

A COMPREHENSIVE EVALUATION OF THE  
KITSAP COUNTY COURTHOUSE

Institute for Court Management  
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## I. ABSTRACT

The Kitsap County Superior Court is a general jurisdiction court located in Port Orchard, Washington. The Court files approximately 10,000 new cases each year, with an estimated one-fifth filed by the County Prosecutor's Office. The Superior Court occupies a facility built in 1935 and renovated seven times since its initial construction to accommodate growth in both the Court and other Law and Justice departments. The facility is no longer capable of sustaining further growth and the cost of repairing and maintaining the existing facility has been deemed imprudent. Kitsap County judicial, executive and legislative branch leaders have resolved to design and construct a new court facility in 2012.

The purpose of this study is to examine the existing court facility to identify fundamental and programmatic deficiencies, as a means of constructing a new facility specifically designed to support the Superior Court's mission. The study focuses on the extent to which the current facility complies with building standards outlined under the 1996 Americans with Disabilities Act, supports sound court security practices, and promotes the use of technology. The study fundamentally incorporates the forecasted future rate of growth to ensure a new court facility adequately addresses existing space deficiencies.

The study is comprised of four distinct evaluation methods. First, a statistical forecasting analysis is used to determine the Court's rate of growth through the year 2040 to ensure planning is realistic and forward-thinking. Second, an ADA checklist is used to assess the Court's existing compliance with the Americans with Disabilities Act Architectural Guidelines (ADAAG) to determine what special access considerations can be improved in a new facility design. Third, a standardized Court Security checklist is used to identify deficiencies in the current floorplan to highlight existing architectural flaws that should be avoided in a new

courthouse design. Finally, an attorney technology survey is used to identify the local Bar Association's technological preferences as a means of forecasting and incorporating the proper technical infrastructure to support it in the future.

Based on the statistical forecast, the Court is likely to grow by approximately four new judicial officers, and six new court support staff, by the year 2040 – a thirty year milestone for the new facility. The ADA checklist dramatically reveals the need for greater forethought in integrating the ADA in a new facility design. The existing facility not only fails to meet ADAAG standards for court customers, but also offers limited flexibility for accommodation should a judge or court employee become disabled. The Court Security checklist reveals three most basic risks plaguing the existing court facility – a lack of separate circulation patterns, poor secured parking, and a less-than-secure “employee” entrance. The attorney technology survey identifies the top technical priorities desired by the local civil Bar, but a poor survey response rate makes it difficult to generalize much more from the responses.

The study concludes that the Court operates as effectively as it can within the present structural deficiencies. However, with a new opportunity to “get it right,” the study encourages local government leaders to design a facility that meets the unique needs of the Court. The study ends with a series of recommendations that govern the overall design of a new court facility, including growth rates, design team members, and applicable standards; and, a few recommendations, particularly mandated by the ADAAG, for improving the existing facility in the interim.

## II. INTRODUCTION

As Don Hardenbergh<sup>1</sup> noted in the introduction to his seminal 1998 work, few court administration projects match the complexity or investment associated with the design and construction of a new court facility. Construction projects inherently foster tensions between vision and budget, space and functionality, growth and affordability. They pit judges and court leaders against executive and legislative partners, compelling necessary reflection on both the independent and interdependent relationships that courts must simultaneously embrace. And underlying it all, every stakeholder bears the same fundamental truth. “We have only one chance to get it right.”

In practice, court facilities stand as a testament to the design and planning that underscore the brick and mortar. Judges, court managers, attorneys, pro se litigants, and the public-at-large will be quick to criticize new facilities regardless of the care and the consideration taken during the planning phases. Nonetheless, court leaders owe it to their communities to consider new court facilities as an opportunity to right those structural elements that have plagued sound court administration in older, more tired courthouses. This study is intended to evaluate the existing Kitsap County Superior Court facility by incorporating statistical forecasting, adhering to ADA standards, court security guidelines and technology considerations. All of this is to ensure the difficult lessons lived in the existing court facility are not replicated in the future.

### A. General Background

The Kitsap County Courthouse is located in Port Orchard, Washington and presently houses the general jurisdiction Superior Court, the limited jurisdiction District Court, the elected County Clerk’s Office, the elected Prosecutor’s Office, and the countywide Information Systems

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<sup>1</sup> Don Hardenbergh, et al. **The Courthouse: A Planning and Design Guide for Court Facilities.** 1991. Williamsburg, VA: National Center for State Courts, 1998.

department. The Public Works department is also temporarily located in the courthouse until ongoing retrofitting of its respective facility is completed, estimated for March 2008. The courthouse is owned, funded and maintained entirely by Kitsap County, and rests adjacent to the Kitsap County Jail. Additionally, the County operates a separate juvenile court and detention facility, the Youth Services Center, which is approximately two miles from the downtown courthouse. On a weekly basis, the Superior Court also conducts mental hearings in a regional treatment center (RTC) in Bremerton, approximately ten miles away. Also, the District Court holds trials and hearings in leased spaces in the northern city of Poulsbo and an unincorporated economic center in Silverdale.

The Kitsap County Superior Court, which is intended to be the focus of this facility study, is located on the second floor of the County Courthouse. The Superior Court is comprised of eight elected judges and one appointed, full-time court commissioner. The Court operates daily using seven courtrooms, six of which incorporate twelve-person jury boxes, and four jury deliberation rooms. On a daily basis, one judge is assigned to the Youth Services Center while, throughout the week, the court commissioner is assigned a calendar circuit that takes him to the Youth Services Center, the RTC, and the central courthouse. On busy, Motion Calendar Fridays when all judicial officers are scheduled in the downtown facility, the jury assembly room is temporarily transformed into an eighth, non-jury courtroom.

The courthouse was originally designed and constructed in 1935, but has been renovated seven separate times since its original opening. In its history, the courthouse has served as the general County government building housing not just the judiciary, but also the legislative and executive branch officials charged with governing the County. The courthouse was originally designed to house one Superior Court judge and one District Court judge. Over time, former

open-air courtyards have been enclosed, former windows covered, faux walls constructed and space re-allocated to accommodate the growth in the various government offices.

Beginning in 2002, Kitsap County executive, legislative and judicial branch leaders began planning a substantial capital project which was intended to provide adequate and updated facilities for all County departments. The plan contemplated construction of a new County Administration facility into which all executive and legislative departments would relocate. Upon completion of this phase, the Courthouse was intended to undergo a significant renovation. In fact, the County Board of Commissioners set aside a \$5 million earmark specifically intended for the courthouse renovation project. During 2005 and 2006, judges, court administrators, Law & Justice agency leaders, architects and the County's capital project manager met regularly to plan the space allocation and renovation details desired. However, given cost and schedule overruns for the new Administration building, and sharply rising costs for the Courthouse renovation plan, County leaders determined in late 2006 that construction of a new court facility in 2011/2012 would be a better investment than a \$13.5 million renovation that significantly limited future growth. By February 2007, when nearly all executive and legislative branch departments relocated into the new County Administration Building, court and county leaders resolved to focus on a newer, 30-to-50 year court facility.

For their part, the Superior Court judges welcomed the opportunity to help design and build a new courthouse, particularly since many of the things the judges wanted most the county was unable to fund in 2007. Specifically, the judges outlined four fundamental priorities for a new court facility. They are as follows: (1) a new courthouse should be designed to support the judicial function for 30-to-50 years, incorporating sufficient design flexibility for future growth and expansion; (2) a new courthouse should fundamentally promote broader public access

through the wholesale incorporation of ADA design standards; (3) a new courthouse should fundamentally meet the safety and security expectations of court employees and citizens who frequent court services; and (4) a new court facility should fundamentally support existing and forecasted/desired technology to better deliver court services. This project is designed to evaluate the existing court facility in view of these priorities, as a means of planning for a new court facility.

### III. LITERATURE REVIEW

Because court facilities require such a significant capital investment, and because they are a fundamental necessity for an effective judicial system, much has been written about the design, planning and construction of modern courthouses. In fact, in planning a critical evaluation of one's own facility, it becomes immediately apparent that significant discretion is necessary to identify research that is directly relevant and applicable. Because this study is intended to comprehensively evaluate existing Kitsap County Courthouse facilities, the literature review encompasses four distinct areas, which are as follows: general courthouse design and planning; impacts of the Americans with Disabilities Act; transparent inclusion of court security; and, planned integration with court technology equipment and infrastructure.

#### A. General Design and Planning

Over the last 30 years, the concept of courthouse design, planning and construction has grown from a solely architectural exercise to an effort that encompasses a variety of distinct disciplines. In 1972, in consultation with the American Judicature Society, James Alfini and Glenn Winters published Selected Readings – Courthouses and Courtrooms<sup>2</sup>, a series of articles related to courtroom and courthouse development. The articles, written by architects, university professors and judges, ranged in perspectives from the traditional and symbolic importance of courthouse facilities, to the functional considerations inherent in facility design and construction. Rather than focusing their work on the practical implementation of courthouse design, Alfini and Winter's collection presented a rather disjointed and academic view of courthouses, as valued

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<sup>2</sup> James J. Alfini and Glenn R. Winters, ed. **Selected Readings – Courthouses and Courtrooms**. Chicago, IL: American Judicature Society, 1972.

differently by different disciplines. Court facilities were portrayed as interesting results of a process neither well-managed nor uniformly standardized.

In keeping with this academic approach, the School of Design at the North Carolina State University in Raleigh published 100 Courthouses: A Report on North Carolina Judicial Facilities<sup>3</sup> in 1978. Developed for use by the North Carolina Administrative Office of the Courts, the publication undertook the establishment of spatial, functional and facilities design standards as a means of assessing the condition of existing trial courts throughout the State. This report appears to be one of the earliest efforts to apply a scientific management approach to courthouse facilities. It attempted to establish recommendations for further enhancing existing courthouses, while proposing methodologies for projecting future growth.

In a similar fashion, the College of Architecture at the University of Nebraska in 1987 published Nebraska Courts: Standards & Facility Planning Guidelines<sup>4</sup>. Lincoln, NE: University of Nebraska, 1987. This publication presented a sequential method for design and planning of new and renovated court facilities. It provided a set of functional standards to be incorporated in the construction of Nebraska trial courts, and provided evaluative checklists for court professionals to use in determining court facility needs. It also provided several illustrations regarding trial courtroom space needs, as well as adjacencies to other inter-related divisions of the court. The Nebraska guidelines approached courthouse design from the functional needs and adjacencies of each court work unit to ensure, scientifically, that court facilities were as effectively constructed as possible.

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<sup>3</sup> **100 Courthouses: A Report on North Carolina Judicial Facilities.** Raleigh, NC: North Carolina State University, 1978.

<sup>4</sup> **Nebraska Courts: Standards & Facility Planning Guidelines.** Lincoln, NE: University of Nebraska, 1987.



Building upon these early standards, Don Hardenbergh and a team of court facilities experts at the National Center for State Courts published The Courthouse: A Planning and Design Guide for Court Facilities<sup>5</sup> in 1991, the most detailed, comprehensive and integrated approach to courthouse facility design, planning and construction to date. This publication has become the cornerstone of new and renovated courthouse construction because it presents a management method for designing, planning and constructing court facilities from the very global to the very specific. It establishes a national set of spatial, functional, adjacency and facility standards for federal and state courts to aspire. Further, in a very concise way, it integrates unique design elements, such as court technology, access for people with disabilities, and court security, into an understandable and logical approach. It, further, incorporates some of the more effective checklists, evaluative tools and diagrams published in earlier works.

In 2001, Hardenbergh, again on behalf of the National Center for State Courts, published Retrospective of Courthouse Design, 1991-2001<sup>6</sup>. While the introductory articles in this publication provide some interesting forecasting regarding the future design, construction and use of courthouses and courtrooms, this particular publication was not as useful in the completion of this study. For the most part, this work is an individual showcase of individual court facilities designed and constructed since the release of the 1991 National Center guidelines. The Retrospective illustrates and summarizes the use of these guidelines, but offers little to the evaluation contemplated in this project.

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<sup>5</sup> Hardenbergh, see Note 1.

<sup>6</sup> Don Hardenbergh and Todd S. Phillips, eds. **Retrospective of Courthouse Design, 1991-2001**. Williamsburg, VA: National Center for State Courts, 2001.

By contrast, a 1995 ICM seminar notebook entitled Designing for Decisions: Facilities, Space and Organizational Goals<sup>7</sup> provided some very useful evaluative tools for court facility forecasting, design and planning. The three-day seminar, primarily facilitated by Dan Straub and Andy Cupples, offered a practical management approach to courthouse planning. The notebook contained several space and workflow tools for collecting quantifiable data that may be used to determine the projected size and need of a designed court facility. This resource also contained information regarding facility detail, including individual work station standards, a model Request for Proposal, general courthouse space standards, and ADA/accessibility materials. Notwithstanding the benefit of the actual seminar presentations, the notebook contained excellent tools for organizing, forecasting and planning for new courthouse facility projects.

Similarly, the United States Administrative Office of the Courts published U.S. Courts Design Guide,<sup>8</sup> a 1997 set of guidelines and standards for designing and constructing federal courthouses around the country. The guide acknowledges the variety of site plans, floor plan configurations and unique materials that may be integrated into various regional court projects. However, this guide integrates a baseline of standards and requirements that should be considered in federal courthouse designs. All functional areas are broken into segments and treated separately for design and planning, then integrated to establish spatial and functional relationships. This particular publication is a very detailed, “how-to” guide for organizing physical courthouse development that integrates many of the same elements contemplated in this study. It will be particularly useful in developing recommendations and strategies from the data

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<sup>7</sup> Dan Straub, Andy Cupples and Dan Smith. *Designing for Decisions: Facilities, Space and Organizational Goals*. Warwick Hotel. Philadelphia, 10 April 1995.

<sup>8</sup> United States. Administrative Office of the Courts. **U.S. Courts Design Guide**. 1997 ed. Washington, DC: Department of Commerce, 1997.

collected. Additional information regarding facility financing, funding and ongoing maintenance will be of less value here.

The United States General Services Administration commissioned a 1997 companion design and planning publication entitled Green Courthouse Design Concepts.<sup>9</sup> This report presents the findings of a 20-member panel charged with developing sustainable “green building” concepts for federal district courts. The panel, comprised of engineers, architects, environmentalists, planners and research scientists, specifically incorporated environmentally-sound building and infrastructure concepts into a facility expansion project in the Denver, Colorado federal court. The construction integrated energy efficient utility and HVAC systems, environmentally-conscious building materials, enhanced air quality systems, and construction methods. In the present study, this publication was of considerable interest given Kitsap County’s adherence to similar “green building concepts” in a recently completed Administration facility.

The Michigan State Court Administrative Office published a similar, comprehensive set of courthouse building guidelines, The Michigan Courthouse: A Planning and Design Guide for Trial Court Facilities,<sup>10</sup> in 2000. This guide provides a detailed State approach for evaluating, designing, planning and constructing trial court facilities. The guidelines includes recommendations for managing and planning facility planning, provides general design standards, and presents a comprehensive overview of the issues and considerations that require consideration in the development of a new facility. These guides include a very helpful facility

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<sup>9</sup> Public Building Service. **Green Courthouse Design Concepts**. Washington, DC: U.S. General Services Administration, 1997.

<sup>10</sup> Michigan Supreme Court. State Court Administrative Office. **The Michigan Courthouse: A Planning and Design Guide for Trial Court Facilities**. Lansing, MI: State Court Administrative Office, 2000.

checklist that may be used to assess existing court facilities and identify deficiencies that should be addressed in any further renovation or new construction efforts.

In 2003, Todd S. Phillips and Michael A. Griebel published Building Type Basics for Justice Facilities,<sup>11</sup> an overview of considerations that go into the design and construction of justice facilities, generally. Written in textbook fashion, the authors devote one chapter specifically to the design of courthouse facilities. More importantly, an entire section of the book is devoted to specialty infrastructure issues including lighting and acoustics; mechanical, electrical and structural systems; specialty systems, such as technology infrastructure; courthouse security; and, construction financing. While this publication is not as detailed as others noted above, it does provide a realistic perspective on court facilities by architects specialized in courthouse design. Some of the research included in this publication appears to be drawn directly from the 1991 Hardenbergh standards reviewed earlier.

Finally, a couple of articles were reviewed specifically because they purported to offer future trends analysis. While a little dated, Anne Endress Skove's 2000 trends article for the National Center for State Courts, entitled *Making Room for Mediation: ADR Facilities in Courthouses*<sup>12</sup> encourages the incorporation of Alternative Dispute Resolution (ADR) rooms in new court facility design and construction. While the article establishes considerations for ADR rooms on a conceptual basis – mainly, confidentiality of proceedings and ADA accessibility – it does not provide much value for determining what ADR space should look like or how it should be integrated in the spatial, functional and facility adjacencies outlined in several other resources.

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<sup>11</sup> Todd S. Phillips and Michael A. Griebel. **Building Type Basics for Justice Facilities**. Hoboken, NJ: Wiley & Sons, 2003.

<sup>12</sup> Anne Endress Skove. *Making Room for Mediation: ADR Facilities in Courthouses*. **1999-2000 Trends in State Courts**. 2000. Online. National Center for State Courts. Internet. 17 July 2007.

By contrast, Don Hardenbergh's *2004 Trends in State Courts*<sup>13</sup> provided a lot of detail regarding changes in trial courts that he believes will compel greater flexibility in the use and design of court facilities. Hardenbergh noted the emergence of the Internet as a service delivery mechanism for a population growing both in numbers and in technological sophistication. He suggested that the growth in technology and the expansion of electronic legal information, in addition to rising judicial system costs, created an increase in pro se litigants navigating the courts. This required court services to become more "customer-friendly" organizations. The focus of court leaders, thus, changed to improving public trust and confidence; providing greater transparency of justice; improving public access and accommodation; and, making greater use of ADR to address growing caseloads. Hardenbergh noted the increase in security threats and the growing need for a more integrated security design that effectively safeguards courthouse occupants without sacrificing a more open, accessible public forum. Child care and family services may need to be incorporated in future courthouse designs to achieve the level of customer service demanded by the changing population dynamics. Similarly, broader availability of electronic research may be necessary to address the demand for more services. Lastly, natural lighting, less facility "hardening," and more green design may be demanded by the public's changing values. In short, Hardenbergh forecasts that court facilities will need to be built with a future eye towards growth and flexibility, and that future facility design and planning will need to integrate the changing values and dynamics of the community.

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<sup>13</sup> Don Hardenbergh. *Trends in Courthouse Design. 2004 Trends in State Courts*. 2004. Online. National Center for State Courts. 14 June 2007.

B. Impact of the Americans With Disabilities Act

Shortly after the United State Congress adopted the Americans with Disabilities Act (ADA) of 1990, Erica Wood, Jeanne Dooley and Naomi Karp published Court-Related Needs of the Elderly and Persons with Disabilities (1991)<sup>14</sup>, a guide sponsored by the National Judicial College<sup>15</sup> to assist courts with implementation of the new federal legislation. This guide defined Title II of the ADA and clarified the direct compliance requirements for court professionals. The authors emphasized the court's responsibility to remove all architectural and communication barriers, and provide access to all programs, services and activities. Specifically, Wood, Dooley and Karp instructed courts to ensure that people with disabilities have a continuous path from public transportation to an accessible courthouse entrance; an accessible path to courthouse service and program areas; an accessible path to restrooms, drinking fountains and telephones; a clear view of interior signage; and, access to alarm systems without communication barriers. Further, newly constructed buildings and renovated facilities were required to meet new technical standards for accessible design – using either the Uniform Facility Accessibility Standards (UFAS) or the Americans with Disabilities Act Architectural Design (ADAAG). Finally, this guide defined the nature of disabilities and recommended global strategies for ensuring that courts complied with the ADA.

