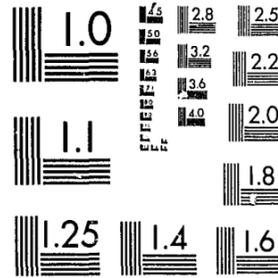


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COURTHOUSE RENOVATION STUDY -  
MECKLENBURG COUNTY,  
NORTH CAROLINA

September 1980

Consultants

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U.S. Department of Justice  
National Institute of Justice  
76205

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TABLE OF CONTENTS

	<u>Page</u>
Excerpt from report of the Grand Jury, Mecklenburg County, Superior Court, November Term, 1925. . . . .	i
I. INTRODUCTION . . . . .	1
II. SUMMARY OF PROBLEM . . . . .	4
III. FACILITY DEFICIENCIES. . . . .	6
A. Courthouse Deficiencies . . . . .	6
B. Courthouse Annex Deficiencies . . . . .	11
C. County Office Building Deficiencies . . . . .	12
IV. ESTIMATED GROWTH OF FACILITY NEEDS . . . . .	13
Table 1 - Caseload and Courtroom Estimates . . . . .	16
Table 2 - Mecklenburg Filings. . . . .	17
V. PRESENT AND FUTURE DEPARTMENTAL NEEDS. . . . .	18
A. Superior Court Clerk. . . . .	18
B. Judges' Offices . . . . .	19
C. Courtrooms. . . . .	20
VI. POTENTIAL RESOURCES FOR IMPROVING COURT FACILITIES . . . . .	21
Figure 1 - Governmental Center Area, Charlotte . . . . .	23
A. County Office Building. . . . .	25
B. Courthouse Annex. . . . .	27
Figure 2 - Courtroom arranged on 24' Column Grid . . . . .	28
Figure 3 - Courtroom Layout, North End of COB. . . . .	29
C. County Courthouse . . . . .	31
VII. THE PLANNING PROCESS . . . . .	33
APPENDIX A - EXCERPT FROM "THE IMAGE OF JUSTICE"	

This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U.S. Department of Justice.

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"

COURT HOUSE

*By committee we have inspected the Court House and find same to be kept as well as could be expected from the general condition of the building. Offices are crowded, especially the office and vault of the Clerk of the Court where we find space for the fast accumulating records of the office to be so lacking that he is forced to put records on the floor and use the Register of Deeds office. The close proximity of the Grand Jury room to the court room causes inconvenience and interference one with the other. Prisoners room is in another part of the building and the provision for the officers of the court are far from modern (sic) or are in a manner suitable for such offices.*

*The Grand Jury is pleased to note that some action has been begun by the Board of Commissioners toward the erection of a much needed modern court house."*

*(excerpt from report of the Grand Jury, Mecklenburg County, Superior Court, November Term, 1925)*

I. INTRODUCTION

Little more than two years ago, the new Mecklenburg County Courthouse opened its doors amid critical acclaim from the state chapter of the American Institute of Architects and muted criticism from its occupants. The paradox of a prize-winning design set against a long list of functional deficiencies in a major public building sets the background for this report.

The broad base of dissatisfaction with the courthouse among courthouse users has prompted the General Court of Justice in Mecklenburg County to request outside assistance to address its facilities problem. On behalf of the General Court of Justice, the North Carolina Department of Crime Control and Public Safety requested that the Criminal Courts Technical Assistance Project provide this professional consulting assistance. Mr. Lawrence Siegel, Criminal Justice Facilities Planner, and Mr. John Daniel, Technical Assistance Specialist with the Project, provided the requested assistance. Messrs. Siegel and Daniel visited the Mecklenburg County Courthouse July 21- 25, 1980 to inspect the facilities and meet with the principal users. The level of effort required to address all of the court's facility problems was greater than the resources that could be devoted to this assignment. The purpose of this study is to bring together, in one report, substantive guidance on three topics:

- a description of current and likely future court facility deficiencies;
- an analysis which points to possible routes or options that might relieve the major deficiencies; and
- an examination of steps that could be taken to develop a facility improvement program which avoids repeating past missteps

It is neither germane here to discuss which aspects of the planning and design process may have led to the facility problems now plaguing the courts nor to consider the esthetics of the design, but it is impossible not to be concerned about the influence of a design award that appears to have ignored functional quality as a criterion of good architecture. The long list of functional deficiencies presented in the report might have been expected of a courthouse after many years of occupancy where changes in the court's facility needs had been handled by a sequence of improvisations that gradually piled compromise onto compromise until nothing worked properly. However, this is a major new courthouse; within the constraints of its budget it should be significantly free of problems. Inevitably, this facility may be taken as a guide for new designs in North Carolina, as is the import of this excerpt from Volume Two, page 380, of 100 Courthouses, A report on North Carolina Judicial Facilities, published in 1978 by the School of Design, North Carolina State University at Raleigh, for the Administrative Office of the Courts:

"The principal design question remaining unanswered is an intangible one - does the new courthouse provide an appropriate symbolic vessel for the administration of justice? A design of unquestioned sophistication, Mecklenburg's new courthouse is the most intriguing North Carolina court building of the modern era, an architectural epoch which has not yet demonstrated convincingly its ability to create buildings not only of functional and technical excellence but of grandeur and meaning - one crucial test of a mature culture."

The main goals of this assistance have been to identify the most serious functional deficiencies and to construct a corrective program that could be cooperatively carried out by the Superior and District Courts and

the county government. The authorized level of effort in this study is intended to deal only with the most urgent courthouse-related difficulties. Many specific technical problems have not been addressed in this study because of the need to concentrate on laying out a planning program which can be followed to develop effective solutions for the many individual facility problems. Court and county officials will have to carry out that program with the help of qualified technical specialists. This report is simply the first step of what should become a continuing program to deal with the dynamic development of court facility needs.

II. SUMMARY OF PROBLEM

Two major problems affecting the Mecklenburg County Courthouse must be faced. First, it has a number of inadequacies reducing the courts' ability to carry out their business. Second, the courthouse has insufficient area for the current and future space needs of the courts and related agencies. Overlying this deficiency, there is an urgent need to institute a planning process that can attempt to solve present problems and anticipate future problems.

