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THE IMAGE OF JUSTICE:
Facility Planning for the Courts

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THE AMERICAN UNIVERSITY
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
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Washington, D.C.

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The Image of Justice
Facility Planning for the Courts

Lawrence Siegel
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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The problem is not simply one of old or outdated facilities.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, caseflow 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
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 perimeters 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

<table>
<thead>
<tr>
<th>Court</th>
<th>Public Officials</th>
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<tbody>
<tr>
<td>Judges</td>
<td>Prosecutors</td>
</tr>
<tr>
<td>Operational Staff</td>
<td>Defenders</td>
</tr>
<tr>
<td>- Clerks</td>
<td>Law Enforcement</td>
</tr>
<tr>
<td>- Probation</td>
<td>- Police</td>
</tr>
<tr>
<td>- Recorders</td>
<td>- Sheriff</td>
</tr>
<tr>
<td>- Registers</td>
<td>- County Offices</td>
</tr>
<tr>
<td>Administrative Staff</td>
<td>- Tax Assessor</td>
</tr>
<tr>
<td>- Secretaries</td>
<td>- County Clerk</td>
</tr>
<tr>
<td>- Bailiffs</td>
<td>- Other</td>
</tr>
<tr>
<td>- Law Clerks</td>
<td></td>
</tr>
<tr>
<td>- Administrators</td>
<td></td>
</tr>
</tbody>
</table>

| Private Bar and Related       | Public          |
| Attorneys                     | Litigants       |
| Legal Service Personnel       | 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.
II. Determining the Adequacy of a Court Facility: The Question of Standards
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

* 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 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.
III. Factors Influencing Court Facility Needs
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.
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.
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.
IV. Common Facility Problems in State and Local Courts: The Technical Assistance Experience
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

<table>
<thead>
<tr>
<th>Problem</th>
<th>Major Contributing Cause</th>
</tr>
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<tbody>
<tr>
<td>Insufficient space</td>
<td>Caseload growth</td>
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<tr>
<td></td>
<td>Constitutional/Legislative changes</td>
</tr>
<tr>
<td></td>
<td>Introduction of new court programs</td>
</tr>
<tr>
<td>Inadequate facilities</td>
<td>Changes in volume/mix of caseload</td>
</tr>
<tr>
<td></td>
<td>Constitutional/legislative changes</td>
</tr>
<tr>
<td></td>
<td>Facility deterioration</td>
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<tr>
<td>Security</td>
<td>Changes in volume/mix of caseload</td>
</tr>
<tr>
<td></td>
<td>Constitutional/legislative changes</td>
</tr>
<tr>
<td>Need for system-wide facility planning</td>
<td>Constitutional/legislative changes</td>
</tr>
</tbody>
</table>
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
of court space in a given jurisdiction can be assessed. Suggestions for developing such guidelines and conducting these assessments are provided in Chapter VII.

3. Inadequate Security

Almost every court studied by the CCTAP demonstrated some security problems, although some were more critical than others. Violent incidents or credible threats to court personnel did not necessarily trigger a concern with security by either CCTAP staff or local officials. Often, it was apparent that, despite the absence of overt incidents, the lid was just barely being kept on a potential pot of trouble.

Court security problems can pervade a court building. Many court activities, not only criminal trials, are inherently tense in their involvement of antagonists. Contested domestic relations cases, juvenile and landlord-tenant cases are among the most volatile proceedings and believed by many court personnel to be more dangerous than criminal proceedings. Many court employees also feel distinctly uncomfortable about being in the same facility as prisoners.

The propriety of the judicial process is also a major factor in addressing court security issues. For example, it is extremely important to provide for the isolation of jurors from trial participants, to segregate witnesses in separate waiting rooms and to separate judges' circulation from that of other trial participants.

Two specific security problems were commonly identified during the course of technical assistance assignments: (1) a lack of secure holding and circulations spaces and (2) too few qualified security personnel. These two problems have proven to be the most intractable difficulties to remedy in existing facilities.

Secure circulation often is impossible to add at any price, although space for securely holding prisoners can usually be found, even if it is not as convenient to courtrooms as one might want. In many courts, security personnel are provided in name only, especially where the position of bailiff has evolved into a position to provide personal service to the judges rather than courtroom security. In other jurisdictions, sheriffs' deputies possess the necessary capability to provide security service to the courts but are not available in sufficient numbers to satisfy all court security needs.

The lack of qualified security personnel in the courts has been due primarily to two factors: (1) the frequent fragmentation of responsibility among local agencies for providing court security services, and (2) the lack of funds to hire and train security personnel in the court. Jurisdictional disputes between agencies with security duties are common. Among those charged with providing court security are sheriff's and marshal's department, building security guards, jail guards, state correctional officers, bailiffs, and court officers. Even
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?