In 1992, Jeanne Dooley provided a more practical and instructional publication, Opening the Courthouse Door: An ADA Access Guide for State Courts<sup>16</sup> through the American Bar Association. This book characterized the following as disabilities covered by the ADA: physical

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<sup>14</sup> Erica Wood, Jeanne Dooley, and Naomi Karp. **Court-Related Needs of the Elderly and Persons with Disabilities**. Reno, NV: National Judicial College, 1991.

<sup>15</sup> The National Judicial College, Reno, Nevada.

<sup>16</sup> Jeanne Dooley. **Opening the Courthouse Door: An ADA Access Guide for State Courts**. Washington, DC: American Bar Association, 1992.

disabilities, hearing impairments, communication disorders and learning impairments, vision impairments, mental illnesses, mental retardation, Alzheimer's disease and other dementias. In subsequent chapters, Dooley provided specific illustrations for (1) getting disabled people into the courthouse; (2) getting disabled people through the court and needed court processes; (3) accommodating disabilities in the courtrooms; and (4) accommodating disabled people so they could actively participate as jurors. She concluded this work with several suggested resources for implementing the ADA using local community resources, and a few recommendations for budgeting necessary accommodations. With potential strategies directly linked to respective disabilities, this publication was very useful in the development of an ADA survey questionnaire.

For its part, the Civil Rights Division of the United States Justice Department also provided compliance guidelines through The Americans with Disabilities Act: Title II Technical Assistance Manual – Covering State and Local Government Programs (1993).<sup>17</sup> While this publication provided many of the same suggestions as the Dooley publications, it is useful in specifically understanding the differences between the UFAS and ADAAG building standards contemplated under the ADA. For instance, federal court building projects are intended to comply with the UFAS standards, unless the ADAAG standards provide further protections to people with disabilities. By contrast, ADAAG standards generally govern state and local court requirements; furthermore, state and local governments are expected to meet more stringent UFAS elevator requirements. This manual contains several illustrative diagrams which convey greater understanding of the physical ADA facility requirements.

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<sup>17</sup> United States Department of Justice. Civil Rights Division. **The Americans with Disabilities Act: Title II Technical Assistance Manual – Covering State and Local Government Programs**. Washington, DC: US Department of Justice, 1993.

Chang-Ming Yeh further tailored ADA guidelines to develop Part II: Court Facility Accessibility Reference Guide.<sup>18</sup> Found online at the National Center for State Courts public website, this document is an easy-to-read chart of standards designed to assist courts in ADA self-evaluation and compliance, as directed by Code of Federal Regulation 35. Yeh essentially “introduces” the reference guide outlined under CFR 35 for courts to use nationally. The guide will be instrumental in developing a self-assessment checklist for this project.

A more recent national discussion regarding the implementation of the ADA is found in Justice for All: Designing Accessible Courthouses: Recommendations from the Courthouse Access Advisory Committee (2006),<sup>19</sup> a publication of the United States Courthouse Access Advisory Board which is intended to interpret the ADA in more practical and realistic terms. The document offers “best practice” strategies for integrating the ADA into new courthouse and courtroom design. While much of the research mirrors that found in other publications, this manual may be much more useful when developing recommendations at the conclusion of the data collection in this study.

The Washington State Court’s Access to Justice Board Impediments Committee issued a similar “interpretation in 2006 called Ensuring Equal Access for People with Disabilities.”<sup>20</sup> This guide, published in conjunction with the Washington State Bar Association, briefly summarizes the ADA as it applies to Washington trial courts and clarifies local court responsibilities to people with disabilities. Besides people with physical, mental, and/or cognitive disabilities, this publication includes individuals requiring language interpreters as a separate form of disability

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<sup>18</sup> Chang-Ming Yeh. *Part II: Court Facility Accessibility Reference Guide*. Online. National Center for State Courts. Internet. 17 June 2007.

<sup>19</sup> United States Access Board. Courthouse Access Advisory Board. **Justice for All: Designing Accessible Courthouses: Recommendations from the Courthouse Access Advisory Committee**. 2006. Online. United States Access Board. Internet. 13 July 2007.

<sup>20</sup> Washington State. Access to Justice Board Impediments Committee. **Ensuring Equal Access for People with Disabilities**. Olympia, WA: WA State Bar Association, 2006.



requiring court accommodation. This policy's conclusion was likely reached from the notion that access through non-English languages is no less important than those requiring access through American Sign Language (ASL) interpreters.

The Access to Justice Committee suggests state of the art equipment and strategic solutions that the courts may use in order to comply with the ADA and promote greater accessibility to the courts for all Washington citizens. However, it focuses the discussion on programmatic and process solutions rather than delving into facility-based accommodations needed to adequately address disability access. Given this study's focus on physical or facility barriers that may hinder broader court access, the Committee's recommendations may be of lesser value. However, it does provide a directory of disability-oriented organizations, associations and service providers that will be helpful in the distribution of surveys or assessments.

While previous research provided guidelines, standards and recommendations for ADA implementation broadly, Kristi Bleyer, Kathryn Shane McCarty, and Erica Wood focused specifically on critical accommodations for jurors. Into the Jury Box: A Disability Accommodation Guide for State Courts (1994),<sup>21</sup> provides useful checklists to ensure courts have considered and adopted strategies to ensure people with disabilities are given the same opportunities to serve on juries. The authors provide several diagrams that illustrate alternatives for getting jurors with disabilities into courtrooms, jury boxes, and jury deliberation rooms. Critical to this discussion is the need to provide access to this service without drawing unnecessary attention or causing public embarrassment to people with disabilities. This resource was particularly enlightening given a steady increase in juror accommodations in Kitsap County.

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<sup>21</sup> Kristi Bleyer, Kathryn Shane McCarty, and Erica Wood. **Into the Jury Box: A Disability Accommodation Guide for State Courts**. Washington, DC: American Bar Association, 1994.

Again, much of this information is critical in the development of an effective survey instrument for this study

Through the American Judicature Society, John Fallahay tailored his suggestions for ADA implementation on hearing impairments. In The Right to a Full Hearing: Improving Access to the Courts for People Who Are Deaf or Hard of Hearing (2000),<sup>22</sup> Fallahay provides some very good suggestions for moving courts beyond resistance to action to broaden access for both people with hearing impairments and people of different languages. This research begins with a legal summary regarding necessary accommodations for the hearing impaired, delineates various methods for achieving compliance with the ADA, describes the unique dynamics of the deaf community, and prescribes some technological equipment and/or services for equalizing service levels. Fallahay presents a list of forty suggestions or “best practices” for implementing effective strategies. Perhaps, more importantly, the author supplies a self-assessment instrument to assist court practitioners in identifying operational or facility deficiencies, and some outreach techniques to the local hearing-impaired community. With a substantial percentage of ADA issues in Kitsap County related directly to hearing impairments, Fallahay’s research is of great value for the completion of this project.

In *The ADA: Providing Auxiliary Aids to Spectators*,<sup>23</sup> a brief article from the National Center for State Court’s 1999-2000 Trends in State Courts, Deanna Parker addresses the oft-asked question “Are courts required, under the ADA, to provide assistive listening devices (auxiliary aids or services) to spectators in court proceedings?” Parker’s answer is a resounding “Yes” – the ADA is intended to provide all people with equal access to services, programs and

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<sup>22</sup> John Falladay. **The Right to a Full Hearing: Improving Access to the Courts for People Who Are Deaf or Hard of Hearing**. Chicago, IL: American Judicature Society, 2000.

<sup>23</sup> Deanna Parker. *The ADA: Providing Auxiliary Aids to Spectators*. **1999-2000 Trends in State Courts**. 2000. Online. National Center for State Courts. Internet. 17 June 2007.

activities. This includes access to open and public court hearings. The local court community is generally prone to resist this application because the accommodation is usually unplanned, spontaneous and potentially costly. Nonetheless, Parker insists it is necessary under the ADA, and cautions that, regardless of cost, spectators with hearing disabilities cannot be financial charged for this accommodation. The author, instead, suggests a couple of budgetary strategies ensuring equal access to courtrooms.

Jo Williams, in *Communication Accessibility in the Courts*,<sup>24</sup> another, short National Center for State Courts article on Americans with Disabilities Act: Access and Fairness (2002), furthers the accommodation of hearing impairment by presenting more practical, and technical, solutions for consideration. Williams focuses on the importance of facilities, technical equipment and human resources as a means of effectively addressing communication issues, both hearing and speaking, in trial courtrooms. Williams offers slightly more technical detail in the use of assistive listening devices without necessarily recommending one over others. Yet, her varied solutions are worth noting, and will be consulted in this study once assessment data has been collected and recommendations are developed.

A more complex ADA issue for which court practitioners cannot adequately plan is access for people with non-apparent disabilities. In *Non-Apparent Disabilities: The Newest Realm Involving the Courts and the ADA*, (2001),<sup>25</sup> Amanda Murer defines non-apparent or cognitive disabilities and outlines the difficulties associated with accommodating them in the courts. Cognitive learning disabilities include mental retardation, Attention Deficit Disorder (ADD), Attention Deficit Hyperactive Disorder (ADHD) and dyslexia. Unlike physical

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<sup>24</sup> Jo Williams. *Communication Accessibility in the Courts. Americans with Disabilities Act: Access and Fairness*. 2002. Online. National Center for State Courts. Internet. 17 June 2007.

<sup>25</sup> Amanda Murer. *Non-Apparent Disabilities: The Newest Realm Involving the Courts and the ADA. 2001 Trends in the State Courts*. 2001. Online. National Center for State Courts. Internet. 17 June 2007.

disabilities, which are relatively apparent upon first interaction with court staff, people with cognitive disabilities might not readily communicate their disabilities. More importantly, court professionals do not have an available means to verify these disabilities since, under the ADA, people are not required to disclose them. Significantly, cognitive disabilities are so varied that accommodation must be made on a case-by-case basis, and few “standard” accommodations are available for court leaders to readily implement. Murer suggests that understanding the differences among the array of cognitive disabilities, and training court staff to recognize the symptoms, may be the most effective strategy for identifying the need for ADA accommodation. She concludes that a cognitive disability directly asserted by someone seeking court access should simply be taken at face-value.

Todd Lochner provided an interesting, conceptual look at the application of the Americans with Disabilities Act in his *Legal Note* in The Justice System Journal (2005).<sup>26</sup> Lochner summarizes the impact of *Tennessee vs. Lane*, 124 S. Ct. 1978 (2004), in which a divided US Supreme Court considered the question of whether the ADA applies only in federal court, or whether it applies to state courts as well. The issue stemmed from a lawsuit against the state of Tennessee because proper accommodations/access had not been provided to people with disabilities. The state of Tennessee argued that application of the ADA to state governments violates sovereign State immunity guaranteed under the Eleventh Amendment. The Supreme Court ultimately disagreed and permitted an ADA lawsuit. While more of a policy rather than a facility question, the Court’s ruling is important for this study, particularly when considering budgetary “shortcuts” that may be suggested by executive and legislative branch partners in the design, planning and construction of a new Kitsap County Courthouse.

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<sup>26</sup> Todd Lochner. *Legal Note*. **The Justice System Journal**. 26 (2005): 105-108.

Newly-adopted Rule 33 of the Washington State Court General Rules (2007)<sup>27</sup> was also reviewed for its impact on this particular project. Rule 33, which was adopted by the Washington Supreme Court and took effect on September 1, 2007, provides clarification and direction to state and local courts regarding proper court accommodations for people with disabilities. The rule is primarily process-oriented and establishes a method for seeking a disability accommodation. More importantly, the rule establishes a court obligation to formally approve, or deny with factual reasons, accommodations requested by people with disabilities. While the new rule has minimal effect on the study intended in this paper, it does add a new dimension to the implementation of the ADA in the Washington State Courts.

Finally, the forms manual for the Trial Court Performance Standards<sup>28</sup> was also consulted because it contains a variety of assessments and survey instruments that may be used to gauge, from a court user's perspective, the degree to which trial courts are achieving proper levels of compliance with the ADA. Form 1.3.5, Access to Courthouse Facilities by Individuals with Disabilities, is particularly helpful in framing an effective survey instrument for people with disabilities in Kitsap County.

### C. Court Security Assessments

One of the earliest and most cited court security manuals is the National Sheriff's Association's publication Court Security: A Manual of Guidelines and Procedures (1978).<sup>29</sup> Despite the age of this research, this manual establishes a methodology for systematically developing and implementing a comprehensive court security program in any court. It provides

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<sup>27</sup> **Washington State Court General Rule 33**, (2007).

<sup>28</sup> **Trial Court Performance Standards and Management Systems**. CD-ROM. Williamsburg, VA. National Center for State Courts, 2001.

<sup>29</sup> James L. McMahon, et al. **Court Security: A Manual of Guidelines and Procedures**. Washington, DC: National Sheriffs Association, 1978.

detailed response actions for court and law enforcement personnel in the event of specified security breaches, and recommends communication and incident reporting systems to effectively measure the extent to which court security is addressed. For purposes of this study, the Manual provides a well-tested court facility checklist to determine how secure a court facility is. The document, (Appendix H), has been adopted as the recommended tool in the Trial Court Performance Standards. It has also been reformatted and incorporated in other State-based guides, most notably the Michigan State Security manual referenced here.

An alternative measurement of court security design is offered by Michael F. Thomas in Courthouse Security Planning: Goals, Measures, and Evaluation Methods (1991).<sup>30</sup> The methodology proposed by Thomas is more quantifiable and potentially too academic to be used effectively for this study. This resource recommends a weighted numeric methodology to determine whether security is adequately integrated into a court facility design. Rather than assessing the adequacy of security in existing facilities, Thomas' methodology presumes a clean slate – new construction. It is more prescriptive rather than reactive. In short, the methodology, while intriguing from an academic perspective, is far more sophisticated and complex to apply in this study.

The assessment instruments incorporated in two State court security manuals, the Minnesota Court Security Manual (1999)<sup>31</sup> and the Michigan Court Security Manual (2002),<sup>32</sup> were also reviewed to determine whether either offered a more user-friendly or results-oriented measurement of security in existing courthouse facilities. The Minnesota Court Security

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<sup>30</sup> Michael F. Thomas. **Courthouse Security Planning: Goals, Measures, and Evaluation Methods**. Columbia, SC: Justice Planning Associates, Inc., 1991.

<sup>31</sup> Minnesota Conference of Chief Judges, Court Security Committee. **Court Security Manual**. St. Paul, MN: Conference of Chief Judges, 1999.

<sup>32</sup> Michigan Supreme Court. State Court Administrative Office. **Michigan Court Security Manual**. Lansing, MI: State Court Administrative Office, 2002.

Committee adopted the same checklist offered in the National Sheriff's Association guidelines, referenced above.

In the state of Michigan, it appears the Administrative Office of the Courts developed a checklist similar to those incorporated by the Sheriff's Association and the state of Minnesota. The resulting assessment tool, while likely capable of collecting far more detail than the Sheriff's checklist, appears to be a much more time-consuming, complex and burdensome collection tool to implement. For purposes of this project, the simpler checklist provided by the Sheriff's Association is adequate.

Two Court Security (Mini) Guides (1995<sup>33</sup>, 2005<sup>34</sup>) issued by the National Association for Court Management (NACM) were also reviewed, both for background information and for potential survey or assessment tools. The 1995 Guide provides a broad overview of court security issues and imposes the responsibility for court security on leadership judges and court administrators – a departure from the earlier perspective found in the National Sheriff's Association manual. The guide recommends a few very specific court facility standards relating to duress alarms, bullet-resistant Benches, secured/controlled entry, window glazing, vision panels (eye holes), bars separating Judges from spectators, affix furniture to the floor, secured light switches, CCTV surveillance equipment, bullet-proof pass-through money windows, unobstructed judges view in courtrooms, security mirrors where “hiding” places for bombs/weapons, minimal “hiding places,” adequate parking lights, no “judge” parking signs. However, in lieu of a formally-developed assessment tool, this guide concludes with a one-page summary of things that should be included in a court security assessment checklist.

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<sup>33</sup> Marcus W. Reinkensmeyer, et al. **Court Security Guide**. Williamsburg, VA: National Association for Court Management, 1995.

<sup>34</sup> ---. **Court Security Guide**. Williamsburg, VA: National Association for Court Management, 2005.

The 2005 NACM Court Security Guide is a slightly more comprehensive update of its 1995 predecessor. It provides an improved organization of architectural considerations for court security when designing court facilities and breaks functional areas into individual zones in an effort to provide more planning details. Additionally, the 2005 Guide incorporates security recommendations and standards specific to jury deliberation rooms, and for security of other identifiable work areas. However, this guide also lacks a better, more fully-developed assessment checklist. Given the introduction in the 2005 Guide that details recent court security tragedies around the nation, it appears to be written from a people-centric perspective, while its 1995 predecessor is more program and procedurally focused.

By contrast, Richard P. Grassie, in a short AIA Best Practices article entitled *Vulnerability Analysis and Security Assessment* (2007),<sup>35</sup> attempts to describe basic vulnerability assessments of buildings and assets. Grassie provides a list of common vulnerabilities identified in private facilities. Unfortunately, his focus on commercial facilities somewhat diminishes the value of his research in a court setting. Nonetheless, he describes the scope of a vulnerability assessment, an organized, albeit global, method for conducting a vulnerability assessment, and the basic elements that should be included in an assessment.

A more recent article, *Courthouse Security – A Direction or a Destination?* (2007),<sup>36</sup> discusses the need for security integration at the design phase of facilities construction. Written for The Justice System Journal, author John E. Zaruba establishes a three-step process for ensuring security needs is properly designed. These steps include:

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<sup>35</sup> Richard P. Grassie. *Vulnerability Analysis and Security Assessment*. **AIA Best Practices**. February 2007. Online. The American Institute of Architects. Internet. 15 July 2007.

<sup>36</sup> John E. Zaruba. *Courthouse Security – A Direction or a Destination?* **The Justice System Journal** 28 (2007): 46-49.



- (1) Conduct a threat assessment;
- (2) Conduct a court facility site survey (recommends NSA as one!); and
- (3) Establish a court security committee.

The methodology for this Phase III project is somewhat consistent with Zaruba's proposed approach.

Similarly, Michael Griebel and Todd S. Phillips recommend a similar, sequential approach for incorporating security concerns in the initial design of court facilities. In *Architectural Design for Security in Courthouse Facilities* (2001),<sup>37</sup> Griebel and Phillips offer a practical architects view of enhanced court security through planned architecture. They present a sequential method for considering security through the design approach – security risk assessments, site planning, site perimeter, lighting and parking, utility locations, and “hardening” of the building despite a need to leave an open, accessible environment. This resource provides detailed and separate circulation patterns and separate zones (public, private, prisoner and interface zones). It also specifically details the three institutional considerations in a good, integrated security system, a security “center,” data distribution and processing systems, and remote sensors and control points. Griebel and Phillips recommend integrating multiple electronic security systems (access, infrastructure, etc) in a single, simple panel that is immediate accessible to security personnel. An uninterruptible emergency power source is highly recommended.