Facility inadequacies can be improved modifying existing space within the courthouse and by adding space. The lack of sufficient area for current and growth needs also require additional space. Consequently, a major objective of this assistance has been to examine the relative benefits of different ways of adding space. That resolves to a choice between two alternatives to provide the needed space and capabilities: constructing a courthouse extension or adapting existing facility resources. The County Office Building's proximity to both the County Courthouse and the Courthouse Annex, coupled with its area and dimensions, point to the importance of determining whether and how that structure can be adapted to provide additional court facility space. As this report will explain, this may be an attractive alternative.

How can the planning process be successfully established? The major recommendations is to develop and apply a concept of inclusive planning which depends upon the participation and cooperation of the major occupants, county government officials, interested citizens, and technical specialists. This process should enable the court to develop flexible planning procedures that can respond easily to present and future facility needs. For such planning

to be effective, it must be supported by a data base of past and current operating statistics of the several agencies so that near future needs can be assessed before they develop into problems.

### III. FACILITY DEFICIENCIES

Facility deficiencies exist in this courthouse which are not of a trivial nature. An examination of any of the published planning and design guidelines for court facilities, buttressed by ordinary awareness of the roles and functions of court agencies and personnel, will point out a number of serious deficiencies. Additionally, there does not appear to have been any planned capability to accommodate the need for functional change and growth in the facility.

Court agencies currently occupy space in the courthouse and three other buildings: the County Office Building, the Courthouse Annex; and the Court Arcade. These facilities constitute the current space resources that can be used, if needed, to offset deficiencies. However, the Court Arcade is not of sufficient utility to be considered for any future role in satisfying court facility needs and will not be discussed further here. Although the County Office Building occupies a prominent role as a potential facility resource for court needs, it was not possible to consider the utility of the building in great detail. It is beyond the scope of this assignment to comment on its deficiencies, if any, except in reference to those spaces actually coming within our limited examination.

The following lists of problems are not ranked by priority. Their relative significance will be discussed in Section VI of this report.

#### A. Courthouse Deficiencies

- The weight of files in the Civil Department of the Clerk's Office appears to have exceeded allowable floor loading limits. Floor space cannot be intensively used for equipment or personnel because file weight demands

unloaded adjoining areas. Sightings along the top of three lines of file cabinets revealed about a one inch deflection midway between columns. A structural engineering analysis should immediately be made to determine the significance of this observation.

- The Clerk does not have a hearing room designated for use in his capacity as Probate Judge or a jury courtroom to hear competency proceedings.
- Offices adjoining courtrooms for courtroom clerks are exceedingly small.
- Cashier stations in the Clerk's offices are not provided with emergency alarms.
- Cashier stations in the Clerk's offices have thick glass windows, possibly bullet proof, but with two large holes in each that would not defer the use of weapons.
- The Clerk's offices are contained in a number of rooms, each fully partitioned, so that differential expansion or sharing of space is not feasible.
- Fire safety of the Clerk's records may be a problem. There do not appear to be any fire protection or control systems.
- The Clerk's records and supplies are stored in four buildings. In two, particularly, access is difficult and arrangements are not convenient. These are the Court Arcade and the former jail on the fourth and fifth floors of the Courthouse Annex.
- Security presents a number of problems. The only secure separated circulation is one elevator connecting the first floor holding cells to small cells on the second and third floors. These cells are

located at one end of the long private corridor behind the row of courtrooms, just at the connecting door to the public corridors. The private corridor is the means of circulation for judges and staff to all courtrooms. On the third floor, this location also adjoins the door to the suites of judges' offices. The cells are not directly connected to any courtroom, so detainees are escorted through the rear, private corridor between cells and courtrooms. Emergency alarm actuators are located only at judge's benches in the courtrooms and only signal visually in the private corridor. They are prone to false actuations by accidental nudging. Alarms did not appear to be provided at the second or third floor holding cells. There is no emergency communications or public address system. Five of the eight third floor courtrooms have rear private corridor access only through the judge's office or jury room. Detainees usually are escorted through the judge's office to enter and leave the courtroom. Parenthetically, it may be noted that the number of bailiffs on security duty was small in several locations, including the rooms used for domestic relations proceedings. Domestic relations and juvenile proceedings usually are most prone to security problems.

- No cabling or conduits appear to have been provided for audio or video wiring. Courtrooms in which audio tape recorders are used to record proceedings have no cabling provisions available so that wires are strung about the floors and furniture. No public address capability is evident.
- The two small non-jury or hearing rooms, No's. 208 and 209, are very crowded, especially for potentially violent domestic relations cases.

The counsel tables are excessively large for such proceedings and cannot be moved to increase separation between parties because they are fixed to the floor.

- Lighting and acoustics in the courtrooms are not adequate. From the spectator seats it is difficult to hear and understand witnesses, counsel, or judges. Excessively contrasting lighting has resulted in reports of hypnotic or sleep-inducing effects. Lighting at counsel tables is from overhead spots which cast a strong shadow directly over any writing that is attempted.
- Offices for resident judges are drastically below recommended standards both in their areas and in the absence of private toilets. This applies to Superior and District Court Judges alike.
- Offices for visiting Superior Court judges are used as entrances to courtrooms, thus affording virtually no privacy. Furnishings and areas are not adequate.
- Only two small toilet rooms are provided for all fourteen judges.
- The room formerly designated as a witness waiting room is now used to house District Court reporters. No other spaces are provided for witnesses. The two public anterooms adjacent to each courtroom are designed as conference rooms and are not used as witness rooms. Three of those third floor conference rooms are now in use as offices (one each by the District Attorney, Public Defender, and State Auditor) and one on the second floor is used by the police.
- Space now used by court reporters is barely adequate, at best, and without growth potential.
- The jury pool room is too small to comfortably hold the number of jurors currently called. It has no private toilets, drinking

fountain, or food or beverage facilities. The room is excessively warm from radiant heating through the north window wall. Smokers and non-smokers do not have separate areas. The jury pool is not protected from public view (and potential intimidation). Safe and prompt evacuation in an emergency might be difficult through the very narrow aisles. Indoctrination of jurors, including audio/video presentations, is not feasible in the jury pool room because of its size and furnishing plan.

