



**Polk County, Iowa
Court Facility Utilization Study**

Issue Papers for Public Information Meeting

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Court Decentralization

Question: Should select court functions be decentralized to improve services and free space in the Historic Courthouse?

Answer: Yes, but thorny policy questions on public access, security, caseload growth, and economics must be addressed regarding what should be decentralized and where it should be sited.

Background: Decentralizing justice operations to ease Courthouse overcrowding over the years in Polk County has largely been piecemeal, often driven by the strain of irreversible growth. In doing so, NCSC consultants conclude County and Court leaders have collaborated well in addressing shrinking Courthouse space and growing dockets, including an agreement to construct a new, additional downtown courthouse. Given the defeat of the April 2008 bond referendum for a new courthouse, however, Court and County leadership need an agreed upon set of strategic guidelines for further decentralization.

Other metropolitan courts have faced similar issues, employing a wide variety of solutions. As an example, the District Court in Hennepin County Minnesota (Minneapolis), a unified trial court, decided long ago to co-locate limited jurisdiction services with the county's regional libraries. Library functions in Hennepin County are split between cities and counties; municipalities providing neighborhood facilities and the county operating large suburban regional centers with expansive collections and in depth research capabilities located at commercial, retail and traffic nodes strategically sited in the suburbs ringing Minneapolis on the north, west and south.¹ Dubbed the "dales," Bookdale, Ridgedale and Southdale, are at the core of the court's decentralization strategy. Public transportation, offices, parking and many other amenities are found at these suburban business sectors affording the public convenient access to a variety of justice services. Furthermore, the county library system, like many others across the nation, has its own tax levy and bonding authority so regional library funding could be used to offset some mutual construction needs.² Compatibility of regional library and court operations was startling, as an example joint parking, restrooms, hallways, and lounge areas are heavily used by court visitors from 8:00 AM to 4:00 or 5:00 PM, and by library patrons from late-afternoon to closing at 10:00 PM. The library staff maintains a self-represented legal collection.³ Library

¹ To a smaller extent, the county also provides library services to rural portions of the community through scattered small libraries and bookmobiles.

² HVAC, building security, and parking are examples.

³ The Superior Court of Arizona in Maricopa County is another court that utilizes their suburban county library system to distribute self-represented legal information. This Phoenix-based court also has sponsored a Librarian's Academy to train librarians about the difference between legal advice and information so they can further help litigants. The library provides forms

clientele are respectful and quiet for the most part, the same atmosphere the court encourages in its customers. The court services offered at the “dales” include all non-felony traffic and non-custody criminal cases, including infractions, implied consents and traffic and petty misdemeanor hearings.

Ramsey County Minnesota (St. Paul) just across the Mississippi River, the smallest and most densely populated of Minnesota’s 87 counties stretching 9 miles wide by 11 miles long and host to the state’s capitol city, has a different model. Outlying county residents are served by one stand-alone suburban courthouse opened in June 2005, in the city of Maplewood five miles north of St. Paul. In this instance, the court’s decentralization strategy was similarly dictated by geography and population patterns; the majority of residents living north of the capitol city.⁴ Many of the same services offered by Hennepin County in their satellite facilities are paralleled in the suburban Ramsey County model.

Interestingly, Minnesota’s capitol city court operated differently for thirty years prior to its new building. Previously, suburban court was conducted in three city halls (i.e. North St. Paul, White Bear Lake and Maplewood); city council chambers doubled as courtrooms, some being modified to accommodate the dual purposes. Over the years, however, these three locations proved problematic from a number of perspectives. Ramsey’s geographic size and population density dictated that three locations were too costly to maintain.⁵ Calendaring was difficult, especially regarding overflow cases when a single judge assigned to a satellite facility needed backup. Security and safety was an issue since city council chambers and suburban city halls were not easily re-configured for effective court security.⁶ And as city staff needs grew, court staff was squeezed into inadequate space.

Other metro courts deciding to decentralize have principally done so with adjunct courthouses, some in a downtown campus environment and others located more remotely from the court’s central location. Many have wisely opted to avoid the trial of felonies and high-level civil matters at satellite sites at a distance from center city courthouses due to the expense and operational complexities entailed in duplicating special purpose functions (i.e. holding cells, jury assembly).⁷ Generally, metro courts that have

and instructions for sale by the court to self-represented litigants since the Library has cash receipting capacity regarding overdue book charges. These outlying services are a convenience to the public; they do not have to travel to court locations to get forms and instructions if they desire not to download them from the Internet.

⁴ It should be noted that the decision to locate a satellite Ramsey County Courthouse in Maplewood was made by the legislature, not the court or county. Deciding the decentralization question on strictly economic, caseload and public access issues would likely have resulted in no suburban courthouse. Needless to say, decentralization can be a highly political determination.

⁵ The cities leased to the county both the courtroom (council chambers) and court office space for filing, attendants, and judicial officers.

⁶ City councils and municipal staff generally felt building entry screening and security protocols were unnecessary and complicated the non-judicial business of the city.

⁷ The Superior Court in Maricopa County Arizona (Greater Phoenix) has three regional courthouses and two separate juvenile court/detention/probation locations outside it’s main campus of buildings in downtown Phoenix. A mistake made by policymakers in decentralizing the first regional courthouse in the SE Valley, 20 miles from the downtown Phoenix, was to offer all the

been more successful in decentralizing functions are those who principally choose to disperse chiefly self-contained functions not requiring broadscoped support needs. Limited jurisdiction matters, small claims, and probate are examples. Urban juvenile court services, namely adjudication, detention and probation, are often co-located together on the same campus in a downtown or urban setting. Polk County operating with three separate locations for juvenile services is quite unusual for an urban court. Likewise, it is rare in a metropolitan courthouse to provide juvenile adjudication functions such as done in Polk County, the exception being minors tried as adults.⁸

Analysis: In assessing what should be decentralized and where it should be sited, NCSC consultants feel it is important to review options against five overarching values, specifically...

- ***Decentralization should contribute to (and enhance as possible) efficient court operations.*** Grouping like and interrelated functions together or in close proximity to each other is an important virtue.⁹ Many adjudication functions are intimately interrelated with support services (i.e. adult probation intake, clerk's office, calendaring and assignment staff, etc.) and increased efficiency is often conditioned by close adjacencies. Here, serious consideration needs to be given to jury versus non-jury matters. Generally, limited or special jurisdiction cases without jury trial requirements (i.e. traffic infractions, juvenile, probation revocations, domestic relations cases, DV hearings, landlord/tenant, small claims, etc.) are easier to decentralize and site remotely from a central courthouse.

same services there as at the Phoenix location, including felony trials. This meant prosecutor and public defender offices, adult probation, and felony holding cells together with transportation of incarcerated prisoners had to be accommodated...a huge, ongoing expense. In building two additional regional courthouses in NW and NE Valley locations, county and court leaders opted to decentralize only consumer-related matters (i.e. civil, family, and probate). Recently, policymakers decided to relocate all felony trial matters from the SE Regional Courthouse to downtown Phoenix with the building of a new \$340 million dollar, 14-story criminal court tower. King County Washington (Seattle) opened a regional courthouse south of Seattle along the Interstate 5 corridor in Kent, WA. It was patterned after the SE Maricopa County Court Facility and included a full range of general jurisdiction services (i.e. felony, civil, domestic relations). A noted difference is a full-serve jail that is adjacent to the regional court.

⁸ In rural counties nationwide, the mixing of juvenile and adult adjudication functions in the same county courthouse is generally the norm since neither caseloads nor funding permit separate facilities.

⁹ From an operations perspective, maximum efficiency for a trial court is best realized when all related activities are located in the same building or complex of linked buildings. Because metro courthouses are commonly located in the oldest portions of the cities and communities they serve, it becomes challenging and very costly to expand them to accommodate the ever increasing growth of cases, staff and services. Consequently, the "next best alternative" many court and county leaders have embraced is to decentralize functions where re-locations and adjacencies make the most sense.