Griebel and Phillips caution against developing courthouses with a “bunker” mentality and against relying too heavily upon technology to resolve security threats. They conclude that effective court security requires human intervention and judgment, not electronic responses. For

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<sup>37</sup> Michael Griebel and Todd S. Phillips. *Architectural Design for Security in Courthouse Facilities*. **The Annals** 56 (2001): 118-131.

them, court security and accessibility are competing values which must be reconciled among all stakeholders when design courthouse facilities.

Randall I. Atlas echoes Griebel's and Phillip's concerns in *Building Security: Basic Design Strategies*,<sup>38</sup> an American Institute of Architects (AIA) Best Practices article issued in 2007. Atlas acknowledges that traditional court security strategies have employed materials and floor plans that create a "bunker-like" structure using security guards, locked doors and alarms to ensure security. He suggests integrating access control measures and facility surveillance techniques using intrinsic or "natural" features. Atlas recommends using clear spatial definition and circulation patterns as well as layered security zones to delineate authorized versus unauthorized building locations. He also suggests that regular building occupants, such as receptionists or information desk clerks, who have a vested interest in security, can replace the more austere presence of security officers. Glazed entrance doors and windows elevated above street level provide an open view of site visitors, particularly when landscape incorporates high canopy trees and/or low shrubs. Landscaping, fences, walls, windows, doors, lighting and walking services can establish visible territory boundaries that identify secured circulation zones.

*Securing Our Future* (2007),<sup>39</sup> an article appearing in The Justice System Journal and written by Edward A. Feiner, presents a philosophical consideration regarding court security. Feiner essentially asks what level of money should be spent, and what level of insecurity should be tolerated, in an unpredictable world? He notes that "Terrorists' imaginations begin where ours end" and suggests that new security innovations will inevitably be met with attempts to circumvent them. Feiner concludes that neither courts nor governments can ever spend enough

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<sup>38</sup> Randall I. Atlas. *Building Security: Basic Design Strategies*. **AIA Best Practices**. February 2007. Online. The American Institute of Architects. Internet. 15 July 2007.

<sup>39</sup> Edward A. Feiner. *Securing Our Future*. **The Justice System Journal** 28 (2007): 54-58.

money to ensure that courthouse occupants will ever be completely secure. By the same token, he does not argue that court leaders should neglect their responsibility for court security. He simply suggests that there is a dynamic balance that must be reached. Feiner's perspective is interesting and valuable as an undercurrent for this project, whether in designing new court facilities or in attempting to enhance existing court security programs, court leaders and executive and legislative partners frequently find themselves at opposite poles in this balance.

An important resource for this paper is the Washington State Courthouse Public Safety Standards (2007)<sup>40</sup> which was adopted by the State's Board for Judicial Administration. These Standards outline local court responsibilities for establishing effective court security programs. The Standards require the development of local court security committees, the establishment of consistent incident reporting mechanisms, controlled entry access, and fundamental courthouse weapons policies. Section 4 of the Standards purports to address "Physical Facility Standards." Unfortunately, these standards do not provide any further instruction beyond the recommendations made in other resources consulted for this study and cited above. In essence, the Section 4 Standard strongly urges three separate circulation zones, escape routes in small offices, bullet-absorptive materials where necessary, staff and juror "safe rooms," and physical separation of contentious parties, most notably in domestic violence (DV) cases. Additionally, the Standards recommend physical barriers, secured fenced parking, and adequate lit parking and open landscaping. The Standards do not include or recommend a preferred security assessment tool.

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<sup>40</sup> Washington State. Board for Judicial Administration. **Washington State Courthouse Public Safety Standards**. Olympia, WA: WA Administrative Office of the Courts, 2007.

George Perkins' 2006 Trends in State Courts article, *Protecting Court Staff: Recognizing Judicial Security Needs*,<sup>41</sup> was also reviewed for its relevance to this project. Perkins begins with court security statistics in federal courts, which shows that security incidents have risen dramatically since 2003. He acknowledges that comparatively speaking, the likelihood of security threats in state trial courts is exponentially higher, yet most state court security systems get less attention. The article submits that the United States Marshal's Office offers the best methodology for securing court facilities, and that state courts should follow this national example. Perkins concludes with recommendations for incrementally addressing court security concerns, including secured parking, safe thoroughfares for judges to their offices, separate circulation patterns, separation of opposing parties, and weapons policies.

Finally, several other AIA Best Practices articles were reviewed for this paper, including Richard P. Grassie's and Behrooz (Ben) Emam's *Facility Management: Building Security Access Control Measures* (2004);<sup>42</sup> Joseph Brancato's *Building Security: Basic Design Elements* (2007);<sup>43</sup> and *Specifying Building Products for Building Security* (2007);<sup>44</sup> and, Thomas L. Norman's *Building Security Design Considerations: The Effects of Bomb Blasts* (2007).<sup>45</sup> Norman's article was particularly interesting because it detailed the physics that governs bomb blasts on structures and people within calculated proximity from the blast zone. While each article was concisely written, all will have an impact on the development of survey instruments

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<sup>41</sup> George Perkins. *Protecting Court Staff: Recognizing Judicial Security Needs*. **2006 Trends in State Courts**. 2006. Online. National Center for State Courts. Internet. 14 June 2007.

<sup>42</sup> Richard P. Grassie and Behrooz (Ben) Emam. *Facility Management: Building Security Access Control Measures*. **AIA Best Practices**. January 2004. Online. The American Institute of Architects. Internet. 15 July 2007.

<sup>43</sup> Joseph Brancato. *Building Security: Basic Design Elements*. **AIA Best Practices**. February 2007. Online. The American Institute of Architects. Internet. 15 July 2007.

<sup>44</sup> ---. *Specifying Building Products for Building Security*. **AIA Best Practices**. February 2007. Online. The American Institute of Architects. Internet. 15 July 2007.

<sup>45</sup> Thomas L. Norman. *Building Security Design Considerations: The Effects of Bomb Blasts*. **AIA Best Practices**. February 2007. Online. The American Institute of Architects. Internet. 15 July 2007.

and/or security assessment checklists for this study. Each will also contribute to the recommendations established at the conclusion of this project.

#### D. Integration of Court Technology

A review of the relevant literature regarding court and courtroom technologies was simultaneously intriguing, disappointing and surprising. Much effort was exercised in attempting to “track” technologies, and perceived uses of technology, over the last 10 to 15 years, with the anticipation that the technological perceptions found in more recent articles would render the opinions and visions expressed ten years ago somewhat rudimentary. In fact, research produced ten years ago set the stage for the development and implementation of various technologies – and more recent articles focused on the philosophical, systemic and legal questions raised by these implementations. In essence, the questions asked ten years ago were “Can we do it?” and “How can we use it?” In later years, the very same researchers asked, “How far should we go?”

In a 1997 Court Manager article entitled *Technologies & Courthouse Design: Challenges for Today and Tomorrow*,<sup>46</sup> Charles E. Boxwell, Todd S. Phillips, and Lawrence Webster suggested that court leaders are plagued with two major challenges when designing new court facilities. First, design strategies are generally not adequate, particularly with respect to integrating technology and technical infrastructures. Secondly, the lack of adequate design and planning strategies tended to compromise the effectiveness of the courts in the future as court business and judicial systems evolved. The authors insisted that court leaders needed to design court facilities with an eye towards emerging technological trends so they did not continue to force-fit new technologies into facilities ill-designed to accommodate them. Court managers

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<sup>46</sup> Charles E. Boxwell, Todd S. Phillips, and Lawrence Webster. *Technologies & Courthouse Design: Challenges for Today and Tomorrow*. **The Court Manager** 12 (Summer 1997), 3: 7-11.

also needed to evaluate the need to reengineer court processes that more fully utilized emerging technologies to benefit the judicial process.

Boxwell, et al, listed the emerging technologies in 1997 and included the following:

- (1) case management systems and related automation and public access technologies;
- (2) office automation applications (wordprocessing, e-mail, spreadsheets and other desktop tools);
- (3) document management systems (imaging, micrographics);
- (4) courtroom evidence presentation systems;
- (5) technologies to record testimony (computer-aided transcription, video-recording, etc.); and,
- (6) legal research tools.

Courts spent little to no time considering multi-location networks or integration of information/data from multiple sources or user end-points.

The authors drew a distinction between facilities that are designed for people, including health, safety and environmental factors, and those designed for purpose, which encompassed infrastructure for functional business processes. They suggested that technological infrastructure should be incorporated as a “whole business” approach to new facilities to avoid the subsequent need for renovations to accommodate emerging technologies later.

This research urged greater technological planning in judges chambers, clerk’s offices and courtrooms to ensure technology was sufficiently integrated so that the symbolic importance of courts was not lost in unsightly gadgetry. Further, common, high production work areas should take full advantage of other industry models which promoted better combinations of task, ambient and natural lighting; personalized temperature controls; and plenty of power and computer connectivity ports.

Finally, to “get it right,” the authors recommended that court facilities be designed collaboratively by architects, court managers, and judges to ensure structural, technological, business process and symbolic considerations were all incorporated into a single design plan.

They concluded that the effective exchange of information is necessary to accommodate the growth in size and complexity of case loads, changing work processes, and consolidation across city and county boundaries. In essence, court organizations should not be constrained by outmoded buildings or traditional workflow infrastructures.

Professor Frederick Lederer of the Courtroom 21 Project built upon Boxwell's work by revealing the potential for technology in a trial court. Lederer, in his article, *Courtroom Practice in the 21<sup>st</sup> Century*,<sup>47</sup> summarized the array of available technologies by "walking-through" the 1999 experimental trial conducted in the Courtroom 21, McGlothlin Courtroom. The trial included video presentation equipment; electronic filings; electronic legal research shared among judge and counsel; real-time transcription; remote appearances; electronic light pens; masked-reporting technologies; the AT&T language line for interpretation; a customizable podium; and a variety of monitors and display devices. He also noted the use of text messaging between the judge, masked court reporter and counsel as an alternative to sidebar conversations.

At the time, Lederer suggested that emerging technologies could eventually lead to virtual courtrooms – the possibility of removing all physical barriers and conducting trials in cyberspace. He envisioned the use of three-dimensional holographic images, immersive virtual videos and computer animation. In fact, Lederer suggested that some technologies would be available much sooner than the judges and attorneys might be ready to accept them. Long-standing trial court rules governing hearsay, evidence and fundamental fairness might be challenged by a media that was not contemplated when originally argued. Lederer concluded that the need for information was the core of any trial, and that technology, whether accepted or

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<sup>47</sup> Frederic I. Lederer. *Courtroom Practice in the 21<sup>st</sup> Century*. **Trial**. July 1999. Online. National Center for State Courts. 18 July 2007.

not, would emerge to provide it faster and in a more persuasive fashion. To this end, he urged law schools to begin considering the need for courses in litigation technology

Retired Judge Arthur Ahalt offered a judicial perspective regarding the emergence of courtroom technology in his 1998 article *The Electronic Courtroom*.<sup>48</sup> Judge Ahalt acknowledged that the use of technology reduced the cost of litigation by an estimated 40 percent, yet few courts were equipped to accommodate the electronic presentation of evidence. He listed the few state and federal courts that had developed electronic courtrooms, estimating that one federal court had spent approximately \$120,000 to design a high technology courtroom. This included raising the floor of the well, at a substantial cost, to facilitate the necessary infrastructure installation. After detailing the array of technologies adopted at this cost, Ahalt cited a University of Arizona professor's three-stage approach for constructing an electronic courtroom:

Stage 1: ELMO, VCR, large screen television, computer interface for television;  
Stage 2: Multi-unit distribution system, monitor system, amplified sound system; and,  
Stage 3: Single input PointMaker, videotape recording system, and high-end video document cameras.

Ahalt's article is critical because it begins to frame available technologies in the context of "acceptance" by the legal community. This three stage approach mirrors some of the technologies employed in the Kitsap County Superior Court, and provides a framework for a Bar survey instrument.

Similarly, Frank Herrera, Jr. and Sonia M. Rodriguez provided an attorney's perspective regarding the use of trial technologies in *Courtroom Technology: Tools for*

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<sup>48</sup> Hon. Arthur M. Ahalt, (Ret). *The Electronic Courtroom*. **VirtualCourthouse**. May 1998. Online. National Center for State Courts. 7 July 2007.



*Persuasion* (1999).<sup>49</sup> Herrera and Rodriguez asserted that jurors, like most people, get their general information from a variety of electronic media (internet, 30-min sound bites, talk-shows, etc). The challenge for attorneys is how to maintain the attention span of jurors – how to present complex evidence and clarify trial arguments/strategies without boring them. They argued that this really was the impetus behind courtroom technology. They cautioned, however, that the use of technology potentially raised questions of fairness, cost and accessibility among adversarial parties. They also urged that technology should be used as tools, and not case strategies, per se.

Herrera and Rodriguez argued that jurors retain 15 percent of what they hear, but 85 percent of what they see and hear, furthering the beneficial use of courtroom technology. When considering whether to employ technological tools, they concluded that attorneys should evaluate: (1) the admissibility of certain technologies; (2) the extent to which the cost of some technologies adversely affects the fairness of the proceedings because it may be unequally accessible; and, (3) whether technology is intended as a tool or a trial strategy. The authors recommended the following questions to ensure the intended uses of trial technologies are well-considered:

- (1) Is this a document-sensitive case?
- (2) What effective video, photographs, plans, graphs, drawings, etc. are already available that could help jurors understand the case?
- (3) What multimedia tool would best present deposition testimony to the jury?
- (4) What critical points will we need to convince the jury of during opening statements, case-in-chief, and closing argument?
- (5) What visual support will each of our witnesses need for their testimony to be effective?

Herrera and Rodriguez concluded that attorneys should use technology that makes sense, matching tools as a visual strategy only after the trial strategy is established. Attorneys should

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<sup>49</sup> Frank Herrera, Jr. and Sonia M. Rodriguez. *Courtroom Technology: Tools for Persuasion*. **Trial**. May 1999. Online. National Center for State Courts. 18 July 2007.

only use technology when they feel comfortable with it, and cautioned that expensive, ill-conceived or ill-employed technology could backfire. Counsel must evaluate prudently and proceed carefully when considering courtroom technologies.

In *Presenting Evidence with Courtroom Technology* (2004),<sup>50</sup> Carole D. Bos advises that most attorneys still present evidence the old fashioned way – by handing pictures and documents to counsel, court personnel and jurors. She acknowledges that this is both ineffective, particularly in document-intensive cases, and inefficient in a courtroom setting. Bos then summarizes the variety of evidence presentation technologies available to enhance court presentations, and how each specifically may be used to both effectively persuade fact-finders while reducing the normal costs and time generally associated with trial. Ultimately, she suggests that technology is an important, integral part of every day life. The public, such as jurors, will not be surprised to see technology used in the courtrooms. In fact, she argues they may actually expect it. Bos concludes that courtroom technology tools are becoming an institutional part of the court process, and that attorneys need to embrace their use with confidence, competence and practice.

In 2003, Martin Gruen provided a fairly extensive catalog of available courtroom technologies in his article *The World of Courtroom Technology*.<sup>51</sup> While unnecessary to replicate the full list here, Gruen's work will be essential in developing a comprehensive survey instrument for the Judges and attorneys to complete in this study.

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<sup>50</sup> Carole D. Bos. *Presenting Evidence with Courtroom Technology*. October 6, 2004. Online. Bos & Glazier Trial Attorneys. Internet. 18 July 2007.

<sup>51</sup> Martin Gruen. *The World of Courtroom Technology*. 2003. Online. The Center for Legal and Court Technology, Applied Legal Technologies, Inc. Internet. 31 July 2007.

Professor Lederer updated his technological vision in *The Road to the Virtual Courtroom? A Consideration of Today's and Tomorrow's – High Tech Courtrooms* (2002).<sup>52</sup> Despite earlier assertions that videoconferencing was critical in the definition of a high technology courtroom, here Lederer acknowledges that evidence presentation systems really are the primary indicator, and that remote, two-way testimony via videoconferencing is a secondary characteristic.

Lederer again asserts that the growth in technology is pointing courts in the direction of virtual courtrooms and virtual trials if judges and attorneys permit technology to drive trial processes. Given this potential trend, Lederer posits several questions geared towards the ethics surrounding the use of technology rather than the technology itself. He notes that, in some limited cases, courts may already be poised to experiment with virtual trials. However, he cautions widespread use without consideration of the legal, humanistic and policy questions surrounding the desire to move in this direction.

Lederer's article is important, because it suggests some inherent questions which may limit judges and attorneys from embracing "too much" technology in the courtroom environment. Again, in developing a survey instrument for judges and attorneys, some consideration of this dynamic tension is necessary when designing and planning the technical infrastructure for future courtroom technology.

Additionally, Lederer raises the training question. He noted that some law students now receive sound technology training as an integral part of the law school experience. However, he equally noted that the existing legal culture may stifle widespread use of courtroom technology

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<sup>52</sup> Frederic I. Lederer. *The Road to the Virtual Courtroom? A Consideration of Today's and Tomorrow's – High Tech Courtrooms*. December 9, 2002. Online. National Center for State Courts. Internet. 31 July 2007.

because it inherently challenges the “way it’s always been done.” Again, very valid perspectives to incorporate in the design of this study’s survey instrument.

Finally, Lederer makes three conclusions that are pertinent to this discussion, as follows:

- 1) Technology, per se, is not troublesome;
- 2) The overuse of technology in a court setting may make key stakeholders uncomfortable; and;
- 3) If the extensive use of technology outside the courtroom environment does not favorably resonant among society, than the court’s over-extensive use may have a direct impact on the public trust and confidence in courts and in court decisions.

Ultimately, technology will support virtual courtrooms, and decreasing technology costs will make them possible. However, the degree to which system stakeholders “accept” the use of technology will be the measuring stick for determining how much technology is too much.

Two additional articles by Professor Lederer built upon his 2002 publication and were reviewed for this project, including *Courtroom Technology From the Judges’ Perspective* (2003)<sup>53</sup> and *High-Tech Trial Lawyers and the Court: Responsibilities, Problems, and Opportunities, An Introduction* (2003).<sup>54</sup> Each article presents the extent to which judges and attorneys, respectively, accept and use courtroom technology. In fact, the articles embrace many of the themes articulated in his 2002 work. As with this earlier publication, these articles are critical in understanding the motivations driving, and the delimiters precluding, more widespread adoption of courtroom technology by judges and attorneys.

The final reviewed article written by Professor Lederer is *Courtroom Technology: A Status Report* (2005).<sup>55</sup> In it, Lederer summarizes the various technologies available for use in courtrooms. Interestingly, with few exceptions, the list is surprisingly similar to those developed

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<sup>53</sup> Frederic I. Lederer. *Courtroom Technology From the Judges’ Perspective*. 2003. Online. The Center for Legal and Court Technology. Internet. 31 July 2007.

<sup>54</sup> Frederic I. Lederer. *High-Tech Trial Lawyers and the Court: Responsibilities, Problems, and Opportunities, An Introduction*. 2003. Online. The Center for Legal and Court Technology. Internet. 31 July 2007.

