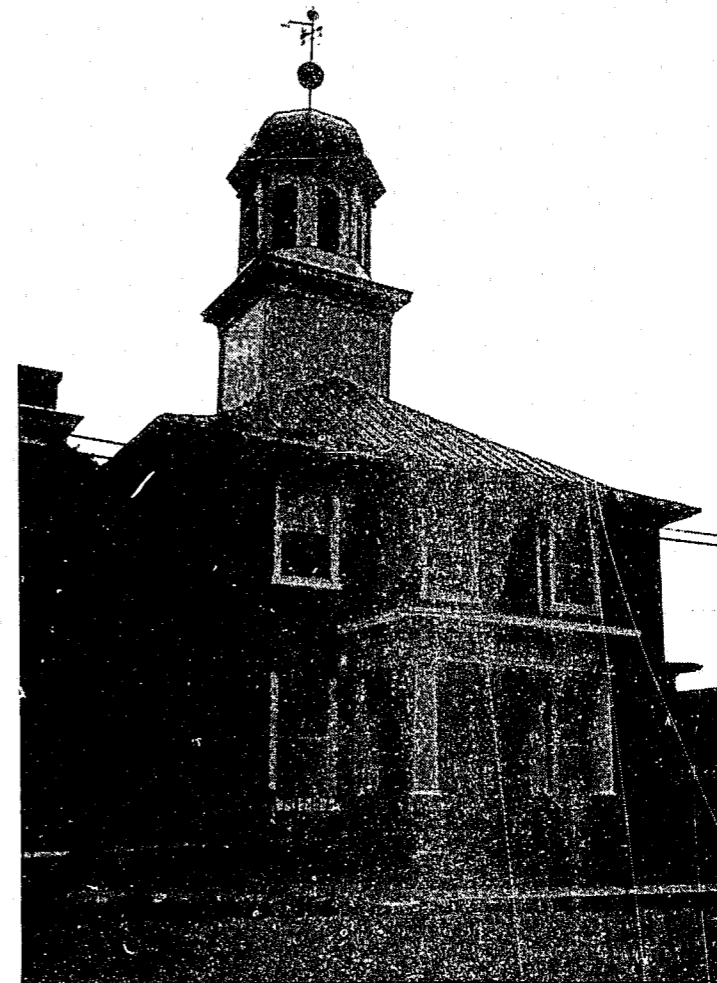
With these capabilities and information in hand and centralized in one organizational location, it will be feasible to develop facility policies and enter into negotiations with other agencies to arrange for policy implementation. The concept of court facility planning should be one of anticipation and action rather than reaction, one of forecasting needs and developing feasible solutions before problems materialize to the point of crises. Negotiations with the various government agencies responsible for funding are inevitably part of the problem-solving process. They should be entered into with the support of as much facility and facility-need information as the court can assemble. Otherwise, any proposed solutions may run the risk of being far from optimum.

## Photographs 1 & 2: Two Historic Courthouses

PHOTOGRAPH 1: In Lakeport, California, the old Lake County Courthouse currently is being restored and refurbished. When the work is complete, the wood and stucco building will include a museum on the first floor and a working Superior Court facility on the second. Located on the town square directly in front of a new and modern court and county building, the old courthouse will increase the courtroom capacity as well as being a functioning reminder of the history of this northern California county. (1870)



1. Restoration of Lake County Courthouse, Lakeport, CA, 1977



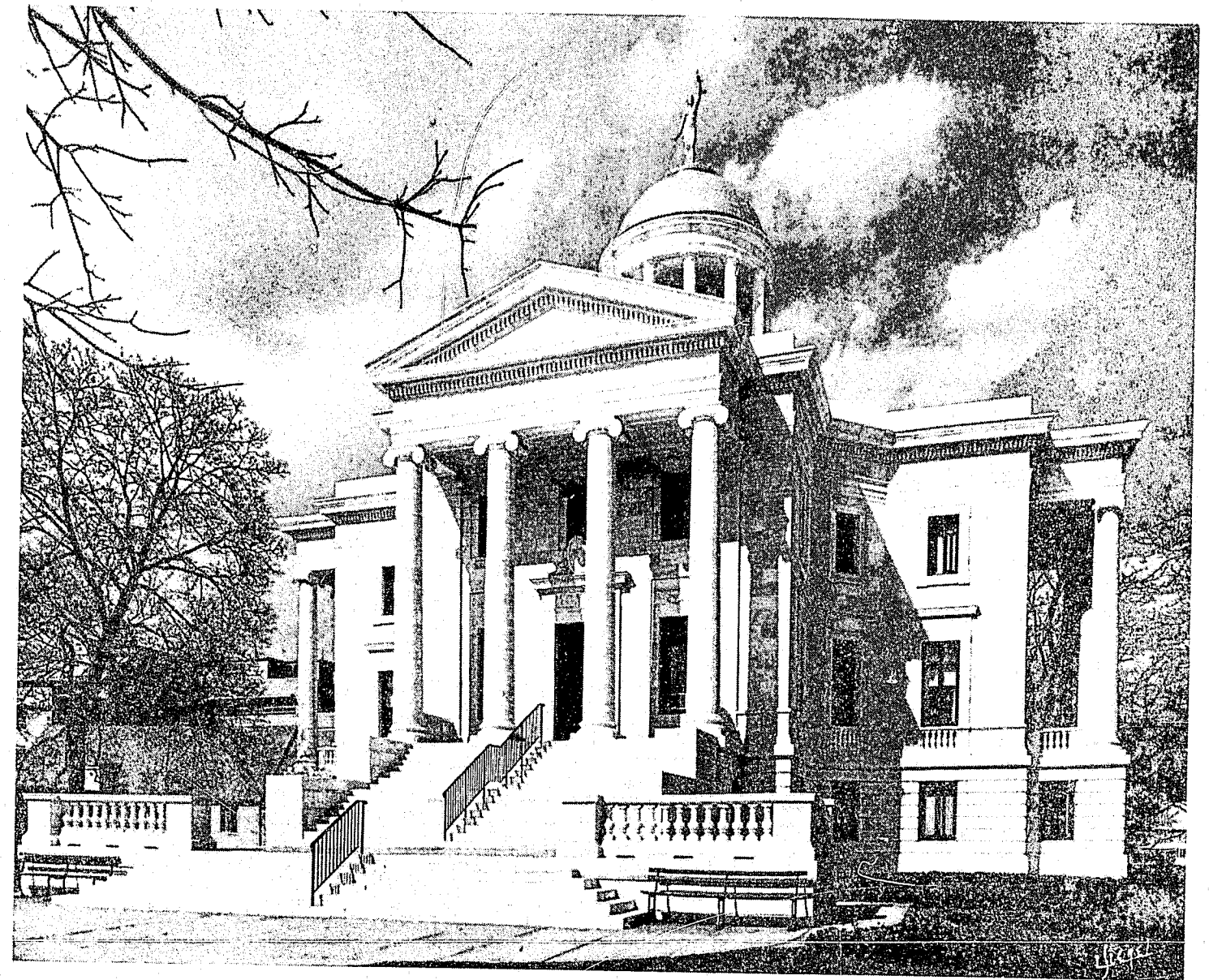
PHOTOGRAPH 2: The Washington County Courthouse in Springfield, Kentucky, is one of the oldest courthouses in that state. Seen in the photograph is the original woodframe courthouse while the stone structure just visible to the left is a later office addition. Under the portico, the main door opens directly into the courtroom. The marriage record of Abraham Lincoln's parents is filed here in the clerk's office. (1814)



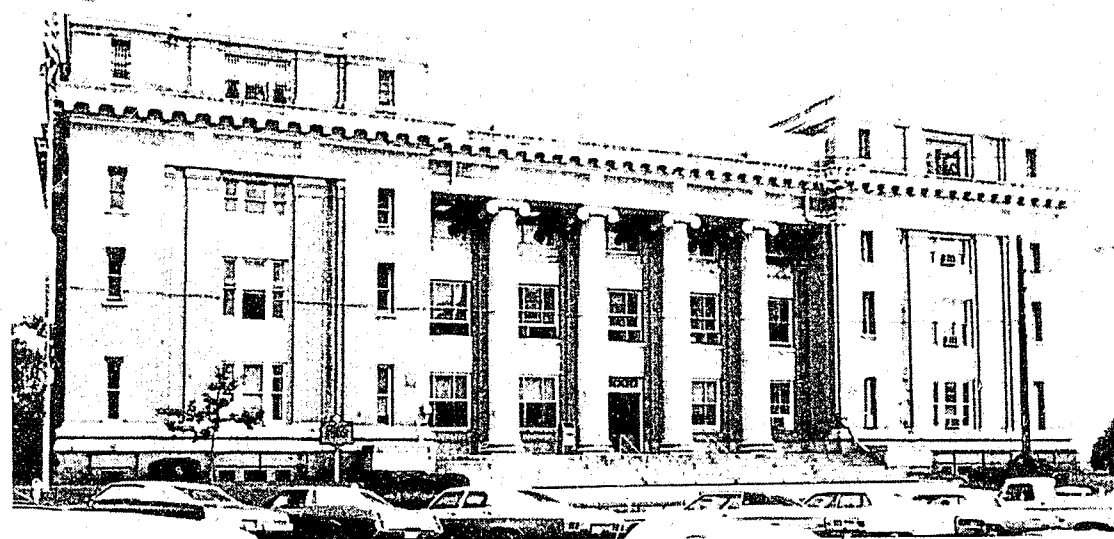
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PHOTOGRAPH 3: Somerset County Courthouse, Somerville, NJ, 1975. This classic white marble court building with a gilded statue of justice atop the dome, is a handsome and formal structure of cruciform plan. Four wings surround a central rotunda, severely limiting the possibility of expanding space for the County and Superior Courts of this growing suburban county. A new court facility is to be constructed on another portion of the two block county government center. (1900)

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4. Clarke County Courthouse, Athens, GA, 1973 - No Change in Sight

### Two Courthouses with Problems of Growth

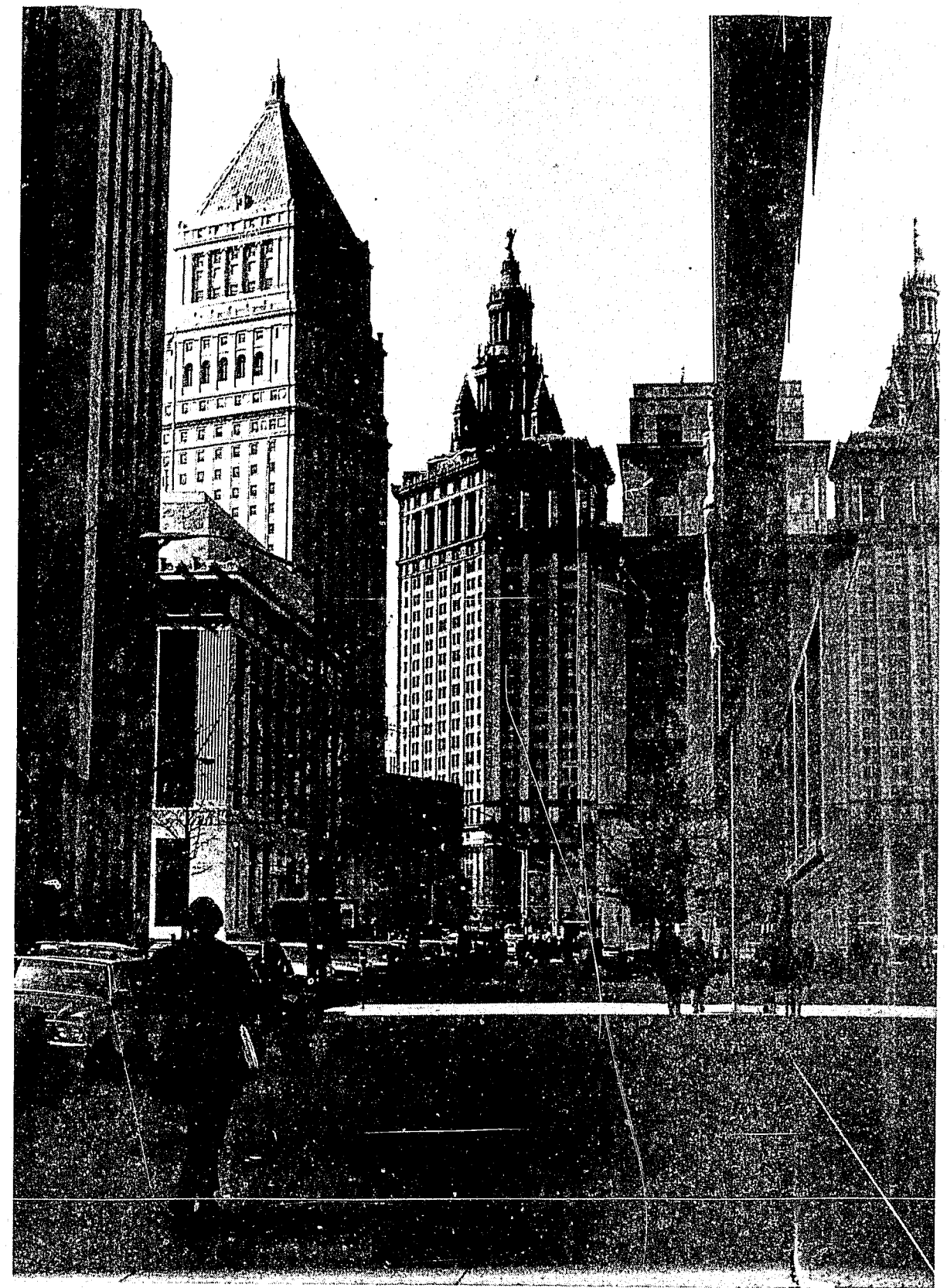
PHOTOGRAPHS 4 & 5: Clarke and Frederick are suburban counties of comparable size but have not been able to find comparable solutions to their court facility needs. The Clarke County Courthouse is typical, containing county offices as well as courts on its well-worn lower floors, and also a jail on the top floor. The barred fourth floor windows can be seen. Although jail and court growth needs are well known and several design and planning studies have developed solutions, voter support has not been achieved. Insufficient and inadequate space, poor accessibility, and deteriorated accommodations so far have not been improved.

Citizen support for new court facilities in Frederick, however, has been actively and successfully marshalled with the result that a new court facility is in design. In cooperation with state government, a multi-service center is to be constructed housing all court and related agencies of the county and state. The existing courthouse will be renovated and retained in use, primarily as a public library.



5. Frederick County Courthouse, Frederick, MD, 1976 - To be Replaced

PHOTOGRAPH 6: A four block square in downtown Manhattan, New York City, is home for a large group of specialized court facilities. Several can be seen in the photograph. Running south on Centre Street, to the left, are the Manhattan Men's House of Detention (now closed) and the adjacent Criminal Courts Building. This is a specialized building for limited and general jurisdiction criminal courts currently with about 40 courtrooms and space for the New York County District Attorney as well as some related agencies. Other agencies have been relocated to other buildings in the vicinity to make room for courtroom expansions. Further south is a state office building housing court administrative and court-related offices and, south of that, the State Supreme Court Building which houses the civil term of the general trial court. Further south, the tall pyramid-topped building to the left is the United States courthouse on Foley Square. On the right side of Centre Street is the Civil Court Building, home of the limited jurisdiction civil court, but also containing two floors of major felony trial courts. One block to its west, and not seen in the picture, is the family Court Building, used principally for juvenile and non-support causes.