- **Decentralization should improve safety and security.** Unfortunately, courts are potentially dangerous places in today's world. Virtually all metro courts have sophisticated entrance security screening, emergency response protocols by county sheriffs, prisoner transport, witness/victim security, and fire/bomb/catastrophe/hazmat safety needs and requirements. On the national scene, some areas formerly thought not to be dangerous have become so; an example is family law. Wellbeing and safety for all courthouse occupants whether visitors or staff is the ultimate priority. Separate zones of safety inside the courthouse for the public, incarcerated persons, and high risk judicial and court staff should be structured to the extent possible. Peripheral safety around the courthouse is important as well, including well-lighted, video-recorded, secured entrances, and adequately patrolled surrounding space.
- **Decentralization should encompass reasonable costs for the county.** It is not unusual for unified, state-funded court systems to rely on local counties to provide, maintain, remodel and build court facilities. Collaborations between District Court and Polk County leaders to prioritize, plan and develop Court space consistent with growing justice needs and the financial capabilities of County government is not only a sign of a healthy vibrant community, but a reflection of civic pride. The Court and County have worked toward mutual accommodations in decentralizing justice system functions to keep costs in check, including relocating court functions to multi-purpose county buildings (i.e. Riverplace), private office complexes (i.e. Riverpoint), and special purpose facilities (i.e. New Jail where initial appearances and probation violations are heard) occasioning taxpayer savings. To more effectively plan for the future, both the District Court and Polk County are at a critical juncture. There is little doubt that increased funding for more adequate court facilities will be necessary. To cooperatively and strategically relieve mounting space and security pressures confronting the trial court over the next 3 to 5 years while simultaneously positioning all the components of the justice system – whether funded by the state, county or non-profits (i.e. prosecutors, defense lawyers, juvenile court services, community corrections, sheriff, mediation, etc.) – in a steady, compatible direction pointing toward a long-term master facilities plan stretching 25-30 years into the future is a formidable undertaking. The County has an obligation to spend public dollars economically, and wisely provide useful and effective court buildings. Collaterally, the Court has an obligation to collaborative work with the County, streamline procedures to minimize wasted space, and be as practical as possible in its space requirements.
- **Decentralization should improve public impressions about and access to court services.** Many assume “winning” or “losing” is what matters most to citizens when dealing with the courts. However, research consistently shows that positive opinions of court experience are shaped more by the users' perceptions of how they are treated and their impressions of the people, processes and place (courthouse) they encounter. To that end, the courthouse environment says a great deal about the fairness, dignity and respect people expect from the law. Where visitors feel safe and secure (i.e. witnesses, victims, etc.), where they feel valued and appreciated (i.e. jurors, parents, family members, etc.), and where they can easily and efficiently find their way; they are prone to have greater trust and confidence in the courts and justice system. When the courthouse is disheveled, confusing, and dysfunctional, the message often received is: “We don't care much about you.” Courthouses shouldn't be happy-go-lucky places, but they should be welcoming and focused on customer service. The Historic Courthouse makes a valiant attempt at doing so with informative signage (although too much and too confusing at present to permit easy wayfinding for the unfamiliar visitor on his or her own), friendly/efficient sheriff deputies at entry points, and a staffed information desk on the ground floor. Yet, the bewildering layout of offices, limited elevator service, scarcity of public restrooms and adequate seating, poor courtroom, hearing and conference room facilities, hallway congestion, and noticeable lack of fire safety features often stymie the best attempts at creating a business-like, welcoming atmosphere.

Better public access to court services has numerous dimensions, too, including ease in getting to court (i.e. public transit, parking, entrance security screening), multiple, inexpensive, and simple ways to obtain information, pay fines, and otherwise interact with the court to conduct necessary business (i.e. IVR, Internet, website, video appearances, brochures, etc.), and easy-read, understandable forms, orders, and instructions so litigants can more readily comprehend what happened to them in court and what they're required to do to comply with court directives. For the most part, streamlining and simplifying court processes is a recognized court goal. Unfortunately, it is sometimes confounded by building layout for those visiting the Courthouse; companion offices, as an example, may be split apart due to lack of space forcing the visitor to traverse the building to complete paperwork or schedule a matter. Relocating stand-alone, interrelated court functions outside the courthouse such as traffic and small claims hearings is a wise direction where it can be done without causing the customer inordinate dislocations in processing a matter.

- ***Decentralization should advance Courthouse renovation.*** The urgency of renovating the Historic Polk County Courthouse given its current state is undeniable. The County has struggled mightily and with measured success to keep the building operational and to expand its capacity to handle an ever-increasing number of judicial proceedings and staff.

The Courthouse is a beautiful and extraordinary work of art. Situated at the end of Court Avenue, when viewed from a distance it is instantly recognizable...a reassuring, admirable symbol of justice in the Heartland. From the inside, although featuring a resplendent rotunda in the center of the building rising to an impressive clock tower, it has been twisted and contorted over the years to accommodate a century of unplanned growth. So much so, that conduit crisscrosses the walls, desks and offices have sprouted in the smallest of hallways, grand old courtrooms have been subdivided and then divided again to house more judges and staff, vending machines have been installed in public areas, windows and balconies have been covered, and rooms have been built where no one imagined. As a consequence, the building, although operational today, is stressed to the maximum.

The ultimate long-term plan should be to renovate the Historic Courthouse, returning the grandeur on the inside to befit the stateliness on the outside. It can be done, but only by moving functions from the building in significant measure to methodically permit the renovation of the entire building.

Advice: The values and guidelines outlined in this issue paper, together with specifics presented in the facility assessments issue paper, provide a set of stepping stones for County and Court leaders to build a mutually agreeable strategic direction for the next 3-5 years to address justice system growth that will not do violence to any long-range plan.

Removing functions from the Historic Courthouse is a necessary step to permit the building to become more functional. In doing so, some functions should never be reintroduced into the building. Examples include limited jurisdiction matters and small claims.

Additionally, it is sensible to give serious thought to relocating in-custody criminal and juvenile functions to a more secure and appropriate facility. To remodel and renovate the Historic Courthouse for large scale in-custody proceedings will be extremely expensive. In the alternative, a renovated, expanded Old Jail is a feasible, less costly, nearby solution with existing prisoner holding capacity where secure adjudications involving inmates can take place.¹⁰ When overflow criminal trials must be handled by civil judges, it would be reasonable for those backup judges to use, as possible, shared courtrooms in a refurbished, expanded Old Jail; and, only as a last resort, transport prisoners through the existing tunnel from the Old Jail to the Courthouse for proceedings.

Other stand-alone functions, including such operations as Grand Jury, Probate Court and selected administrative functions should be considered for relocation outside the Courthouse to nearby sites. With such an array of migrations; civil, family law, jury assembly and some administrative functions (the “softer, consumer side” of District Court) would remain in the Historic Courthouse and likely have some potential for growth.

Admittedly, such a widespread series of relocations will occasion many logistical complexities in phasing, costs and operations. Strategic agreements between the Court and County are the necessary first steps toward addressing solutions.

¹⁰ To be effective, large scale renovation would be necessary by demolishing the cell blocks on the upper floors and replacing them with two to four courtroom floors.

Juvenile Court Relocation

Question: Should the Juvenile Court be removed from the Historic Courthouse? If so, what are the primary adjacency considerations for a relocated facility?

Answer: Yes, the Juvenile Court should be removed from the Historic Courthouse. The new location should enhance the overall ability of the juvenile justice system to perform its work by strengthening the adjacencies among the three primary partners: court, probation, and detention.

Background: There is little debate among County and Court leaders that the current Juvenile Court accommodations at the Historic Courthouse are extremely deficient in terms of spatial adequacy and basic security.¹¹ As the Court considers moving additional operations out of the Historic Courthouse, it should review which functions may be best suited for migration. In general, it may prove to be more problematic to decentralize and relocate portions of either the general civil or criminal courts than it would be to relocate the Juvenile Court in its entirety.¹²

One of the distinguishing characteristic of Juvenile Courts nationwide is they typically offer a wider array of assessment and treatment services, and work collaboratively with more government agencies than do their general criminal and civil court counterparts. In fact, juvenile justice systems are often viewed as multi-agency government conglomerates. This characteristic holds true for Polk County where the Juvenile Court works in close partnership with the Juvenile Court Services Department¹³ and the Polk County Youth Services Department¹⁴ to form the structure of the Polk County juvenile justice system. In addition to these entities, the juvenile justice system interacts closely with other government agency partners including the Polk County Attorney Juvenile Bureau, the Polk County Public Juvenile Defenders Office and the Iowa Department of Human Services. These interrelationships have consequential implications for Juvenile Court facilities planning and how any relocation will benefit the overall juvenile justice system and ultimately improve service to the community. At the heart of question about relocation are adjacency considerations among the various interrelated functions.

¹¹ Refer to the historic courthouse facility utilization assessment for details regarding current conditions at the Historic Courthouse.

¹² See issue paper examining court decentralization of core court functions.

¹³ The Juvenile Court Services Department is organized under the judiciary and administers intake, investigation and probation supervision.

¹⁴ Polk County Youth Services is a County Government department and operates the Central Intake and Detention Center, the Youth Shelter, the In-Home Monitoring Placement and Community Tracking Program, and the Intensive In-home Supervision Appearance Program.

Juvenile Court / Juvenile Court Services - Adjacency Considerations

Interaction between the Court and Juvenile Court Service employees is a vital consideration when planning for the overall juvenile justice system. The investigation and assessment functions of Juvenile Court Services are the medium through which the Court relates to and understands the needs of the children and families appearing before it. There are significant benefits to locating Juvenile Court Services in close proximity to the Court because of the high frequency that Juvenile Court officers are required to appear in the Court. These court appearances include pre-trial hearings after the initial juvenile petition is filed; adjudication hearings; dispositional hearings; and review hearings. Currently, Juvenile Court Services is located at the Riverplace Complex, approximately 4 miles from the Historic Courthouse where juvenile adjudication services are housed. The distance between the two facilities places a noticeable operational strain in terms of time and travel costs.