<sup>55</sup> Frederic I. Lederer. *Courtroom Technology: A Status Report*. 2005. Online. The Center for Legal and Court Technology. Internet. 31 July 2007.

by other authors in the late 1990's. This suggests that, while technology, generally, has continued to grow at an alarming pace, the development of innovative courtroom technologies has slowed, perhaps, to the same pace as the policy questions they have raised. In fact, "emergent" technologies appear to be geared towards further refining existing tools and equipment rather than developing cutting-edge applications.

J. Douglas Walker confirms this with his 2006 Future Trends in State Courts article, *Intelligent Video Technologies Enhance Court Operations and Security*.<sup>56</sup> Rather than introducing a new type of technology, Walker, instead, suggests using existing video technology in a new arena – court security. Using highly-sophisticated video cameras, court professionals can minimize human risks and enhance courthouse technology simply by re-thinking how long-standing technologies may be better packaged. These newer applications will be included in survey forms to determine whether long-accepted technology is desired in new arenas.

One of the most useful resources for this project is the Federal Judicial Center Survey on Courtroom Technology<sup>57</sup> conducted by Elizabeth C. Wiggins, Meghan A. Dunn, and George Cort, of the Federal Judicial Center, in 2003. Wiggins', et al.'s, article summarizes the results of a 2002 survey conducted among federal district courts to determine how much technology was actually being used during trials. The authors asserted that, at the federal level, a Committee on Information Technology had determined that (1) courtroom technologies, including video presentation systems, videoconferencing systems and electronic court recording/reporting methods, were necessary and integral parts of courtrooms and should be included in any new construction; and (2) these same technologies should be incorporated into any efforts to retrofit

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<sup>56</sup> J. Douglas Walker. *Intelligent Video Technologies Enhance Court Operations and Security*. **2006 Future Trends in State Courts**. 2006. Online. National Center for State Courts. 17 June 2007.

<sup>57</sup> Elizabeth C. Wiggins, Meghan A. Dunn, and George Cort. *Federal Judicial Center Survey on Courtroom Technology*. 2003. Online. Federal Judicial Center. Internet. 31 July 2007.

or renovate existing court space. While the results of the survey are important for their affirmation that technology design is and should be a critical and integral consideration for the design of a new court facility, the survey is equally important for the individual questions contained in the survey instrument. Some of these have been used to anchor the survey instrument designed for members of the Kitsap County Bar Association to (1) capture the perceived technology needs and desires of the local legal culture, and (2) assess the general role that technology should play in the design of future Kitsap County Superior Court facilities.

#### IV. METHODOLOGY

This study incorporates a four-part research design to evaluate the existing Kitsap County Superior Court as a means of planning a new facility. The four part design includes: (1) a calculated statistical forecast for determining future court growth and expansion; (2) a completed ADA Facility checklist; (3) a completed United States Marshal's Court Security checklist; and, (4) a Court Technology survey developed for regular court stakeholders. One additional methodology – an ADA survey – was developed but ultimately not employed for reasons to be discussed below. All methods were either drawn from or developed in direct consultation with the literature review found herein. Additionally, as noted below, gaps in methodology or data are supplemented with relevant archival materials which were identified during the course of data collection.

##### A. Court Growth and Expansion

One of the significant reasons the Superior Court struggles with some of the most basic structural features of its facility is that it has been constrained to the same physical footprint despite significant growth. Rather than annexing or expanding into sufficiently new space as judicial and staff positions have been added, the Court has, instead, re-carved and reduced existing space until it has become less functional. Given the need for a future Kitsap County court facility that meets existing court size and accommodates future growth, it is necessary to forecast the size and potential growth of the Court over the next 30 to 50 years.

This phase of the study integrates two approaches to project future Superior Court growth. The first approach relies upon case filing statistics from 1995 to 2007 which are drawn from the annual Caseloads of the Courts of Washington,<sup>58</sup> to forecast the Court's likely caseload

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<sup>58</sup> -----, Caseloads of the Courts of Washington, Washington State Administrative Office of the Courts. 28 Jan. 2007. <[www.courts.wa.gov/caseload/superior](http://www.courts.wa.gov/caseload/superior)>

growth. The actual case filing data from the most recent 12 years is used to calculate average linear growth over the next 33 years.

The second approach builds upon the first and incorporates a standard forecasting model used annually by the Washington State Center for Court Research<sup>59</sup> to determine the need for judicial positions in the multiple Superior Courts of Washington. This method relies heavily upon estimated population figures which are calculated by the Washington Office of Financial Management (OFM). The OFM not only estimates likely or probable growth, but also likely or probable growth plus or minus a twenty-five percent (25%) margin of change. The OFM model currently forecasted population growth through 2030. (See Appendix A). Using the same growth variables for Kitsap County, population growth was estimated in this study through the year 2040 in an attempt to estimate growth approximately 30 years beyond a 2010 facility groundbreaking schedule.

As outlined in the Center for Court Research model, estimated population figures were used to determine the potential growth in filings through the year 2040. The Center for Court Research estimates that, on average, a population increase of 1,000 new residents results in 43 additional case filings each year.<sup>60</sup> This ratio was confirmed by calculating the number of filings per overall population in Kitsap County between 1995 and 2006, as reflected in Illustration #1 below:

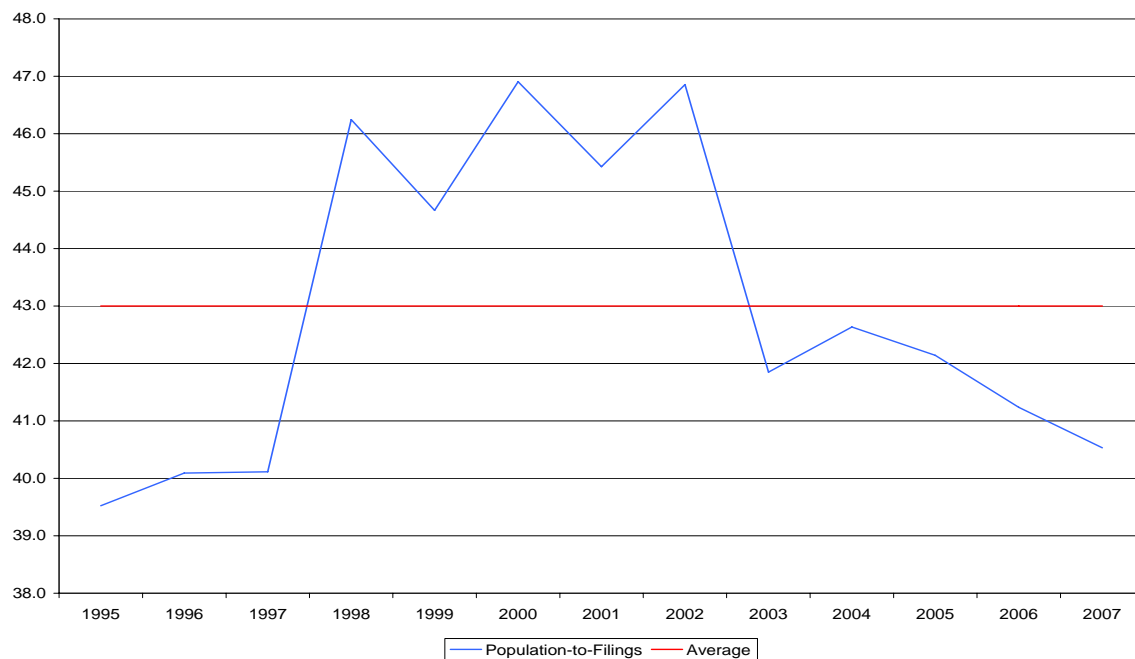
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<sup>59</sup> McCurley, Carl. "Predicting Judge Need for Clark County, 2007 to 2020." Presentation. 2-4.

<sup>60</sup> Ibid., 4 (Slide 8).



**ILLUSTRATION #1: AVERAGE NUMBER OF FILINGS PER 1,000  
KITSAP COUNTY RESIDENTS, (1995-2007)**



Finally, in determining judicial needs in the local trial courts, the Washington State Administrative Office of the Courts has consistently applied a ratio of one judicial position per each 1,200 case filings.<sup>61</sup> Because this methodology has been uniformly applied for many years without opposition or controversy in the Washington State Legislature, and it has resulted in the unchallenged legislative creation of judicial positions statewide, it is applied in this study to determine the potential for growth in judicial positions into the year 2040.

Less scientifically, the estimated growth in judicial positions is used to determine associated growth in court staff positions. Preliminary studies by the Washington Board for Judicial Administration over the last three years suggest that 1.5 full time equivalents are necessary to support each Superior Court judicial position. This ratio is used for purposes of this

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<sup>61</sup> Ibid., 6 (Slide 12).

study to determine what additional growth should be considered in the design of a new court facility.

B. ADA Facility Checklist

The second phase of this study involved the development and use of a physical facility checklist to assess the extent to which the Superior Court complies with the Americans with Disabilities Accessibility Guidelines (ADAAG). The checklist was created using the Court Facility Accessibility Reference Guide developed for and made available by the National Center for State Courts.<sup>62</sup> ADAAG guidelines and floor plans were consulted for a clearer understanding of the measurements and space allocation standards required under the ADA.

During December 2007, the Superior Court Administrator personally visited all seven Superior Court courtrooms, all four jury deliberation rooms, the jury assembly room, the Clerk's Office and Court Administrative Offices to assess the extent to which the existing court facility complies with the ADAAG requirements. Where the standards prescribed specific measurements (e.g., restroom doorways, counter heights, door knobs, etc.), a standard tape measure was used to record the actual available space. Deficiencies, structural areas failing to comply with designated standards, and discretionary structures bearing little room for change or adaptation were recorded on separate checklists for each courtroom, jury deliberation room and functional office space. (See Appendix B).

Initially, this phase of the study was also intended to integrate the results of an ADA survey (See Appendix C) which was designed after review of many of the materials found in the literature review. The survey was intended to collect specific physical barriers or service impediments from the perspectives of disabled Kitsap County residents who had previously tried to access Superior Court and/or County Clerk services in the existing courthouse. A survey

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<sup>62</sup> Yeh, Chang-Ming, op. cit.

instrument was developed in early October 2007; pretested in November 2007 by one local ADA advocate and a fellow court administrator for clarity, comprehensiveness, and logic; and, finalized for distribution among identifiable and relevant Kitsap County community groups in mid-November. However, despite numerous attempts to identify appropriate populations to survey, the researcher ultimately abandoned this facet because an identifiable population could not be easily or readily contacted.

Notwithstanding this hurdle, the local ADA advocate that pretested the survey conducted several unannounced “secret shopper” visits to various courtrooms in July 2007 on behalf of the Kitsap County ADA Committee. The visits were initiated in response to complaints made to the County regarding the inaccessibility of court services for the deaf and hearing-impaired. In lieu of broadly-disseminated survey results, the results of this “secret shopper” report are incorporated in the findings section.

### C. Court Security Checklist

The third method used for this study is a Court Security Checklist developed by the National Sheriff’s Association in 1978.<sup>63</sup> (See Appendix D). Many versions of this checklist have been developed to suit the formatting needs of other courts and other states, but the original checklist is used here due to its straightforward approach and simple application. It has formed the basis for the United States Marshal’s Office since its inception, and has, therefore, been pretested in a variety of different courts.

In October and November 2007, the Superior Court Administrator completed the checklist during both business and non-business hours. Further, with daylight savings and traditionally-harsh Fall/Winter weather dramatically affecting the Pacific Northwest, every effort

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<sup>63</sup> McMahan, James L., et al., Court Security: A Manual of Guidelines and Procedures, 99-116.

was made to apply the checklist to the existing facility under a variety of conditions. Particular attention to the exterior of the building was paid given the limited number of court security personnel.

Digital photos were taken at the time the checklist was applied and are incorporated in an effort to capture specific examples or areas in which physical modifications are necessary to improve the security of the existing facility. More importantly, because some of these modifications require a substantial capital investment to bolster the security of the facility, the pictures offer learning lessons to incorporate in a new facility plan.

#### D. Court Technology Survey

The final method used in this study is a survey instrument designed to measure the extent to which (a) courtroom technology is currently being used in the courtrooms; (b) attorneys desire additional technology to enhance the effectiveness of the courtroom experience; and, (c) courtrooms may be modified or ultimately constructed with sufficient foundational and technical infrastructure to support the participants' technology desires. The survey was incorporated in this study specifically to collect feedback from the attorneys who regularly work in the Kitsap County Superior Court. (See Appendix E).

The survey instrument was constructed after a considerable literature review regarding courtroom technology. In early November 2007, the survey instrument was sent to three local attorneys who agreed to pretest it. The attorneys were selected specifically because they were known and well respected by their colleagues for their respective use and integration of technology. The survey was also pretested by a Superior Court administrator in a different jurisdiction to ensure it was sufficiently comprehensive. Finally, the survey was circulated among the Kitsap County Superior Court judges to ensure they were comfortable with the scope

and sensitivity of the questions. In late November, the pretested surveys were returned with only a few comments – primarily suggestions for verbiage clarity and/or a few more technology choices under Question 6.

The Attorney Technology Survey was distributed electronically on December 3, 2007 using the Kitsap County Bar listserv, which effectively delivered it to 200-plus,<sup>64</sup> dues-paying members. Respondents were offered three separate and convenient ways to return completed surveys. Additionally, blank copies of the survey were made available at the Court Administration reception counter. An electronic reminder was sent using the same Bar listserv on December 14, 2007. After consultation with the Bar Secretary, a second reminder was sent on December 19, 2007 using the same listserv and extending the deadline through the Holiday season. Further, based on the relative non-response from attorneys practicing in the criminal arena, telephone contact with the Prosecutor’s Office was attempted on December 19, 2007 to ensure counsel had received the surveys and to address any potential obstacles that might preclude participation.

Of an estimated 200 surveys distributed to local attorneys, only 15 completed surveys, or 7.5 percent, were returned. Additionally, a sixteenth response – a narrative e-mail intended to offer input apart from the survey instrument -- was also received. Perhaps more significantly, of the fifteen completed surveys, thirteen attorneys self-reported civil cases as their primary practice, while the remaining two self-reported a combination of civil and criminal defense practice. Efforts to elicit a more representative response from both the Criminal Felony and Domestic Relations attorneys proved unproductive.

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<sup>64</sup> Note: Efforts to determine the exact number of attorneys reached through the listserv proved fruitless. According to the Secretary of the Bar, the listserv reaches nearly 240 contacts, but this number includes any judge, court manager or clerk’s employee who submitted a “gratis” registration form to the Bar. “200-plus” was the most accurate the Secretary believed he could be.

Given the disappointing rate of response to the Attorney Technology Survey, the results of an August 2005 stakeholder renovation meeting are incorporated in the findings to supplement the data collected in December 2007. Many of the same responses received from the survey results directly reflect the feedback received during an open, internal forum, and subsequent written feedback received from the Prosecutor's Office at the time.

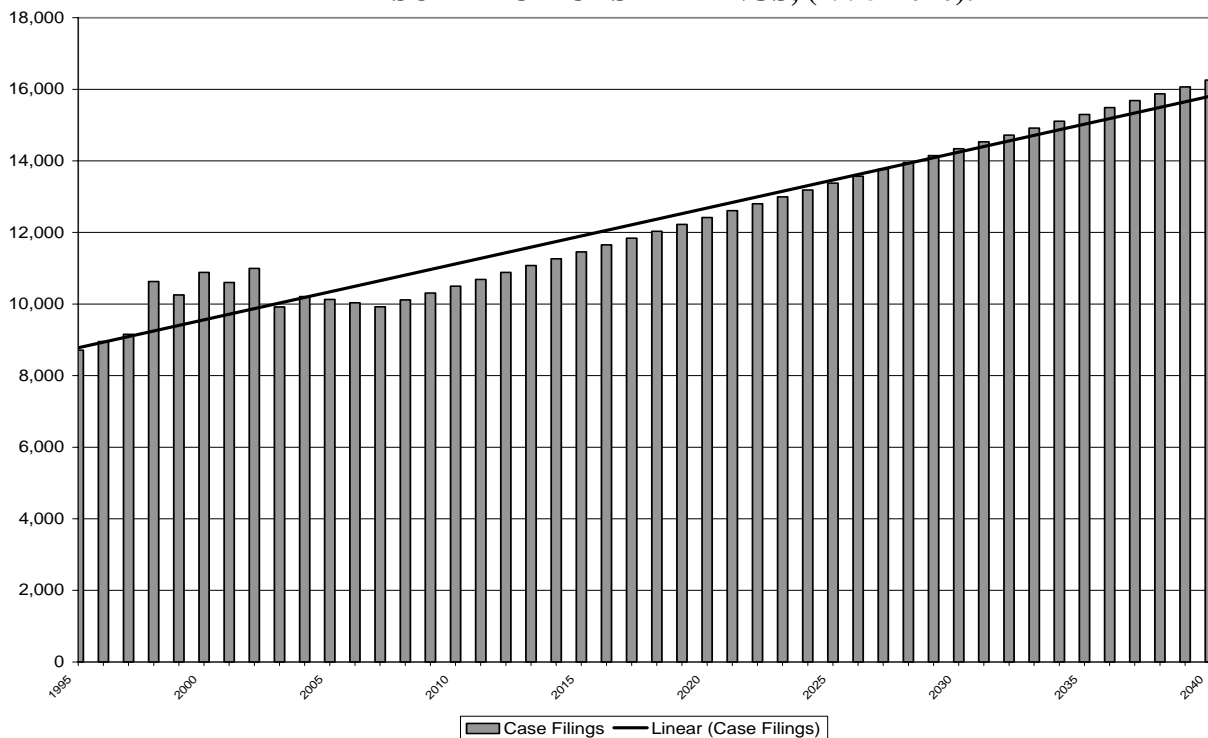
## V. FINDINGS

The four methodologies used in this study provide four separate perspectives for court and non-court leaders to consider when designing a new court facility. Findings are presented separately not as a means of establishing funding priorities, but as a means of integrating some of the most basic standards to ensure the resulting Court facility is fully functional and adequately supports the Court’s fundamental mission. In essence, the findings for each section are “equally weighted” and should be integrated into a single design plan rather than negotiated against each other.

### A. Court Growth and Expansion

Using actual case filing statistics for the years 1995 through 2007 as a baseline, it is projected that the number of cases filed in the Kitsap County Superior Court will increase approximately 87 percent between 2007 and 2040, as depicted in Illustration # 2 below:

**ILLUSTRATION #2: AVERAGE GROWTH IN OVERALL KITSAP COUNTY SUPERIOR CASE FILINGS, (1995-2040).**



This contemplates an increase of 1.4 percent each year between 2005 and 2040. Applying a 1,200-to-1 case filings per judge ratio, the Kitsap County Superior Court will require an additional judicial position according to Table #1 below:

**TABLE #1: PROJECTED SUPERIOR COURT JUDICIAL NEED BASED ON ESTIMATED CASE FILING GROWTH, (2007-2040)**

<b>Year</b>	<b>Projected Case Filings</b>	<b>Ratio 1200-to-1</b>	<b>Projected Judicial Need</b>
2007	9,922	1,200	8
2009	10,306	1,200	9
2015	11,458	1,200	10
2021	12,610	1,200	11
2028	13,954	1,200	12
2034	15,106	1,200	13
2040	16,258	1,200	14

Based on the state of Washington’s Office of Financial Management publication, “Projections of the Total Residential Population for the Growth Management Act (2000-2030),”<sup>65</sup> Kitsap County’s population is predicted to grow an estimated thirty-one percent (31%) between 2005 and 2030. This estimates an annual increase of 1.06 percent each year. Illustration #3 below depicts population growth through the year 2040; the final ten year forecasted period was calculated using the same variables included in earlier estimates.