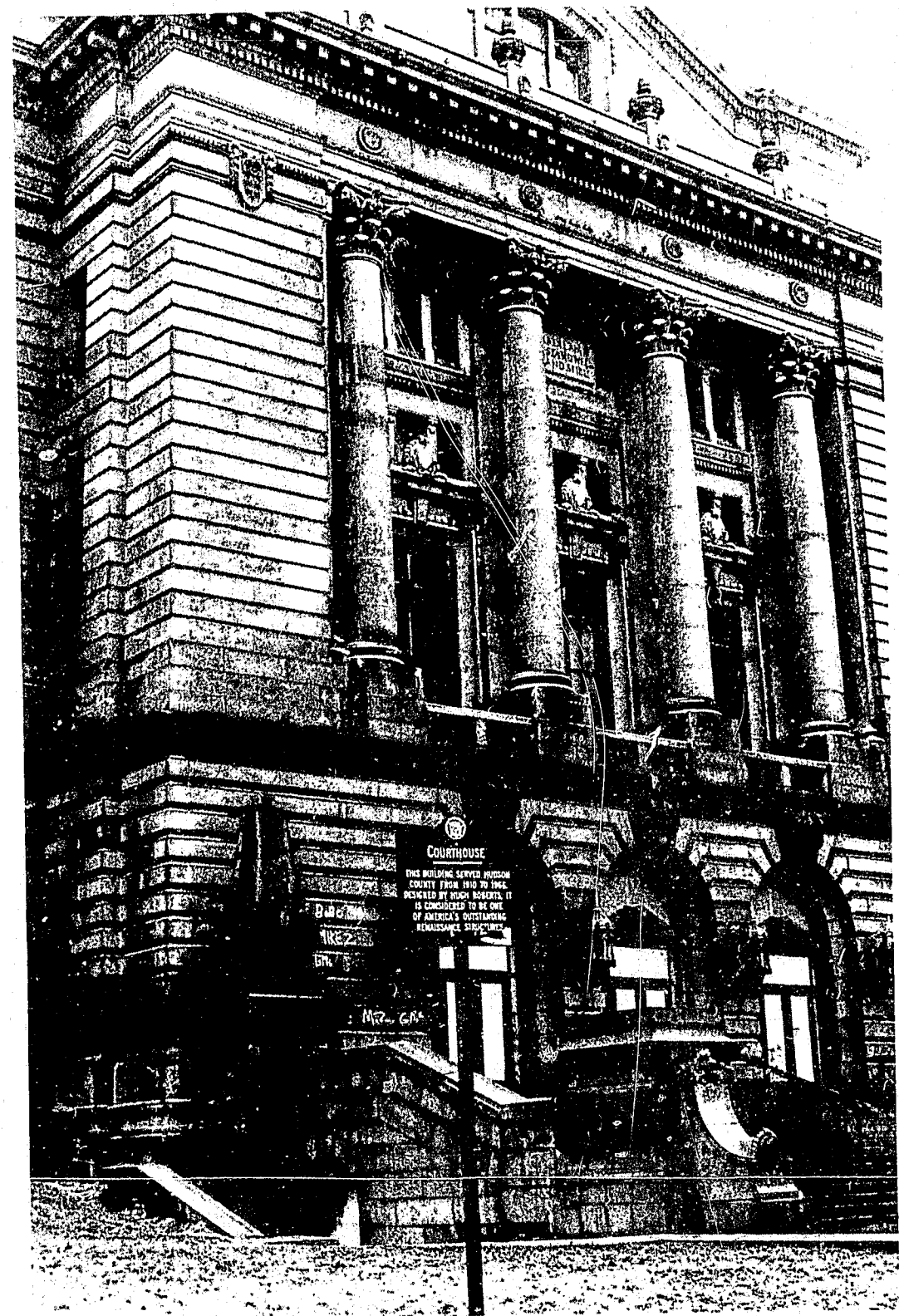


6. Centre Street Looking South, New York, NY, 1972, Showing Civil Court Building Right, Criminal Courts Building Left, U.S. Courthouse Left Center

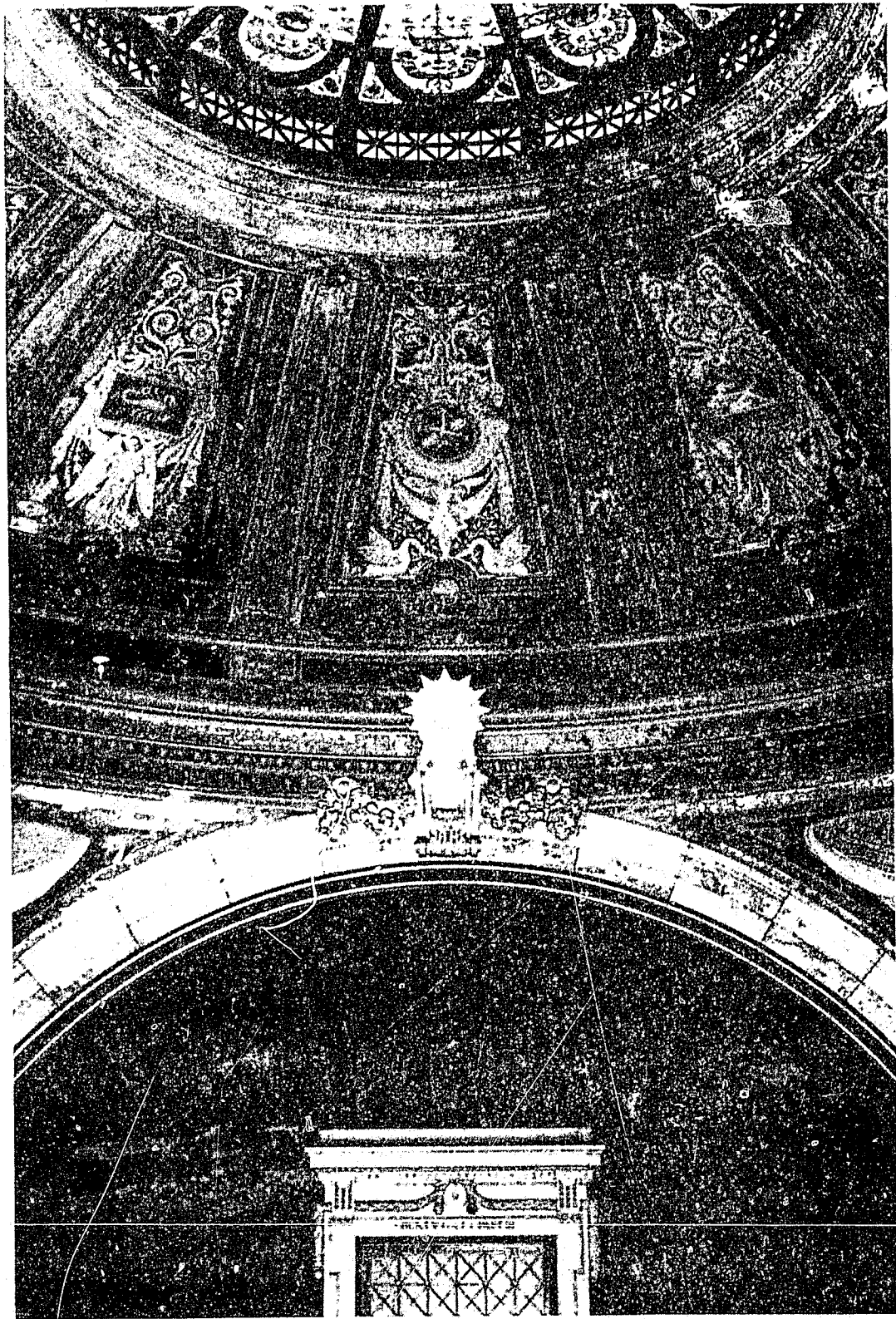
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PHOTOGRAPHS 7, 8, 9 : According to the historic marker visible in Photograph 7, the courthouse served Hudson County from 1910 to 1966 and is considered to be one of America's outstanding renaissance structures. Graffiti, broken lamps, boarded doors and windows, and extensive leaks pose a challenging question about the fate of such structures. The rotunda can hardly be done justice in black and white; its design was colorful and complex. Courtrooms were designed in palatial style. Attempts at fund raising to restore the building and return it to use have been frequent, but unsuccessful.

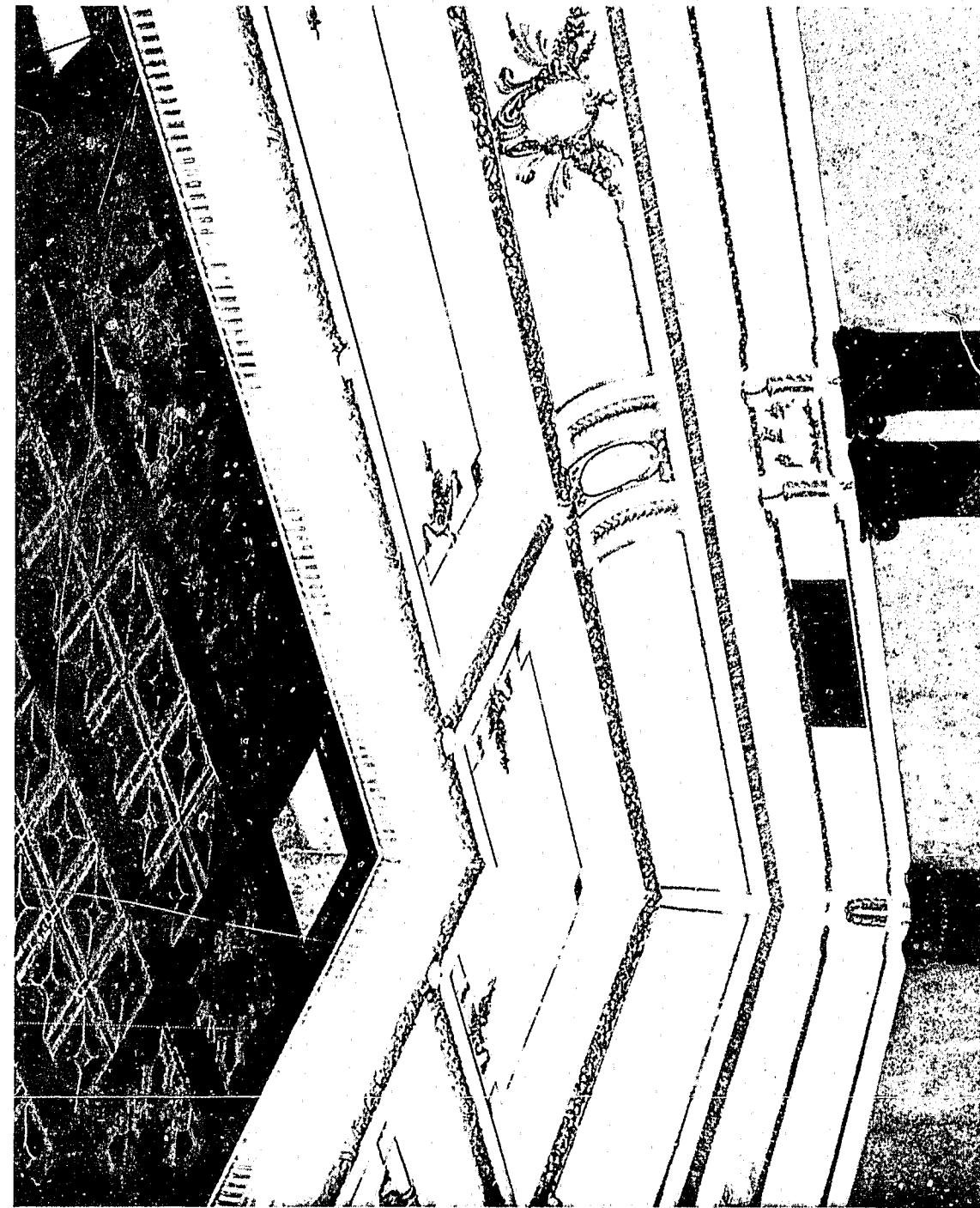
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7. Entrance, Hudson County Courthouse, Jersey City, NJ, 1972



8. Rotunda, Hudson County Courthouse, Jersey City, NJ, 1972



9. Courtroom Ceiling Detail, Hudson County Courthouse, Jersey City, NJ, 1972



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**VI. Using Caseload  
Forecasts to Project  
Court Facility Needs**

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## VI. USING CASELOAD FORECASTS TO PROJECT

### COURT FACILITY NEEDS

One of the most useful methods for estimating future court facility needs is to forecast, by category, the caseload which the court will potentially be handling. Such forecasts, although tentative, can suggest the perimeters for a court's possible future space needs and the range of specialized functions which the court's facility may need to accommodate. Because caseload forecasts for facility planning purposes must necessarily look far into the future, commonly used short-term projection techniques, such as linear regression, are not generally useful. Moreover, court facility projections must also take into account possible changes not only in the demographic and socio-economic characteristics of the jurisdiction but in the statutes and procedures which govern the court's operation as well.

Forecasting is a complex science and should be undertaken only by those with sufficient technical expertise to know how to select an appropriate forecasting technique and interpret the results. A very general summary of forecasting methods is provided in this chapter. However, those interested in pursuing the topic, should consult specialized texts on the subject. Of particular value to court facility planners is a recent publication prepared by Harry O. Lawson and Barbara Gletne: Workload Measures in the Court, published by the National Center for State Courts in 1980. Chapter Five, "Planning and Forecasting Personnel Needs," presents useful discussion of various short-term forecasting methodologies and their applications.

#### A. Useful Forecasting Information

##### 1. Caseload Information

The most widely used measure of caseload volume is the number of case filings which enter a court during a chronological year. The annual number of case filings in a court presents a summary view of all of the business it conducts, including the indictments issued, arraignments conducted, praecipes filed, complaints initiated in a lower court, etc. The number of case filings is, thus, a measure of the court's activities as well as those of the police and prosecutorial agencies which result in the caseload which enters the court system. In gathering annual case filing information, it is important to gather data for consistent periods of time, i.e., fiscal years, calendar years, etc., so that comparable activity trends can be developed.

The output of a court is measured by the number of case terminations or dispositions which are made. The number of case dispositions is a convenient measure of judicial system output but should be used carefully when relations between output and space needs are developed. Dispositions must be broken down into discrete

categories, such as contested and uncontested matters, pleas and trials, bench trials and jury trials, and trials and out-of-court settlements, in order to provide a basis for identifying the facility needs associated with these various types of proceedings.

## 2. Case processing information

Case filing and disposition information, if discretely broken down into appropriate categories, can provide the basis for subsequently identifying the various steps required to process the court's caseload and the judicial, staff, equipment and space needs associated with case processing. The number of dispositions by each case type and the relative length of time required to process each case type can also be used to develop a weighted caseload profile of the court which will be particularly helpful for projecting the amount of judicial space (courtrooms and chambers) which the court will need, assuming that the mix of particular cases and case processing steps required remains constant.

## 3. Other factors to be considered

Caseload and case processing information must be analysed within the context of the overall operations of the court. There are many refinements which need to be made in the translation of case filings into case processing needs and then into personnel and space needs. To develop accurate facility projections, it is important to deal separately with the facility requirements necessary to accommodate each component of the court's caseload, e.g., criminal, civil, juvenile, domestic relations, traffic, etc. It is equally important to anticipate the effects on future courtroom use and space requirements that may follow changes in statutes, penalties, and court policies and procedures.

As discussed earlier in Chapter III, the specific characteristics of a court's facility needs are determined by the nature of its caseload. Juvenile and domestic relations caseloads, for example, are processed in non-courtroom environments as well as courtrooms. However, the ratio of non-courtroom use for these proceedings also depends upon the relative emphasis which the court has placed upon administrative approaches for handling these types of cases and the use of such alternatives to conventional adjudication as diversion and counselling programs. Similarly, the handling of traffic violations cases can be affected by administrative and/or legislative decisions. An expanded pay-by-mail program for minor moving and parking violations, for example, might need less public space or fewer clerical personnel for a given caseload than would be required in a system which placed greater emphasis on personal appearances. On the other hand, assuming a reasonably constant ratio of courtroom processing to non-courtroom processing of traffic violations, courtroom requirements might largely depend upon the number of tickets issued for moving violations which, because of their relatively severe penalties, are more likely to be contested.