Juvenile Court / Detention and Shelter - Adjacency Considerations

The location of detention, especially secure detention holding for delinquent youth, is a prominent design issue for juvenile court facilities as well. In Polk County there would be substantial benefits to co-locating the Juvenile Court and Detention Center regarding detainee transportation. There are additional benefits for co-locating the facilities in terms of building construction. If the Court were to be relocated adjacent to the Detention Facility, holding cells and sally port facilities would not be necessary within the Court as long as emphasis were placed on providing a secure passage between the Court and detention facilities. If detention is not sited adjacent to the Court facility, holding cells must be located within the Court and the design should also include a sally port and other perimeter security measures for transporting delinquent youth requiring security.

Juvenile Court Services / Detention and Shelter - Adjacency Considerations

Interaction among Juvenile Court Services, the Detention Center, and separate Youth Shelter also plays a key role in the operation of the overall juvenile justice system. Juvenile Court officers travel frequently to the Detention Center and Youth Shelter for their day to day business; most recurrently for the purpose of conducting intake interviews and completing delinquency risk assessments.

Juvenile Court / Juvenile Public Defender (PD), County Attorney (CA) Juvenile Bureau, and private attorneys - Adjacency Considerations

Presently, the location of the Juvenile Court within the same building as the adult criminal court is beneficial to the operations of the Juvenile PD, the CA Juvenile Bureau, and private attorneys who office in the downtown area.¹⁵ Consideration for locating future juvenile facilities near the Historic

¹⁵ In addition to their caseloads in the juvenile court, attorneys are often responsible for caseloads in the adult court for 17 and 18 year old juveniles accused of more serious crimes that result in prosecution under adult criminal jurisdiction. This split caseload requires attorneys to attend court in both the juvenile and adult criminal courts.

Courthouse would certainly be convenient for the attorneys; however, for long-term planning purposes it may be possible for the Juvenile PD and CA Juvenile Bureau who work extensively in the Juvenile Court to relocate their offices closer to the Court if it is not sited downtown.

Analysis: Multiple sites were reviewed for possible relocation of the Juvenile Court. The project team considered both the operational and adjacency impacts for each site as well as the physical space and costs involved. The following are the project team’s findings regarding relocation options. For a detailed analysis of potential sites refer to the individual facility assessments included in the overall report.

Hull Avenue Campus (Co-location with Youth Detention and Shelter Services)	
<p>Benefits:</p> <ul style="list-style-type: none"> ● County owned land ● Site is large enough to accommodate long-term space and parking needs; ● New construction will allow for flexible programming and design; ● Adjacency to Youth Detention and Shelter Services is a beneficial adjacency (see background considerations above); ● There is space available on site to accommodate a potential long-term option to build space for the Juvenile Court Services Department creating a unified juvenile justice campus. 	<p>Challenges:</p> <ul style="list-style-type: none"> ● No adjacency to Juvenile Court Services. ● Not a short-term solution ● Clerical functions in the Clerk of Court’s Office would need to be relocated as well ● Court administration calendaring functions related to Juvenile Court would need to migrate to the new site ● Additional building security would be necessary in stand-alone building ● Parking may present some minor problems, but not insurmountable.

120 2nd Avenue Building	
<p>Benefits:</p> <ul style="list-style-type: none"> ● County owned building ● Central downtown location 	<p>Challenges:</p> <ul style="list-style-type: none"> ● No adjacency to the Historic Courthouse, Juvenile Court Services, or Youth Detention and Shelter Services; ● Insufficient space to address long-term needs (approximately 27,000 total square feet available on levels 1, 2 & 3); ● Higher cost per square foot than new construction; ● Poor detainee transportation accommodations; ● Limited parking.

Riverplace¹⁶ (Co-location with Juvenile Court Services)	
<p>Benefits:</p> <ul style="list-style-type: none"> • County owned building • Adjacent to Juvenile Court Services and Department of Human Services • Sufficient parking available 	<p>Challenges:</p> <ul style="list-style-type: none"> • No adjacency to the Historic Courthouse or Youth Detention and Shelter Services; • Insufficient space to address long-term needs (Three or four court sets possible / approximately 18,500 total square feet available)
Riverpoint¹⁷	
<p>Benefits:</p> <ul style="list-style-type: none"> • Location is relatively close to downtown • Existing court functions are located on the 1st floor (small claims court) • Space available for lease (approximately 28,000sf) is sufficient for 5 or 6 Juvenile Court sets. 	<p>Challenges:</p> <ul style="list-style-type: none"> • County does not own building • No adjacency to the Historic Courthouse, Juvenile Court Services, or Youth Detention and Shelter Services; • Space re-configuration will be problematic. • Insufficient space to address long-term needs (Three or four court sets possible / approximately 28,000 total square feet available)

¹⁶ An in depth facilities analysis was not completed for the Riverplace facility because the limited amount of space available is assumed to be unworkable for juvenile court utilization. Also, building a separate building adjacent to the Riverplace Complex was not considered due to cost and problems entailed with a floodplain location.

¹⁷ An in depth facilities analysis was not completed for the Riverpoint facility because the configuration of the leased space is assumed to be unworkable for juvenile court utilization.

801 University¹⁸	
<p>Benefits:</p> <ul style="list-style-type: none"> • Location is close to a sizeable population of the juvenile population served by the court • Sufficient parking available 	<p>Challenges:</p> <ul style="list-style-type: none"> • County does not own building, • Insufficient space to address long-term needs (approximately 35,500 square feet available); • No adjacency to the Historic Courthouse, Juvenile Court Services, or Youth Detention and Shelter Services; • Building configuration will drive up costs of remodeling.
Convention Center Complex – ‘Plex’ (Co-location with core adult criminal court functions)	
<p>Benefits:</p> <ul style="list-style-type: none"> • County owned facility; • Building size and configuration is adequate for renovation for Juvenile Court use. • Co-location with adult criminal courts, as possible, would be beneficial for CA and PD attorneys. 	<p>Challenges:</p> <ul style="list-style-type: none"> • Problems in mixing of juvenile and adult detainee populations within same building • No adjacency to Juvenile Court Services or Youth Detention and Shelter Services • Significant costs to remodel • Existing loading dock not easily converted to use as a sally port • Parking continues as a cost.
Wellmark Building	
<p>Benefits:</p> <ul style="list-style-type: none"> • Facility could be used as a interim phase location for Juvenile Court • Building is physically adequate for Juvenile Court and its support services. • Existing loading dock could be easily converted for use as a sally port. • Downtown location is convenient for attorneys. 	<p>Challenges:</p> <ul style="list-style-type: none"> • County does not own building; • No adjacency to the Juvenile Court Services or Youth Detention and Shelter Services. • Parking continues as a cost, although a sky bridge access to a nearby City parking garage is an advantage.

¹⁸ An in depth facilities analysis was not completed for the 801 University because of lack of available space and poor adjacency considerations.

Advice: The project team recommends that Court and County leaders consider the Hull Avenue site as the preferred long-term solution for relocation of the Juvenile Court. In addition, Court and County leaders may wish to consider a long-term planning strategy which would place all three of the major juvenile justice system components on the same site, thus creating a unified juvenile justice campus composed of adjudication, probation, detention and shelter functions. Most urban courts operate in this fashion. Regardless of the eventual location of the Juvenile Court, it is important that it retains an image of dignity and respect as to its housing. Planning should also ensure the Court is designed and operated with appropriate security and separate circulation patterns for the public, judicial officers and staff, and in-custody detainees.

Recognizing the current overcrowded and unsafe conditions at the Historic Courthouse, County and Court leaders would be wise to consider a short-term or temporary relocation of the Juvenile Court as an interim step prior to any Hull Avenue site construction. Although the Juvenile Court currently occupies five courtrooms in the Historic Courthouse, it may be possible for it to operate utilizing four courtrooms for the next three to five years.¹⁹

¹⁹ Since 2002 juvenile petitions have dropped by 57% and the weighted caseload study completed by the NCSC in 2008 estimates a workload demand of 3.6 judges. Although it can be expected that case filings will most likely increase again in the future, four juvenile judges may be able to absorb the anticipated workload for the next three to five years.

Courtroom Technology

Question: Can increasing the amount of courtroom technology reduce space problems experienced by the District Court in Polk County?

Background: Increasing the use of courtroom technology has been a focus of numerous courts throughout the country in the last 10 years. Courts have adopted audio, video, and information technologies intended to make proceedings run more efficiently and effectively, make the presentation of evidence more effective, and reduce costs. Specific technologies that are becoming commonplace in trial courtrooms include:

Digital recording devices. Courts are becoming increasingly reliant on digital audio and, in some courtrooms, video to record courtroom proceedings. This is done in lieu of using a court reporter to capture the proceedings. Transcription services are used to produce an electronic data file containing the court transcript. This approach involves an initial investment but typically provides cost savings and shorter transcript turnaround times.

On-bench computers. In the courtroom, computers are frequently used by the court clerk (or whoever is assisting the judge) and, increasingly, by the judge. The clerk uses the computer primarily to access case files, enter minutes, generate documentation, print orders, schedule hearings, etc. The judge uses the computer to access case files, enter decisions and issue orders.

Video monitors. Monitors are increasingly common in the courtroom for use by the judge, clerk, attorneys, and jury. These monitors are used primarily for the presentation of evidence and, less frequently, for remote witness testimony.

