

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 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.

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 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.

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

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 its 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 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.

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.
- ***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

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.

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 sub-divided 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.