The computation of court facility needs to accommodate the court's future business may also be affected by changes in court procedures or programs. For example, probation caseloads have been increasing more rapidly than total criminal caseloads because of the more frequent use of probation by courts and the more frequent use of pre-sentence reports. As a consequence, in many jurisdictions, probation staffs -- and their facility needs -- have been growing more rapidly than courtroom needs. Similarly, personnel needs for clerks' offices have been influenced by the introduction of business and data processing equipment of various types, while their space requirements have been drastically affected by the use of flat files instead of folded files, by microfilm rather than paper records, and by new designs for shelving and file cabinets.

All of these personnel and space needs ultimately relate back to caseload requirements, however, and the case processing requirements for each component of the court's caseload must be analysed separately from that starting point.

## B. Long Range Caseload Forecasting Methods and Their Applications

### 1. Forecasting Methodologies

Four different types of forecasting techniques can be used to develop estimates of future court caseloads. The methods vary in the degree of weight they give to the statistical record of prior year caseloads. The first method relies totally on past caseload history; the second relates certain variables from the past to future projects. The third focusses primarily on projected caseload trends. The fourth bases its forecasting techniques on developments in comparable jurisdictions.

#### a. Method 1: Analysis of prior caseload history information.

The first method projects the trend of available prior caseload history information without correlating this trend with any other variables. This method is particularly sensitive to errors because no evaluation is made of special factors that might explain past trends and which may not be present in the future. Moreover, if only a few years of data are at hand, the trend can mistakenly be based upon a short-term deviation from a long-term and stable development pattern. Because of the recent history of caseload increases which most courts have experienced, this method will generally yield a high estimate of future caseloads.

#### b. Method 2: Analysis of prior caseload and population history information.

The second method relates caseload growth over a base period in the past to population growth in the same period and projects that ratio

forward. Method 2 assumes that the same mechanisms relating caseload to population in the past will continue in the future. The method does not analyse the factors which may have contributed to the past correlation of population growth and caseload increase, e.g., cause-effect relationships.

c. Method 3: Projections of population growth

The third method for caseload projection assumes a direct correlation between future population changes and caseload changes. It has no memory of past history and usually produces lower estimates of future caseload increases than are produced by either of the two previously discussed methods. Method 3 assumes, in effect, that the long-term fundamental pressures to create caseloads in the future are related solely to population changes that will take place following the base date at which the projections begin. This method should be used only when historical data is not available.

d. Method 4: Correlation of projected population growth with caseload volumes in comparable jurisdictions.

The fourth method for projecting future caseloads is useful mainly to verify the projections made by other methods. It is based upon an assumed correlation of caseload volume with population volume in jurisdictions with similar social, political, economic and other population characteristics. To apply this method, the projected future population volume of the jurisdiction is used as a basis for identifying other jurisdictions similarly situated with current populations comparable to those projected for the jurisdiction in question. The caseload volumes for the comparable jurisdictions are then used as a basis for developing caseload projections for the court system conducting the study. Method 4 is weak in its capacity to take into account unique factors in a jurisdiction which might have a bearing on caseload statistics. The method might, nevertheless, be fairly accurate if used in many of the smaller and relatively stable rural counties.

2. Necessary Information for Preparing Forecasts

To develop caseload forecasts, the following data are needed:

- statistical population histories, preferably based on reports of the U.S. Bureau of the Census and updated annually by local planners;
- population forecasts, with all terms fully defined and described;
- statistical caseload histories
- court staffing and facility size histories;

The data collected in these various categories should cover the same period of years and use consistent definitions and terminology. Comparable information relating to population history, caseload history and court staff and facility needs should also be obtained for other counties and judicial districts in the state.

Caseload forecasts produced by these methods will give a general picture of future trends. The forecasts will not explicitly project the annual variations around the trends, although they will be sensitive to past variations which established the trends. If past caseload statistics fluctuate widely from year to year, the reasons for such variations should be sought and the possibility of their continuing to zig-zag should be considered.

Population and other forecast data should be obtained from reliable and disinterested sources and effort should be made to verify reliability of this information by using multiple sources and forecasting techniques wherever possible. County planning departments, for example, are sometimes optimistic in their growth projections to be consistent with the goals of the county plan, and have been known to overestimate net in-migration by ignoring the fact that there may not be any nearby place where it could come from. In this regard, regional population forecasts which consider sources of in-migration for each county, may be more realistic sources to use in assessing population growth. Once total population projections are developed, they should be analysed in terms of the component population groups represented.

3. Using Forecast Projection Results

For those using forecast projections, two points should be kept in mind:

(1) Each projection should be prepared by selecting the forecasting method which, in comparison with all relevant facts, seems most reliable; and

(2) If no technique seems sufficiently reliable, the estimate should be based upon a comparison of the results of all techniques and any other relevant facts not reflected in the historical data.

In short, a planner must go well beyond the weaknesses of simple statistical comparisons and straight line projections. Any projection, nevertheless, is no more than an educated guess of the probable averaged future value of varying phenomena. The reliability of the projection is limited by such factors as (1) inaccuracies in the data base; (2) too short a period of past statistics to produce accurate interpretations of zigs or zags; (3) powerful external influences affecting caseloads during the forecast period which cannot be accommodated by the statistical techniques; (4) too much fluctuation in past statistics to permit clear identification of underlying trends, or (5) inability of the projection to delineate annual, monthly or daily fluctuations.

#### 4. Sensitivity of Long Range Forecast Data to Error

Projections of population, caseloads, and case processing workloads are subject to the charge of error and deviation from accepted standards of reliability. The limited use of these projects for facility planning should be understood. They can be used as a guide to what may happen in the future but never as an absolute description of what will happen. Planners need this guideline to establish an approximate frame of reference for anticipating possible court facility needs and to examine possible court facility options in response to these needs. By no means should planners rigidly rely on these projections as predictors of the future; they are but one piece of a multi-part picture that must be developed from many sources over a substantial period of time.

In dealing with statistical data, there is always the temptation to make use of computer capabilities in jurisdictions where they exist. One should approach the use of computers for caseload forecasting with great caution unless the data base in the jurisdiction is extremely accurate and complete and has been so for many years. The calculations needed to produce the various correlations are not too complex for pencil and paper and manual manipulation.

The time consuming part of caseload forecasting is in the collection, correction and assessment of data which relies heavily on manual tasks. It is at this point in the process, however, that the validity of the forecasts is largely determined. Although the statistical accuracy of caseload forecasting techniques is not presently highly developed, any significant improvement will come from a better understanding of the relationships between caseload and the factors which generate caseload rather than from quicker computations made possible by the use of a computer.

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## VII. Developing and Using Court Facility Evaluation Checklists

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## VII. DEVELOPING AND USING COURT FACILITY

### EVALUATION CHECKLISTS

#### A. Introduction

In most states, court facilities run the gamut in age, size, use and condition. They do share, however, one characteristic in common; they are the facilities in which most courts will most likely continue to be housed for many years. While the prospect of replacing an outmoded facility or creating a statewide system of new courthouses may hold many attractions, it rarely has overwhelmed taxpayers or legislators.

In the search for practical ways to improve existing facilities, there has been little assistance for planners or court personnel. As noted earlier, most of the published facility standards are designed specifically to guide new construction and are far less helpful for identifying the problems of existing facilities or for pointing out practical ways to improve them. When a county courthouse committee wishes to know what to do about its facility problems or when an entire state's judicial system and county court facilities are reviewed to determine how reorganizations can best proceed, the critical task for the facility planner is to assess the quality of the individual existing court buildings against general standards of adequacy applicable to the local or state court system.

#### B. Using Evaluation Checklists

In light of the range of ages, sizes and conditions which characterize the "typical" courthouse as well as the financial pressures facing most jurisdictions, a systematic methodology for developing objective assessments of court facilities is essential. This chapter presents a series of facility evaluation checklists, together with suggestions for their application to typical existing courthouses which may be both independent court facilities or parts of larger systems. The checklists are broad in scope, addressing the features common to most existing facilities. They are designed to be applied to the country's most typical courthouses -- those which are relatively small, fairly old and located in non-metropolitan jurisdictions of less than 50,000 persons -- as well as to newer and larger courts in urban areas. The checklists are intended to be used by persons familiar with judicial operations and facilities but without any significant architectural or construction background. Use of the checklists, however, cannot substitute for professional analysis in planning the renovation or redesign of judicial facilities which should be performed before any final space decisions are made.

The checklist evaluations do not differentiate good and poor courthouses by their relative age, size, location, or the amount of money that has been put into them, but rather by the extent to which



**CONTINUED**

**1 OF 2**

they are capable of accommodating and facilitating the judicial functions they house. One important factor which must be taken into consideration in this evaluation process, however, is the level of financial support available for the construction, maintenance and operation of each facility.

Funding problems exist in most jurisdictions. They are common to the largest and the smallest, and to the most responsive as well as those least concerned with the physical well-being of their judicial systems. Financial limitations common to many jurisdictions have resulted in certain commonly encountered facility problems. Most notable among these problems are the following:

- a disregard for the provision of private and secure circulation areas because of the expense involved;
- insufficient maintenance and equipment budgets;
- sharing of spaces used infrequently

In light of the pervasive effects of financial constraints, the checklists permit planners to establish space need priorities. For example, the quality or area of existing spaces cannot compensate for a lack of necessary spaces. The poor quality of an existing jury room is a less serious deficiency than the absence of a jury room entirely.

For those jurisdictions conducting statewide court facility evaluations, the checklists provide ways of examining a state's court facilities to determine how they contribute to the court's capability to deliver equal justice under the law. They are particularly useful to determine:

- in which existing facilities the components of the court system under the current caseload can function satisfactorily;
- to collect relevant information for projecting the cost of necessary immediate improvements; and
- to estimate the extent, type and costs of improvements that can bring an entire system of facilities to an acceptable level of quality over a period of time.

The checklists are designed to be used in sequence and as a unit. The first checklist lists spaces that are necessary in a courthouse. The second assesses the area of each space actually existing. The third examines the accessibility of existing spaces to one another. The fourth is directed toward the accommodations and furnishing of the facility. A methodology is also presented for using the checklists to develop comparative assessments of multiple facilities within a jurisdiction and for relating a facility's adequacy to its operational demands.

## C. A Suggested Evaluation Methodology

### 1. Framework for Evaluating a Court Facility

As a facility, a courthouse consists of a group of spaces (rooms, corridors, lobbies, etc.) designated for specific activities and occupants. To evaluate the facility in terms of its adequacy, a series of questions must be addressed:

- (1) Does the facility provide the necessary spaces to conduct court operations?
- (2) Is the area provided for each "space" of sufficient size to support the occupants and their activities?
- (3) Is the accessibility of the spaces to one another appropriate in view of the access demands placed upon them in the courts of their use?
- (4) Are the accommodations of each of the spaces -- furnishings, lighting, heating, etc. -- appropriate to their functions?
- (5) Can the space support the case processing needs for which it is used?

Even the smallest courthouse, for example, must have a courtroom. It is a necessary space. The area for the courtroom should be of sufficient size to permit the conduct of whatever functions are regularly assigned to it. The courtroom should be accessible to everyone who will have occasion to use it and its location should also provide proper security and privacy to these various users, as needed. It should also provide appropriate accommodations for these users, in terms of heating, cooling and ventilating systems, comfortable seats, etc.

### 2. Necessary Data for Conducting a Facility Evaluation

Court structures can be evaluated through the use of data gathered from various sources which is formatted in a manner that provides a qualitative description of the facility's overall adequacy as well as that of its component parts. The evaluation process involves a series of data gathering tasks.

Initially, three types of data must be collected: data relating to functional adequacy; data relating to physical adequacy; and data relating to operational adequacy.

In the following sections, these data categories are discussed and the suggested checklists to be used in the evaluation process are presented and described in terms of their uses and applications. With

the use of such checklists, data in each of these categories can be compiled and evaluated in terms of both the facility in question as well as other comparable facilities or qualitative standards that have been adopted in the jurisdictions. Quality ratings can then be derived from these evaluations and used to compare the adequacy of all facilities in a district, circuit, region or state.

#### a. Functional Data

Functional data can be collected through the checklists which deal with space, area and accessibility. To evaluate this data, priorities must be developed to provide a guideline for determining the relative importance of each data element to the determination of overall facility quality.

#### b. Physical Data

Data relating to accommodations is considered physical data. This data will describe the condition of the building and the quality of the comfort and amenities it provides. Information will be gathered relating to the condition of the building's structure, heating, cooling, lighting, plumbing and electrical systems, building furnishings, acoustics and other features which, if absent or of poor quality, are annoyances although they will not prevent the business of the court from taking place.

#### c. Operational Adequacy Data

Data relating to operational adequacy describes the capacity of the building to accommodate the case processing functions required of the caseload. If the current or expected caseload is far more than the facility can handle, it cannot be deemed adequate in reference to the amount of business it must support no matter how high its functional and physical quality appear. Such a facility is not necessarily a poor one; on the contrary, many of the country's oldest and finest court buildings are not operationally adequate. Ways must be found, however, to match the facility's available operational capacity to its caseload.

### 3. Data Collection

#### a. Collecting Functional Data

##### (1) Space Data

Certain spaces are generally considered to be required in a courthouse for its proper functioning (courtroom, judge's chambers, clerk's office, etc.). Other spaces are desirable, although perhaps they could be located elsewhere (jury assembly room, attorney conference room, law library, etc.). Still other spaces are suitable for the courthouse but would not greatly reduce its functional quality if they were located elsewhere (office of the Commonwealth Attorney, court administrator, etc.).

The spaces necessary for the proper functioning of a court depend upon the volume and type of that court's business. For example, a traffic violations court must be able to process a large volume of short cases, but a felony trial court requires facilities for holding prisoners, rooms for juries, and spaces designed for a smaller number of cases of longer duration. Regardless of court functioning levels, the essential spaces which must be provided for a court fall into three groups:

- spaces which must be in a courthouse because they are directly related to each other and to the proper functioning of the court;
- spaces which should be in a courthouse but can be located elsewhere at the possible cost of some inconvenience; and
- spaces which may be located in a courthouse, if desired, but may be located elsewhere according to local policy.

Figure 3 on the following page lists typical spaces in each of these categories. Figure 4 is a checklist for evaluating the degree to which these spaces are provided in a court facility.

#### (2) Area Data

Each space contained in a courthouse should have an area of at least the minimum amount of net square feet (nsf) considered necessary for the effective performance of the functions it houses. Whether an area is adequate depends upon the requirements of the functions it must house. For example, the size of a clerk's office depends upon such factors as the quantity of records which must be maintained pursuant to records retention schedules or policies, the clerk's record storage needs and equipment, the number of public visitors who come into the office, etc. To determine whether the area provided to an office is sufficient requires analysis of that particular office and its operations.