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<sup>65</sup> Washington State. Office of Financial Management. Projections of the Total Resident Population for the Growth Management Act, 2000-2030. Olympia, WA: Office of Financial Management, 2007.



### ILLUSTRATION #3: FORECASTED POPULATION GROWTH UNDER THE GROWTH MANAGEMENT ACT, (1985-2040)

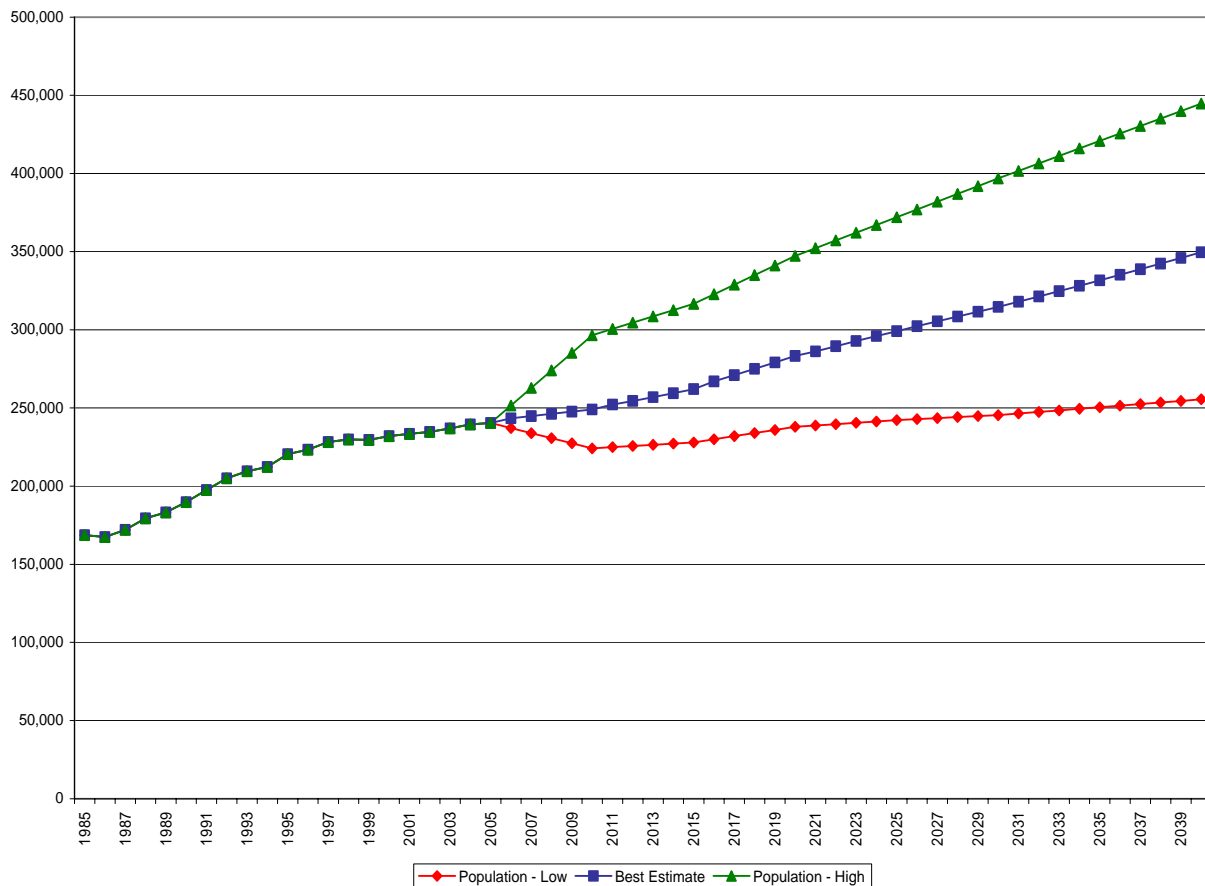


Illustration #3 includes two additional growth rates – one at 25 percent higher than the more likely forecast, and one 25 percent lower than the more likely forecast – to account for fluctuation over the next 30 years. Again, data in the higher and lower scenarios is provided by the Office of Financial Management through 2030.<sup>66</sup>

Using the Washington State Administrative Office of the Court’s judicial needs forecasting model, including a 43-to-1 case filing per 1,000 resident population ratio, and a 1,200-to-1 case filings per judicial position ratio, it is possible to forecast the likely growth in

<sup>66</sup> Ibid.

judicial positions through calendar year 2040. Table 1 reveals the likely need and timing for new judicial positions over this time period.

**TABLE 2: PROJECTED KITSAP SUPERIOR COURT JUDICIAL NEEDS  
BASED ON ESTIMATED POPULATION GROWTH, (2007-2040)**

<b>Projected Kitsap Superior Judicial Need 2007-2040</b>			
<b>Year</b>	<b>25% Lower Growth</b>	<b>Best Estimate</b>	<b>25% Higher Growth</b>
2007	9.10	9.10	9.10
2008	8.46	9.03	10.05
2009	8.34	9.08	10.46
2010	8.22	9.13	10.87
2011	8.25	9.25	11.02
2012	8.27	9.33	11.17
2013	8.30	9.42	11.31
2014	8.33	9.51	11.46
2015	8.36	9.61	11.61
2016	8.43	9.79	11.83
2017	8.51	9.94	12.06
2018	8.58	<b>10.08</b>	12.28
2019	8.65	10.23	12.51
2020	8.72	10.39	12.73
2021	8.76	10.49	12.91
2022	8.79	10.62	13.10
2023	8.82	10.74	13.28
2024	8.85	10.85	13.46
2025	8.88	10.97	13.64
2026	8.91	<b>11.08</b>	13.82
2027	8.93	11.20	14.00
2028	8.95	11.31	14.19
2029	8.97	11.42	14.37
2030	9.00	11.54	14.55
2031	9.03	11.66	14.73
2032	9.07	11.78	14.90
2033	9.11	11.91	15.08
2034	9.15	<b>12.03</b>	15.25
2035	9.18	12.16	15.43
2036	9.22	12.29	15.60
2037	9.26	12.42	15.78
2038	9.29	12.55	15.95
2039	9.33	12.68	16.13
2040	9.37	12.82	16.30

Based on these findings, local judicial, executive and legislative leaders should plan a court facility that will accommodate no less than 13 full-time judicial officers. Further, a newly-constructed facility should be designed with sufficient flexibility to address a greater number of judicial positions in order to accommodate either a 50-year forecasted use or a higher-than-expected population growth rate in Kitsap County over the next 30 years.

Similarly, applying these findings to the accepted State ratio of 1.5 administrative court staff positions per each judicial position, and 1.5 clerk positions per each judicial position, court facility planners should forecast the space needs for an additional six administrative staff positions, and six additional positions in the County Clerk's Office.

#### B. ADA Compliance and Analysis

Analysis of the ADA compliance checklist revealed some positive, and surprising, inroads towards better court accessibility for the disabled community. More significantly, some of the deficiencies, and recent trends, were troubling.

##### *1. Courtrooms*

Nearly every one of the seven existing courtrooms had an appropriate, Braille-depicted room number affixed at its entrance, at an appropriate 60 inches or lower. However, these were the only signs that complied with applicable ADAAG standards. Signs advising of assistive listening devices, weapons prohibition, appropriate courtroom attire and conduct, and others were not available in Braille, and not posted at any uniform or acceptable heights.

Most courtroom entrances were sufficiently wide (32 inches) to permit the passage of one standard wheelchair. Two courtrooms – Courtroom 206, the regular “domestic relations” courtroom; and Courtroom 212, the regular “criminal” courtroom – possess double-doors, which sufficiently permit the passage of two standard, side-by-side wheelchairs.

Universally, the court lacks courtroom door hardware prescribed by the ADAAG. Given the age of the courthouse, ALL doors are installed with standard, twist-knob hardware. While installed at an appropriate height of 48 inches or lower, this hardware fails to comply with the ADAAG standards which require door hardware that is “Easy to grasp with one hand and does not require twisting or wrist to operate.”<sup>67</sup> While the front doors of the courthouse and the public restrooms are equipped with push-type automatic door openers, none of the courtrooms have been equipped with similar accessibility hardware.

Viewing windows pose an interesting contradiction with regard to other facets of this study. Under the ADAAG guidelines, all but Courtroom 206 meets the standard which requires visibility at 40 inches, or no higher than the visibility of someone in a standard-sized wheelchair. Nearly all of the courtrooms possess wooden door frames that border full, regular glass windows. However, the presence of standard, pane glass windows potentially creates a hazard under certain, emergent court security scenarios.

Once beyond the threshold, every courtroom is equipped with appropriate assistive listening devices. With the exception of Courtroom 206, every courtroom contains one wireless transmitter with four portable receivers. Further, given the proximity of the courtrooms, the transmitter/receiver pairing in each operates on an entirely different frequency. Thus, while receivers are “portable” within a courtroom, they are not readily transferable to another courtroom. This prevents cross-over communication between multiple courtrooms when more than one transmitter is in use.

Two important discoveries regarding the assistive listening devices were made during these site visits. First, ongoing staff training in the use of the equipment is necessary to ensure anyone seeking the use of an assistive hearing device is provided the accommodation. Perhaps

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<sup>67</sup> Yeh, see note 18, A-4.

even more significantly, court leaders need to invest more analytical time in each court environment to determine the better “receiver zones” to ensure the devices work as intended.

Because none of the existing courtrooms were designed or constructed before the inception of the 1996 Americans with Disabilities Act, very little in any of the courtrooms complies with the ADAAG guidelines. None of the witness stands or jury boxes effectively accommodates wheelchair-bound court participants. The courts, thus far, have accommodated people with disabilities by setting them to the front or side of the witness stand or jury boxes. Further, the ability to accommodate “temporary” well-based witness stands with microphones is highly dependent upon which courtroom is used.

Similarly, none of the courtrooms were designed, or have been retrofitted, to integrate ADA-specific seating in the public gallery. All of the courts are equipped with heavy wooden benches that stretch most of the width of the courtrooms. Thus, wheelchair bound citizens who wish to observe or participate in any court proceeding are relegated to the main aisles on either side of the rows of seats. In Courtroom 212, this is particularly unacceptable because the only public seating area for wheelchair bound observers is right in the path of defendants who are in-custody being transported.

The attorney tables in almost all courtrooms are appropriate size and height. Courtrooms 206 and 212 are exceptions, where antique tables are provided to blend with the historic courtroom environments. The knee clearance for these counsel tables, which contain lower retractable drawers, is 24 inches from the floor, rather than the required 27 inches. Further, given the relative differences in courtroom sizes, not all counsel tables are located in a position that provides a minimum of 60-inch accessible path between the tables and the Bar or front row seating. This can be easily and readily resolved in most cases by simply relocating the attorney

tables a little further into the well; however, this solution potentially creates a greater court security risk than one is at the present time.

Finally, none of the benches in any of the courtrooms are sufficiently flexible for retrofitting should a judicial officer, courtroom clerk or court reporter require some ADA accommodation. The millwork in all of the courtrooms was designed and installed before the 1996 ADA was approved. Consequently, most were designed to “fit” in the differing courtroom sizes. None of the current access paths, work stations or bench heights has sufficient floor space for the construction of accommodating ramps. None of the work stations are built to provide an acceptable turn radius. In fact, the judge’s bench will need to be pushed approximately 12 inches or more from the back wall to accommodate a wheelchair bound judge in order to provide a 60 inch minimum pathway. In short, any courtroom accommodation for a disabled judge, courtroom clerk or court reporter will require an entire rebuild or replacement of existing millwork in all existing courtrooms.

## *2. Jury Deliberation Rooms*

All four of the Superior Court jury deliberation rooms were analyzed in view of applicable ADAAG standards. Functionally, only three of the jury rooms – Jury Room 270, 271 and 272 – are regularly used as jury deliberation rooms. Jury Room 212 is adjacent to the daily criminal courtroom and, therefore, is used much more frequently for ad hoc attorney-client negotiations rather than jury deliberations. It is incorporated in this analysis, however, because jurors may be required to use it at least once or twice each year.

With this in mind, it is important to note that Jury Room 212 is deficient when examined in view of the ADAAG standards. The entry door into the room is narrower than the 32 inch requirement, a retrofitted “kitchen area” has effectively reduced an accessible path into the main

deliberation area, and no effort has historically been made to update either of the two restrooms to meet ADA guidelines. In short, Jury Room 212 does not meet any of the most basic ADA requirements.

In Jury Rooms 270, 271 and 272, it appears that some effort has been made to ensure appropriate accommodation, but additional work is essential to optimize those earlier attempts. The entrance to all three jury rooms, both from the public corridor and the courtroom, are sufficiently wide – 32 inches – to facilitate wheelchair access. However, the door hardware at all entrance points, while installed at appropriate heights, is the same twist-knob assembly installed on all other court doors. Further, the force necessary to open any of these doors exceeds 5 pounds of force, as required under the guidelines. This last deficiency, however, appears to be the result of soundproofing efforts that have been made over the years to ensure the confidentiality of the deliberations. One additional note – while the entry doors from the courtrooms into the jury rooms meet ADAAG standards, the extent to which wheelchair bound jurors have an accessible path to the door is highly dependent upon individual courtroom locations.

Each jury deliberation room integrates two separate, adjacent restroom facilities. Door hardware and opening force are deficient in all of them, as noted above. More importantly, however, none of the restroom entrances exceed a width of 28.5 inches, much narrower than the 32 inch requirement established under the ADA.

All six jury deliberation restrooms are uniformly designed and constructed. Each contains sufficient internal clearance, with the doors closed, to navigate and rotate wheelchairs as necessary. Grab bars, flush controls and dispensers, with the exception of toilet tissue dispensers, fail to meet the height and location requirements outlined in the standards.

The jury meeting space in each of the three rooms provides limited accessibility for wheelchair bound jurors. Conference seating and table requirements meet ADA requirements. However, the size of the tables within the relatively confined jury room square footage reduces disability access to no more than half of the space in the rooms. In all environments, there is insufficient space for wheelchair bound jurors to access the coffee bar, sink or microwave.

Finally, and notably, none of the jury deliberation rooms are equipped with assistive listening devices. Operationally, this requires the Court to seal the courtroom and use it for jury deliberations, instead of the designated deliberation room, when jurors require the use of assistive listening devices. In this way, jurors are able to fully participate during deliberations by using assistive listening devices that are available in the courtrooms. However, since the relocation of deliberations from the designated deliberation room to the courtroom only further emphasizes the juror's disability, it is an ineffective long term strategy for resolving this issue. Further, use of the courtroom for jury deliberations reduces the number of courtrooms available to initiate other jury trials.

### *3. Jury Assembly Room*

The jury assembly room expanded into additional space in 2007 as a result of the relocation of executive branch departments in the new County Administration building. The expansion provided an opportunity for minor renovation and a new opportunity to achieve more of the ADA guidelines. To this extent, the jury assembly room, more than any other function, most incorporates the Americans with Disabilities Act.

The newly-renovated jury assembly lounge incorporates individual chairs which allows for the spontaneous integration of wheelchair space without unnecessarily calling attention to the disabled. Space may be configured at any time, and tables that meet ADA standards are



provided to ensure equal access to work surfaces. The jury assembly room is located on the second floor near one set of public restrooms which were retrofitted in 1998 to provide access under the ADA.

The jury assembly room is equipped with a separate assistive listening device operating on its own unique frequency, with four receivers available for multiple users. Additionally, the jury orientation video is close-captioned to facilitate the broadest possible access. The one pay-telephone, located just outside the jury assembly room, has been recently replaced with accessible, volume-controlled equipment. A Telecommunications Device for the Deaf (TDD) is available upon request, though jury staff will require additional training to optimize this feature.

Surprisingly, the one thing overlooked in this renovation was the accessible counter clearance at the juror check-in desk. A brand new jury service counter was constructed by County facility contractors at a height of 48 inches from the floor. This exceeds the 28 to 34 inch range established under the ADAAG. Jury staff advised that the access issue was simply neglected when the specifications were drawn, and no one considered the ADA until it had been fully-constructed.

#### *4. Court Administration Offices*

Presently, the court administrative offices are separated into three primary locations – court reception, pretrial services, and drug court. A checklist was used for each separate location on the second floor to determine what areas require further improvement. In all cases, neither ADAAG door hardware recommendations nor prescribed signage have been integrated in the existing facility. However, all offices possess doors having a minimum width of 32 inches to permit access for most disabled. The reception office also has a set of double doors to permit larger size wheelchairs.

The reception office fails to meet ADAAG requirements by having service counters that are too high, and no available service call capability. With regard to counters, the reception desk stands at a height of 48 inches, significantly higher than the 28 to 34 inch range recommended under the guidelines. Service call capabilities, while required under the ADAAG, are of a lesser concern because the reception desk is nearly always staffed when the courthouse is open.

The pretrial services office has three work stations, all at the recommended height. However, only two of these stations, functionally available for interviewing defendants for indigency screening and release criteria, meet the guidelines with an appropriate access path. This office lacks both a service call capability as well as an assistive listening device for more accessible communication.

The drug court coordination office is almost entirely inaccessible in its current form, because the office has been created out of former court storage space. The width of the door is sufficient to permit entry into the office by unimpaired individuals, but once inside, the close cramped quarters restrain any further movement or navigation. For individuals having disabilities, the drug court office is entirely inaccessible beyond the door's threshold. Work surfaces are set slightly higher than the guidelines require, but access to them is impeded anyway.

#### *5. County Clerk's Offices*

The County Clerk's office, while operating under the auspices of a separately-elected County Clerk, provides the most public service on behalf of the Superior Court. Similar to the jury assembly office, which also operates within the scope of the County Clerk's authority, the Clerk's Office expanded in 2007 to additional open space. This, again, provided an opportunity for a new look at the department's function in view of the Americans with Disabilities Act.

However, any renovation conducted in 2007 was limited to a strict budget, with the County preparing to invest more in a new future facility.

Signage for the Clerk's Office is no better than any other function in the building. Primary signs are decaled on the new, beveled glass doors, and no Braille alternative is posted. In the Clerk's Office, notwithstanding the construction of new public service counters, none of the counters sit at an ADA-appropriate height of 28 to 34 inches. Rather, like the jury assembly room, all service counters were constructed to a 48 inch height. Service counters are not equipped with service call capability, though the necessity of this requirement is questionable since the counters are always staffed when the building is open.

Since there are no current Clerk's employees who require an accommodation, the department is not presently required to provide a minimum number of accessible work stations. However, in the event this requirement arises, the space behind the counter is sufficient for the construction of ramps to accommodate the need. However, the height of the counter may need to be adjusted at that time to provide ample reach. Notwithstanding the minor 2007 renovations, the Clerk's space will need to be redesigned and retrofitted to accommodate employees with disabilities in the existing facility.