- There are no private elevators or stairs for staff or judges.
- Glare and radiant heating through the north window wall seem excessive.
- Many of the room designations and other signs, which appear to be vinyl letters, already have been partially destroyed from normal wear and tear.
- Temporary signs and announcements often are illegible handwritten papers.
- Because jurors access most courtrooms through their deliberation rooms, it is not feasible to start another jury trial while a first jury still is deliberating.
- Courtroom 204, now used as a traffic courtroom, is without convenient ancillary features (cashier and other clerical stations) or a circulation plan to efficiently handle the large volume of short duration cases.
- None of the superior courtrooms had adequate public seating capacity in which jurors may be impanelled in capital cases or given indoctrination lectures.

- Courtroom public seats are hard wooden benches. Complaints have been made about the resulting discomfort.
  - Room No. 108, leading to the building's mechanical equipment, was unlocked and could be entered by anyone. This can be dangerous to security and is careless, at best.
- B. Courthouse Annex Deficiencies
- Courtroom 61 A is used for a heavy calendar of first appearances and preliminary hearings with summoned and in-custody defendants. It has neither adequate public seating capacity nor convenient outside waiting space. Public access is through an extremely narrow corridor created by construction of a holding cell in the main corridor. The holding cell has no toilets and cannot be used except for short periods. Circulation in the judicial area of the courtroom is poor because of lack of space. Air conditioning in the courtroom is inadequate for the number of persons present because the space was not designated as a courtroom in the recent renovation contract. The only means of access is through the single public door, although there are two small anterooms in the judicial area. An elevator shaft, which adjoins one of those rooms, might provide private access for judge and staff, or the anterooms could be opened to adjacent maintenance rooms.
  - Courtrooms 1 and 2 on the second floor are now vacant but are being considered for possible reuse. Currently, neither has an effective holding cell or any form of secure access for detainees. Recent renovations removed the toilet from the former holding cell at Courtroom 1.

- Courtroom 108 is used for domestic violence hearings and juvenile hearings. These are the proceedings that are most likely to produce security problems, because of their extremely tense emotional content. Security features in this courtroom are in need of improvement. Counsel tables are too close to safely separate emotional litigants in domestic cases, particularly in cases already labelled as "violent". The entrance to the courtroom is constructed of glass doors and panels and could be broken in an altercation, possibly causing serious injuries. Only one bailiff was in attendance at the time of our visit, a condition which stretches the security presence very thin for such volatile proceedings. In the judicial area, there were no procedures or clear circulation routes to keep opposing parties separated when entering or leaving. This situation offers an opportunity for overwrought emotions to explode into violence.

C. County Office Building Deficiencies

As noted above, this facility has not been studied except for the spaces that are designated for current or potential use for court agencies.

- The evidence room in the basement, used by the Clerk, is small and crowded. Its security could be compromised because of the method of locking.

IV. ESTIMATED GROWTH OF FACILITY NEEDS

Turning from current facility problems to the growth needs of the courts, it is important to have some estimate of what kind of caseload growth might be expected. Caseload growth forecasts are notoriously inaccurate, even when based upon the best of data and with ample time for analysis, neither of which was available in this study. Thus, we will not attempt to predict caseloads, but we can recognize past trends and speculate on the meaning of their continuance. The data used for this analysis were obtained from the annual reports of the Administrative Office of the Courts for the years 1970 (calendar) through 1979 (fiscal). They are not complete but do give evidence of several strong trends during that period and, taken with Mecklenburg County planning estimates of future county population, give some basis for looking forward.

First, the population forecasts of the County Planning Department are being revised to include 1980 census data, which is just becoming available. Table 1 shows an adjusted county population forecast. It is based upon 1975 analyses, decreased by the author to account for county planners' estimates of the 1980 census data. The decrease reduces both the 1980 population and the projected rate of growth through 2005. Significantly, a strong rate of growth is still estimated for Mecklenburg County, amounting to about 6,000 persons per year.

Table 2 shows representative summaries of cases filed with the Superior and District Courts since 1970. Although there is considerable variation within categories of caseload, the total figures for the last nine years have shown growth, particularly in Superior Court. It appears that both civil and criminal filings in Superior Court increased during this period.

In District Court, domestic filings increased drastically from the mid 70's but juvenile hearings and alleged offenses decreased dramatically. District Court civil filings increased but criminal filings decreased slightly.

Assuming that the total rate of filings in both courts relates well to the county's total population change, and accepting, as a guideline only, that county population will grow about as expected and that caseloads will remain in step with that change, we can draw some conclusions about total filings in each court for the next twenty five years, or so. These also are shown in Table 1.

In Superior Court, filings might add about two thirds during the next decade and reach about two and one half times their current level in about twenty five years. District Court filings have been varying widely for the last ten years and are difficult to project with confidence beyond the next ten years. During that next decade, exclusive of Trial Magistrates, filings could increase about ten percent, primarily in the civil caseload. Trial Magistrate filings have been increasing steadily and could continue at that rate for another decade.

Courtroom needs for Superior Court could increase at the approximate rate of one additional courtroom every three years. For District Court, where civil cases require more judges' time, on the average, than criminal cases, an overall increase of about two courtrooms is estimated for the next decade. Beyond that time, additional needs seem likely and have been estimated here to continue at the same rate.

From those estimates, qualified as they must be by a host of assumptions whose premises are virtually impossible to assess, we can, nevertheless,

come to some idea about what magnitude of problems may have to be faced within the next ten years. It appears to be substantial, when measured in net square feet of space needed for court operations. These estimates indicate a need for at least one fourth again as much space by 1990 as currently is provided for the court and related agencies. That estimate may not apply across the board to each agency and needs to be verified in detail for each judicial department and agency, but its import is clear. If caseloads in both courts continue their trends of the last decade, and if county population continues to grow more or less as it has during that same period, a marked increase in the size of court facilities will be needed within about ten years from now with a similar increase for each of the next one or two decades.

As a measure of the urgency of these estimates, we may refer to a study, carried out in 1970, of county and city space needs. Without commenting upon the assumptions or premises of that study, it appears that the projected space needs over the period 1970 - 1975 proved to be about 100 percent too low for county needs and about thirty percent too low for city needs.