Minimum sizes considered adequate for specific types of space in new courthouses have been worked out and frequently are used as standards, but they cannot easily be applied to existing buildings. These new building standards must be interpreted with a good deal of flexibility to assess the adequacy of existing buildings which often cannot and need not be modified simply to increase the square footage of certain rooms. Other factors must be taken into account in existing buildings, including such diverse issues as: rates of population and caseload growth, for example (which affect the number of spaces needed and the size of courtrooms required), records management procedures (which can determine the area needed for file storage), and the frequency and duration of use of certain spaces (i.e., can construction of a larger jury room be justified if it will be used only infrequently and for deliberations usually lasting less than two hours?). To illustrate, if the area standards for jury rooms in new facilities were



FIGURE 5

CHECKLIST OF COURTHOUSE AREAS

<u>Space</u>	<u>Acceptability Level (NSF)</u>	<u>Actual Area (NSF)</u>	<u>Ade-quate</u>	<u>Defi- cient</u>
Courtroom	1200 - 1500	_____	_____	_____
Judge's Chambers		_____	_____	_____
- office	200 - 300	_____	_____	_____
- secretary/reception	100 - 150	_____	_____	_____
Jury Deliberation	300	_____	_____	_____
Clerk's Office		_____	_____	_____
Holding Cell	50 and up	_____	_____	_____
Public & Juror Waiting		_____	_____	_____
Jury Assembly		_____	_____	_____
Witness Waiting	120 - 150	_____	_____	_____
Attorney Conference	120 - 150	_____	_____	_____
Law Library		_____	_____	_____
Court Reporter	80 - 120	_____	_____	_____
Commonwealth Attorney	130 per person	_____	_____	_____
Court Administrator	130 per person	_____	_____	_____



75

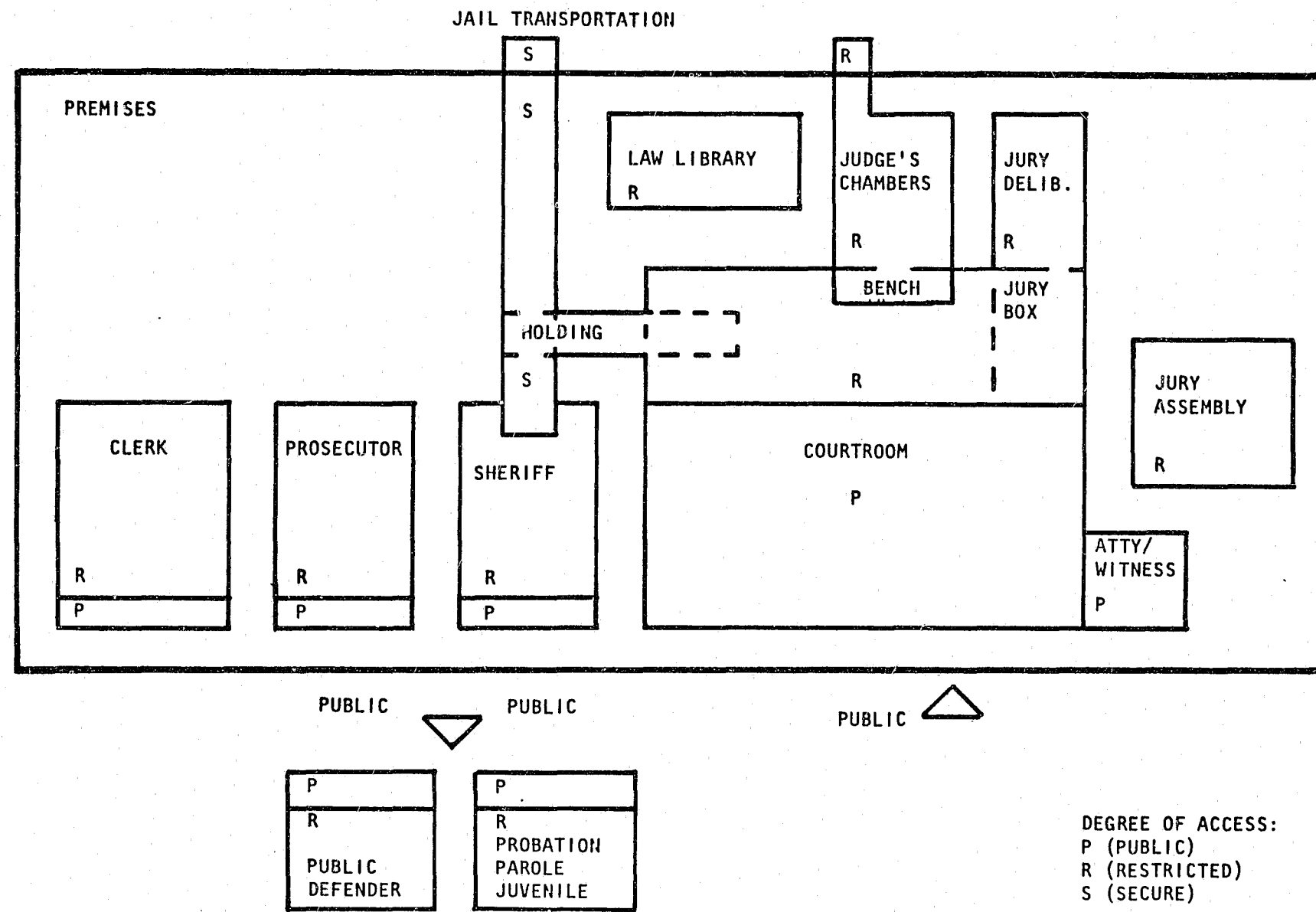


FIGURE 6 : IDEALIZED PLAN OF ACCESSIBILITY

300 nsf and a courthouse had a jury room of only 200 nsf, it would be clearly too small for the function to be performed. However, if the jury room area were 240 nsf and its dimensions and furnishings were satisfactory, it might be adequate if it proved to be a workable, if not fully comfortable, area.

Figure 5 presents a compilation of desirable minimum area ranges in net square feet for the major types of spaces and activities conducted in a courthouse. It is derived from published standards and based upon the author's observations during the course of numerous court facility studies.

(3) Accessibility Data

A good way to describe the relative location of spaces within a courthouse is by their accessibility to each other. Accessibility focusses upon the distances between spaces and the relative security provided for these spaces. In very large facilities, where spaces can be relatively far apart on the same floor or different floors, travel time and distance between related spaces may be important. In most smaller courthouses, however, distances between departments is not generally an issue. However, layouts and floor plans within offices or departments usually are more important.

Accessibility studies focus on the nature and circulation systems of three types of spaces: public, restricted and secure. Spaces with unrestricted access for public and staff are known as public spaces, and include most lobbies and corridors, spectator areas in courtrooms, and public counters in clerk's offices. Certain other spaces are restricted for reasons of propriety and security and are accessible only to authorized persons. Restricted spaces include record storage areas, evidence storage areas, cashier stations, jury deliberation rooms, and judges' chambers and are made private by means of counters, locked doors, private stairs and corridors and receptionists. Secure spaces are intended primarily for holding prisoners and should have an entirely separate circulation system, not linked to any other courthouse circulation pattern except in courtrooms. Safety and propriety are much enhanced in buildings where distinct areas of public, restricted and secure spaces are provided, along with appropriate access means.

Poor accessibility features in a courthouse can seriously harm the efficiency with which the judicial process is carried out and can also create inconveniences for the public and staff. Although accessibility deficiencies can be compensated for temporarily by additional staff, e.g., to handle prisoners, safeguard records, etc., in the long run, operational costs will be excessive.

Several figures are provided to illustrate the concept of accessibility. Figure 6 is a schematic plan of a typical single story courthouse which depicts how the circulation corridors and lobbies provided for the three categories of movement successfully link the spaces in the facility. Figure 7, an accessibility matrix, illustrates a format with which assessability can be presented to those not familiar

FIGURE 7: ACCESSIBILITY MATRIX

PERSONS (A)	SPACES (B)													(NEED FOR ACCESS BY (A))			
	CLERK'S OFFICE	JUDGE'S CHAMBERS	JURY ASSEMBLY	JURY DELIBERATION	LITIGANT/WITNESS WAITING	DETAINEE HOLDING	ATTORNEY LOUNGE/CONFERENCE	PROBATION OFFICE*	PUBLIC DEFENDER OFFICE	PROSECUTOR'S OFFICE	SHERIFF'S OFFICE	COURT REPORTER'S OFFICE	PUBLIC ROOMS		LAW LIBRARY	ADMINISTRATOR'S OFFICE	PREMISES
CLERK																	
JUDGE																	
JUROR																	
LITIGANT/WITNESS																	
DETAINEE																	
PRIVATE BAR																	
PROBATION*																	
PROSECUTOR																	
PUBLIC																	
PUBLIC DEFENDER																	
COURT REPORTER																	
SHERIFF																	
ADMINISTRATOR																	

\* PROBATION, PAROLE, JUVENILE SERVICES (NEED FOR ACCESS TO (B))  
 DOES A NEED ACCESS TO B?  
 DEGREE OF ACCESS: P (PUBLIC), R (RESTRICTED), S (SECURE)

with the courthouse. Figure 8 presents an example of satisfactory accessibility patterns in one of the courthouses studied by the CCTAP.

b. Collecting Physical Data (Accommodations)

Accommodations data includes many facility features, including: type, age, and condition of the structure; electrical, heating, cooling and ventilating systems; plumbing; furnishings; equipment (including telephones); lighting, acoustics; and general aesthetics. External factors are also included within the concept of accommodations, such as the facility's historical significance and its location in town, the distance between the facility and related government buildings, traffic patterns and parking availability.

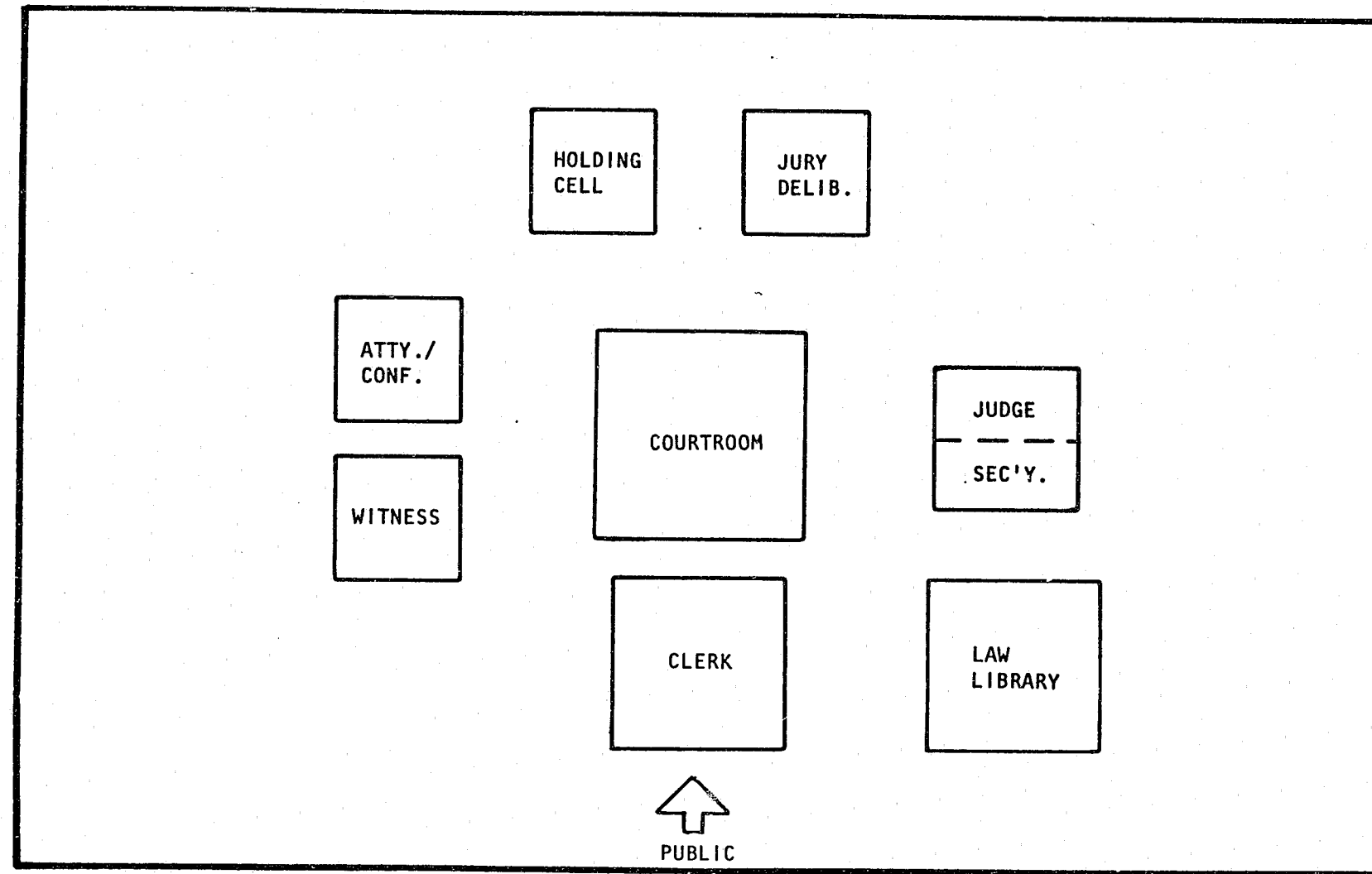
Some of the accommodation data (See Figure 9) can be assessed simply by noting whether or not it is present (air conditioning systems, for example) while other data might be described qualitatively (wood frame construction in tolerable condition, for example). Some factors may have to be assessed solely on observation if professional assistance is not available for qualitative estimates. Although it might not be possible to determine the life expectancy of a heating system or the cost of roof repairs, in comparing one building with another it may be enough to know that a heating system is 75 years old or that the roof leaks. It should be noted that data in this category, unlike that in the functional checklists, may consist of objective observations and subjective assessments mixed together because of the difficulty of collecting this information in the typically short site visits of most surveys. As always, the more accurate the data, the better.

c. Collecting Operational Data

To complete the evaluation of a court facility, operational data must be gathered relating to case filings and processing in all of the courts which use the facility. The data that are needed should describe the case filing rates and disposition rates in each category of cases, indicate the backlogs or processing delays, and denote the demographic features of the jurisdiction's population. This information can be collected locally from the clerks or administrators of the courts and from the annual reports of the state court system. To the degree that the desired information is statistical, site visits and checklists of observations, although useful, are not necessary.

The purpose of analysing operational data is to determine whether court facilities have the capacity to process the caseloads they now face or can be expected to face in the future. At the local court level, two remedies for insufficient processing capacity in a facility can be considered: (1) expanding the physical size and staff of the facility, or (2) improving the efficiency of space use and other case processing resources. At a statewide level, one additional remedy may be feasible: balancing the caseload among courts within the jurisdiction in order to utilize the maximum processing capacity of each. Caseload balancing of this type can be achieved, for example, by modifying the district or

SCHMATIC DIAGRAM OF AN ACCEPTABLE ACCESSIBILITY PATTERN IN A COURTHOUSE



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FIGURE 8

CHECKLIST OF COURTHOUSE ACCOMMODATIONS

ITEM	NO		ADEQUACY (Age, quantity, quality, type, etc.)
	YES	NO	
<b>SYSTEMS</b>			
Heating			
Cooling			
Lighting			
Electrical			
Telephone			
Elevator			
<b>FURNISHINGS</b>			
Judge			
Juries			
Courtroom			
Offices			
<b>BUILDING CONDITIONS</b>			
Age and Renovations			
Construction Type			

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FIGURE 9



circuit boundaries, by making changes in judicial assignments or by developing a regional program of court administration.

d. Data Gathering Techniques

The facility assessment methodology described in this chapter can be used to evaluate individual facilities as well as groups of facilities within a region or state. The level of detailed information sought will depend upon whether the evaluation conducted focusses upon one facility or upon a facility system. Evaluations of individual facilities are generally directed toward determining deficiencies and correcting them while evaluations of facility systems focus more upon data collection for budget forecasting with less emphasis upon on-site observation, especially of actual court operations. Regardless of whether the evaluation is of one facility or of a facility system, however, the conduct of systematic facility inventories is essential.

(1) Suggestions for Designing the Survey Approach

Few surveys achieve the degrees of completeness and accuracy intended, but data deficiencies are not cause for alarm unless they are catastrophic. Because time and cost limitations usually bear on the amount of information that can be collected in any large-scale facility survey, the items included on the checklists were selected as meaningful data elements which could be collected fairly inexpensively and easily.