Video teleconferencing equipment. Video teleconferencing is used frequently between courts and detention facilities for arraignments and other hearings. Video teleconferencing is also used for witnesses to testify remotely, although this is not common.

Wireless network access. Courthouses often provide wireless Internet access in at least part of the courthouse. This service is provided for the convenience of citizens reporting for jury duty and for attorneys that need to access their firms' networks. The wireless access point may be connected to the county/court network or may simply be connected to an Internet service provider. If the wireless access point is connected to the county/court network, it can also be used for authorized individuals (e.g., clerks, judges, prosecutors) to access case files and other accessible data.

Analysis: The feasibility and potential benefits of Polk County District Court implementing each of the courtroom technologies described in the previous section are discussed below.

Digital recording devices. Polk County could install and use digital recording devices to capture courtroom proceedings. This would eliminate the need for court reporters and the office spaces they occupy within the Polk County courthouse. Further, it would potentially save money over time as the cost to transcribe digital recordings remotely could be significantly less than the cost to buy transcripts from court reporters. However, the acoustics in several courtrooms in the old courthouse are poor and the air conditioning system makes many of the courtrooms fairly loud. The number of placement of microphones will be critical, and use of digital recording in certain courtrooms may not be feasible.

This option has been discussed at length at the state level and is, by and large, not supported by trial court judges. Further, there are current statutes and court rules in place which would require change and thus are a barrier to wide implementation of digital recording. The Iowa State Court Administration is actively studying the feasibility of eliminating or reducing the use of court reporters in Iowa courts and will publish a report in early 2010.

On-bench computers. On-bench computers for judges and clerks would make the court proceedings more efficient, as information would be accessed more readily. This option is difficult at this point, as it would require extensive cabling in a difficult environment (old building). Once wireless network access is implemented in the courthouse, as mandated by the Iowa State Court Administration, cabling will not be an issue and on-bench computers can be used for file and calendar access, as well as data entry. However, the usefulness of on-bench computers is limited unless the software they are running is designed to be used while court is in session. In-court entry of judge's decisions and production of orders would require major modification of ICIS.

Video monitors. Courtrooms in Polk County already make limited use of video monitors. Expanded use of video monitors in the courtroom would likely have a positive effect on the efficiency of the proceedings, but it would not likely reduce the amount of courtroom space needed. In fact, additional monitors will increase the amount of courtroom space needed a small amount.

Video teleconferencing equipment. Polk County has established video teleconferencing capabilities within the jail (video visitation). Further, it is in the process of establishing video teleconferencing capabilities between the jail and five specific non-court locations (court staging in the old jail, PD's office, men's and women's correctional facilities, and correctional offices) for counsel to meet remotely with inmates.

The primary use of video conferencing nationwide is for arraignments. Polk County has a courtroom at the county jail for the purpose of holding arraignments and other hearings, so video conferencing between the court and jail would be of limited value and would not save space. Additionally, wiring for video conferencing in the old courthouse would be problematic due to the construction of the old courthouse (e.g., thick, solid walls). The benefits of additional videoconferencing likely do not outweigh the costs.

Wireless network access. The Polk County Courthouse currently does not have wireless network access (although the courtroom in the Polk County Jail does). Wireless access would provide a service to jurors and attorneys, but would not likely have any material effect on courtroom space requirements. Iowa State Court Administration plans to mandate the installation of wireless networks in all Iowa county courthouses in conjunction with its Electronic Data Management System (EDMS) project. EDMS is currently scheduled for implementation in Polk County in Fall 2011.

Advice: Increased use of courtroom technology, while beneficial to the courts and parties in several respects, is not likely to have a significant, direct impact on space within the courthouse. Implementation of digital audio recording equipment in some or all courtrooms would allow for reduced or discontinued use of court reporters and free the office space court reporters currently occupy. However, the need for additional office space is not as critical as the need for courtroom and jury deliberation space, and statutory changes are required before digital recording of courtroom proceedings can be widely adopted. The Polk County courts should wait for the state to complete its report and determine its direction with respect to recording court proceedings before it makes any decisions itself.

Internet Customer Service

Question: Can Internet customer service reduce space problems experienced by the District Court in Polk County?

Background: The traditional method for court customers (defendants, plaintiffs, litigants, other parties) to interact with the court regarding current proceedings and court-ordered financial obligations is in person, at the courthouse. This method offers some advantages for the courts and clerks of the courts: Processes are simple to control and are performed at the convenience of the court. For example, the clerk accepts payments for outstanding obligations at a counter in the courthouse. This is convenient for the clerk, but not for the woman who has to leave work early and fight traffic in order to pay her fine before the courthouse closes. Further, this method is inefficient from the clerk's perspective: Certain transactions needn't take the clerk's time at all.

In the past 15 years, the Internet has gone from being accessed by a limited number of scientists to being integral to the lives of many, if not most, Americans. It has become a common way to access information and an accepted method for performing business transactions. Americans not only accept and rely on the Internet, they expect to be able to use it to perform certain functions that do not require direct human interaction. This acceptance of the internet and creates a situation that courts can take advantage of as they strive to conserve resources and to serve their customers better.

Several functions that are traditionally performed in person are being accomplished over the Internet by a limited number of courts across the nation. Such functions include:

- **Electronically filing of cases.** Attorneys and pro se litigants can electronically file cases without submitting any paper documentation to the clerk.
- **Paying financial obligations.** Defendants are able to make payments against outstanding financial obligations via credit card, debit card, or bank withdrawal.
- **Pleading on citations.** Defendants can plead guilty or no contest on traffic citations and pay their fines.
- **Accessing court schedules and case status.** Parties can access court schedules and status so they are informed about their cases.

Performance of these functions over the Internet offers benefits to users and the court/clerk alike. These benefits include less disruption to the lives of users, less demand for parking at the courthouse, less human traffic at the courthouse, and fewer clerks needed to process transactions.

Analysis: Iowa State Court Administration already allows court customers statewide to use the Internet to perform court business: Defendants can plead on citations and make payments over the Internet through Iowa Courts Online²⁰. Further, the state has plans to integrate a new Electronic Document Management System (EDMS) with the state's case management system, the Iowa Court Information System (ICIS). This system, which is scheduled to be implemented in Polk County in Fall 2011, will enable the electronic filing of cases and access to court schedules and case status. There could be a reduction in traffic at the courthouse, reduction in clerk time, and addition of convenience to court customers if they were allowed to make payments against financial obligations over the Internet. This would require programming changes to ICIS and would likely best be addressed as a statewide initiative.

Advice: Polk County should continue to participate in statewide court technology initiatives and encourage the State Court Administration to move Polk County up in the EDMS implementation schedule. Further, Polk County should encourage State Court Administration to allow payments against existing obligations over the Internet.

²⁰ The Court currently accepts payments via the internet for fines, costs, surcharges, and criminal restitution. The E-Pay payments amount to over \$400,000.00 monthly. The only payments that are not accepted over the internet are child support as well as small claims and civil judgments.

Statewide Technology Initiatives

Question: Will Statewide Judicial Branch technology initiatives reduce space problems experienced by the District Court in Polk County?

Background: All county courts in Iowa use the Iowa Court Information System (ICIS) for case management. This application was developed by Iowa State Court Administration deployed throughout the state in the early to middle 1990s. ICIS addresses all case types and has evolved over time. Currently, ICIS is web-enabled and all data is stored centrally. State Court Administration maintains and operates the application.

State Court Administration is in the process of developing and deploying a system that will integrate with ICIS to dramatically decrease the courts' reliance on paper documents and increase the efficiency of court and court clerk operations. The Electronic Document Management System (EDMS) will allow lawyers and citizens to electronically file court documents with the Judicial Branch using personal computers on the Internet. The EDMS will enable public access via the Internet to the court docket and court documents 24 hours a day, seven days a week. In addition, court notices will be emailed to lawyers, litigants, and officials. Specifically, the EDMS project will provide courts several important functions and features, including:

- **Electronic Case Filing.** Case filings for all case types will be accepted electronically. Attorneys and pro se litigants will be able to electronically submit case filings and documents to the court. At some point in the future, electronic filing will be mandatory for all case types. Every county courthouse will provide wireless connectivity and kiosks for pro se filers to use. The clerk's office will scan paper documents for pro se filers.
- **Document Management.** Case-related documents that are not already available electronically will be scanned, indexed, and attached to a case file(s). This will provide for document security and integrity and allow multiple individuals access to a document or case file at the same time.
- **Workflow.** Electronic case documents will be routed and processed according to business rules established by the court. With workflow the Court can be assured the high priority work is finished first throughout the workday.
- **Electronic Court Files.** Paper case files will not be established or maintained for new cases. All new case files will be completely electronic.
- **Electronic Notices.** Parties and other case participants will be notified via e-mail according to business rules established by the court.
- **On-Line Court File Access.** Dockets will be posted to a web site for public access. Case files will be posted to the same web site for access by attorneys and parties.

Plymouth and Story Counties, as well as the Supreme Court and Court of Appeals, will serve as pilot test sites for EDMS beginning in early 2010. Once the pilot projects are completed, two counties will be brought on-line every month. Polk County is currently scheduled for EDMS deployment in Fall 2011. Once a county is implemented, it will move forward with electronic case management (i.e., only new cases will be processed entirely electronically and existing case files will not be scanned).