TABLE I

CASELOAD AND COURTROOM ESTIMATES

DATE	POPULATION	<u>SUPERIOR COURT</u>		<u>DISTRICT COURT</u>			<u>CTRMS.</u>		<u>TOTAL CTRMS.</u>	
		TOTAL FILINGS	CTRMS	MAG'TE	FILINGS CIVIL	CRIMINAL	CT. MAG.	CT. MAG.		
1980	400,000	5,300	6	20,000	12,000	68,000	10	4	16	4
1990	460,000	8,500	10	37,000	22,000	64,000	12	6	22	6
2000	520,000	12,000	13	-----	-----	-----	14	8	27	8
2005	550,000	13,500	15	-----	-----	-----	15	8	30	8

TABLE II

MECKLENBURG COUNTY COURT FILINGS\*

YEAR	SUPERIOR				DISTRICT								
	CIVIL	CRIMINAL		TOTAL	SC	CIVIL			TOTAL	MOTOR VEH.	CRIMINAL	TOTAL	
M		F	DR			J.	OTHER	OTHER					
1970	1160	----	----	----	8487	(2775)			4962	7732	46794	35478	82272
1971	1124	813	711	2524	9088	699	2444	4746	7889	42660	38950	81610	
1972	1043	691	1464	2155	10221	611	(2000)	5052	7663	46314	37653	83967	
1973	891	976	1094	2071	10799	461	(2400)	6321	9182	47748	39002	86750	
1974	1201	978	1184	2142	14958	585	(2500)	6927	10012	36938	36882	73820	
1975	1433	1320	2037	3857	16534	823	(2000)	7138	9961	34484	41174	79658	
1976	1268	1463	1882	3345	15823	1279	2123	7759	11161	41775	34246	76021	
1977 FY	1387	858	2140	2998	17466	3498	1520	5163	10181	52594	25951	78545	
1978 FY	1637	1216	2271	3487	17932	4096	1419	4707	10222	52208	21364	73428	
1979 FY	1704	1711	1585	3296	18349	6235	(1300)	4994	12529	48764	20677	69441	

\* Source: Annual Reports of Administrative Office of the Courts

V. PRESENT AND FUTURE DEPARTMENTAL NEEDS

Within the limited scope of this project, it is possible only to skim the surface of the individual needs of the court and related departments. Several points are clear, however, and are reviewed below.

A. Superior Court Clerk

The Superior Court Clerk's office is already spread into four buildings. Without major changes in its file storage and records management procedures to vastly shrink the amount of records stored, it will not be feasible to consolidate these files in the courthouse. Also, and very significantly, unless the courthouse structure is proved to be capable of safely supporting the weight of files, it will not be possible to increase the density of records storage in that building. The growth of staff positions, which should proceed at least as rapidly as the increase in total Superior and District Court caseload, could require additional space within two to five years. Unless other occupants of the courthouse are displaced to make room for the Clerk's staff, further fragmentation of that office will become necessary. In that case, personnel as well as records will have to be located in other buildings.

As the growth of total court caseload begins to require additional space, perhaps in the County Office Building, the operations of the Clerk's Office should be analyzed to determine how best to relocate its internal units. It may also be necessary to realign the division of work within the office to suite available space. The major key is to relocate integral units so that the work flow can remain efficient. Preferably, such units should relate to the courtrooms that are moved with them.

B. Judges' Offices

The deficiencies cited here in judges' offices are serious and should be corrected as soon as possible. Their areas are not adequate for the normal case-related work that should take place in judges' offices, including pre-trial conferences, case settlement conferences, small hearings, and other procedures that do not require courtrooms. Within a very few years, the caseload growth forecast in this report would require judges to be added to both courts and offices will have to be found for them. In addition, the disgraceful facilities for visiting judges must be improved.

Two approaches can be followed to bring about these improvements. In either, additional space will be needed to enlarge judges' offices. The first method is to renovate the judges' suites to contain about half the number of larger offices. That necessitates finding a location to construct an equal number of offices that were displaced. If this is done in the courthouse, other occupants would have to be displaced, presumably to the COB. One possibility is to move all the magistrates to a new magistrates section to be constructed in the COB. The major disadvantage of this general approach is that it would not provide for growth in the total number of judges' offices.

A more satisfactory approach might be to deal with current deficiencies and near future growth needs simultaneously. One method to accomplish this would be to move judges' offices and courtrooms to planned locations in the COB. As this movement takes place, improvements can be made in the judges' suites so that, over a period of time, two suites of judges' offices will be developed, one in the courthouse and another in the COB. In the initial phase, more offices would be moved than courtrooms so as to gain space for improvements.

C. Courtrooms

Courtrooms can be improved by providing better lighting and acoustics, but the quantity of courtrooms is estimated to require an increase at the rate of about one additional courtroom every two years. Within the courthouse, additional courtrooms could be constructed only by relocating other major space users, primarily the Clerk. For reasons cited earlier, especially security, additional courtrooms in courthouse are not recommended. As a result, expansion of courtrooms in another building seems the most satisfactory solution.

VI. POTENTIAL RESOURCES FOR IMPROVING COURT FACILITIES

The number of current problems in the new courthouse is large, the possibilities for accomodating normal change and growth within the building are few, and the resources that might be used to improve the situation are diverse and interrelated.

Long term solutions are needed for current problems as well as for potential future needs. The possibilities for each are not independent, however, because square feet added to the current space inventory can be planned and used to remedy its deficiencies as well as to accomodate growth. Courthouse deficiencies require individual correction, rather than a blanket solution, but some may better be corrected by being relocated to another facility. Spaces which will remain in use for their planned functions will need improvements of their most significant problems (e.g., improved courtroom lighting and acoustics) while other spaces might be modified to substitute for missing functions (e.g., to provide additional holding cells or private toilets). Other problems are more widespread and may involve a number of individual spaces which are not easily changed. Chief among these is security, which might resist any marked improvement unless the criminal and other processes needing better security can be relocated to a more secure facility specifically planned for them.

The fundamental ways to improve the facilities are these:

- reorganize the use of space;
- renovate existing spaces and make them more suitable for existing needs;
- acquire additional existing space that can be made suitable for court use; and,

- construct additional space which is suitable for court use.