In designing the survey approach and the necessary staff to conduct it, a number of factors must be considered and balanced according to the purposes which the evaluation will service. In this regard, the following observations regarding facility studies may be helpful:

● Survey Staff

- Investigators who are eager to learn, are conscientious, enjoy meeting people, are tolerant of local idiosyncrasies, and have strong feet and backs, should rapidly reach an acceptable level of competence.
- More information per dollar can be collected by less qualified investigators who, individually, can spend more time in a courthouse or, as a team, can visit more courthouses in a given period.
- Less qualified investigators probably will make more errors, be less tactful, and be more easily deceived.
- The most accurate information will be obtained by the most highly qualified investigators.

- The most highly qualified investigators are also the most expensive, and their time is even more costly if used for collecting trivia.

- Survey Information

- In a system inventory, obtaining at least a minimum of data for each facility is more important than omitting some facilities from the inventory in favor of having more detail on others.
- Information missing from the final inventory can sometimes be recovered by returning partially-completed data sheets to localities for comments and completion, by telephoning requests for specific items, and by establishing a periodic review in which information about each facility is updated.

- Survey Conduct

- A pilot survey should be conducted to outline which is to be inventoried and to solicit information that will permit efficient scheduling (names of key personnel, phone numbers, terms of court, etc.) and expeditious use of time (gross summaries and descriptions of spaces, locations of other facilities, dates of construction and modification, etc.).
- If the initial survey is reasonably well conducted, periodic updates gradually will correct errors and omissions.

- (2) Conducting the Site Inventory

For evaluations of individual court facilities, an on-site survey should be conducted by the person responsible for facility planning in the jurisdiction. Conversations with key operating personnel and observations of the court's operations should be analysed to identify any procedures which were instituted because of restrictions in the plan or design of the facility, as distinguished from those objectively needed for the activity itself.

To collect data for the inventory of multiple facilities, a planning team should be formed whose members can visit every facility and make personal observations. Prior to these visits, preliminary surveys should be mailed to local court personnel and their responses should be reviewed. As many courts as possible should then be visited and all available data should be gathered. An evaluation checklist should be completed for each courthouse and any missing or supplemental information should be obtained as soon as possible.

#### 4. Using the Checklists to "Rate" Court Facilities

When statewide facility assessments are conducted, it is important to provide decision-makers with a simple quantitative assessment of each facility in the system to assist them in making decisions about whether to include a facility in the long-term upgrading of the state court system. When assessments focus on smaller systems or individual facilities, quantitative summaries are also helpful to indicate the relative adequacy of the facility and to point out the most serious problems.

A simple rating scheme has been devised for this process and tested in assignments undertaken by the CCTAP. A prospective user of this technique can quite readily add or subtract attributes to be measured, or alter the suggested weighting scheme without negating the underlying concept.

The basis of the numerical ratings is to assign a value of "1" for each factor found to be adequate in the facility and a value of "0" for each missing or inadequate factor. Next, a percentage score is computed for each of the four checklists, and then each score is weighted in importance by multiplying it by a priority number. The four weighted scores for a facility are then added together to yield its overall quality rating. The procedure for developing these ratings is described below.

- a. Preparing the Checklists

- (1) Space

In the rating method for this category, a value of "1" should be assigned to each space present in the court facility -- without distinguishing whether it is necessary, desirable or suitable -- because such added refinement would not particularly highlight the facility needs of a state or regional program. Missing spaces are valued "0", but if a space is located elsewhere than in the courthouse, a value of "1" can be assigned provided the space is not in the "necessary" category. In the sample checklist of Figure 4, for example, where the courthouse contained only six of the relevant eleven functional court spaces evaluated, it would receive a rating of 6/11 (54%). If a facility contains a space that cannot be used for its designated purpose, e.g., a witness room used instead for file storage, that space designation should be rated "0".

- (2) Area

To compute the "area" rating for a courthouse, a value of "1" should be assigned to each space judged adequate in area and "0" to each space judged inadequate. Spaces not contained in the facility should not be included in the area evaluation because their absence already has been reflected in the space rating. Spaces located in other buildings, but included in the desirable or suitable category, should be rated "1" if adequate in area and "0" if not.

Next, the number of spaces receiving adequate ratings should be divided by the total number of spaces for which areas were rated. In the sample checklist of Figure 5, if only three of the ten spaces rated were judged adequate in area, the facility would receive an area rating of 3/10 (30%).

### (3) Accessibility

To rate the accessibility of a facility, a value of "1" should be assigned to each arrow of proper access type (i.e., public, restricted, or secure) found in the facility as judged by the Guideline Model of Figure 6. A value of "0" is assigned to each arrow of improper access type. Facilities should be rated only for the adequacy of the access features present on them; missing spaces already have been accounted for in the spaces rating. If the sample checklist of Figure 8 indicated seven arrows, of which five were proper, the courthouse would require an access rating of 5/7 (71%).

### (4) Accommodations

The quality of accommodations in a facility is evaluated by assigning the value "1" to each of the checklisted characteristics for which the building is adequate and "0" for each inadequate feature. If the sample checklist on Figure 9 indicated contains five adequate features in a total of eight, a rating of 5/8 (63%) would be assigned.

Evaluating the accommodations of a court facility is difficult, at best, because the most significant items are at the extreme ends of the rating scale (excellence of design and furnishings on the one hand and marked inadequacies on the other). Between these extremes, an evaluator's opinion probably will depend on what expectations have been established by observations of other facilities. Although numerical scores for accommodations may be less objective than those for the other categories, the quality of accommodations is important to the citizens of the jurisdiction. As noted below, however, when the scores for each of the four categories are weighted and combined to produce an overall quality rating for a courthouse, the relatively low weight assigned to the accommodations category reduces its importance in determining the facility's numerical rating.

#### b. Developing Quality Ratings of the Facilities

After a facility score has been determined in each of the four major categories, the four scores can be combined to derive an overall quality rating. To prepare the overall quality rating, weights are assigned to each of the categories to reflect their relative importance in determining the adequacy of the facility for the needs of the county, regional, or state program. The weights are simply numbers equal to or less than "1", and the value assigned to each category suggests its relative significance in the assessment process. The following weights

have been applied in CCTAP assignments:

<u>Category</u>	<u>Weight</u>
spaces	1.0
areas	.75
accessibility	.5
accommodations	.25

One important aspect of this type of comparison is that an excess of one factor (a courtroom twice as large as the minimum size needed) does not compensate for a deficiency in another (no jury room). A very strong practical reason argues for this approach. Many facilities are critically deficient in their lack of important spaces: witness rooms, jury rooms, judge's offices, for example. Many of these same facilities, constructed in times when the courtroom was the central gathering place for the county's residents, contain a very large courtroom. The square footage of that courtroom may represent the facility's only resource for remedying its deficiencies.

At times a courtroom may be filled for public meetings or even for an occasional court proceeding, but these occasional needs may be outweighed by other, more constant, needs. If the courtroom could be partitioned and made smaller and if other needed spaces could be constructed in its former area, the benefits derived from acquiring the needed spaces should outweigh any drawbacks from reducing the excess courtroom area.

It is also true that any courthouse with an ambitious design intended to include all spaces, might have a lower accessibility score than one with fewer, but more adequate, spaces. Nevertheless, in the overall quality rating, the weighting system provides that the higher score for spaces and areas should compensate for deficiencies in accessibility.

#### 5. Putting the Evaluation Ratings to Use

A court facility evaluation should point out whether facility problems exist and if so, the nature of these problems. A number of options can then be considered for remedying these deficiencies. For example, suppose the evaluation reveals (1) that a particular eight-judge court facility is deficient in its operational adequacy compared to similar courts; (2) that the facility's overall quality rating is acceptable; and (3) that it has no outstanding physical problems to account for its low case processing rate. In those circumstances, the first check should be of the case filing rate, because if caseload input has increased without a corresponding increase of case processing support, the disposition level will not keep pace. (A constant disposition level divided by an increasing number of filings means a reduction in processing rate and a corresponding reduction in operational adequacy.)

The space use efficiency of the facility should then be analysed. Can the assignment of judges and cases to courtrooms be rearranged in a more efficient manner so as to increase the processing rate or to make it possible to add another judge and staff? If that is not possible, what case processing support is needed to handle the caseload in accordance with case processing rates that would be acceptable in the jurisdiction? What suggestions can be made regarding probable future caseload growth?

Once the case processing support needs of the court are ascertained, consideration can be given as to whether to expand the facility, or replace it with a new one. Will a reorganization of space use significantly increase the facility's operational capacity? Will it be beneficial to relocate some of the related agencies to nearby office buildings? An analysis of the suitable options can provide a basis for developing an action program whose costs, risks, and benefits are known and for moving into the beginning of a design phase.

If the evaluation is conducted at the system-wide level, a different range of options for increasing operational capacity is presented. Perhaps a satellite facility at another location in the county or district will be a sensible choice, or perhaps it would be desirable to share caseload with an underused facility in the same jurisdiction.

What major benefits can we expect from facility evaluation of this type? Initially we can discover the most important questions to ask about any one or group of facilities. Next we can develop the decision criteria that most accurately and completely describe the situations most important to our management interests. Finally, we should achieve better decisions, with longer-lasting effectiveness, and with predictable and controlled costs. Then, by chipping away at problems year after year, in a continuing process of change and improvement, we should be able to keep our court facilities in pace with the demands placed on them by a dynamic and vital society.

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## VIII. Security Considerations

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## VIII. SECURITY CONSIDERATIONS

The degree to which security is provided for a court facility design will determine both the long-term operating costs for the building and the safety and propriety with which the court operates. The objectives of such planning should be:

- to keep the degree and rate of occurrences of security problems to a tolerable level;
- to lower the cost of operating the facility to achieve that tolerable level of security;
- to provide an atmosphere in the courthouse which contributes to the propriety and dignity of the judicial process.

The integrity of court proceedings and court files and records is strongly affected by the quality and completeness of the security planning that has been done. If security features are not part of the initial plan for the facility, they can be added, if at all, only at great cost.

Security planning for a facility should address two tasks: (1) the provision of suitable access to court spaces and (2) assuring appropriate circulation systems for the various users of the court building.

### A. Providing Appropriate Accessability to Courthouse Users

Security in a building is obtained primarily by controlling access. By properly arranging the structural features of a facility, access to any space can be limited to those persons authorized to be in that particular space at a particular time. Court security planning, then, must consist of planning space arrangements which restrict access in a manner which is consistent with the circulation and security needs of all of the building's occupants and users.

In developing a security plan, the access needs of the various occupants and users of the court building must be determined. An analysis must therefore be made of the activities of each functional unit in terms of its needs for privacy, safekeeping of valuables, security of persons in custody, and public contacts. (See Figure 7). In compiling these access needs, it may be helpful to categorize them in terms of the relative degrees of control which they require, as suggested below:

- secure access: very limited and controlled  
accessibility restricted to persons in custody  
and valuable property;



- restricted access: somewhat limited accessibility to insure the privacy of functions and persons as dictated by the legal needs and propriety of the judicial processes involved;
- public access: an open accessibility with minimal control for visitors to conduct their business with the court.

To provide these degrees of accessibility, corresponding types of circulation systems must also be provided. Secure circulation for the movement of prisoners should connect the secure spaces used for prisoner custody, e.g., holding cells, jail entrance or transportation points, interview spaces, and the judicial area of a courtroom. Restricted circulation should allow for the movement of court staff and others, where appropriate, without mingling with the public, parties to litigation, judges, jurors, etc. Public circulation, the largest courthouse circulation system, should link the public entrances with all the unlimited access spaces of the facility.

## B. Providing Separated Circulation Systems

### 1. Rationale

To plan three different circulation systems in a court facility, the principal of separation must be used. In essence, secure circulation systems must be separated from other circulation systems so that corridors for prisoner movement do not cross any other space in a facility and so that stairs and elevators used for prisoner movement are restricted to that use only. Similarly, restricted circulation systems, both horizontal and vertical, must also be separated from public circulation systems.

The comment is frequently made that separate circulation systems are expensive and an inefficient use of space. Measured against actual costs, however, this argument is invalid. To maintain a comparable degree of reliability for prisoner custody that is achieved with a separate secure circulation system in a facility without such a system requires considerably more manpower at a cost that accumulates over the life of the building, year after year. Within a relatively short time, the total costs to provide equivalent security in a facility lacking secure circulation systems will exceed those in a facility with a secure floor plan.

### 2. Achieving Security Circulation Systems

Figure 6 represents a model accessibility and security arrangement for a court facility. It locates spaces relative to each other in a representative and practical way which might be applicable to many courthouses and denotes which of the three degrees of access is appropriate for each.

Secure circulation can be achieved in several ways. The choice depends largely upon the general size of the facility and the number of criminal courtrooms required. However, the importance of considering the long-range needs of the facility for secure circulation when the initial facility planning is done cannot be overstressed. It is virtually impossible to add secure circulation systems at a later stage of renovation if the spaces have not already been provided. If separate secure means of moving prisoners to and from a courtroom are not provided in the initial plan, public or restricted circulation systems will have to be used for moving prisoners, with the extremely undesirable result of having prisoners, staff, and public share the same elevators and corridors.

In a large high-rise facility, vertical separation of secure spaces is effective. Typically, detention facilities can be alternated between courtroom floors and connected to courtrooms above and below by secure stairs or elevators. Detention spaces can easily be designed to allow only for secure and restricted access because unrestricted public access to these floors is not necessary.

In a smaller court facility, or if space is not available to alternate floor arrangements, courtrooms can be grouped around secure vertical circulation systems (prisoner elevators or stairways) so that several courtrooms have access to a detention cell between them. The secure vertical circulation systems can link all cells either with a jail or a central detention space which is accessible to jail transportation.

Very small court facilities can also make use of courtroom arrangements grouped around a detention space but with horizontal rather than vertical secure circulation systems. The prisoner corridor should lead to a holding area or jail transportation point and will generally create a break in any continuous loops of public or staff circulation patterns. For example, if there were to be a private corridor running around the rear half of a courthouse and a public corridor around the front half, one of the two would be interrupted by the secure corridor. In a small facility, however, this interruption will hardly ever be a serious inconvenience if the plan is properly devised.

### 3. Achieving Restricted Circulation Systems

Restricted circulation systems have the same purpose as secure circulation systems but differ in the control over accessibility which is permitted. Restricted circulation systems are commonly used, for example, for handling access by jurors to jury deliberation rooms and judges to their chambers or their courtrooms.

Jury deliberation should be a private function, neither observed nor heard, and the distance between the jury box and deliberation room should be minimized to reduce courtroom delays. Jurors (and judges) should not have to mingle with any one at any time, particularly when court sessions open or close.

## VIII. SECURITY CONSIDERATIONS

The degree to which security is provided for a court facility design will determine both the long-term operating costs for the building and the safety and propriety with which the court operates. The objectives of such planning should be:

- to keep the degree and rate of occurrences of security problems to a tolerable level;
- to lower the cost of operating the facility to achieve that tolerable level of security;
- to provide an atmosphere in the courthouse which contributes to the propriety and dignity of the judicial process.

The integrity of court proceedings and court files and records is strongly affected by the quality and completeness of the security planning that has been done. If security features are not part of the initial plan for the facility, they can be added, if at all, only at great cost.

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To provide these degrees of accessibility, corresponding types of circulation systems must also be provided. Secure circulation for the movement of prisoners should connect the secure spaces used for prisoner custody, e.g., holding cells, jail entrance or transportation points, interview spaces, and the judicial area of a courtroom. Restricted circulation should allow for the movement of court staff and others, where appropriate, without mingling with the public, parties to litigation, judges, jurors, etc. Public circulation, the largest courthouse circulation system, should link the public entrances with all the unlimited access spaces of the facility.