The Clerk's Office also operates a Courthouse Facilitator program in a separate location, where pro se litigants may get some assistance in the preparation of their paperwork. The Facilitator program relocated to new space in 2007, and many of the ADAAG standards were upgraded at that time. Remaining areas of deficiency include door hardware, signage and service call capability, particularly since this office functions in a closed-door setting.

Several other Clerk-supported functions also require further consideration when applied to the ADAAG standards. For instance, the current file viewing counter rests no lower than 48

inches, substantially too high for a wheelchair bound citizen who requires a 28 to 34 inch work surface. Also, mailboxes created for attorneys reside at a height that is too high for a wheelchair bound courier or office staff member to reach; mailboxes are roughly 60 inches above the floor. Finally, even though there is considerable space for wheelchair bound employees to navigate in and around file shelves, there is no provision for ramps or broader accessibility.

#### *6. Objective Site Visit*

Given the difficulty in administering a community-based ADA survey (See Appendix C), at least one objective perspective is instructional regarding the Court's present compliance with the ADAAG. In June 2007, the Kitsap County Americans with Disabilities Committee met to discuss the condition of all County facilities, and any citizen complaints that had been raised under the ADA. In response to a complaint from a citizen regarding barriers in the Courthouse, the County ADA Committee tasked one of its public members, an advocate with a hearing disability, to "surprise" the Superior and District Courts with unannounced visits to determine the Courts' ability and readiness to accommodate the disabled. In July 2007, the advocate, a citizen named John Allen, completed his visits.<sup>68</sup>

On three separate occasions, Mr. Allen visited and requested a hearing accommodation to observe various hearings in various Superior Court courtrooms. Notwithstanding the complaint that prompted his visits, Mr. Allen found assistive listening devices in every courtroom he visited. While the quality of these devices varied by courtroom location, and seating location in each courtroom, Mr. Allen reported that the court was prepared to attempt accommodation for the hearing impaired upon request. Mr. Allen noted the sight-visible signage identifying the availability of the equipment, and he noted the positive response he received from every

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<sup>68</sup> Allen, John. Assessment of Hearing Access in Kitsap County Courtrooms, July-August 2007. Port Orchard, Washington: Kitsap County ADA Committee, 2007.

courtroom clerk he approached. He did, however, question the extent to which courtroom personnel are trained in the use and effectiveness of this equipment.

Mr. Allen's visit resulted in one additional technical finding that is instructional for a new court facility. In response to questions and concerns that were raised regarding the pervasive "static" that many encountered in the use of the assistive listening devices, court leaders did learn a very important lesson. Several high-powered law enforcement antennae are installed on the roof directly above several of the courtrooms. The antennae are powerful enough to facilitate emergency services communication throughout Kitsap County. Unfortunately, one by-product of these necessary transmitters is that they regularly interfere in the quality of wireless equipment – including the assistive listening devices.

#### C. Court Security Analysis

The National Sheriff's Association Court Security Checklist is a fundamental and critical tool for assessing the security condition of the Kitsap Superior Court. Its completion is not only important for purposes of a new facility, but also provides interim purpose in prioritizing some of the "easy fixes" that may be possible in the interim while a new courthouse is designed. Several findings are fairly straightforward – the current court facility does not satisfactorily separate prisoner circulation from the public or the judges; the judges' parking is vulnerable to outside interference and ambush; and, some "secured" entrances are relatively open to public access. The local Court Security Committee has discussed these at great length over the last several years, but the necessary "fixes" are too costly, and require too much of an investment in a facility that has outlasted its purpose.

Notwithstanding the fairly obvious and blatant challenges regarding security in the existing facility, the findings below are an attempt to systematically identify all difficulties.

### *1. Building Exterior*

The perimeter of the courthouse is open to the public from three sides. The north and west faces of the facility are setback approximately ten feet from street parking without fences, hindrances or barriers, as seen in Illustration #4.

#### **ILLUSTRATION #4: FRONT VIEW OF COURTHOUSE**



The south face of the facility is bordered by reserved parking, a lot open to anyone who dares wander into it. To the southeast, the courthouse is adjacent, and connected, to the Jail. The Sheriff's Office borders the courthouse to the northeast.

The building grounds are well-illuminated in the evenings, and throughout the night, although they are not connected to an auxiliary power source. Primary entry ways are regularly lit, although there are times when it takes a while for replacement bulbs to be installed. As an example, during the time of this assessment, the rear entrance to the facility was shrouded in darkness during three weeks in November until the Facility's Department finally made necessary bulb replacements.

The parking area is vulnerable to trespassing from almost anyone. In fact, the Jail release door is located approximately 25 feet from the secured “employee door” as depicted in Illustration #5.

**ILLUSTRATION #5: PROXIMITY OF JAIL RELEASE DOOR TO THE JUDGES’ AND EMPLOYEES’ ENTRANCE**



If judges or court staff arrive or depart the courthouse at specific times, they are likely to encounter the Jail’s daily releases somewhere between their reserved parking and the security of the facility. The parking area is secured by an electronic gate that is activated by employee-assigned key cards, as shown in Illustration #6.



## ILLUSTRATION #6: PARKING SECURITY BARRIER



No guards or electronic surveillance monitors the parking area. Reserved judge parking is surrounded by a natural bank, the Jail, the courthouse and the Law Library modular trailer. Parking spaces are available for any County employee willing to pay the monthly fee, and all of the spaces are designated by number only. The judges share the same pathway to the court facility as other court and county employees – across the open parking lot, through the keycard door, and through the public corridors – to reach the security of their offices.

The courthouse is directly bordered on the north, west and south faces with hedges that grow up to the first floor windows. While no regular court security report lists the items that may be found hidden in these hedges, it is possible for contraband, weapons, or other materials to be hidden in the perimeter landscape, as seen in Illustration #7.



## **ILLUSTRATION #7: LANDSCAPING AGAINST BACK OF COURTHOUSE FACILITY**



In short, the exterior of the existing court facility is vulnerable to attack from a variety of perspectives. The openness is due, in large part, to the historic role of the building as the central facility for ALL County government until 2006. The changing use of the facility from a multi-branch building to the judicial branch building has brought new and inherent structural issues to the forefront that require a significant financial investment to correct.

### *2. Courthouse Building*

To the extent possible, Kitsap County has attempted to secure the interior of the building to offset the exterior vulnerabilities. Doors, windows and other entry points are secured with cylinder locks, anti-intrusion bars and 1 3/4- inch metal clad doors. However, at this time, there exterior doors are not equipped with an intrusion alarm system. First floor windows are not

reinforced with any particular intrusion prevention mechanism; the windows are made of tempered glass. All windows that are not needed for ventilation are sealed, and access to the roof is strictly controlled. There is no easy means to access the courthouse roof without using one of the internal, locked entry points.

The County Administrative Services Department manages perimeter key access through use of an electronic key card system. New keycards are issued only at the request of each department's administrative director, and the key-control list is reviewed and updated at least twice annually. The public entry doors are set on a daily electronic lock-and-unlock schedule, and public access is permitted or prevented based on a consensus of the facility's occupying departments.

However, the keycard access does not necessarily prevent unauthorized persons from entering the courthouse. Because some of the public parking is located behind the reserved parking area, many citizens approach the courthouse from the rear. The secured rear entrance is covered by an awning that seems to draw the public towards it. Consequently, many citizens approach the secured back door. Rather than risk confrontation, some County employees will hold the door open without asking for or inspecting proper credentials. Thus, in spite of the presence of a keycard door, some unauthorized people are able to gain access to the court facility without being thoroughly searched at the entry point magnetometer. Moreover, the County is not inclined to create an additional security officer position to ensure this breach is addressed.

Internal office and department keys are issued and retrieved by each department in the facility. Thus, internal key-control systems are somewhat lax and dependent on the good judgment of all building occupants.

The courthouse is not presently equipped with an emergency power source. Power is relatively dependable unless hampered by weather conditions or uncontrolled accidents involving transformers. The courthouse campus sits in an important power grid, however, and power outages are typically restored within hours. Court and executive branch leaders discussed the possibility of tapping into the emergency power source that supplies the adjacent Jail, but the cost of establishing a redundant power circuit to and through the courthouse was ultimately deemed cost-prohibitive.

The building currently meets local fire codes and is inspected no less than twice each year. The building is equipped with fire extinguishers, hoses and fire alarms, but it is not equipped with a comprehensive sprinkler system. The cost of a comprehensive sprinkler system was weighed during renovation discussions in 2005 and 2006, and was one of the significant factors the County opted to invest in a new facility rather than renovation of the existing building.

The courthouse contains two aging elevators located in and accessible from the public corridors. The elevators require constant service and have out-lived their service life. The judges do not regularly use these elevators. Jail transportation officers never use the elevator in the courthouse for transporting prisoners; an elevator within the confines of the Jail is used to navigate transportation among different floors.

The Clerk's evidence locker is the primary storage facility for arms and dangerous substances introduced as evidence. While the security of these items in the storage locker is unquestioned, the items are vulnerable when transported through the public corridor for trial. The facility does not have secured corridors for transportation of evidence, which becomes much more vulnerable when being transported late in the day as the courthouse is shutting down.

Evidence may include firearms, ammunition, weapons, drugs and/or money. The evidence locker is properly ventilated to ensure vapors or fumes do not overtake Clerk's office staff. The evidence locker is not equipped with an intrusion alarm system.

Communication systems in the court facility are varied and dependent upon users. The courthouse is not equipped with a comprehensive public address system, so alerts or warnings throughout the facility are based on telephone, e-mail or word-of-mouth contact throughout the facility. Court staff is given a direct number for the court security officers' station, and are also given some directives regarding when to call security and when to dial 9-1-1. Court security officers have limited radio access to local law enforcement – most decisions to involve law enforcement are conveyed via telephone from the security officers to the Sheriff's Office, to determine whether an additional response is necessary.

Records storage areas are not equipped with fire detection or sprinkler devices. Fire extinguishers are available within close proximity. Records storage areas are inaccessible to unauthorized persons unless approved by the County Clerk. Space is available in the Clerk's Office for viewing records, and a standard check-out procedure, which requires personal identification, is in place.

Public areas in the courthouse are randomly checked, as court security officers have time. Security officers are quick to respond if alerted to suspicious behavior, suspicious packages or simple a "standby" to de-escalate customer situations. However, with only three regular security officers scheduled to work 7:30 a.m. to 4:30 p.m., and the work priorities including staffing a front door screening checkpoint, monitoring internal surveillance cameras, confiscating and checking inappropriate materials, and responding to ad hoc emergencies, a daily, routine facility

search is not possible. The security officers periodically check restrooms to ensure nothing illegal or inappropriate is occurring.

Courthouse procedures are currently in development, with a draft nearing completion. The manual includes up-to-date information, including proper responses to various emergency and security scenarios. Once approved, the manual will serve as the core for staff training to ensure everyone is aware of what is expected of him/her in an emergency. First aid equipment, including an automated external defibrillator (AED), is available for most emergencies. A second AED is planned for the newly-renovated jury assembly room.

Fire and earthquake drills are held at least twice each year, and local security plans are coordinated among local law enforcement to ensure everyone is aware of each other's role. Temporary emergency facility use agreements are not formalized with neighboring cities.

Public, private and prisoner circulation patterns are not sufficiently definable in the existing court facility. The entry point of the Jail and the configuration of the existing Superior Court footprint do not provide a secure transportation route. Instead, once each day, prisoners are lead in a chain through the public corridor, into Courtroom 212, the closest courtroom, and into the jury box, as depicted in Illustration #8.

# **ILLUSTRATION #8: INTERNAL JAIL CIRCULATION THROUGH PUBLIC CORRIDOR**



Prisoners are returned to the Jail using the same public corridors at the completion of the calendars. Prisoners “acting-out” during the calendar are returned immediately – which has resulted in several scuffles in the public corridor. For purposes of trial, in-custody defendants are lead through the secure judges and staff corridors, as seen in Illustration #9, to get the defendants to the correct courtroom without traversing the longer public corridor.

## ILLUSTRATION #9: JAIL TRANSPORT PATH THROUGH SECURED BACK HALLWAY



While potentially dangerous, this practice is the only viable alternative to ensure a handcuffed defendant is not paraded in full view of a waiting jury.

### 3. *Courtrooms and Related Areas*

Courtroom locations, doors, windows and other points of entry are mostly secure in the existing court facility. Emergency lights are available in each courtroom in the event of power outages, but light switches are unsecured.

The internal safety of courtrooms is highly dependent on the use of appropriate or well-planned furnishings in each location. In Courtrooms 270, 271 and 272, three foot bookcases that run nearly the width of the gallery serves as an effective separation between spectators, counsel and the well. By contrast, Courtrooms 206, 212, 268 and 269 have no barrier separating the front row of spectator seats from counsel tables and, potentially, criminal defendants. The defendant's chairs are not built to allow the use of restraints, but Jail personnel keep multiple in-

custody defendants chained together in the jury box in Courtroom 212 to ensure mobility is hindered. Spectator seats are not bolted to the floor, but seating is provided through large wooden benches which are difficult to lift and/or maneuver. Water carafes are potentially the only implement that a defendant may be able to use as a weapon on the attorney tables.

All courtrooms are equipped with two duress alarms – one at the judge's Bench and one at the clerk's work station. Duress alarms terminate at the court security station, located at the entry checkpoint, and initiates both an audible and a visible distress signal. Duress alarms are tested quarterly and repaired as necessary. Duress alarms are also installed in the Court Administration reception area and the Clerk's Office. Duress alarms are not installed in any of the judges' chambers. Courtroom clerks also have telephones available in the event 9-1-1 calls are necessary. Courtrooms are not equipped with public address systems, radio transmitters or surveillance cameras.

Judges chambers are not routinely searched or inspected for contraband. The floor plan for the Superior Court channels all possible visitors through a front desk receptionist. No one is permitted in the judges' chambers during regular business hours unless the judges are present. In fact, only the evening custodian is able to enter a judge's office without his or her presence. The judges do not routinely lock their doors. One potential vulnerability point, however, is the door between the receptionist and the secured portion of the court. For ease of movement, the door is not routinely locked, so anyone can get into the secured area unhindered if they are able to get beyond the receptionist desk.

Five of the nine full-time judicial officers occupy second floor offices with windows. While the windows are covered to obscure their presence in chambers during the day, office lighting during Fall/Winter evenings and/or dark cloudy days increases their visibility from



outside. Window coverings are provided to assist, but the judges independently choose whether to use them or not. None of the judges carry firearms, either in chambers or on the Bench.

All court mail is delivered to a central mail room located in the new County Administration building. Mail is not routinely examined through magnetometers, but is sent to court security if the postage, grease marks, weight or sound suggests a suspicious package. Court staff open all mail at the reception desk before it is delivered to the judges.

Judges generally move around the courthouse without escort. In the absence of a private, secured entrance, the judges are compelled to walk through public corridors to get to the parking area. All regular courtrooms are accessible from the secured chambers area, except the Jury Assembly Room, which is used frequently on Friday motion calendar days.

The Court does not have sufficient space to provide victim/witness or attorney/client rooms in the courthouse. This creates a potentially hazardous and spontaneous risk in the public corridors where many court participants may mix.

Four jury deliberation rooms are adjacent to courtrooms to ensure the security of the juries. Part-time temporary bailiffs are employed to manage the security and comfort of the juries. Jury deliberation rooms are soundproofed and do not have access to windows. Rest rooms are an integral part of the deliberation suite to minimize a deliberating jury's need to leave the secured area. The deliberation room is locked when not occupied, because it otherwise provides a separate entrance into adjacent courtrooms. While jury deliberation rooms are not routinely swept for contraband, the bailiffs thoroughly inspect the rooms before admitting any jurors.

As mentioned earlier, prisoners are taken to and from the secured Jail, using the least intrusive public and/or secured court pathways. The Court is not equipped with holding cells in any part of the facility.

While not ideal, the Superior Court has learned to operate in a relatively vulnerable facility with an understanding that some of the space presently occupied was never intended to serve a judicial function. A Court Security Committee meets to discuss emergent security vulnerabilities to ensure everyone understands the needs and methodologies necessary to mitigate the risk. In many ways, the Superior Court judges would like to further secure the facility with more armed court security officers on a temporary basis until the County is able to design and construct a facility that structurally incorporates more sound and secure space. For these reasons, the Judges have prioritized security as one of the key considerations for a new court facility.

#### D. Courtroom Technology Survey

The lack of broad participation in the attorney courtroom technology survey, on the surface, makes it somewhat difficult to generalize too much from the results. However, in some ways, the survey affirms the results of two open forums held during 2006 when court, executive and legislative branch leaders were still discussing solely a courthouse renovation.

Notwithstanding the time that has passed, many of the results in the technology survey echoed the thoughts, concerns and desires of the criminal, civil and domestic relations attorneys who participated in July 2005. In light of this, the results of the technology survey should at least be generally incorporated into the planning and design of a new facility.

Contrary to expectation, the survey results revealed that fourteen of the sixteen respondents had practiced law for more than five years, while twelve of sixteen had practiced

law over ten years. Notably, thirteen of the sixteen respondents had practiced in Kitsap County over five years. Finally, thirteen of sixteen respondents practiced in the Superior Court at least half of the time.

A majority of the respondents (9) reported that they did not regularly integrate courtroom technology into their regular case presentation. Reasons given for not integrating technology ranged as follows:

**TABLE 3: REASONS FOR NON-INTEGRATION OF COURTROOM TECHNOLOGY**

<b>Responses</b>	<b>Reasons</b>
2	The cases in my general area of practice are not amenable to technology.
2	I am not sufficiently familiar with the available types of courtroom technology equipment.
1	I am familiar with available courtroom technologies, but I am not adequately trained in the use of any of them.
2	I am not aware of the types of courtroom equipment that is available in the Court.
2	The courtroom technology that would most make a difference in my cases is not available in the Superior Court.
3	Other:
(1)	I just haven't yet had occasion
(1)	I would like to use technology, but need more information and training and appropriate case, and I am worried about glitches.
(1)	It seems that the courtrooms are not well set up for the use of technology, i.e. sight lines. I am not that familiar with what the court has available. There has been no training, which would be helpful.

Significantly, at least half of the respondents who indicated they do not currently integrate technology reported a willingness to do so if (a) the Superior Court provides resources to address courtroom glitches, 55.6%; (b) the Superior Court provides training resources, 44.4%; (c) the

Superior Court installs the same equipment in all courtrooms, 55.6%; and/or, (d) the Superior Court adds additional technologies, 44.4%.

Of those who reported regularly using technology, half reported using it for jury trials, over one-third reported using it for Bench trials, and more than ten percent used it for Summary Judgment motions.

As noted previously, one-third of the respondents reported using technology in civil cases, while one-fifth reported using it in family law matters. Only two respondents reported using technology in criminal cases, and both acknowledged using it in both civil and criminal cases. The response to this question, in relation to the remainder of the survey, is troubling because, anecdotally, the available Superior Court technological equipment is rarely available to civil attorneys because it has been reserved or is in use by either the Prosecutor's Office or indigent criminal defense. The under-reported survey by the attorneys in the criminal arena raises significant issues with regard to the survey's overall validity.