These methods apply to the three major facilities now housing court and related functions: the County Courthouse; the County Office Building; and the Courthouse Annex. They are shown in Figure 1. Each of these facilities can be improved by selecting appropriate methods, singly or in combination, that can achieve the desired results at acceptable costs. The recommended approach is to study first the least expensive means, space reorganization, and then work into the more expensive ways of resolving remaining defects.

To begin, the resources currently available for court facility improvement can be identified. Within the County Courthouse there is little or no unused space, but some small improvements may be realized by reassigning space from one function to another. A current and large potential resource is the County Office Building, where unused space which previously housed court operations could be put back into appropriate use in reasonable time. If the recommended new county or city/county office building is constructed in the government center, or if some agencies temporarily can be moved into renovated space in the Sears building on Tryon and College Streets, space could become available in the existing COB. That building should be analyzed to judge its value for remedying some courthouse problems and shortages. Another resource is the Courthouse Annex. Currently used by court and related agencies -- and despite its previously noted inadequacies -- it contains additional space that might be suitable for other court functions.

If current resources cannot satisfactorily be used for current and near future needs, than it would become necessary to think about new construction. That could take the form of an extension to any or all of

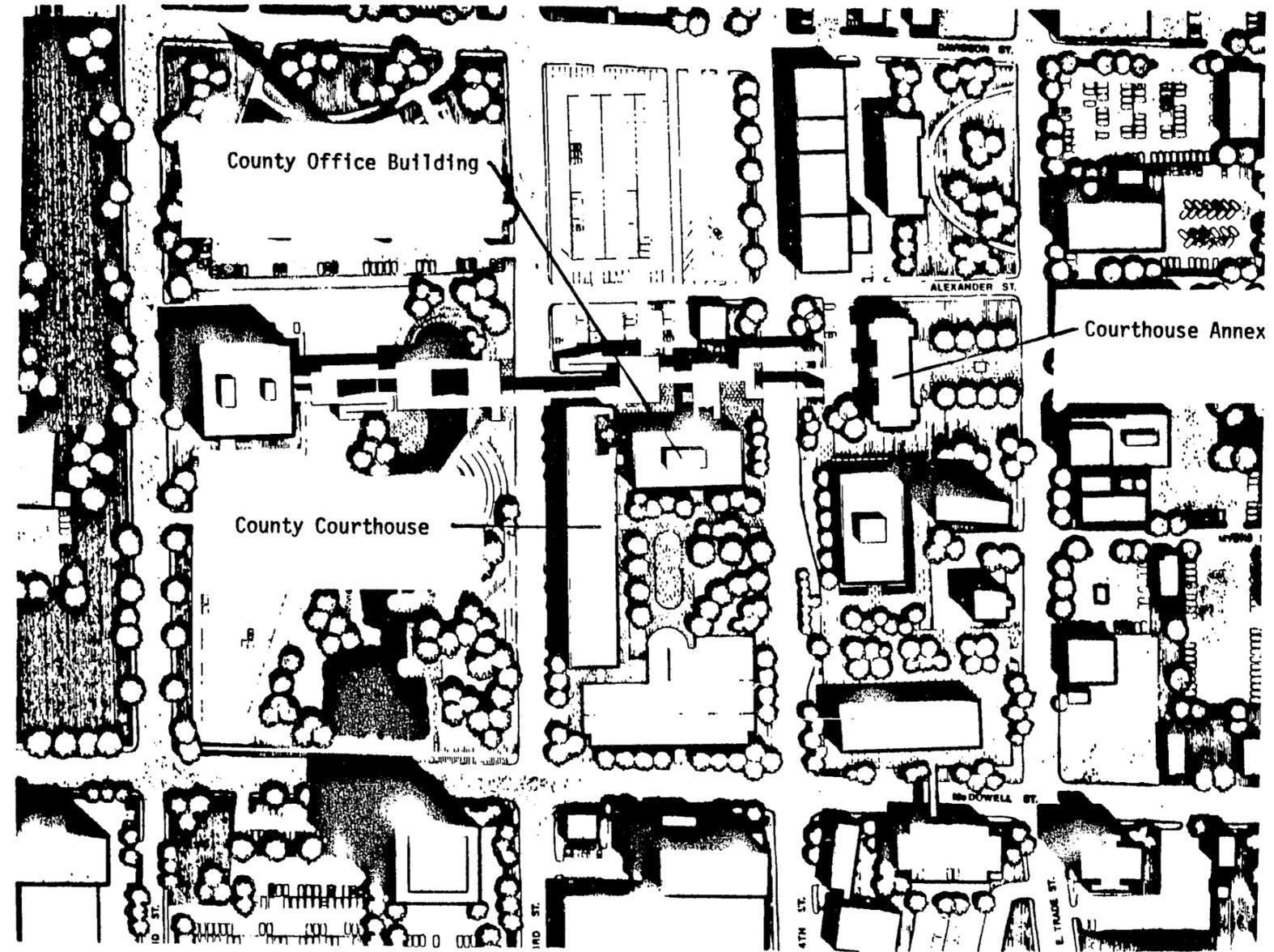


FIGURE 1: Government Center Area, Charlotte

the three facilities or even, at least in theory, an entirely new court facility. The latter choice does not now appear warranted.

Referring to the analysis of caseload growth, the need for additional space soon could become acute, requiring an area approximating one fourth of the current inventory. The significance is best appreciated in terms of net square feet, the measure of functional space.

- The County Courthouse contains about 51,000 net square feet of functional space, averaging about 17,000 nsf per floor. All this area is used for court and related activities.
- The County Office Building contains about 64,000 net square feet of functional space, exclusive of the basement, averaging about 16,000 nsf per floor. A fraction of this area now is in use for court activities, including the (vacant) Domestic/Juvenile courtroom suite, Clerk's storage (in the basement), the Public Defender's office, and the pre-trial offices. These add up to about 9,000 nsf.
- The Courthouse Annex contains about 44,000 net square feet of functional space on four floors plus about 15,000 square feet of storage space on the jail floors. Perhaps as much as half of that storage is used by the Superior Court Clerk.
- Clerk's storage may occupy about 2,000 nsf in the Court Arcade.