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In a large high-rise facility, vertical separation of secure spaces is effective. Typically, detention facilities can be alternated between courtroom floors and connected to courtrooms above and below by secure stairs or elevators. Detention spaces can easily be designed to allow only for secure and restricted access because unrestricted public access to these floors is not necessary.

In a smaller court facility, or if space is not available to alternate floor arrangements, courtrooms can be grouped around secure vertical circulation systems (prisoner elevators or stairways) so that several courtrooms have access to a detention cell between them. The secure vertical circulation systems can link all cells either with a jail or a central detention space which is accessible to jail transportation.

Very small court facilities can also make use of courtroom arrangements grouped around a detention space but with horizontal rather than vertical secure circulation systems. The prisoner corridor should lead to a holding area or jail transportation point and will generally create a break in any continuous loops of public or staff circulation patterns. For example, if there were to be a private corridor running around the rear half of a courthouse and a public corridor around the front half, one of the two would be interrupted by the secure corridor. In a small facility, however, this interruption will hardly ever be a serious inconvenience if the plan is properly devised.

### 3. Achieving Restricted Circulation Systems

Restricted circulation systems have the same purpose as secure circulation systems but differ in the control over accessibility which is permitted. Restricted circulations systems are commonly used, for example, for handling access by jurors to jury deliberation rooms and judges to their chambers or their courtrooms.

Jury deliberation should be a private function, neither observed nor heard, and the distance between the jury box and deliberation room should be minimized to reduce courtroom delays. Jurors (and judges) should not have to mingle with any one at any time, particularly when court sessions open or close.

Access can be planned for these requirements by planing jury rooms close to courtrooms, adjoining them if possible. Adjoining deliberation rooms can simply connect to the jury box (or judicial area of a courtroom) by a door. If this arrangement is not possible, the deliberation rooms should be close to the courtroom, connected by a private corridor and jurors' door. A vertical connection, with the deliberation room on an adjacent floor, can permit private circulation, but a horizontal connection on the same floor may mean that jurors and judges use the same private corridor. The corridor should never be shared, however, for prisoner access use.

Judges' chambers and courtrooms should be linked by restricted horizontal or vertical circulation systems restricted to staff use (and, possibly jurors, as noted above), with some controlled public access also provided. Traditionally, a judge's chambers were attached to his courtroom but that arrangement still required restricted circulation systems and controlled public access. In any courthouse where judges use different courtrooms, and in virtually any large facility, it is not feasible to attach chambers to courtrooms. However, the same privacy and security features obtained from that arrangement can be provided through restricted circulation systems between judicial chambers and courtrooms.

### C. Technological Aids for Security Provision

The field of security equipment is too large and specialized to be reviewed here, but a few words are appropriate about its general purposes and applicability. Technological measures can be grouped under four categories according to the capabilities they provide: (1) detection, (2) signaling and communications, (3) protection, and (4) weapons. The first two of these capabilities are particularly relevant to courthouse security needs.

Modern technology, especially in electronics, has developed useful aids for providing courthouse security and reducing the number of personnel required for a given security function by extending their capability. Technological equipment is very useful in detecting security problems; it also may be a deterrent when the public knows it is in use.

#### 1. Detection Technology

Detection technology can be applied in several forms, such as alarms for doors and work stations to signal unauthorized entry or dangerous emergencies, detectors of smoke and fire, and equipment to signal unauthorized entry to restricted premises or particular locations. Closed circuit television, photo-electric beams, and sound and vibration pickups are among the various types of detection equipment that can be used in courthouses. This technology can also be used to detect concealed weapons. Hand-held or walk-through magnetometers can be used at points where individuals are to be searched, such as building

entrances or courtroom entrances. X-ray detectors can be applied to detect weapons hidden in packages.

Detection equipment varies in cost; generally, the more effective it is the more expensive it is. The technology can also supplement security personnel capability and speed the flow of persons past an inspection point. The equipment is no way a substitute, however, for security manpower.

#### 2. Signaling and Communications Equipment

Signaling and communications equipment is used to quickly transmit emergency information from courtrooms and for communications between security personnel when security problems develop. This equipment can increase the effectiveness of a limited size staff and can be very helpful. Telephones and radio devices make it unnecessary to wait for someone to leave the scene of a problem and reach a control center or other security location before emergency assistance can be summoned. Personal radio devices, such as walkie-talkies or pagers, are especially useful, because they are carried on the person of patrolling officers and can establish communications in any situation. Building guards who are equipped with radio transmitters can report problems quickly or be directed to respond to emergencies, without the delay of reaching fixed telephone locations.

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## IX. Image Considerations

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## IX. IMAGE CONSIDERATIONS

### A. The Image Conveyed by a Courthouse

The image which a court facility conveys is a product of many things: location, exterior and interior design, personnel attitudes, office procedures, equipment usage, maintenance, and other general features of the facility. Three major factors affect the image of the courthouse building: the location, exterior design, and courtroom design.

#### 1. Location

Location, as a factor of image, involves the appropriateness of the particular site for the court facility. It is particularly significant when a building or complex is not solely dedicated to court activities but is to be shared by court and other agencies. When these agencies include a detention facility such as a county jail or juvenile shelter, that question is especially vexing.

Site selection, at least in its analytic stages, should be the product of a rational process concerned with such factors as cost comparisons, traffic and parking impacts, site constraints, expansion potential, public convenience, urban renewal, and ease of travel for public and official participants in court processes. Whether a site is a fitting and proper court location, however, is not always an objective consideration.

In many communities, custom and finance have dictated that court facilities be combined with other local government offices in a county courthouse. In some jurisdictions, facilities for bond-setting and initial criminal appearances are located in the county jail or police station, rather than in a courthouse. This arrangement usually is justified as more efficient and less expensive than a courthouse location, because these are 24-hour, seven-day per week activities and the courthouse is not always open to accommodate them.

In some states, where setting bond is not a direct judicial function but proceeds according to a judicially established schedule, the court's image may not suffer from non-judicial locations. Where bonds are judicially set, however, or initial bonds are judicially reviewed, or first appearances are held, the image of these judicial functions probably suffers if they are not held in judicial facilities.

While the cost argument for separately housing these functions rarely survives close analysis, there is often substantial convenience to housing certain judicial functions in a jail or police facility. In each jurisdiction, the benefit of such convenience must be weighed against the possible detrimental affects on the image of the court system that might result from combining these functions in non-court locations.

## 2. Exterior Design

Exterior design is a second aspect of courthouse image. Although a building's physical appearance strongly contributes to the visual impression it conveys, a variety of design techniques and materials can be used in court facilities to reflect the history of a community and its judicial traditions.

## 3. Courtroom Design

Courtrooms are the fundamental spaces which distinguish court facilities from other government buildings. The well-developed mythology surrounding courtroom functions and images may need to be analysed before new courtrooms are designed. Dignity is an often-heard prescription for courtroom design, but it is evident that translating the concept into spatial designs produces widely varying results. The concept of dignity in architecture, like grandeur, may not be a design element after all, but rather, the result of attempts to depict the meaning of the judicial process and create an environment which best realizes that meaning.

### B. Relationship of Courthouse Design and Image

Creating a facility design requires, at the outset, a general concept of what the completed building and its interior spaces should look like and what uses they should serve. The design, or image, of a court facility may be perceived quite differently by different persons because they are influenced by pre-conceptions from their past experience with such buildings as well as by the effects of such abstract design features as form, size, color, massing, decoration, etc.

If current court facilities are to be anything other than copies of earlier designs, serious considerations must be given to numerous design questions. For example, how can a design represent the quality of justice or the significance to a democratic society of a court of law? Is there a functional, historical or legal justification for the conventional rectangular shape of American courtrooms with the judge's bench at the midpoint of one wall facing the public across the judicial area? Is there a constitutional or legal justification for the conventional two-tiered six by six jury box located at the side of the judicial area?

In the not too distant past, a courthouse domed and pillared to resemble the Capitol of the United States was the epitome of good design. If funds, materials, or inclinations ruled out domes, steeples and towers were common alternatives. For many years, belfries were functional features, their bells used to sound the opening of court. At the turn of the century, marble washstands and fireplaces graced judges' offices and the grander courtrooms were panelled in marble. At least one major city's criminal courts building, circa 1929, contains several large courtrooms decorated in a manner seemingly inspired by

early Egyptian tombs. The range of courtroom sizes that have been constructed is spectacular; across the country, courtrooms used for similar proceedings (and presumably planned for those purposes) vary at least five to one in the number and area of spectator seating they provide.

No one style or method of architectural treatment has, thus, monopolized courthouse design in the last two hundred years. At different periods and in different places, various styles have prospered, many displaying a distinct local flavor. It seems impossible to identify an aesthetic constant that represents the image of a court of law. On the contrary, many different architectural treatments have been developed and used in various localities at various times. Moreover, the long structural lifetimes typical of court buildings contribute to the continuing presence of styles that have long since lost favor for other, more volatile, building types. Fire damage and the need for on-site replacement by a larger building, rather than dissatisfaction with existing aesthetics, have been the dominant factors leading to new designs.

### C. Putting Courthouse Design Principles in Historical Perspective

If one looks back at the origins of our judicial processes, some useful principles may be identified as particularly applicable to the creation of a courthouse image.

#### 1. The Independence of the Judicial Branch

The key to this approach is a recognition of the role of the judiciary as one of the three co-equal branches of government. The court is not an arm of the executive function nor a handmaiden of legislative assemblies. Neither can the criminal function of courts be distinguished from the civil and categorized as part of an executive-branch criminal justice entity. In this respect courts differ from law enforcement and correctional agencies which, while part of the justice process, are components of the executive branch of government.

Pride and status are not at issue in this definition of the judiciary as a distinct branch of government. At issue, rather, is the constitutional precept that the judicial function should be separated from that of other branches of government, not for reasons of convenience or efficiency, but as a practical means of making the system of checks and balances work. To the framers of the Constitution, the long history of the common law's development in England was a strong argument for judicial independence, and American case law since that time has reaffirmed and protected the independent exercise of judicial powers and responsibilities. It follows that judicial facilities require a degree of separation from other governmental facilities which allow judicial operations to be free from outside interference as well as the appearance of outside interference.

## 2. The Court as a Forum of the Local Community

As the original colonies grew and expanded to the west, forums were established to deal with local problems. New counties were formed from earlier grants and tracts, and growing communities established local courts and designated their judges. Usually these were community actions, by the authority of those who would be subject to the rulings of the new courts. With the success of the revolution and the sovereignty of the new governments, community actions were institutionalized in state, county, and local laws and court procedures, although the county court still remained the essential forum for resolving county disputes.

Early courthouse and courtroom designs demonstrate community involvement in the judicial process. In many, spectators were seated on two or three sides of the judicial area, not simply on one side facing the judge. Often, a low platform raised the entire judicial area for easier viewing by spectators. This separation between the public and the participants in the judicial proceeding clarified their relative roles.

It is often argued that the public's role in court proceedings, as representatives of the community whose consent is the basis of our form of government, is essential to the judicial process. Both in civil and criminal matters, public observation is a means of ensuring justice, and, in criminal matters, it also helps ensure that community needs are being met.

Not all court proceedings are public, however. Some are closed to protect parties who, because of their age or legal status, are under the court's protection, such as individuals involved in adoption, juvenile, and mental health proceedings. Spaces designed for these proceedings would not stress community involvement, of course, but their aesthetics should reflect an atmosphere conducive to the special emotional and legal qualities of the processes involved.

## 3. The Importance of Separating Court Officials from the Public During a Court Proceeding

Undeniably, a quality of theatricality can attend court proceedings, but the uninhibited application of dramatic imagery to the design of courtrooms is not a satisfactory approach. Surrounding the judicial area is a barrier or bar, originally intended to protect judges and clerks of early English courts from the rough and noisy throng. Even in the Middle Ages, when the King's justice sometimes was dispensed in public for the instruction and edification of the populace, the bar separated the official areas from the public areas and was a functional necessity, not a component of design imagery or an element of theatre. Its symbolic value joined its functional value to separate the public from the court. It is interesting that the seats within the bar were reserved originally for court officials and only later for attorneys, after they came to be regarded as officers of the court.

There is no reason to believe that other than functional needs determined these early arrangements or that the proceedings were designed as theatrical entertainments. On the contrary, some basic design features apparently were intended to separate the public from the court so that court business could proceed, rather than to place the court in an environment of public entertainment.

## 4. Historical Provisions for a Jury Box

Another interesting historical note sheds some light on the evolution of the two-tier jury box in England and its adoption in the United States. We are told that when accommodation had to be found for jurors and witnesses in London's Westminster Hall, carpenters were employed to build a "rough and ready" two-tier enclosure beside the bench. No mention is made of an architect involved or how the two-tier arrangement was chosen. The availability of used lumber of suitable lengths may well have been a contributing factor in the design. As an addition to an existing courtroom, it is likely that the location, maximum dimensions, and number of tiers was determined by the plan of available spaces rather than a functional analysis or study of esthetic effects. The effect of that rough and ready enclosure must have long outlived its builders' intentions.

It is relevant and important that the rule of law in this country is based upon democratic authority. From that fundamental authority flows the image of a court facility expressing community involvement and participation in the processes of law. The size of rooms, furnishings, and the building itself can be scaled to match human perceptions without the loss of a satisfactory image. If the image is one of participatory government, dignity and authority should be natural results.

### D. Two Examples of Courthouse Image

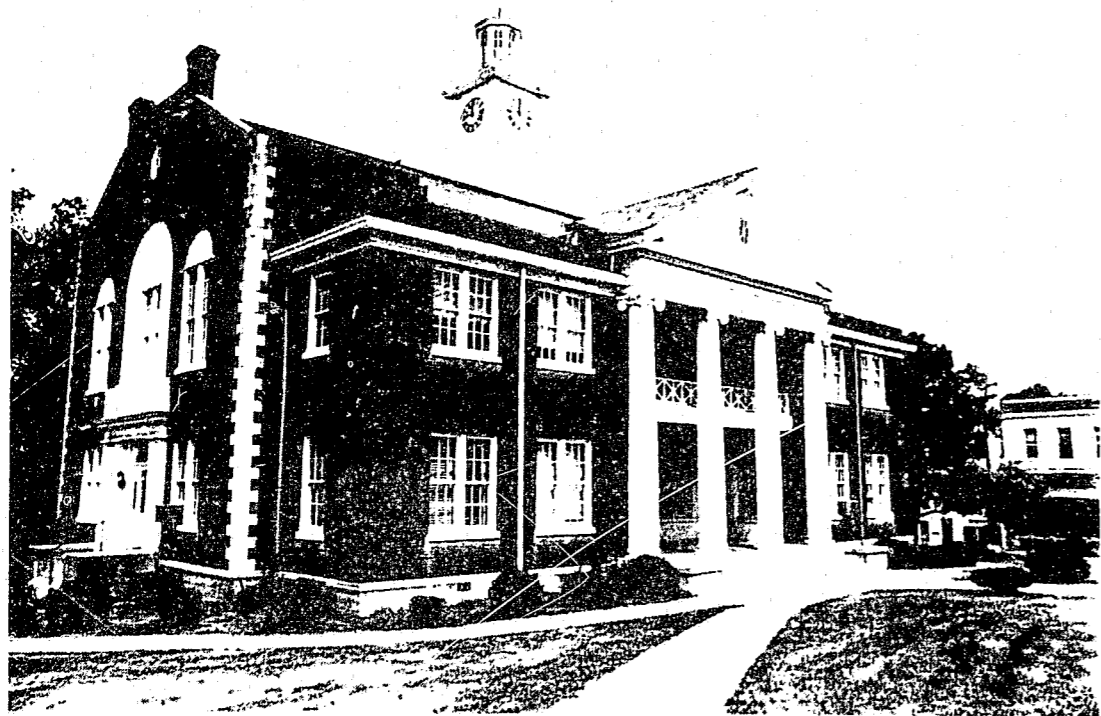
#### 1. Morris County Courthouse, Morristown, New Jersey

In Morristown, New Jersey, the 1827 brick courthouse has been preserved in use and remains the focus of the Morris County Courthouse. Although an extensive judicial (and detention) facility has grown on three sides of the original building, its courtroom is so highly regarded that a Assignment Judge of its three-county vicinage traditionally presides here.