Analysis: Once EDMS is implemented in Polk County, it will make the courts run more smoothly, reduce courthouse traffic, and have numerous positive effects on judges, attorneys, administrators, parties, and other court participants. Most significantly, EDMS will have meaningful effects on the clerk's office:

- The clerk's data entry requirements will be greatly reduced, as the clerk will eventually cease entering citations and all other case filings. Case filings will simply need to be reviewed for accuracy before they are accepted for processing. As a result, clerk staff could potentially be reduced.
- The physical location of court clerk staff will become less important. Some clerk staff could be housed outside the courthouse and could, potentially, telecommute and/or work flexible hours. Clerk staff who interface directly with the public (e.g., to receive payments or assist with pro se filings) or participate in court proceedings would need to be located in the courthouse during operating hours.
- The need for additional physical file space will eventually be eliminated as all files become electronic. Over the very long term, as paper files are destroyed the space required to house case files will be reduced. This will not save room in the Polk County courthouse, though, as historical files are already stored in another location.
- Clerk staff will spend much less time notifying parties once electronic notification is implemented. Also, the court will save money on postage.
- Clerk staff will spend less time responding to information requests as more information is available on-line.
- Clerk staff will no longer need to deliver paper files to courtrooms prior to court proceedings.

Advice: Iowa State Court Administration is very progressive in providing effective information technology. Polk County should continue to participate in statewide court technology initiatives and encourage State Court Administration to move Polk County up in the EDMS implementation schedule. As Polk County considers alternatives for saving space, it should plan for a small reduction in clerk staff once EDMS and new business processes are in place. Also, it will not be necessary for all clerk staff to be collocated with courtrooms.

Night Court

Question: Can night or after-hours court reduce space problems experienced by the District Court in Polk County?

Answer: No. The experience of trial courts nationally indicate costs of after-hours adjudication generally outweigh any benefits derived. The exception is jail court sessions (i.e. initial appearances) which Polk County already operates.

Background: Evening, after-hours or week-end courts are occasionally seen in courthouses across America. Generally, the objective targets increased public access to adjudication services and more convenience for litigants in not having to miss work or take time from other daytime activities to handle court business. Commonplace dockets include high-volume, non-jury matters such as traffic infractions, small claims, landlord-tenant (unlawful detainers), petty misdemeanors, game and fish crimes, and ordinance violations. Occasionally, higher order general jurisdiction matters such as uncontested/default divorces, various family court matters including child support enforcement and modifications, Domestic violence petition filings/hearings, adoptions, victim initiated cases (domestic and neighborhood disputes), low-level drug court proceedings, and juvenile status offenses (i.e. smoking, curfew, truancy). In courts throughout the United States, however, night court has not proven to be a substitute for the bulk of civil, criminal, family or juvenile court dockets.

Numerous courts and state judicial systems have experimented with night court in the last decade according to the National Center's Knowledge and Information Services. A 2003 survey by the National Center for State Courts concluded that 23 states had active night courts in one or more communities. Today, due to budget constraints, there are appreciably fewer states operating courts outside of normal business hours.

Many courts found that costs in adjudicating cases after hours, even small issue matters, do not outweigh benefits. As an example, security expenses in keeping the courthouse open, or in the alternative, operating in outlying makeshift locations is expensive. Often, courthouses are in older, less secure downtown sections of cities creating safety issues for summoned litigants having to negotiate parking lots and streets and garages near the court complex. In some instances, court employees who serve after-hours may work a "flex-time" schedule, allowing them to substitute after-hours time for daytime working hours. No real savings in personnel costs result and daytime staffing is correspondingly reduced. Where employees are paid FOR additional hours, it represents a new cost. At a minimum, staffing would include public lawyers, clerks, court attendants, custodial and security staff. Where unions represent court staff, shift differentials and overtime is often an issue.

The benefits typically touted for after-hours court operations usually center on three things: Firstly, improved access to justice for the public (i.e. no need to take time off from work; for some, better child care solutions are possible), secondly, reduced overtime for law enforcement officers regarding traffic or ordinance violation hearings heard after-hours when officers may be working their regular shifts, and thirdly, decreased trial court delay where case processing is a problem²¹. Each of these benefits is questionable when compared to the actual experience of the courts that have experimented with after-hours operations. First, many night and weekend courts have been abandoned because few people opted to voluntarily come to court on their “free time.” No shows and requests for continuances were even more prevalent regarding respondents and witnesses in civil actions who were subpoenaed. The result: significant rescheduling occurred in many situations. Also, given the fact that evening and weekend bus service to the downtown court district is limited, it is likely many would view it as a hardship and choose not to appear. Second, pulling police officers off patrol at night and on weekends affects the very time they are most needed on the streets. Correspondingly, NCSC studies have found that by docketing in a collaboratively manner with law enforcement agencies via integrated computer systems police officer overtime can be more effectively reduced during regular daytime court sessions. Lastly, a backlogged court normally has systemic, organization, and management issues as the primary causes of trial court delay, not the lack of time available to handle cases. Rarely would the addition of two or three hours in an evening or on a weekend considerably reduce a clogged calendar without substantial management changes.

Avoiding congestion and overcrowding in a courthouse is an unusual justification for adjudicating matters after hours given the above findings and facts. Substantial after hours calendaring would certainly be needed to make a noticeable impact during the business day at the Polk County Historic Courthouse. That, of course, would face increased costs and difficulties as outlined.

Analysis: Iowa as a state has not experimented in the past with after-hours and evening court sessions according to National Center survey data. That is not to say that Polk County judges are not available at night, or on weekends and holidays. Indeed, not unlike judges in other states, they are on-call for search warrants and mental health commitments after hours. An associate district judge is on duty Saturdays, Sundays and holidays in the new jail arraignment courtroom. A juvenile judge conducts a specialized truancy court every other Wednesday evening during the school year at the Des Moines City Council chambers. Polk County court leaders have debated the issue of opening the courthouse for night court on various occasions in the past, but have concluded that the benefits do not outweigh the taxpayer costs.

²¹ It should be noted that there is not a serious backlog of cases present in Polk County and there would be no corresponding potential benefit for after-hours court in this regard. This example is given for reference only.

Many short cause, non-jury matters appropriate for after-hours scheduling either have been moved from the Historic Courthouse (i.e. suburban traffic infractions, small claims, mediation) or are being discussed as candidates for relocation (i.e. Des Moines traffic infractions). The removal of selected high volume, stand-alone matters out of the Historic Courthouse entirely would appear to be a better option in reducing congestion.

Advice: Given the experience of other courts with after-hours calendars, and the likelihood that such a solution would not materially reduce overcrowding in the courthouse, it is not recommended as a viable space solution by the National Center.

Mediation

Question: Can expanded mediation reduce overcrowding and help remedy space difficulties in the Historic Courthouse?

Answer: Yes, but only marginally.

Background: Both the Iowa Judicial Branch, and the District Court in Polk County have been supportive of mediation as an alternative to formal litigation in minor civil disputes (i.e. small claims matters), and as a more relaxed, less expensive, facilitated way to resolve contentious issues in family law matters. Mediation in Iowa, according to state statute, is “a process in which a third party facilitates communication and negotiation between parties to assist them in voluntary agreement regarding their dispute.”²²

Court-annexed mediation is available in small claims²³ and is mandated by court rule in domestic relations cases prior to formal litigation in Polk County. A sliding fee, depending on income, is assessed to pay for the nonprofit services. The Polk County Bar Association manages the mediation program in Polk County. The mediation program is administered and coordinated out of an office at the Riverpoint small claims court, a few blocks south of the historic courthouse. Mediations are conducted by trained mediators at the Riverpoint facility as well as other locations around the county. The mediation program had 2145 small claims cases, settling 1713 disputes (80 percent) in FY 2009. In Family law matters, mediators were involved in 1616 cases (185 were pro bono cases), settling fully 55 percent. Occasionally when requested by the Court, mediations are scheduled for civil cases in excess of \$5,000.

Mediation is confidential; positions, statements and information generally cannot be revealed in court should the matter not settle and proceed to a judicial hearing, nor can mediators be forced to testify. The only exception to strict confidentiality involves child abuse or actual or threatened criminal acts. Parties who enter into mediation do not forfeit any legal rights or remedies. If the mediation process does not result in settlement of one or more issues, those matters still in dispute can be formally litigated.

²² Iowa State Statutes, Chapter 68, Uniform Mediation Act, § 679C.102.1.

²³ Small claims jurisdiction in Iowa is currently capped at \$5,000.

Analysis: Mediation is a substantial and effective part of the dispute resolution solutions offered by the Court. The settlement rates appear to be healthy and probably reduce some congestion and traffic in the courthouse to the extent that mediations are done off-site. There are additional variations on mediation processes in civil cases that a growing number of urban state courts are exploring which may additionally diminish formal litigation slightly, helping to decrease additional trips to the courthouse by litigants and lawyers.