These data compile to about 108,000 nsf of functional space currently in use for court and related agencies. This total includes the various state and county agencies which are part of the criminal justice system.

A total of about 26,000 net square feet of space then appears to be the anticipated deficit accumulating over the next decade. About 9,500 nsf

of this total now is vacant in the two large courtrooms of the Courthouse Annex and the Domestic/Juvenile courtroom in the COB. Perhaps 2,000 nsf, however, lie in the Court Arcade and another 7,500 nsf in the old jail, neither a satisfactory location. On balance, we can conclude that full use of the three vacant courtrooms would be offset by moving clerk's files to safer and more accessible space so that a total deficit of about 26,000 nsf still remains.

That deficit could be met by the net area of about one and one half floors of the County Office Building, once the Courthouse Annex was fully occupied by court activities. In this analysis, we can not yet discuss the suitability of any of these spaces for specific court use, simply their available functional area. The developing needs, however, center on courtroom needs, because courtrooms are at the core of case processing ability. Additionally, courtrooms are at the core of court space planning, because they demand special circulation provisions for public, private, and secure movement of persons.

#### A. County Office Building

A visual survey of the County Office Building was conducted to reach a preliminary assessment of its suitability for courtrooms. The scope of this assignment did not permit a schematic study, so the findings must be viewed simply as initial indications and should be supported by a more complete study prior to reaching any firm conclusions or undertaking any action. Based on the following data, initial indications show that useful courtroom complexes could be planned in this structure.

1. Column spacing in the COB is about 24 feet, compared to about 32 feet maximum, 21 feet minimum, in the courthouse. The significance of column

spacing lies in the desirability that courtrooms will not be interrupted by columns. The distance of 24 feet between COB columns is not sufficient to plan courtrooms that are free of columns, but it should allow acceptable sight lines and interior circulation patterns if courtrooms are carefully planned to place columns in the least objectionable positions. For example, a courtroom of 36 ft. by 36 ft., with symmetrical column locations at 24 ft. in from the exterior wall, would allow a judicial area of 36 ft. by 24 ft., space for up to 48 spectators, and about 12 feet between adjacent courtroom for jury rooms, conference rooms, cells, and other ancillary spaces. This arrangement is schematically illustrated in the sketch of Figure 2. Such a courtroom should fit in the length of the COB. Figure 3 sketches an arrangement of two courtrooms and ancillary spaces worked into the north end of the COB. Both sketches are purely schematic but are included here to lend support to the feasibility of using the COB for courtrooms.

2. Floor to suspended-ceiling heights in the COB are between 9½ ft. and 10 ft., ample for courtrooms of the size discussed in 1., above.

3. Interior circulation around the central elevator, stairwell, toilet, and mechanical core is ample for public use in a court configuration.

4. There are no private or secure corridors, stairs, or elevators in the COB. Security could be provided in exterior structures, similar to the towers housing stairwells and mechanical equipment in the courthouse. These structures could be located adjacent to courtrooms on several floors at the north end, closest to the jail, and could contain holding cells, secure elevators, and private staff elevators. They could connect to the ancillary spaces between courtrooms as shown in Figure 2. Private access to courtrooms also could be made within the ancillary spaces.

5. Connections to the courthouse could be added at other floors that are similar to the existing walkway to the courthouse second floor.

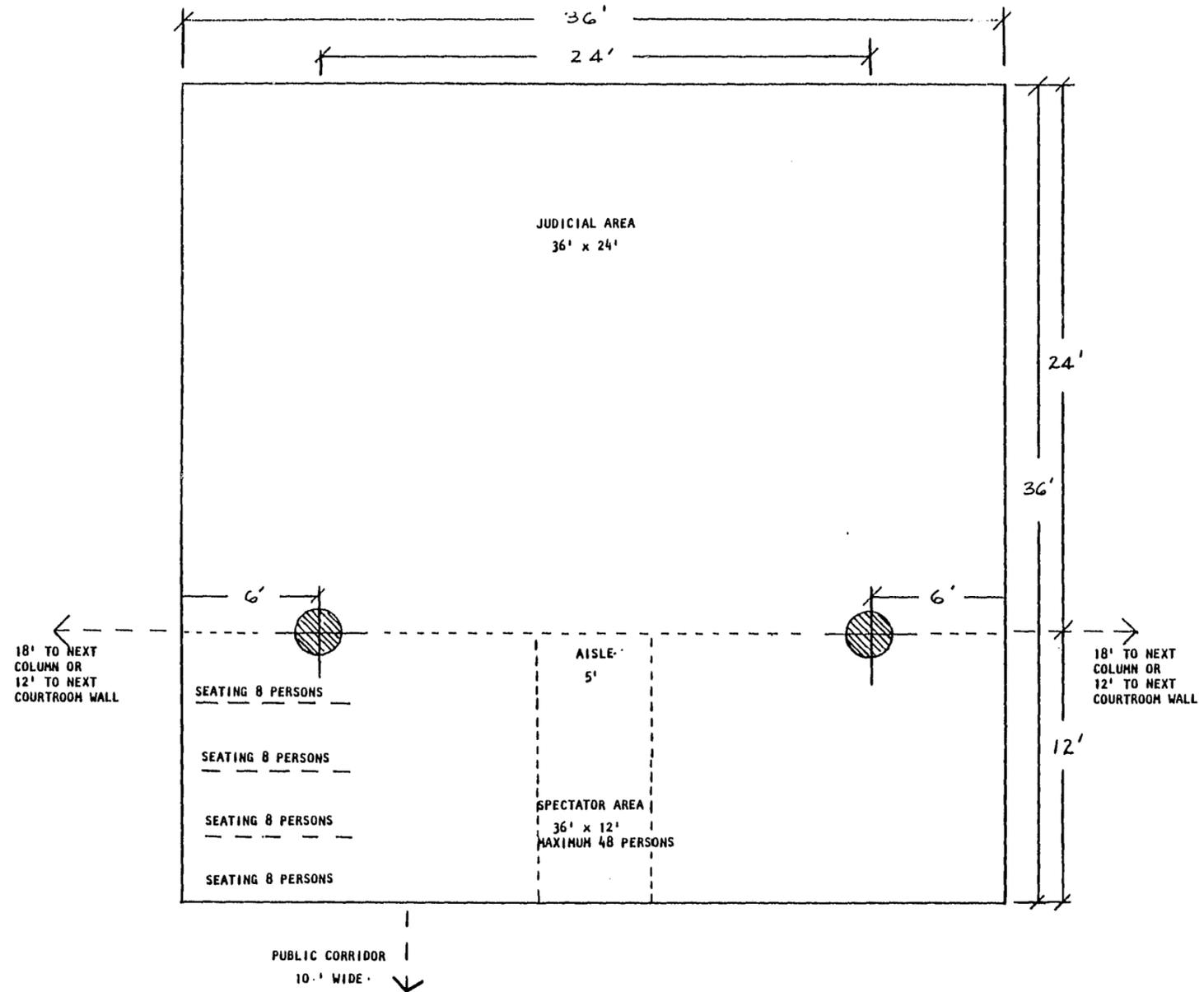
As a rough estimate, five to eight courtrooms with ancillary spaces might be contained on one floor of the COB. That could suffice for courtroom needs during the next decade, leaving another floor to be used for other necessary court spaces. In short, based solely upon the observations made in the COB during the site visit, and without ascertaining the quality or capacity of any of its systems either for current or potential court facility use, the COB appears to be a structure that could be renovated to become a suitable court expansion facility.