Located on a hillside perhaps one hundred yards from the green, the 1827 Morris County Courthouse is a classic Georgian design in red brick and white wood trim, with an ample lawn in front. The one-hundred-fifty year growth around it of a complex of interconnected facilities makes judgment of its initial image difficult, but its site is today clearly important to the scale of local building because of its

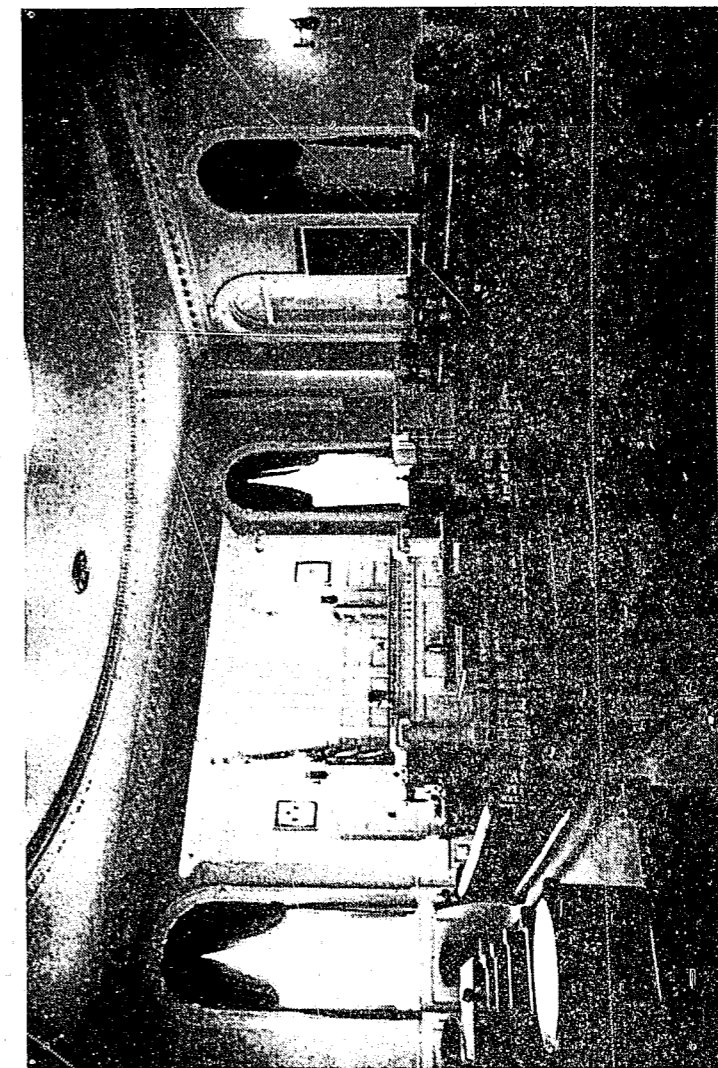


10. (Left) Morris County Courthouse, Morristown, NJ, 1827 Building, 1977



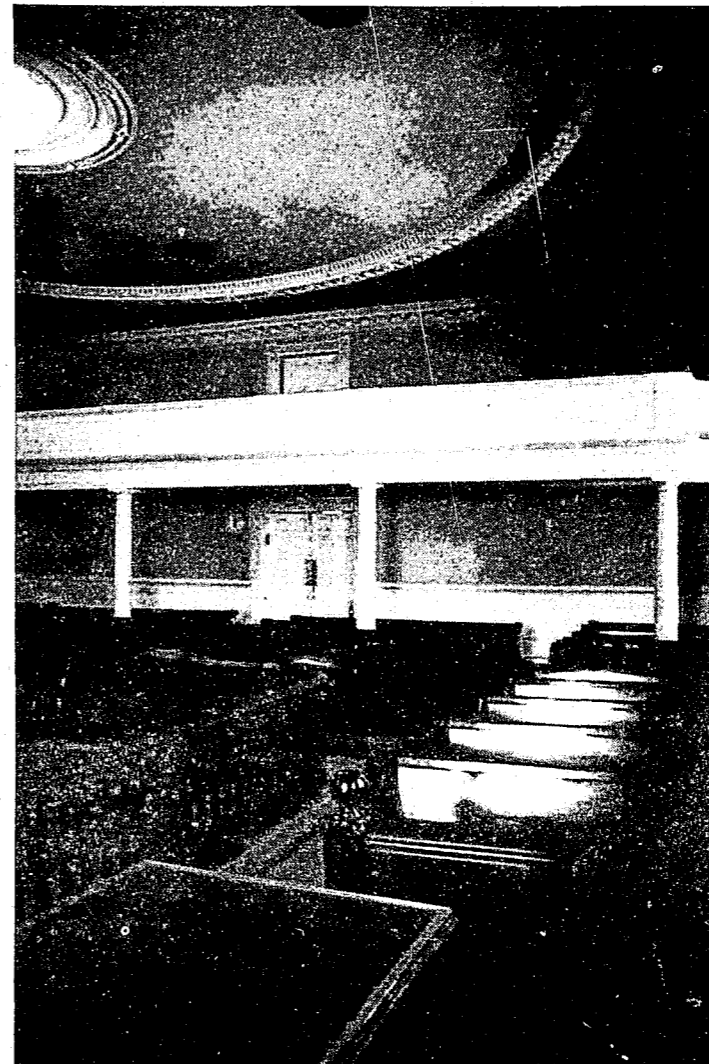
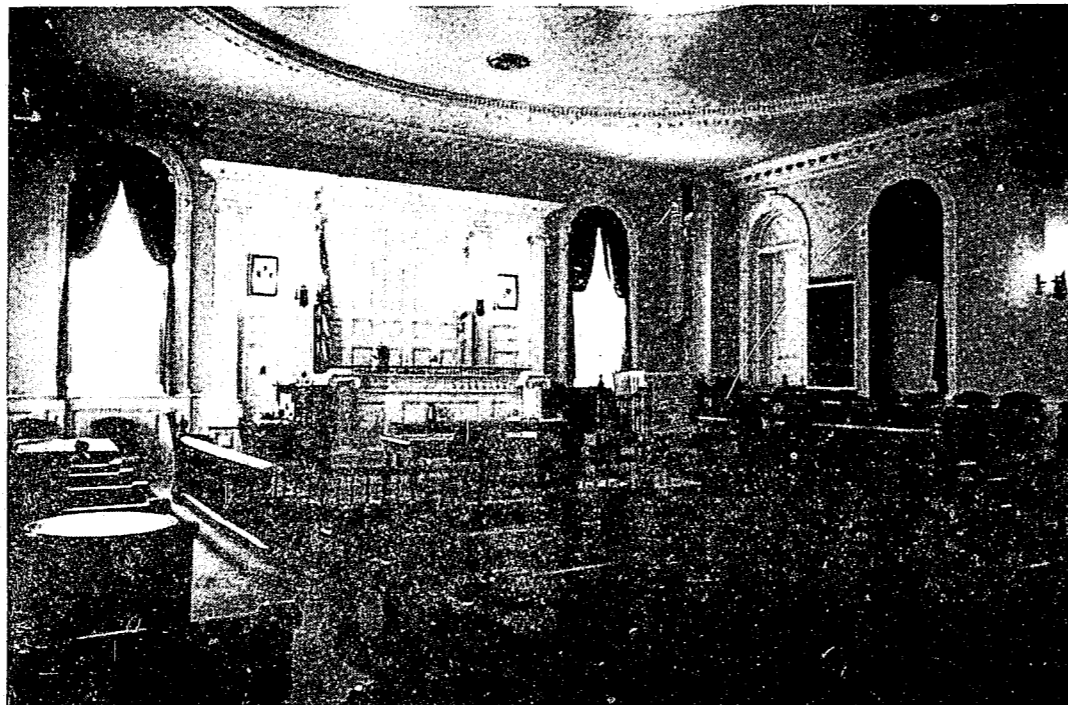
11. Mercer County Courthouse, Harrodsburg, Kentucky, 1977

PHOTOGRAPHS 10 & 11: As indicated in these two photographs, the Morris County, New Jersey, and Mercer County, Kentucky, courthouses, although separated by many miles in distance and many years in design, are not dissimilar in style. Each is set well back on the town square.



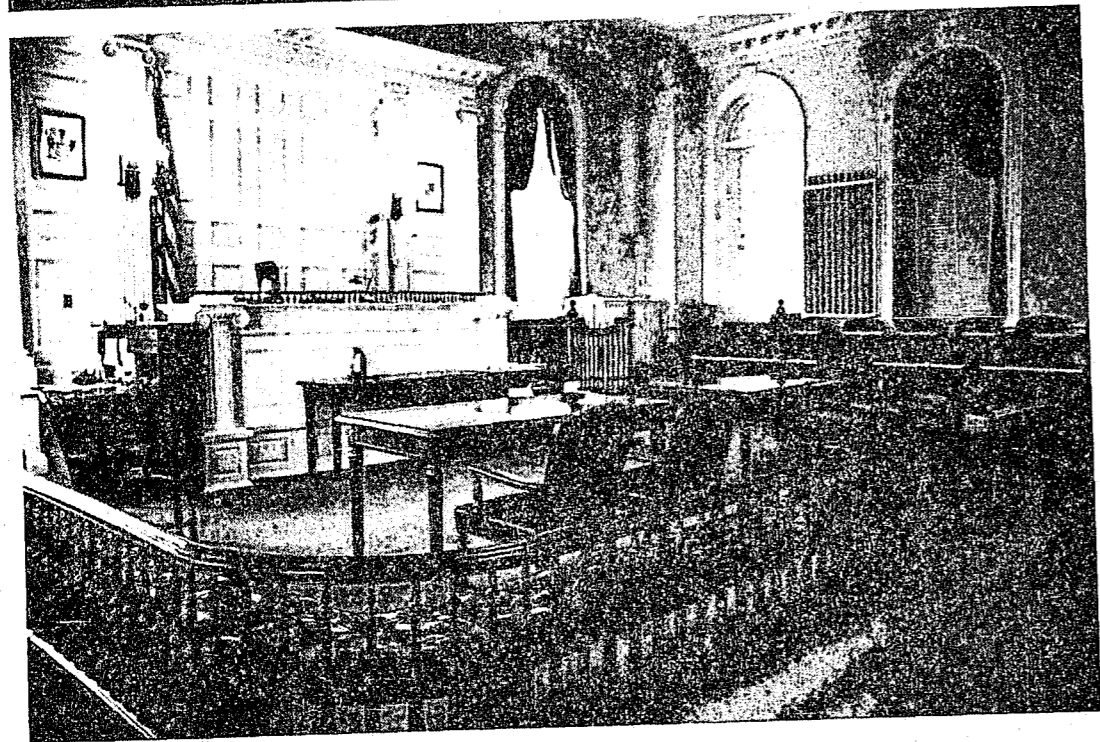
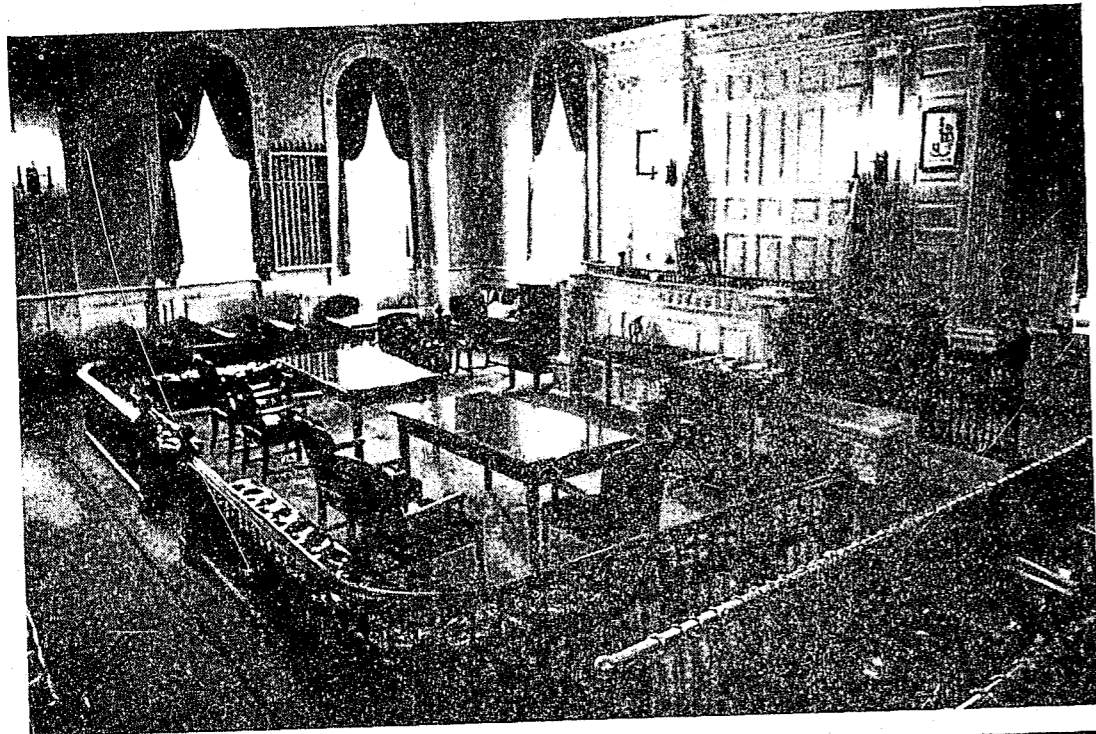
12 & 13. The 1827 Courthouse, Morristown, NJ, 1977





12 & 13. The 1827 Courtroom, Morris County Courthouse, Morristown, NJ, 1977.