Among general jurisdiction courts there are three basic practices regarding alternative dispute resolution for civil matters. Specifically, there are:

- *Early neutral evaluation* is a mediation technique generally focused on complex commercial cases which leads to better case management or possible resolution early in the process. In early neutral evaluation, the parties and judge agree on an expert or panel of experts with knowledge and experience in the subject-matter under dispute to assess the strengths and weaknesses of each of the parties arguments and discuss their findings with the litigants so they gain awareness (via independent evaluation) of the merits of their case.
- Mediation has sometimes been utilized to good effect when coupled with arbitration, particularly binding arbitration, in a process commonly called “*med/arb.*” In this process, if the parties are unable to reach resolution through mediation, the dispute is referred to an arbitrator. Normally, the arbitrator is not the same person as the mediator. Where that is the case, significant ethical and process problems can surface since arbitration requires witnesses, the introduction of evidence, and an independent decision regarding the outcome of the case by the arbitrator.
- Lastly, *short trials* are mini one-day, non-binding jury trials using only a few jurors (i.e. 4 jurors) selected from a limited number of prospective candidates (i.e. 10 or less) sent from the jury pool. Civil cases selected for this process are generally complicated with higher money damages in dispute. The judge may order a short trial where he/she believes there is a good chance of settlement, or the lawyers may request it as an issues resolution forum. There are no witnesses or experts who testify. Rather, the attorneys summarize the evidence and may read directly from the depositions. Each side generally has two hours to present their case and ten minutes for opening and closing arguments. Jury deliberations must be concluded by the end of the day. Jury instructions are general and usually standardized, not requiring a great deal of pre-development.

Advice: Mediation and variations of it (i.e. early neutral evaluation, med/arb and short trials) are enlightened and efficient ways to employ ADR practices in the District Court. More extensive off-site use may slightly reduce traffic and overcrowding in the Courthouse, but not to an extent that it would permit noticeable relief. The most promising alternative would be to increase small claims jurisdiction from the current \$5,000 limit. Many of the states around

Iowa have higher jurisdictional limits, namely Minnesota at \$7,500 and South Dakota at \$12,000; Illinois at \$10,000, and Oklahoma at \$6,000.²⁴ The state Judicial Branch should consider an increase for Iowa. Raising the limit would move additional low-end civil cases out of the Courthouse to the Riverpoint small claims court.

²⁴ There are some neighboring states that have lower jurisdictions including Nebraska at \$2,700, Missouri at \$3,000 and Kansas at \$4,000. The highest dollar limit for any state is Tennessee at \$15,000. Source: National Center for State Courts.

Parking

Question: Is parking typically provided on court facility grounds for court staff and public visitors in similar jurisdiction courts that reside in metropolitan areas similar in composition to Polk County?

Answer: No. After completing an informal survey, the project team has concluded that although free and secure parking is typically provided for judicial officers and senior officials, parking is not typically provided for general court staff, jurors and visiting members of the public and must be obtained off-site through paid parking garages and surface lots.

Background: The purpose of the informal survey was to gain a better understanding of typical parking accommodations for courts in Midwestern counties that have similar population totals to Polk County and that also have a courthouse residing in a developed downtown area. The project team conducted an informal phone survey of 5 court administrators who work in general jurisdiction courts in metropolitan areas within a 500 mile radius of Des Moines, IA. The following is a brief summary of the results. For reference, basic information about the current parking available to the Polk County Court has been provided as well.

Polk County, IA	Population: 425,000 Major city: Des Moines
Parking provided on court grounds	2 secure surface parking lots at courthouse <ul style="list-style-type: none"> • Free for judicial officers and senior officials; • No public parking
Parking available off court grounds	<ol style="list-style-type: none"> 1. Public parking garage at 5th and Walnut located approximately 1 block away, <ul style="list-style-type: none"> • \$95/month or \$7-10/day 2. Surface parking located within 3 block radius <ul style="list-style-type: none"> • \$40 -\$50/month 3. Metered street parking is available on a first come, first serve basis
Juror parking accommodations / cost	Free parking is provided for jurors in nearby City of Des Moines parking lots. Jurors receive mileage reimbursement of 35 cents per mile.

Douglas County, NE		Population: 502,000 Major city: Omaha
Parking provided on court grounds	2 levels of underground parking for staff at courthouse <ul style="list-style-type: none"> • Free for judicial officers and senior officials; • \$60/month for general staff • No public parking 	
Parking available off court grounds	1. Public parking garage located approximately 1 block away, <ul style="list-style-type: none"> • \$30 -\$50/month 2. Surface parking located across street <ul style="list-style-type: none"> • \$30 -\$50/month 3. Metered street parking is available on a first come, first serve basis	
Juror parking accommodations / cost	Approx. \$6-10/day; Jurors are responsible for their own parking. Jurors receive \$35/day per diem from the court	

Ramsey County, MN		Population: 503,000 Major city: St. Paul
Parking provided on court grounds	None	
Parking available off court grounds	1. Several public parking garages are in the nearby vicinity, <ul style="list-style-type: none"> • Judges and 2 court administrators have their parking paid for by the County. • General staff and public: \$100 -\$150/month or \$10/day 2. Metered street parking is available on a first come, first serve basis	
Juror parking accommodations / cost	Approx. \$10/day; Jurors are responsible for their own parking. Jurors receive \$10/day per diem from the court	
Note: Due to the lack of parking approximately 75 out of 300 employees in the court take part in a subsidized bus program which offers deeply discounted bus passes to employees.		

Oklahoma County, OK		Population: 706,600 Major city: Oklahoma City
Parking provided on court grounds	Small surface parking lot for 28 judicial officers, Court Administrator, Clerk of the Court and District Attorney (free parking)	
Parking available off court grounds	<ol style="list-style-type: none"> 1. 8-story parking garage located across the street from the courthouse <ul style="list-style-type: none"> • \$90 month (Judge and senior official parking costs were not able to be obtained at this time) 2. Multiple parking garages available in vicinity <ul style="list-style-type: none"> • \$70 - \$90/month or \$7/day 3. Metered street parking is available on a first come, first serve basis 	
Juror parking accommodations / cost	Approx. \$7/day in nearby garages; Jurors are responsible for their own parking.	

Dane County, WI		Population: 476,800 Major city: Madison
Parking provided on court grounds	None	
Parking available off court grounds	County owned garage located approximately one block from the courthouse <ul style="list-style-type: none"> • \$15 month for general staff (county subsidized) Several privately owned parking garages in the vicinity <ul style="list-style-type: none"> • \$80/month or \$10/day Metered street parking is available on a first come, first serve basis	
Juror parking accommodations / cost	Approx. \$10/day in nearby garages; Jurors parking paid by county after the first day of service.	

Jackson County, MO		Population: 654,900 Major city: Kansas City
Parking provided on court grounds	None	
Parking available off court grounds	Surface parking lot 'A' across street from the courthouse <ul style="list-style-type: none"> • Free parking for judges, court reporters, court and county officials City owned parking lots in near vicinity <ul style="list-style-type: none"> • \$85/day for general court staff (county pays city on behalf of employees) Metered street parking is available on a first come, first serve basis	
Juror parking accommodations / cost	Approx. \$5/day in nearby lots; Jurors parking paid by county after the first day of service.	

Advice: In planning future court facilities it is recommended that Polk County and Court leaders confirm that there is parking available to accommodate the needs of court staff and the general public within a three block radius of the facility. However, it is not recommended that substantial amounts of parking be provided on court facility grounds; and it should be expected by the court staff and the general public that they will be required to pay for parking.

Security / Zones of Circulation

Question: Can the court continue to operate within its current building configuration utilizing a shared system of circulation for judicial staff, in-custody defendants, and members of the public?

Answer: No, separate zones of circulation are required for safe operation of general jurisdiction courts.

Background: In recent years there has been a rapid rise in the number of violent acts within courthouses nationwide. These acts range from minor disturbances and physical assaults to senseless acts of murder and mass destruction. Security risks within courthouses are perhaps more visceral than in other environments because of the close proximity of disputing parties (e.g. revenge seeking family members in family court or rival gang members populating the gallery in criminal court).²⁵ In Polk County the security risks are greatly heightened by the current building configuration in which all visitors, detainees and judicial staff share an open circulation system.

Courthouses should be safe environments where the public can come to resolve their legal matters. Courthouses that are perceived as unsafe jeopardize the integrity of the entire legal system. Although the historic courthouse was built according to the most current design and court planning strategies of its time, the County has since grown tremendously in size and the facility requirements for safe operation of the court have changed considerably as courthouse planners have come to the realization that separate zones of circulation are required for safe operation of general jurisdiction courthouses.²⁶

Today, the Polk County Court is operating in an environment that was designed for security needs that have changed dramatically in the last 100 years and is at very high risk for a major catastrophe. The Polk County Courthouse is an overwhelmed facility that regularly accommodates 2,000 visitors per day. Within the shared central atrium there is no physical separation between members of the public, in-custody adult detainees, in-custody juvenile detainees, and judicial staff members. It is imperative that immediate action be taken to relieve the stress that is currently being placed on the historic building.

²⁵ Jones, Tony (2003). *Court Security, A Guide for Post 9-11 Environments*. Charles C Thomas Publishers LTD.