#### B. Courthouse Annex

The Courthouse Annex contains spaces which are suitable for courtrooms, but it suffers from a lack of private or secure circulation. Its major security feature now is a direct connection to the jail, leading to a large holding cell adjacent to courtroom 61A. The problems in this courtroom already have been mentioned; making major improvements while the courtroom remains in the present location does not appear likely. No secure vertical circulation which relates to the jail tunnel is available in the building, although courtroom No. 1, the large balconied room on the second floor, is connected to the fourth floor jail by an unused elevator. The holding cells at #61A and #1 could be renovated to replace toilet facilities but these improvements would not have a major effect on their own.

In considering the Courthouse Annex, it is necessary to make a distinction between immediate and near term needs for additional or more secure space. For near term future needs over the next decade, if the annex were to be renovated to become a criminal courthouse, significant interior modifications would be necessary. Exterior modifications or additions such as the security

FIGURE 2 - COURTROOM ARRANGED ON 24' COLUMN GRID



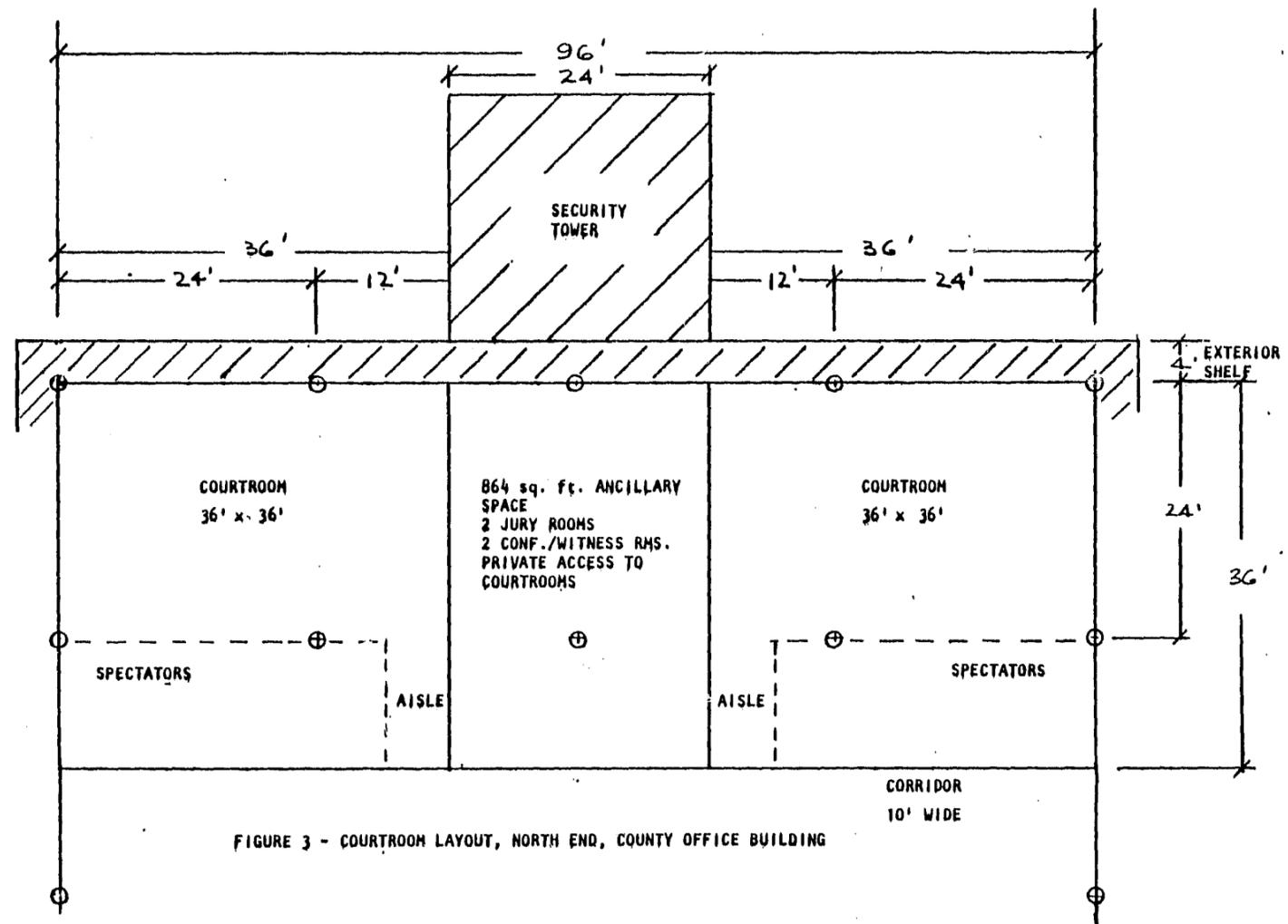


FIGURE 3 - COURTROOM LAYOUT, NORTH END, COUNTY OFFICE BUILDING

structures mentioned in the previous section would not, at first thought, be in keeping with the architectural design and integrity of the building. The number of feasible courtrooms providing good security could reach between, perhaps, six and eight. The creation of Judges' offices in the Courthouse Annex would present some difficulties, however, because of their distance from the courthouse and COB and the lack of interior connections between the three buildings.