14 & 15. The 1827 Courtroom, Morris County Courthouse, Morristown, NJ, 1977

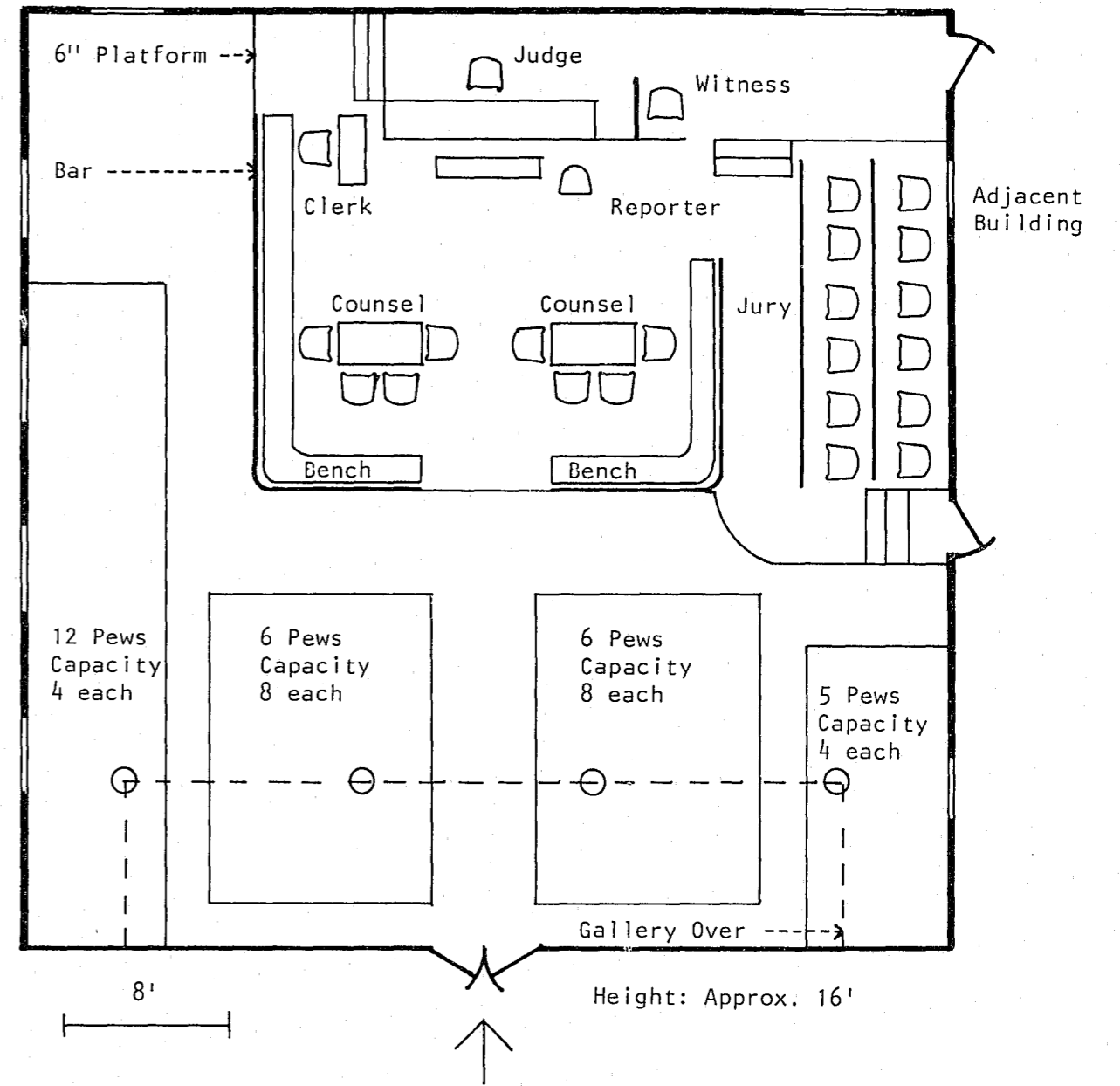


Figure 10. Sketch of 1827 Courtroom, Morris County Courthouse, NJ

central location. The major direction of expansion has been away from the street towards the rear, where parking lots now border on a national park which limits further expansion in that direction.

The courthouse is about 44 feet square. Initially, the windows on three sides surveyed the community, but later additions blocked those on the jury side. From front to rear, the courtroom is divided equally between public seating and the judicial area. Spectator capacity on the main level is about 164 persons, but a rear gallery, now unused, could add about 50 seats. Spectator seating also extends about halfway down the judicial area on the side opposite the jury. A ballustrated bar and enclosed bench curve continuously around the well of court on three sides, except for a central entrance. All of the judicial area is raised about six inches, including the two-tier jury box, which extends the remaining 21 feet. The raised judge's bench projects only six feet from the wall, making its working surface about one-and-one half feet deep.

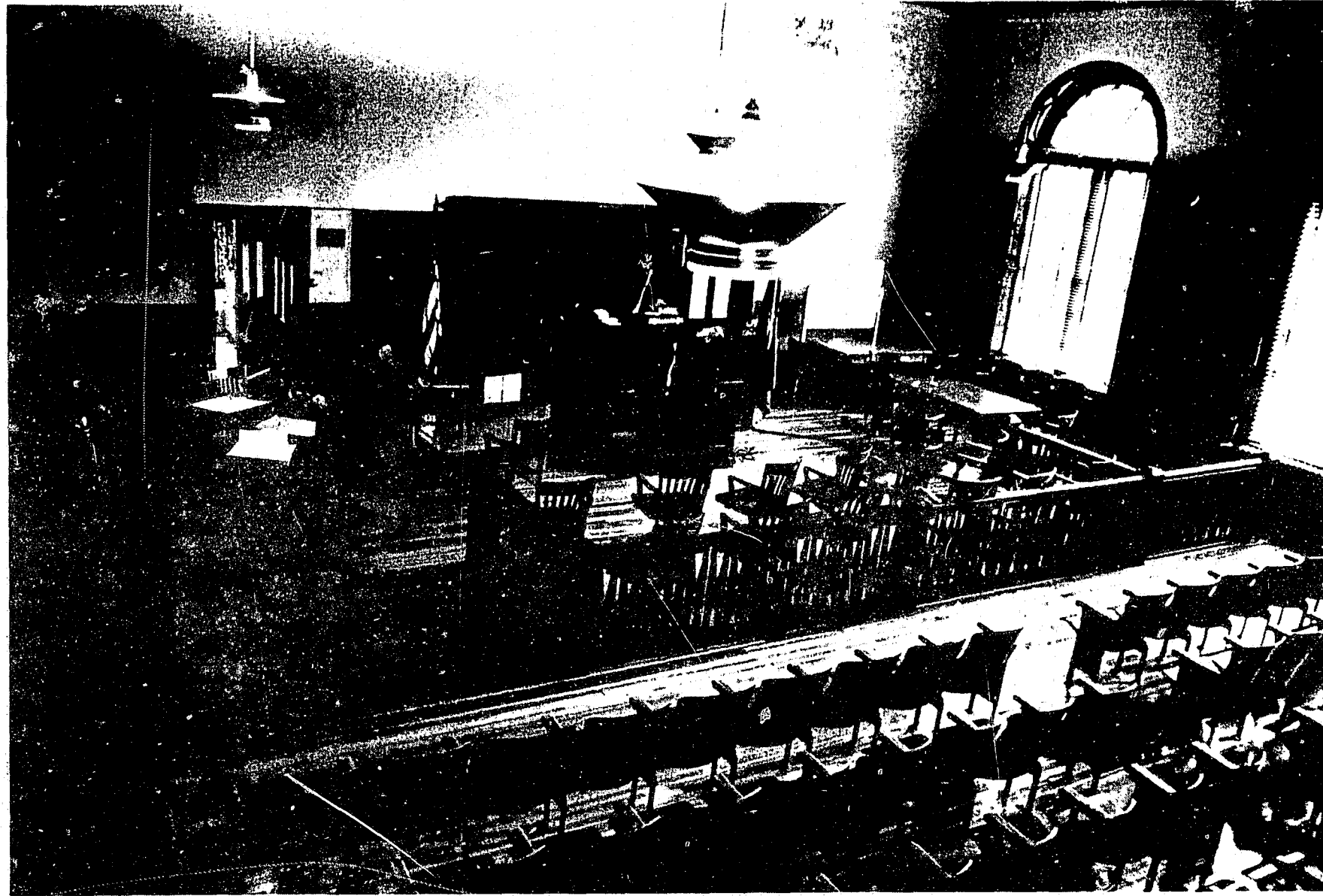
The courtroom is quite formal, with beige floor carpeting, red leather pew and bench cushions, and black leather chair coverings. Window hangings and the modesty curtain on the jury box also are red. The judge's bench is white, backed by white wood paneling. The walls and ceiling are painted light beige and the wainscot is white. Spectator pews and all wood rails are dark mahogany, while the ceiling is simply decorated with an oval frieze centered around an unornamented light fixture.

The courtroom presents a strong image of tradition and continuity back to mid-eighteenth century days when county government began to function here. One senses a calmness and responsibility in the design and an atmosphere of permanence which reflect well upon its continuous use as a working place of the Superior Court. Certainly, substantial factors in this image are the actuality of its nineteenth century design and the fact of its continuous use, features that could not be duplicated in a new design. Inherent in the total design of the space, however, is an aesthetic treatment which contributes to the image of those features and brings them strongly to the fore.

Dignity is inherent in the treatment of this space, partly as a result of the color scale of finishes which emphasizes quiet tones and plays down stressful elements. Dimensionally, also, the room is well balanced and free of obvious emphasis on the importance of any one participant. Nothing about the treatment leaps out at the observer to say that one area or one person is important or another is not. The aesthetics imply importance to the entire court process as a totality.

## 2. Mercer County Courthouse, Harrodsburg, Kentucky

Morris County's traditional courtroom is a particular application of design principles, but it is not the only approach to an effective courtroom image. Contemporary furnishings and details also can be sensitively applied to produce equally effective results, as shown in the



16. Mercer County Courtroom, Harrodsburg, Kentucky, before renovation, 1974. Several leaks can be seen to the left of the window. Also noteworthy in that picture is the placement of the witness stand directly in front of the judge's bench with jury seating arranged at floor level immediately opposite.

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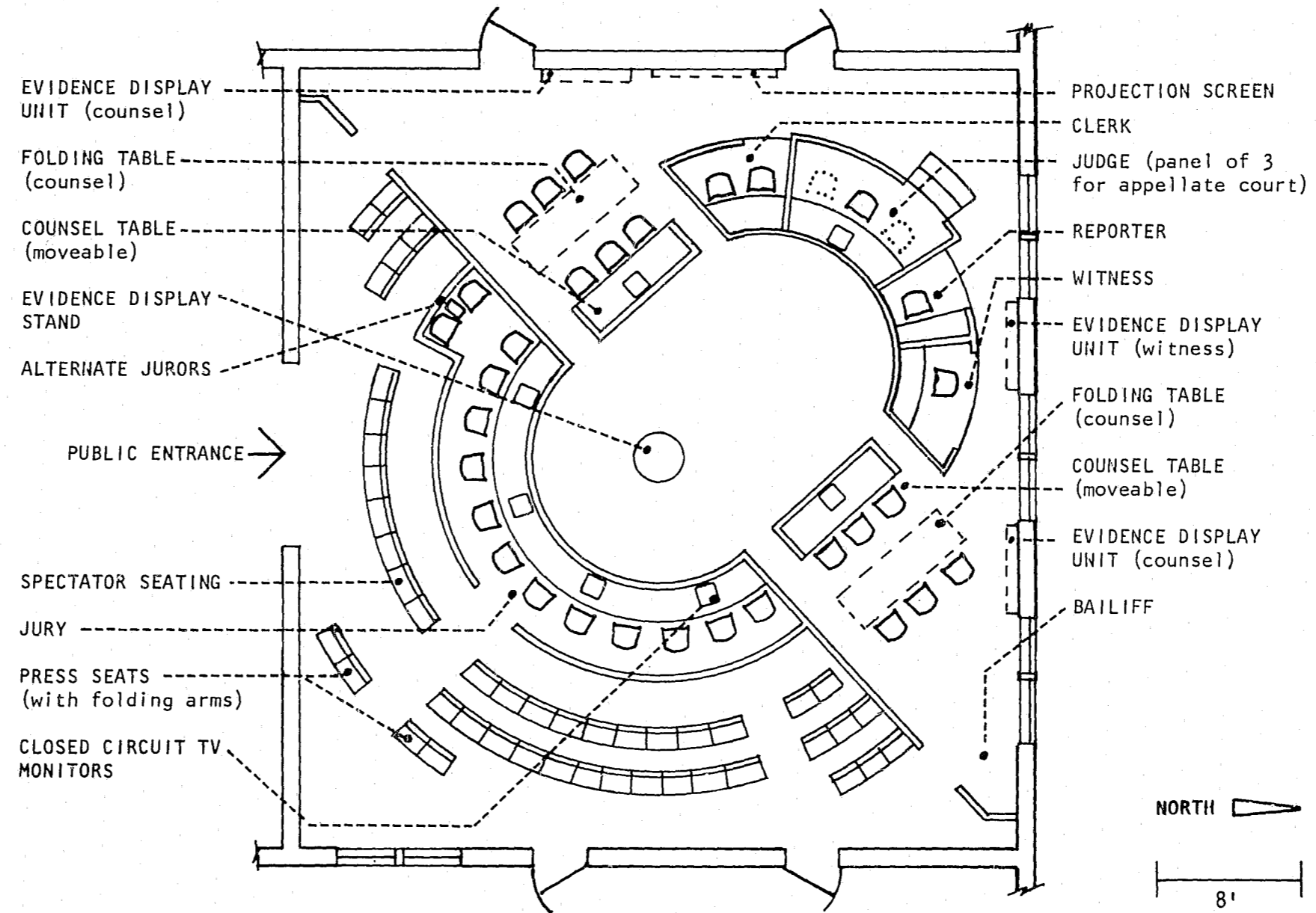


Figure 11. Sketch plan: Circuit Courtroom, Mercer County Courthouse, Harrodsburg, KY

Mercer County Courthouse in Harrodsburg, Kentucky. Located in the first permanent white settlement in what was then Kentucky County, Virginia, this fifty year old, white-trimmed, red brick building externally resembles the Morris County Courthouse despite their age difference. Standing alone on the courthouse square, the Mercer County Courthouse contains county offices on the first floor and circuit court spaces on the second. Court sessions have been held in Harrodsburg since well before statehood and the town (population 6,800) and county (population 16,000) remain relatively small and rural. In 1974, the circuit courtroom, which had been unchanged in fifty years, was badly in need of repairs and appeared generally tawdry and shopworn. With the leadership of an energetic and enlightened judge and the support of the fiscal court (the county administrative body), a program of courtroom renovation was then begun that also was intended as a model for other rural courtroom renovations in the state.

Three goals predominated in planning the new courtroom: obtaining a working space that made no sacrifices in functionality, restoring an image of respect and dignity, and carefully controlling the total renovation cost. The essence of the design approach was to retain and use the forty-foot-square courtroom and its adjoining spaces while creating within it a functionally new courtroom, using newly designed and selected furnishings, light fixtures, and colors. To make fullest use of the bare courtroom space, new furniture was arranged symmetrically in an elongated circle aligned with one diagonal of the room. Furniture and casework outline the judicial area in the shape of two opposite semicircles separated by a square area. Jury seating occupies one semicircle which terminates at the bar running along the room's other diagonal. The other semicircle seats, in sequence, the clerk, judge, reporter, and witness, with the bench located slightly off center near one corner of the room. Two counsel tables face each other across the well of court and also separate the jury and judicial semicircles.

The bench, which is large enough to seat a three judge panel of the appellate court, is elevated three steps and the witness stand one step, while all other seats are at floor level. A large lighting fixture suspended from the ceiling repeats the elongated circular plan. Seats are upholstered in brown fabric and the casework repeats this tone in wood grain. Walls, ceiling, and carpet are light tan shades set off by darker brown wood trim.

Seating for forty-six spectators surrounds the jury box and is separated from the judicial area by the bar, emphasizing a strong sense of community between those two groups of citizens. A calm and orderly atmosphere is apparent in the courtroom, taking its tone from the quiet restrained color scheme, the symmetry of arrangements, the sense of spaciousness, the care of detailing, finishing, and maintenance, and the coherence of the total design. Functionally, the room has been well received by its users because it has excellent acoustical and visual characteristics and allows wide flexibility to all trial participants. Modern electronics and audio-visual aids are employed unobtrusively and for the benefit of attorneys, jurors, and judge. Furniture and

casework designs are clean-lined, graceful, and contemporary but avoid materials or finishes that might not wear well, either physically or stylistically.

Although the Morris and Mercer County courtrooms are distinctly different in design and execution, and although one is almost 150 years old while the other is a renovation barely five years old, each space realizes a similar image of dignity, order, calm, and respect. Each retains a sense of continuity, one by its inherent age and the other by its careful fitting into a traditional setting. Each in its own way exemplifies a combination of successful function and image which should be the aim of courtroom design.

In sum, a county courthouse or other court facility is one of the few building types specifically designated to be an architectural image of a local heritage. Its image ought to conform to the essential elements of that heritage, to the degree they are founded upon still-valid concepts and do not derive from accommodations that were made to designs which failed to respond to local needs. To discern such underlying design features demands an experienced eye, sensitive to the surrounding present and historical architectural environment, and fully aware of local and national court processes alike.



**END**