²⁶ Hardenbergh, Don with Michael Griebel, Robert W. Tobin, and Chang-Ming Yeh (1998). *The Courthouse: A Planning and Design Guide for Court Facilities*. The National Center for State Courts.

To the fullest extent possible and within the confines of the original architecture, separate circulation systems should be provided for the public, judges, court employees, and detainees in the building to maintain proper security. Although there are limits to the extent to which the historic building can be reconfigured, the following principles should guide efforts for any remodeling in regards to security and separation of circulation:

Public Circulation System

The public circulation system should provide access from the public point of entry to the controlled access points of restricted and secure areas of the courthouse. Spaces that should be accessed from the public circulation zone include waiting areas, courtrooms, public counter areas, jury assembly rooms, mediation rooms, attorney/client conference rooms, office reception rooms, vending areas, and public restrooms.

Restricted Circulation System

Judges and court employees should be able to move into work areas or courtrooms through private corridors and private elevators without going through the public area. The restricted circulation system should not be bisected by the public circulation system.²⁷ Building service functions, including storage, staging and loading areas, security staff offices, and other support areas, should be located within the restricted circulation zone. The restricted circulation system can include connecting stairs between staff areas on other floors.

Secured Circulation System

Prisoner movement in the courthouse should be segregated and not intersect with other court users. The secured circulation system should provide access between a secured in-custody entrance²⁸, holding areas adjacent to the courtrooms, and inside the courtrooms. The design of these areas shall prohibit unauthorized access by the public and escape by persons in custody. Secured circulation corridors, elevators, and stairwells should minimize turns, alcoves, and other potential hiding places; secure circulation areas should be monitored with video cameras supervised by the court security staff.

²⁷ The Historic Courthouse has substantial limitations in regards to the feasibility of complete separation of judicial and public traffic because of the central atrium area that bisects the building along its North/South axis. However, pre-schematic concept schemes prepared by SVPA Architects have illustrated that marked improvements the building's circulation system can be accomplished in this regard.

²⁸ Detainee transportation and staging for the Courthouse is currently accommodated through the old jail building which provides a safe and effective means for prisoner transportation and holding. After initial intake and processing at the Old Main Jail, detainees are transported to the Courthouse via a secure underground tunnel. However, once inside the historic courthouse there is no secure means for transfer of detainees to individual courtrooms.

Advice: The security risks involved in maintaining the current facility in its current configuration are grave and it is imperative that steps be taken to improve the current configuration. At the same time, the extensive renovations required to fully address the problem will be substantial and have the potential to negatively impact the building's physical character and the ability of the court to operate while the building remodeling is underway. It is extremely important that renovations be planned in way that is sensitive to the original architecture of the historic building and that allows the court to operate in the interim period. Although renovations will be costly and will require substantial coordination with other facility utilization efforts²⁹, it is highly recommended that County and Court leadership prioritize a long-term plan to provide separate zones of circulation for the safe operation of the Court.

²⁹ The ability of the court to remove a substantial amount of functions out of the historic courthouse in order to accommodate extensive remodeling is dependent on the availability of alternative facilities. Refer to the facilities utilization briefs for descriptions of the alternate facilities considered for this report.

Jury Management

Question: Can space complications and courthouse congestion be lessened through improved jury management?

Answer: Somewhat, but not without relocation, substantial remodeling, and procedural changes.³⁰

Background: The jury system has long been the bedrock of American justice. To this day, the vast majority of Americans credit juries with preserving the fairness and independence of our judicial process. Because of this celebrated and ongoing importance, the physical facilities provided jurors have traditionally been a key focus in courthouse design, conveying a sense of dignity and importance to this core role played by everyday citizens in their government. Building on that history, however, the jury system has not remained a static institution. Over the past several decades, courts have implemented automation and developed procedures to manage juror service more efficiently and responsibly. Courthouse design needs to reflect these developments in order to provide an appropriate technical and physical environment in which jurors can best fulfill their traditional role.

Even though jurors are compensated modestly,³¹ they can be tacitly regarded as one of the biggest groups of “citizen volunteers” in public service. The current jury assembly room, converted courtroom space on the third floor of the Historic Courthouse, is largely inadequate in many respects. It can accommodate approximately 100 people, but is often overflowing due to the number of jurors that report. The court operates on a one week / one trial term of service with jurors reporting to the Courthouse for a full week of service or the duration of the trial if the trial goes longer than one week. Most trials last between two and three days.

To meet the demand for prospective jurors, the jury commissioner summons an estimated 550 people each week, six weeks in advance of the date of service. Generally, jurors report on Mondays. When heavy jury calendars are predicted ahead of time, a second reporting group may be brought in on Wednesdays. Since the assembly room presents problems in seating and acoustics, orientation customarily takes place in a nearby courtroom. Routinely, around 250 summons are returned; after disqualifications (i.e. non-residency, non-citizen, prior felony conviction, or inability to speak or understand English) roughly a maximum of 200 are eligible for service. The proportion of persons summoned who are qualified and available for jury

³⁰ This issue paper was developed with the assistance of Paula Hannaford-Ago, Director, Center for Jury Studies, National Center for State Courts.

³¹ In Polk County jurors receive a \$35 flat daily rate for the first 7 days and \$50 per day after that. In addition, jurors receive free parking in City of Des Moines parking ramps.

service is called the *jury yield* (approximately 36 percent in Polk County). A commonly used goal for yield is 40 percent, a value demonstrated to be realistic in many well managed courts, which appears achievable in Polk County.³²

From the pool of jurors who report, staff randomly selects jury panels averaging 25 prospective jurors for civil cases and 30 – 35 persons for criminal cases. Here, *CourTools*, statistical measures created by the National Center to assess court performance, would evaluate *jury utilization*, the rate at which perspective jurors are used at least once in trial or voir dire. The objective being to minimize the number of unused perspective jurors – the number of citizens who are summoned, qualified, report for jury service, and then who are not needed. The suggested goal for the number of jurors who attend jury selection, essentially those called from the jury assembly room to a courtroom for voir dire, should be around 90 percent in high performing courts. The goal for those who are actually utilized, in other words selected as jurors, should be 30 percent of those sent to the courtroom. These calculations will help in assessing both the appropriateness of the yield and panel size. Polk County statistics were not collected.

Another recommended measure of jury management effectiveness is a *juror questionnaire*. Juror attitudes, measured by a qualitative survey, are often very helpful in detecting problems and improving processes before they reach crisis proportions or have the possibility of further reducing yields over the long run. The District Court in Polk County does not routinely administer juror opinion polls.

Analysis: Overarching values suggested by the Center for Jury Studies at the National Center for State Courts in managing trial court juror systems is to *conduct operations in a manner that respects and protects citizen dignity, time and safety while demonstrating the importance and significance of their unique role in determining the facts of a case*. This obligation begins with the pre-service processing and screening of prospective jurors and continues through their arrival at the courthouse for jury service, the court's orientation to their duties as a petit juror, the safe and orderly transit of jurors from the assembly room to individual courtrooms, the juror selection process (voir dire), the presentation of evidence, argument and legal instructions to the impaneled jury, the jurors deliberations at the close of the case, and the release of the jury panel when the tasks are completed. Responsibility for these objectives in Iowa

³² Source: *CourTools Measure 8, Effective Use of Jurors*. *CourTools* is a set of ten concise performance measures for trial courts. Taken collectively, these metrics are universal, common sense ways to assess basic court operations regardless of court size, jurisdiction or location. They measure case delay, impartiality, attitudes and perceptions, data accuracy, customer service, stewardship of resources, and respect for the court and its decisions. They condense decades of research leading to quantifiable, vital outcomes. One of the measures is the *Effective Use of Jurors* which targets juror yield, juror utilization and juror satisfaction in comparison to national and state standards. The foundation principle in measuring juror performance is the supposition that if the jury system is perceived not to be overly onerous, and it values the time and service of jurors, public trust and confidence in the justice system is enhanced...an important ingredient for a stable, vibrant and healthy democracy. For more about *CourTools*, go to www.ncsconline.org.

falls primarily on the court and trial judges for automation and procedures, and secondarily, on county leaders for space, infrastructure, overall security, and essential juror accouterments (i.e. adequate restrooms and a comfortable waiting environment).

Needless to say, the biggest shortcoming in meeting the Center's recommended overall jury values in Polk County is the inadequate facilities faced by jurors in virtually all respects. The jury assembly room is too small for the number of jurors summoned and not secure from public, litigant, victim, lawyer and witness contact as universally advised by the National Center. The assembly room space should serve a number of functions including check-in, orientation, comfortable waiting, and provide a sense of civic purpose. It does none of these things well. A trend nationally has been to recognize that jurors spend a great deal of their time waiting in the jury assembly room and thus to make the area as comfortable as possible (i.e. break rooms, business center, quiet rooms, etc.).

Restrooms are scant throughout the Polk County Courthouse and do not provide the security jurors should be afforded. Many urban courts provide separate, segmented restrooms for jurors near the assembly room.