Renovations of the magnitude needed for good security in a criminal courthouse probably would necessitate closing down all or much of the annex during the construction period, thereby taking a substantial portion of the currently used court space out of service. Interim housing would be needed. A thorough analysis of costs should be made to determine whether the proximity of the annex to the jail is, in fact, a significant advantage in providing better security.

Several other strategies can be postulated for using the annex as a solution to near term future needs. One is to convert it into a civil courts facility. Another is to dedicate it for offices and clerical spaces only. A third is to use it for domestic and juvenile functions, mixing courtroom and office functions. A fourth option is to use the annex to contain whatever functions may spill over from the courthouse as time goes on, subject to the proviso that those functions are more or less self contained and do not require public users of the courts to commute between buildings in following their matters through the courts. This fourth approach can be classified as one that deals with immediate problems, rather than near future plans, and appears to be the approach now being followed.

At this time, we cannot reach any conclusions about the best use of the annex, except that its security benefits seem questionable and its distance from the courthouse makes it a less than suitable location for a large number

of courtrooms, judges' offices, and jury rooms. Among possible uses, immediate needs for improved traffic court facilities are to be met in this building, it is strongly urged that the entire traffic operation be moved to that location. Traffic files currently are mixed with general criminal records in the clerical offices. That is cited as an objection to moving traffic clerk operations to any separate location. It might be wise to study the statutory basis for mixing records, especially in view of increasing computerization of the current files, to determine whether a more efficient method of records management could be found.

#### C. County Courthouse

A long list of deficiencies in the courthouse was presented earlier. Many of these are capable of being improved by specific treatments. These improvements should be undertaken for all spaces that are to remain in use for their current functions. Other improvements are more complex and are considered below.

For the immediate future, the Grand Jury facilities could be moved to the County Office Building, where they might occupy the Domestic/Juvenile courtroom suite. A police liaison office and witness room should be included in the new plan. Space in that area also seems appropriate for the state auditing office, now occupying a needed conference room. The Grand Jury room could also be used for public meetings and hearings of various boards and commissions when the Grand Jury was not in session. In its vacated County Courthouse space, expansion of the jury pool could be planned.

Using the vacated Grand Jury space, the jury pool could be expanded to gain two very necessary private toilets, space for vending machines or other snack and beverage service, and potential space to separate smokers and non-smokers. The combined area should be joined by removing all partitions except those around the two toilet rooms and the telephone closet. That closet

should be reduced in size to open up the passageway and improve circulation. The jury pool would not, unless refurnished, be feasible for indoctrination procedures, so it would remain necessary to use the largest courtroom for that purpose. Consideration should be given to using Courtroom 1 in the annex, which is ample in size, but would require refurbishing before it could be used for juror indoctrination. Unfortunately, it is about as far as possible from the jury pool and probably would not be desirable, except for its capacity.

## VII. THE PLANNING PROCESS

Potential solutions to the problems mentioned in this report are strongly interrelated. Opportunities for improving the facilities are not difficult to find, but it is difficult to choose among them when one change creates another problem. It is necessary to work with all the possibilities and all the problems at this same time in order to untangle their interactions and to keep a morass of difficulties from growing.

The most important recommendation we can offer is to establish a planning process that includes all the interested parties. County government is interested, the agencies occupying the facilities are interested, the private bar is interested, some citizens are interested, and technical specialists are interested. Court facility committees representing all these varied interests have successfully been established in other counties and can work to the benefit of all. The committee should include all constitutional offices and all state and county agencies that are involved with the situation.

For such an inclusive process to work, it is vital that the facts be assembled upon which accurate - or at least informed - decisions can be reached. A data base is needed. It should include useful measures of the past, current, and anticipated workloads of the court and related agencies occupying the facilities. It should contain the corresponding staffing levels and space descriptions and should be periodically updated. What this data base amounts to is a quantitative description of the business of the agencies from which the planning committee can construct analyses of the facility needs and the most effective ways to satisfy them. The purposes of these data are twofold. They describe current needs and point the way to likely future needs. With adequate data, planners can reasonably study alternatives in

awareness of the consequences of each, and can develop the best strategies for success.

Appendix A has been attached to indicate a general way of handling the planning process within the agencies' environment. The procedures it describes could be adapted to Mecklenburg County.

APPENDIX A

EXCERPT FROM "THE IMAGE OF JUSTICE"

Establishing A Facility Planning Function

As we have seen in Chapter II, facility planning may take place in an atmosphere of crisis that reduces the opportunity to develop the most effective solutions. This chapter presented the concept that facility planning calls for comprehensive analyses of facility problems and the rational choice of alternate solutions.

But facility problems solved 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 its best chance is a cooperative effort 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. In essence, this is a technical responsibility which should be centralized to such a point that it becomes effective and economical.
- The goal is 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 maintain regular liaison with sources of information and centers of decision-making for all government-owned space in the jurisdiction and for all planning activities. The Planning Office should represent the Court in collecting and releasing information about facilities and in all analyses affecting facility needs and availability.
- 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 is one of anticipation and action rather than reaction. It is offered with the hope that problems can be avoided if they are accurately forecast and feasible solutions are developed before the 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 with the support of as much facility and facility-need information as the court can assemble, or any proposed solutions may run the risk of being far from optimum.

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, the services of an agency empowered to make decisions, or both. 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 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. Ironically, the federal courts are now being called on to play the dominant role in one element of the overall problem under the impetus of suits filed by prisoners in state and local correctional and detention institutions. Constitutional issues have been presented, especially those arising out of the equal protection clause

of the Fourteenth Amendment, to which courts have responded by ordering the imposition of certain facility standards for the institutions. The irony lies in the courts' role as enforcer and, in fact, establisher of facility standards for criminal justice facilities in favor of those persons sentenced by courts to inhabit those facilities. Reliance on court action to achieve improvements in court facilities, however, is, understandably, more widely discussed than acted upon.

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 is 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.

**END**