Responding attorneys indicated that they primarily use three different forms of courtroom technology, as follows:

Laptop, front projector and large screen	6 responses
Television, VCR/DVD player	5 responses
Evidence presentation/ELMO systems	5 responses

Additionally, respondents noted occasionally using audiocassette and/or DVD players (2 responses) and overhead projectors with acetates (2 responses). Over half (53.3%) of the respondents preferred the use of flat panel monitors over the court's current practice of providing a front projector and a large screen.

While no attorneys reported using any form of technology in his or her hearing practice, those who reported using technology in their trials indicated relatively few opportunities to do

so. Only two attorneys reported using technology in more than three bench trials, and only one attorney reported using technology in more than three jury trials. Again, it should be cautioned that these numbers almost entirely reflect civil practice in the Kitsap County Superior Court.

Finally, while the fifteen respondents ranked their individual technology desires with different priorities, it is interesting to note that the majority of them ranked many of the same applications, as listed in Table 4, below:

**TABLE 4: PREFERRED TECHNOLOGIES, BY FREQUENCY OF RESPONSES**

<b>Preferred Technology</b>	<b>Responses</b>
“Smart” Counsel tables	10 responses
Electronic filing	9 responses
Electronic bench copying	8 responses
Wireless connectivity throughout the Courthouse	8 responses
Jury/witness box, Bench & counsel evidence monitors	7 responses
Instantaneous document imaging systems	6 responses
Courtroom-ready legal research capabilities	4 responses
Wireless connectivity in courtrooms	3 responses
Videoconferencing/remote testimony systems	3 responses
CD and/or audiocassette playback machines	2 responses
Court closure notification system	2 responses
Annotation monitors at witness box/counsel tables	1 response
Electronic calendar display monitors in corridors	1 response
Digital signature capabilities	1 response
Digital audio/video recording	1 response
Electronic whiteboards in courtrooms	1 response
Integrated use of tablet PC’s	1 response
Enhanced courtroom surveillance cameras	1 response

Comments associated with the survey suggested a strong desire for an e-filing component. This feature, while outside the scope of this study, is certainly worthy of consideration. In fact, the

Kitsap County Clerk has made several inquiries among the local Bar regarding some pilot project in this regard.

Other remarks referenced the desire to have an attorney resource room incorporated in the current or future court facility. While linked with the potential restoration of the Law Library to a new court facility in 2012, this request has substantial technical infrastructure impacts and falls within some aspect of this study.

Finally, as noted earlier, many of the results of this survey echo the feedback received from a smaller, (albeit mostly representative attorneys) focus group that was held on July 21, 2005 during the planning for a lesser-scoped renovation of the existing courthouse. For instance, the deputy prosecuting attorneys strongly encouraged consideration for secure electronic access to their offices files from the courtrooms, while indigent defense providers urged for more electronic access to their own networks from the courtrooms. The Prosecutor's Office, in consultation with law enforcement and the Jail have continued to prioritize remote testimony and/or video arraignment systems as an integral part of its annual technology initiatives, notwithstanding the Court's reluctance to move in this direction.

The focus group list articulated a desire for "smart" counsel tables with more electrical outlets, jury and Bench monitors for closer review of evidence, PA systems that reach the furthest corners of the courtrooms, and centralized digital projectors and screens in every courtroom. Given the similarities of the 2005 feedback with the results of this survey, the findings are broadened to incorporate this feedback as well.

## VI. CONCLUSION AND RECOMMENDATIONS

### A. Conclusions

The Kitsap County Superior Court occupies a building that is ill-conceived as a secure, accessible, functional or progressive court facility. The Court occupies far too little space when compared with national court facility standards, and it occupies a footprint that is poorly coordinated for its purposes. The deficiencies inherent in the existing court facility are more apparent today because (a) the Superior Court has grown larger and faster than anyone envisioned when the facility was designed; (b) the County has grown and changed around it; (c) new accessibility requirements were imposed long after the facility was constructed; (d) individuals and small groups have recognized and taken advantage of courthouse vulnerabilities to address their personal, and oftentimes, violent agendas; and, (d) litigation practice has grown to integrate new and innovative technological methods that enhance the clarity and credibility of evidence.

Statistical forecasting offers an educated and calculable determination of growth in the Superior Court over the next 30 years. A variety of statistical models and/or data variables may be used to predict the relative size and volume of the Court. Those employed in this study are the most common, particularly in the state of Washington court community, for calculating growth and judicial needs. Regardless of the methodology employed, the key is that some agreed-upon and calculable model must be incorporated in the design and planning of a future court facility to determine the size, shape and flexibility of the court over the next 30 to 50 years. Many of the deficiencies in the existing facility directly stem from the fact that “after-thought renovations” without a clear plan for growth adversely affect the security and access considerations intended at its inception.

From an ADA perspective, the existing Superior Court facility falls significantly short of the requirements established under the ADAAG. The existing courthouse offers very basic and general access through public entries and many public corridors, but elevators are inconveniently located and frequently in repair, preventing full access to court services and courtrooms. From the findings, it appears that Kitsap County has attempted to broaden access, particularly in jury deliberation rooms and newer-developed courtrooms to promote slightly-integrated access. However, insufficient attention was paid to the detail of the ADAAG standards, as clearly determined in the width of jury deliberation room-bathroom doorways. Courtrooms, as venues of justice, are particularly troublesome given that the most frequently used trial courtrooms – Courtrooms 270, 271 and 272 – are ill-designed to provide adequate ADA accommodation. To the contrary, the design of several existing courtrooms unintentionally brings greater emphasis to the physical disabilities of jurors, witnesses or courtroom observers.<sup>69</sup>

The existing Superior Court facility as a secure and safe venue for justice is lacking from an architectural standpoint. True, the facility has historically supported significant change, and the missions of various building occupants have caused a piecemeal approach to developing the existing physical structure. It is safe to say that any courtroom security in the existing facility relies almost entirely upon the human resources applied to it, because the facility itself is ill-designed to facilitate or support it. The existing facility has a relatively weak and vulnerable perimeter; fosters potentially more frequent interaction between in-custody defendants, the public, and court staff; and, places the judicial officers in more publicly-accessible venues than is prudent or desirable. Again, it is apparent that court security standards have been selectively and sporadically applied to the facility based on available resources and specifically-identified

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<sup>69</sup> Dooley, Jeanne, et al. Opening the Courthouse Door, see Note 16, 33.



security events, rather than approached as separate but integrated security “zones” as recommended by court security experts.<sup>70</sup>

It is more difficult to conclude what role technology should play in the design of a new court facility. Survey results suggest that courtroom technology is important to only a relatively few attorneys who practice in Kitsap County. However, if the trends suggested by Professor Lederer hold true,<sup>71</sup> the widespread integration of technology in law school curricula – a trend already appearing in Washington-based law schools -- will inevitably beget future generations of attorney-technologists who expect courtrooms to be sufficiently-designed with an appropriate technical infrastructure. Given the thirty year window proposed for a new Kitsap County Courthouse, it is imperative that technology considerations are incorporated today, regardless of the relative unimportance it appears to have with the majority of current local Bar association members.

In the long term, judicial, executive and legislative branch leaders have resolved to prudently address these shortcomings by investing in a new, fully functional court facility rather than simply band-aid a facility that has outlived its purpose. It is imperative, therefore, that a new facility encompass all of the facets analyzed in the context of this study – to ensure public funds are invested wisely in a court facility that is spacious, flexible, functional, accessible, safe and innovative.

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<sup>70</sup> Reinkensmeyer, **Court Security Guide** (2005), see Note 34, p. 8.

<sup>71</sup> Lederer, *The Road to the Virtual Courtroom? A Consideration of Today's and Tomorrow's – High Tech Courtrooms*. (2002), see Note 52, p. 19.

**B. Recommendations**

Based on the foregoing data and analysis, the following recommendations are made to the Kitsap County Superior Court Judges, the Kitsap Board of County Commissioners, and the Kitsap County Administrator in considering the future of Kitsap County Court facilities:

**Recommendation #1: Design a new court facility that, at the very least, accommodates judicial and staff growth over the next thirty years.**

This study provides a practical forecast for determining the number of judges who will occupy a court facility over the next thirty years. Rather than building to the needs in 2012, or speculating on whether funding will be available when growth does occur, and renovating to accommodate that growth, here is an opportunity to plan for future need. This provides two opportunities.

First, in the design of a new court facility, architects should structure a building that will accommodate growth and expansion in the future. Secondly, with growth contemplated so far in the future, the County has an opportunity to begin saving or planning the financing for future facility adjustments now.

**Recommendation #2: Design a new Kitsap County Court facility in consultation with national space and adjacency guidelines.**

As the Court's history in its existing facility reveals, the core functions of courts requires a different perspective on facilities to ensure efficient functionality. Courts cannot be expected to operate effectively in a building that does not integrate its core functions in a facility design. The court facility design team should be fully educated in national courtroom and courthouse standards. A good primer, cited in this study, is Don Hardenbergh's The Courthouse: A

Planning and Design Guide for Court Facilities.<sup>72</sup> The architects that are hired to design a new court facility should have an extensive background in planning and building courthouses.

**Recommendation #3: Enlist the assistance of an architectural consultant with expertise in the Americans with Disabilities Act to ensure the facility meets all ADAAG standards.**

As the recent, minor renovations for the Clerk's Office reveal, a lot of detail will be lost in the design of a new court facility if the design committee does not incorporate stakeholders possessing specialized expertise in courthouse construction. Court accessibility is too important to leave to chance, or to overlook for a perceived higher priority. An ADA consultant is a critical stakeholder on the design team to ensure that a new facility meets existing and updated ADAAG guidelines. More significantly, an effective ADA consultant will assist in the development of courtrooms that can easily and readily be retrofitted to accommodate, and suitably integrate, disabled judges and/or court staff.

**Recommendation #4: Design an additional courtroom and jury deliberation room, contemplated under a 2007-2008 minor renovation plan, to effectively meet all ADAAG standards.**

While this study undertook the analysis of technology, security and the ADA for a new court facility, the lessons learned are immediately applicable for the Superior Court in 2008-2009 when the Court is able to expand into additional second-floor space. The preliminary plan calls for an ADA accessible courtroom in the space presently occupied by the Prosecutor's administrative staff. Several of the publications found in the literature review, particularly

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<sup>72</sup> Hardenbergh, Don, **The Courthouse**..., see Note 1.

Chang-Ming Yeh's checklist materials<sup>73</sup>, should be incorporated into the design to ensure the Court has at least one fully-functional and fully-compliant ADA courtroom.

**Recommendation #5: In the interim, support a Superior Court program to assess the costs associated with a new signage and door hardware plan to bring the court's interim facility in compliance with applicable ADAAG standards.**

Again, notwithstanding this study's initial purpose, the findings reveal some relatively straightforward enhancements that may be made to bring the existing court facility into better compliance with the ADA facility guidelines. A cost assessment should be initiated to determine what signs and/or door hardware may be replaced to better meet these guidelines. At the very least, it will enhance accessibility for the disabled in the interim, while a new court facility is being designed and constructed.

**Recommendation #6: In the interim, support a Superior Court program to assess the effectiveness of existing assistance listening devices to either (a) enhance the installation of equipment already available, or (b) replace the existing equipment with state of the art instruments.**

The analysis for this study uncovered several potential causes for citizen complaints which occasionally criticize the effectiveness of the Court's assistive listening devices. A more thorough assessment of the effectiveness of the equipment in each courtroom and jury deliberation room should be undertaken to determine whether the quality may be enhanced, either with newer equipment, or re-configuration of wireless transmitters. An assessment will

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<sup>73</sup> Yeh, see Note 18.

likely require consultants with expertise in this area to review current equipment and make appropriate recommendations for improvement.

**Recommendation #7: Consider resources, practices and technologies that mitigate the most blatant security vulnerabilities in the existing court facility.**

The Court Security Checklist revealed many things that the Court and the County are doing well to ensure risk in the court environment is mitigated. There are, however, several deficiencies that still exist. The vulnerability of the back door, the openness and location of the “secured” parking, and the absence of separate circulation patterns are three examples of deficiencies that plague the Court and, on a daily basis, threaten an otherwise secure environment. In view of court tragedies that have occurred around the nation in the last year, these vulnerabilities suggest that it is simply a matter of time, and should be thoroughly evaluated for interim solutions.

**Recommendation #8: Support a Superior Court program that validates attorney technology survey results with the Kitsap County Bar Association and facilitates more feedback opportunities in the design of a new court facility.**

The greatest disappointment in the completion of this study was the relative lack of interest on the part of the Kitsap County Bar to respond regarding courtroom technology. Given the County’s well-publicized 2007-2008 budget challenges and the skepticism that is spreading among the Bar, it is likely many chose not to respond because it seemed pointless. With the 2008 budget formally-adopted, the timing may be right to re-issue the survey with some of the tallied responses to validate what has been incorporated here.

**Recommendation #9: Enlist outside experts through consulting contracts to ensure court security issues and court technology infrastructure are thoroughly considered and integrated in a new courthouse facility design.**

During renovation discussions in 2005 and 2006, court leaders strongly encouraged the inclusion of a courtroom technology consultant to assist in design of the courtrooms. The recommendation was evaded, and managers with minimal technology experience began planning “site lines” and “conduit” without a clear notion how it was supposed to be integrated in a courtroom setting. Based on the findings in this study, it is clear that experts from a variety of fields – security, technology, ADA – are critical for ensuring County dollars are spent prudently in the design and construction of a new court facility. To echo an earlier statement, “There is really only one chance to get it right.”

## VII. APPENDICES

**APPENDIX A**  
**FORECASTED POPULATION GROWTH UNDER THE GROWTH**  
**MANAGEMENT ACT, (1985-2040)**

Year	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Population - Low	168,709	167,429	172,008	179,365	183,150	189,731	197,462	204,960	209,558	212,253
Best Estimate	168,709	167,429	172,008	179,365	183,150	189,731	197,462	204,960	209,558	212,253
Population - High	168,709	167,429	172,008	179,365	183,150	189,731	197,462	204,960	209,558	212,253
Low Growth										
Case Filings	5,692	5,761	5,553	6,236	7,072	7,333	7,899	8,257	7,899	7,902
High Growth										
Case/Judge Factor	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Low Growth										
Best Estimate	5	5	5	5	6	6	7	7	7	7
High Growth										

Year	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Population - Low	220,459	223,323	228,181	229,841	229,568	231,969	233,400	234,700	237,000	239,500
Best Estimate	220,459	223,323	228,181	229,841	229,568	231,969	233,400	234,700	237,000	239,500
Population - High	220,459	223,323	228,181	229,841	229,568	231,969	233,400	234,700	237,000	239,500
Low Growth										
Case Filings	8,713	8,953	9,153	10,629	10,254	10,881	10,603	10,997	9,918	10,211
High Growth										
Case/Judge Factor	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Low Growth										
Best Estimate	7	7	8	9	9	9	9	9	8	9
High Growth										

Year	2005	2006	2007*	2008	2009	2010	2011	2012	2013	2014
Population - Low	240,400	237,149	233,896	230,643	227,390	224,145	224,913	225,681	226,449	227,217
Best Estimate	240,400	243,400	244,800	246,217	247,634	249,050	252,168	254,472	256,867	259,408
Population - High	240,400	251,618	262,836	274,054	285,272	296,494	300,520	304,546	308,572	312,598
Low Growth										
Case Filings	10,131	10,037	10,771	10,834	10,896	10,958	11,095	11,197	11,302	11,414
High Growth			10,771	12,058	12,552	13,046	13,223	13,400	13,577	13,754
Case/Judge Factor	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Low Growth			9.10	8.46	8.34	8.22	8.25	8.27	8.30	8.33
Best Estimate	8	8	9.10	9.03	9.08	9.13	9.25	9.33	9.42	9.51
High Growth			9.10	10.05	10.46	10.87	11.02	11.17	11.31	11.46



**APPENDIX A**  
**FORECASTED POPULATION GROWTH UNDER THE GROWTH**  
**MANAGEMENT ACT, (1985-2040)**

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Population - Low	227,985	229,973	231,960	233,948	235,936	237,923	238,789	239,654	240,519	241,384
Best Estimate	262,052	267,004	270,990	275,026	279,112	283,242	286,146	289,507	292,785	295,974
Population - High	316,624	322,750	328,877	335,003	341,129	347,255	352,198	357,142	362,085	367,028
Low Growth	10031	10119	10206	10294	10381	10469	10507	10545	10583	10621
Case Filings	11,530	11,748	11,924	12,101	12,281	12,463	12,590	12,738	12,883	13,023
High Growth	13,931	14,201	14,471	14,740	15,010	15,279	15,497	15,714	15,932	16,149
Case/Judge Factor	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Low Growth	8.36	8.43	8.51	8.58	8.65	8.72	8.76	8.79	8.82	8.85
Best Estimate	9.61	9.79	9.94	10.08	10.23	10.39	10.49	10.62	10.74	10.85
High Growth	11.61	11.83	12.06	12.28	12.51	12.73	12.91	13.10	13.28	13.46

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Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Population - Low	242,250	242,879	243,508	244,138	244,767	245,397	246,409	247,421	248,433	249,445
Best Estimate	299,073	302,284	305,358	308,484	311,566	314,610	317,945	321,315	324,721	328,163
Population - High	371,972	376,953	381,935	386,916	391,898	396,879	401,659	406,439	411,219	415,999
Low Growth	10659	10687	10714	10742	10770	10797	10842	10887	10931	10976
Case Filings	13,159	13,300	13,436	13,573	13,709	13,843	13,990	14,138	14,288	14,439
High Growth	16,367	16,586	16,805	17,024	17,244	17,463	17,673	17,883	18,094	18,304
Case/Judge Factor	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
Low Growth	8.88	8.91	8.93	8.95	8.97	9.00	9.03	9.07	9.11	9.15
Best Estimate	10.97	11.08	11.20	11.31	11.42	11.54	11.66	11.78	11.91	12.03
High Growth	13.64	13.82	14.00	14.19	14.37	14.55	14.73	14.90	15.08	15.25

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Year	2035	2036	2037	2038	2039	2040
Population - Low	250,457	251,469	252,481	253,493	254,505	255,517
Best Estimate	331,642	335,157	338,710	342,300	345,929	349,596
Population - High	420,779	425,559	430,339	435,119	439,899	444,679
Low Growth	11020	11065	11109	11154	11198	11243
Case Filings	14,592	14,747	14,903	15,061	15,221	15,382
High Growth	18,514	18,725	18,935	19,145	19,356	19,566
Case/Judge Factor	1,200	1,200	1,200	1,200	1,200	1,200
Low Growth	9.18	9.22	9.26	9.29	9.33	9.37
Best Estimate	12.16	12.29	12.42	12.55	12.68	12.82
High Growth	15.43	15.60	15.78	15.95	16.13	16.30

## APPENDIX B

### KITSAP COUNTY SUPERIOR COURT ADA FACILITY CHECKLIST

<b>COURTROOM SET</b>				
<b>1. Courtroom Entrance</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Signage?				
b. Accessible Door Width?				
c. Maneuvering Clearance at Doors?				
d. Thresholds at Doorways?				
e. Door Hardware?				
f. Door Opening Force?				
<b>2. Entrance Vestibule</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Width for Wheelchair Passing?				
b. Maneuvering Clearance at Doors?				
c. Two Doors in Series?				
d. Viewing Windows in Doors?				
<b>3. Public Seating</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Main Aisle Width?				

b. Required Wheelchair Locations in Assembly Area?				
c. Size of Wheelchair Locations?				
d. Placement of Wheelchair Locations?				
e. Wheelchair Floor Surface?				
g. Assistive Listening Devices?				
h. Placement of Assist. Listening Devices?				
i. Min. No. of Assistive Listening Devices?				
<b>4. Jury Box</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. No. of Required Wheelchair Locations?				
b. Wheelchair Floor Surface?				
c. Clear Floor Space for Wheelchair?				
d. Access to Wheelchair Seat?				
e. Assistive Listening Devices?				
f. Min. No. of Assist. Listening Device Receivers?				
g. Real-Time Translation for Deaf Jurors?				
<b>5. Witness Stand</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Clear Floor Space for Wheelchairs?				

b. Wheelchair Access?				
c. Assistive Listening Devices?				
d. Installation of Microphone?				
<b>6. Attorney Tables</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Min. No. Available?				
b. Meets Seating Requirements?				
c. Meets Knee Clearance?				
d. Meets Requisite Table Heights?				
e. Accessible Path?				
f. Assistive Listening Devices?				
<b>7. Judges' Bench</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Min. No. of Accessible Benches?				
b. Wheelchair Access to Bench Platform?				
c. Clear Floor Space?				
d. Furniture Requirements?				
e. Assistive Listening Devices?				