Deliberation rooms in the Courthouse are limited. They need not be attached to individual courtrooms in what many see as the traditional model, but may be clustered together in strategic locations provided they allow security and privacy for jurors. The rooms should serve three functions: They should provide a protected location for deliberation; provide a gathering place and waiting area for impaneled jurors and alternates when trial is not in session; provide a space for staff meeting, assembly, and training when not used by a panel. Clustering jury rooms can permit reduced remodeling and construction costs by sharing amenities (e.g. restrooms, coat closets, small kitchen area). In modern courthouse design, deliberation rooms allow jurors to conduct routine personal business during non-trial times as necessary (i.e. checking email, making personal cell phone calls, etc.). Some judges may be concerned that jurors might use Internet access to obtain ex parte information about the trial. There may be similar concerns about jurors mingling with jurors from other cases in shared deliberation suite areas. These risks are no more likely for jurors waiting in deliberation areas than they would be for jurors who leave the courthouse during recesses for lunch. Moreover, empirical research suggests that if jurors are appropriately admonished to avoid conducting independent research or discussing the case with others, and given the underlying rationale for the prohibition, they are remarkably good about policing themselves.³³ Jurors can be given additional admonitions to concentrate on jury deliberations, rather than personal business, after the case has been given to them for decision.

³³ Data available at the Center for Jury Studies, National Center for State Courts, Williamsburg, VA.

Advice: There are some modest ways to lessen space complications in the Historic Courthouse through improved jury management, but the greatest impact would likely result from significant renovation of the building together with instituting more forward-looking approaches in juror facilities. Some of these suggestions may be accomplished with procedural changes; others with partial reconstruction within the building...

- Consideration should be given to relocating the juror assembly room to the ground floor if other functions are moved from the building to permit additional space on that floor. This would ease congestion on the upper floors, reduce elevator traffic, and could indeed facilitate a more secure assembly room environment if designed properly, and may allow for more updated, dedicated restroom facilities.
- Consideration should be given to moving to a one trial | one day term of juror service. Sixty-eight percent of general jurisdiction trial courts in the U.S. serving populations of 400,000 people or more provide this service pattern. Two-thirds of the U.S. population lives in those jurisdictions.³⁴ Doing so alleviates much of the financial hardship associated with jury service, which in turn reduces the excusal rates for jurors and increases the jury yield. The average excusal rate for courts using the one trial | one day term is six percent compared to nine percent for courts using longer terms of service.³⁵ Also, it should be noted that low juror fees, such as exist in Iowa, correlate with higher excusal rates.

Two of the most common arguments against one trial | one day terms of service are that it requires summoning more jurors, and many judges prefer “seasoned jurors”³⁶ who are thought to be better at deliberation. It is true that in many cases more jurors are required to be summoned, but a portion of that is offset by the increased yield due to a shorter term. Another mitigating aspect often overlooked is the number of days jurors actually serve. Since the District Court in Polk County predominantly calls jurors on Monday and sometimes Wednesday, it would be a short step to a one trial | one day system. Another benefit of a reduced term of service often exhibited by courts in moving this direction is they generally find themselves using jurors more efficiently and thereby needing fewer jurors overall.

³⁴ NCSC State of the States Survey of Jury Improvement Efforts, April 23, 2007.

³⁵ Ibid.

³⁶ “Seasoned jurors” are those who have served on a panel.

Regarding “seasoned jurors,” NCSC experience is that rarely do jurors have the opportunity to become “seasoned” in a week on jury service. Most are released before the week is finished since it is a rarity in Polk County, and many other general jurisdiction courts, to start a jury trial after mid-week.³⁷

- Reduce juror waiting and peak congestion times with staggered starts. It is a well documented fact that the most objectionable aspect of jury service is the amount of time prospective jurors spend waiting, even if the waiting takes place in a “gilded cage.” Any reasonable effort to reduce the amount of waiting will always be viewed positively by jurors and ultimately will result in more efficient operations overall.

At the risk of characterizing prospective jurors as mere commodities, it may be useful for the District Court to consider some of the inventory supply chain practices developed by big box stores such as Wal-Mart and Target. These types of businesses have streamlined their inventory procedures to ensure “just-in-time” product delivery; excessive amounts of on-site inventory are kept to a minimum. Along the same vein, the District Court should operate the Jury Assembly Room with the expectation and intent that, for the vast majority of prospective jurors, a minimal amount of time will elapse between the time they report for service and the time they are sent to a courtroom for voir dire. This can be accomplished by wisely regulating both the “supply” of jurors reporting for service and the “demand” for jurors from individual judges.

To make appropriate adjustments on the supply side, the District Court should explore staggered reporting times for jurors, making it a routine practice. Technology (IVR, Internet) can assist in canceling jurors assigned later start times through “call out” options that can text, email, and telephone summoned jurors to inform them they need not report.

Check-in processes can be streamlined with technology. Forms completion work can be done on-line or via IVR concurrently with the submission of a juror affidavit questionnaire. Jurors using the Internet could view a digitized version of the orientation video before reporting. Some courts have moved to juror check-in at kiosks in the Assembly Room similar to airline check-in processing. Kiosks can

³⁷ Interestingly, the Superior Court of Arizona in Maricopa County (Greater Phoenix) experimented a few years ago with jury selection in civil cases on Fridays in anticipation of trial starts on Monday morning at 9:00 AM sharp. Three unanticipated, positive results were occasioned largely attributed to the fact that lawyers worked over the weekend to prepare their cases. First, fewer cases went to trial since settlements and pleas were more prevalent. Time certain drove serious, last minute scrambles to resolve issues in lieu of trial. Secondly, jury selection on Fridays caused cases that would have settled on Mondays to resolve early freeing more judges early in the week to take overflow cases. Third, the trials that did take place were generally shorter in duration by as much as 25 percent than similar cases where jury panels were selected early in the week. The speculation is that since lawyers had two days (i.e. Saturday and Sunday) to prepare in earnest, they were more on-point and succinct in trying their cases.

scan barcodes on the summons or prompt jurors to enter their juror ID numbers, make name and address corrections, complete biographical data if not previously done, and direct those who have not watched the video over the Internet to a separate area in the Assembly Room where it is played on a continuous loop as jurors arrive.

On the demand side, judges and judicial staff have to strive for accuracy in specifying the time they expect to begin voir dire. Last minute settlements are sometimes unavoidable, but where they proliferate, it will confound improved jury management. For the most part, NCSC has found in dealing with the national community of urban courts that a majority of judges have highly predictable calendar patterns on trial days. To the extent feasible, judges on a jury trial calendar should pre-select regular, staggered start times.

- Study the possibility of moving the jury assembly room outside the courthouse to a nearby office facility where jurors could be oriented and wait to report to a courtroom. Admittedly, there are not many courts that do so, but then again, there are not many urban courts facing the constrained space options encountered in Polk County. There are metro courts that do move jurors between buildings when forced to do so. NCSC is not aware of any major difficulties in moving jurors between buildings that have resulted in disqualifications.

Another option is to have jurors report directly to a courtroom at a specific time, usually late morning or early afternoon, without ever passing through a jury assembly room. Travis County Texas (Austin) operates in this fashion with little difficulty.³⁸ There is no jury assembly room in the county courthouse. The later reporting times give judges the opportunity to address pretrial motions and accept day-of-trial settlements and plea agreements with sufficient time to cancel jurors if they are not needed for trial. The practice has had a particularly impressive effect on juror utilization, ostensibly because judges understand that jurors will be reporting directly to their courtrooms and they will be responsible for sending them home if they are not ultimately needed for jury selection. This creates substantial incentives for effective pretrial management and communication with attorneys and with the jury staff before telling jurors to report for service.

- Expand digitized respond-by-web and respond-by-phone jury technology to reduce paper and clerical work (i.e. limiting need for additional staff), improve overall response rates (i.e. summoning fewer jurors)³⁹, and reduce time spent by jurors in the courthouse (i.e. relieving congestion). Through the offering of more efficient avenues for jurors to respond and manage their jury duty - including providing personal data, educating themselves about the role and responsibilities of a juror, managing their time in reporting and serving, and providing

³⁸ Travis County Texas has a population of 1 million residents (2009 estimate: U.S. Census Bureau).

³⁹ Juror management software vendors have reported to NCSC that the more tasks that prospective jurors can conduct online, the more likely they will be to conduct all their juror communication online which in turn affect overall response rates. Thus, courts that restrict online communication only to documenting juror qualification questionnaires typically have lower overall response rates than courts which provide jurors with a broad array of options.

feedback – technology can promote staff and space savings in the Historic Courthouse. To that end, the Center of Jury Studies has discovered that a substantial factor in the success of online juror websites is the extent to which their courts publicize them and formally encourage jurors to use them (i.e. prominent notice on the jury summons about website services).⁴⁰ Although implementation of such an initiative must be initiated and funded by the State Court Administration's office, Polk County, as the largest court system in the state, should be an advocate for new jury technology.

⁴⁰ There is great room for improvement. An informal survey of 35 courts conducted by NCSC's Center for Jury Studies that offer online qualification access to prospective jurors found great variation in online response rates ranging from less than two percent to as high as sixty percent. Most courts reported average online response rates between 25-35 percent; roughly a half to two-thirds of the households in the U.S. with Internet access.

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