<b>8. Clerk's Workstation</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Min. No. of Accessible Work Stations?				
b. Access to Workstation Platform?				
c. Clear Floor Space?				
d. Furniture Requirements?				
e. Assistive Listening Devices?				

## JURY DELIBERATION ROOMS

<b>2. Vestibule at Restroom Entrances</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Door Width?				
b. Maneuvering Clearance at Doors?				
g. Two Doors in Series?				
h. Thresholds at Doorways?				
i. Door Hardware?				
j. Door Opening Force?				
k. Drinking Fountain?				
<b>2. Restrooms in Jury Rooms</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
e. Min. No. of Accessible Units Required?				
f. Clear Floor Space?				
g. Seat Height?				
h. Grab Bar?				
i. Flush Control?				
j. Dispensers?				

k. Door Width, Hardware, Opening Force, & Stall Clearance?				
<b>3. Jury Meeting Space</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Wheelchair Maneuvering Clearance?				
b. Conference Seating and Table?				
c. Assistive Listening Devices?				

<b>JURY ASSEMBLY FACILITY</b>				
<b>3. Jury Assembly Lounger</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Accessibility Requirements?				
b. Wheelchair Seating Requirements?				
l. Accessible Tables and Reading Carrels?				
<b>2. Juror Check-in/Out Counter</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
l. Accessible Counter Clearances?				
<b>3. Juror Restrooms</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Need for Accessible Restrooms?				
<b>4. Telephone/Communication</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Assistive Listening Devices?				
b. Min. No. of ALS Receivers?				
c. Public Telephone?				



COURT ADMINISTRATION SERVICES				
<b>4. Reception/Vestibule Waiting Area</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Signage?				
b. Accessible Door Width?				
m. Maneuvering Clearance at Doors?				
n. Thresholds at Doorways?				
o. Door Hardware?				
p. Door Opening Force?				
q. Min. No. of Accessible Counters?				
r. Accessible Counter Clearance?				
s. Service Call Capabilities?				
<b>2. Pretrial Services Office</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Signage?				
b. Accessible Door Width?				
c. Maneuvering Clearance at Doors?				
d. Thresholds at Doorways?				

e. Door Hardware?				
f. Door Opening Force?				
g. Min. No. of Accessible Counters?				
h. Accessible Counter Clearance?				
i. Service Call Capabilities?				
<b>3. Drug Court Offices</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Signage?				
b. Accessible Door Width?				
c. Maneuvering Clearance at Doors?				
d. Thresholds at Doorways?				
e. Door Hardware?				
f. Door Opening Force?				
g. Min. No. of Accessible Counters?				
h. Accessible Counter Clearance?				
i. Service Call Capabilities?				

## COUNTY CLERK'S OFFICE

COUNTY CLERK'S OFFICE				
<b>5. Public Access Areas</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Signage?				
<b>2. Public Service Counter</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
m. Min. No. of Accessible Counters?				
n. Corridor/Waiting Area Before Counter?				
o. Accessible Counter Clearance?				
p. Service Call Capabilities?				
<b>3. Employee Counter Workstation</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Min. No. of Accessible Workstations?				
b. Counter Height?				
c. Ramp to Elevated Counter Station?				
d. Accessible Counter Space Allowance?				
e. Reach Range over Counter?				
g. Workstation Storage – Reach Limits?				
<b>4. Public File Review and Writing Space</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>

a. Min. No. of Required Accessible Seating or Tables?				
b. Accessible Fixed Seating and Tables?				
c. Self Service Record/Book Storage?				
<b>5. Courthouse Facilitator Services</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Signage?				
b. Accessible Door Width?				
t. Maneuvering Clearance at Doors?				
u. Thresholds at Doorways?				
v. Door Hardware?				
w. Door Opening Force?				
x. Min. No. of Accessible Workstations?				
y. Accessible Counter Clearance?				
z. Service Call Capabilities?				
<b>6. Attorney Mail Boxes</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
a. Accessible Reach Range?				
<b>7. Record Storage</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Commentary</b>
e. Stack Height and Aisle Width?				

**APPENDIX C**  
**KITSAP COUNTY SUPERIOR COURT**  
**ACCESS TO COURT SERVICES SURVEY**

In an effort to assess potential service barriers in the Kitsap County Courthouse, you are asked to complete the following survey. The information you provide will be extremely valuable for court leaders to determine what facility considerations, both now and in the future, are necessary to ensure that all citizens are provided equal access to justice. Please complete the following survey and return it to the Kitsap County Superior Court Administrator's Office.

Surveys may be dropped-off in the Superior Court Reception office, Room 210; e-mailed to Frank Maiocco, Superior Court Administrator, at [fmaiocco@co.kitsap.wa.us](mailto:fmaiocco@co.kitsap.wa.us); or mailed to Kitsap County Superior Court, Attn: Superior Court Administrator, 614 Division Street, MS-24, Port Orchard, WA 98366.

Your responses by xxxx are greatly appreciated. Thank you for your assistance!

1. In the last three years, have you visited the Kitsap County Courthouse or the County Clerk's Office to seek or participate in a court service, program or activity?  
☐ Yes      ☐ No      ☐ Do not recall
  
2. When was the last time you visited either the Kitsap County Courthouse or the County Clerk's Office?  
☐ In the last week  
☐ In the last month  
☐ In the last 6 months  
☐ In the last year  
☐ Over 1 year ago
  
3. The last time you visited the courthouse, for what reason were you there?  
☐ I was involved in my own case  
☐ I was the friend/family of a person involved in his or her case  
☐ I was called for jury duty  
☐ I was a witness in a case  
☐ I was an attorney representing a party  
☐ I was a spectator, just interested in watching court  
☐ I was a Guardian ad Litem or a Certified Public Guardian  
☐ I was an American Sign Language Interpreter  
☐ I was an interpreter for someone who did not speak English  
☐ Other: \_\_\_\_\_

4. On your last visit to the courthouse, did you require a reasonable accommodation under the Americans with Disabilities Act of 1990 in order to fully access or participate in court services, programs or activities?  
☐ Yes ☐ No
5. Did you request a reasonable accommodation from the court or clerk staff?  
☐ Yes ☐ No
6. How satisfied were you with regard to the effort the court or clerk staff made to facilitate your request?
- |                   |           |                                  |              |                      |
|-------------------|-----------|----------------------------------|--------------|----------------------|
| Very<br>Satisfied | Satisfied | Not Satisfied<br>or Dissatisfied | Dissatisfied | Very<br>Dissatisfied |
| 5                 | 4         | 3                                | 2            | 1                    |
7. The Americans with Disabilities Act of 1990 defines a “disability” in many ways. Using the ADA’s definitions, how would you characterize your disability?
- ☐ Physical disability  
☐ Hearing impairment  
☐ Vision impairment  
☐ Cognitive disability  
☐ Speech or language disability  
☐ Other disability: \_\_\_\_\_
- 8a. When you arrived at the Courthouse, did you encounter any barriers that kept you from reaching your intended destination or getting the service/information you wanted?  
☐ Yes ☐ No
- 8b. If you answered “Yes,” what barriers kept you from reaching your planned destination?
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
9. What, if any, equipment or accommodation was the court or the clerk’s staff able to provide for you to assist you in accessing and fully participating in the court system?
- ☐ Assistive Listening Device  
☐ Telecommunications Devices for the Deaf (TDD’s)  
☐ Forms and Instructions in Braille  
☐ A wheelchair  
☐ An American Sign Language Interpreter  
☐ Real-time reporting/captioning  
☐ Other: \_\_\_\_\_

10a. How would you rate the adequacy of the accommodation provided by the court or the clerk's office?

- ☐ More than adequate  
☐ Adequate  
☐ Less than adequate  
☐ Not at all adequate

10b. If the accommodation was either "Less than adequate" or "Not at all adequate," please describe your experience(s):

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11. After reflecting on the various places you visited in the courthouse, please rate the condition of the following courthouse features from an accommodation perspective:  
(Please circle one number for each feature)

	Good	Acceptable	Poor	N/A
a. Width of office doors	3	2	1	0
b. Height of counters	3	2	1	0
c. Mechanical doors	3	2	1	0
d. Elevator access	3	2	1	0
e. Elevator operations	3	2	1	0
f. Helpful signs	3	2	1	0
g. Visible signs	3	2	1	0

12. Were you able to access and fully participate in all court services, activities and programs that you wanted?

- ☐ Yes ☐ No

13. If you answered "No," what type(s) of accommodation(s) would have enhanced your access or improved your ability to more fully participate in the Court's services, programs and activities?

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14. In an effort to continuously improve court services and court facilities, the Kitsap County Superior Court is always interested in learning of incidents or experiences in which citizens were frustrated by barriers to court services. Your additional comments, thoughts or suggestions are welcomed.

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Thank you for your thoughtful responses.

Once completed, this survey may be returned in one of three convenient ways, as follows:

Dropped-off in:  
Superior Court Reception, Room 210

E-mailed to Frank Maiocco at:  
[fmaiocco@co.kitsap.wa.us](mailto:fmaiocco@co.kitsap.wa.us)

Mailed to:  
Kitsap County Superior Court  
Attn: Superior Court Administrator  
614 Division Street, MS-24  
Port Orchard, WA 98366.

Your responses by xxxx are greatly appreciated!



**APPENDIX D**  
**Kitsap County Superior Court**  
**Court Security Facility Audit**

Completed By: \_\_\_\_\_ Date: \_\_\_\_\_

**A. EXTERIOR**

**Perimeter (e.g., fences and gates)**

1. Is the perimeter of the courthouse grounds clearly defined by a fence, wall, or other type of physical barrier? Yes    No

2. Briefly describe the barrier and its condition.

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3. Does the barrier limit or control vehicle or pedestrian access to the courthouse? Yes    No

4. Are gates solid and not in need of repair? Yes    No

5. Are gates locked properly? Yes    No

6. Are gate hinges secure? Yes    No

**Perimeter Lighting**

1. Is the entire perimeter well lit? Yes    No

2. Are lights on all night? Yes    No

3. Are light fixtures suitable for outside use (i.e., are they weather- and tamper-resistant)? Yes    No

4. Are lights and wiring inspected regularly? Yes    No

5. Are control switches inaccessible to unauthorized persons? Yes    No

7. Do any exterior or perimeter lights have an auxiliary power source? Yes    No

8. Excluding parking areas, describe lighting of the building grounds:
  - a. fully illuminated Yes    No
  - b. partially illuminated Yes    No
  - c. not illuminated Yes    No
9. Is the exterior of the building (particularly entry points) sufficiently lighted to discourage unlawful entry attempts or placement of explosives against the walls? Yes    No
10. Are public areas (including parking spaces and walkways) sufficiently lighted to discourage attacks against persons or vehicles? Yes    No

### **Parking Areas**

1. Is entry to and exit from parking areas controlled by:
  - a. guard Yes    No
  - b. an electrically operated gate Yes    No
  - c. other (specify) Yes    No
2. Who provides the guard service? \_\_\_\_\_
3. What hours are guard services provided? \_\_\_\_\_
4. Are parking areas watched by closed-circuit TV? Yes    No
5. Are frequent inspections made of parking area and vehicles not guarded or monitored through closed-circuit TV? Yes    No

- |   |     |    |
|---|-----|----|
| 6. Is a reserved parking lot on courthouse grounds?   | Yes | No |
| 7. Is the reserved area closed or locked during non-business hours?                                   | Yes | No |
| 8. Is the reserved area protected by a fence?   | Yes | No |
| 9. Are signs posted there?  | Yes | No |
| 10. Do reserved parking spaces block access to the courthouse by fire or other emergency vehicles?    | Yes | No |
| 11. Is there reserved parking for judges?   | Yes | No |
| 12. Is there reserved parking for court staff?  | Yes | No |
| 13. Is there reserved parking for jurors and witnesses?   | Yes | No |
| 14. Who else has reserved parking? _____  |     |    |
| 15. Are parking spaces reserved by name?  | Yes | No |
| 16. Are parking spaces reserved by number?  | Yes | No |
| 17. Is access to the garage strictly controlled?  | Yes | No |
| 18. Are there adequate communications equipment and an alarm at the guard station in the garage?      | Yes | No |
| 19. Is there direct access for judges from the garage to nonpublic elevators or restricted corridors? | Yes | No |

### **Landscaping**

- |   |     |    |
|---|-----|----|
| 1. Do landscape features provide places for potential intruders to hide?  | Yes | No |
| 2. Are there items such as bricks, stones, or wooden fence pickets which could be used by intruders as weapons, missiles, or tools? | Yes | No |

If yes, please describe items found:

---

## **B. COURTHOUSE BUILDING**

### **Doors, Windows, and Other Openings**

- |  |     |    |
|--|-----|----|
| 1. Are all exterior doors at least 1¾-inch solid core wood, metal clad, or metal?                                      | Yes | No |
| 2. Are all exterior doors properly equipped with cylinder locks, deadbolts, or quality padlocks and hasps?             | Yes | No |
| 3. Are doors with windows equipped with double-cylinder locks or quality padlocks?                                     | Yes | No |
| 4. Are all exterior doors equipped with intrusion alarms?  | Yes | No |
| 5. Are all hinge pins internally located, welded, or otherwise treated to prevent easy removal?                        | Yes | No |
| 6. Are doors with panic, or emergency, hardware also fitted with anti-intrusion bars?                                  | Yes | No |
| 7. Do doors with panic locks have auxiliary locks for use when the building is not occupied?                           | Yes | No |
| 8. Are exterior locks designed or exterior door frames built so that the door cannot be forced by spreading the frame? | Yes | No |
| 9. Are exterior locks firmly mounted so that they cannot be pried off?   | Yes | No |
| 10. Are exterior door bolts protected or constructed so that they cannot be cut?                                       | Yes | No |
| 11. Are exterior padlocks in place when doors are unlocked?  | Yes | No |
| 12. Are exterior padlock hasps installed so that the screws cannot be removed?   | Yes | No |
| 13. Are exterior door padlock hasps made with a grade of steel difficult to cut?                                       | Yes | No |
| 14. Are all unused doors permanently locked?   | Yes | No |

15. Are windows that could be used for entry protected with:
- |                          |     |    |
|--------------------------|-----|----|
| a. locking devices       | Yes | No |
| b. metal bars            | Yes | No |
| c. mesh                  | Yes | No |
| d. intrusion alarms      | Yes | No |
| e. other (specify) _____ |     |    |
16. Are window bars and mesh securely fastened to prevent easy removal? Yes No
17. Are windows on the ground floor made of tempered glass or ballistic plastic? Yes No
18. Are all windows not needed for ventilation permanently sealed or locked? Yes No
19. Are openings to the roof (doors, skylights, etc.) securely fastened or locked from the inside? Yes No
20. Is internal access to the roof controlled? Yes No
21. Is the roof accessible by means of:
- |                          |     |    |
|--------------------------|-----|----|
| a. fire escape           | Yes | No |
| b. another building      | Yes | No |
| c. a pole or tree        | Yes | No |
| d. other (specify) _____ |     |    |
22. Do roof openings have intrusion alarms? Yes No
23. Are openings to the building (e.g., tunnels, utility and sewer manholes, culverts, and service ports) properly secured? Yes No
24. Is a key-control system in effect? Yes No
25. Who is responsible for the key control system? \_\_\_\_\_
26. Are building entrance keys issued on a limited basis? Yes No

- |   |     |    |
|---|-----|----|
| 27. Are master keys kept securely locked and issued on a strictly controlled basis? | Yes | No |
| 28. Can the key-control officer replace locks and keys at his discretion?           | Yes | No |
| 29. Must duplication of keys be approved by the key-control officer?                | Yes | No |
| 30. Is the number of entrance doors in use reduced to the minimum necessary?        | Yes | No |
| 31. Do judges and court officers have a private entrance to the building?           | Yes | No |

### **Ceilings and Walls**

- |   |     |    |
|---|-----|----|
| 1. Do all walls extend to the ceiling?                    | Yes | No |
| 2. Are drop or removable ceilings used in the courthouse? | Yes | No |
| 3. Where? _____   |     |    |

### **Emergency Power System**

- |  |     |    |
|--|-----|----|
| 1. Is the main power source dependable?                          | Yes | No |
| 2. Is there a dependable auxiliary power source for emergencies? | Yes | No |

### **Alarms**

- |   |     |    |
|---|-----|----|
| 1. Does the courthouse have an intrusion alarm system?                    | Yes | No |
| 2. Does the system meet Underwriters' Laboratories standards?             | Yes | No |
| 3. Is the system regularly tested?  | Yes | No |
| 4. How often? _____   |     |    |
| 5. Is the system covered by a service and maintenance contract?           | Yes | No |
| 6. If not under contract, who provides the service and maintenance? _____ |     |    |

- |   |     |    |
|---|-----|----|
| 7. Was the alarm system properly installed?   | Yes | No |
| 8. Where does the alarm system terminate?   |     |    |
| a. sheriff's department   | Yes | No |
| b. local law enforcement office   | Yes | No |
| c. commercial control station   | Yes | No |
| d. other (specify) _____  |     |    |
| 9. Is there an emergency power source for all alarms?   | Yes | No |
| 10. Does the emergency power source cut in automatically?   | Yes | No |
| 11. Are records maintained of all alarm signals<br>(e.g., time, date, location, cause, and action taken)? | Yes | No |
| 12. Who keeps these records? _____  |     |    |
| 13. What is the response capability (in time and manpower)?   |     |    |
| Time _____  |     |    |
| Manpower _____  |     |    |
| 14. What are the weaknesses or gaps in the existing alarm<br>system?<br>_____                             |     |    |

### **Safe and Vaults**

- |  |     |    |
|--|-----|----|
| 1. Are safes and vaults equipped with an alarm system? | Yes | No |
| 2. What type of alarm system? _____                    |     |    |

### **Fire Protection**

- |   |     |    |
|---|-----|----|
| 1. Does the courthouse comply with local fire codes?                    | Yes | No |
| 2. Does the fire marshal routinely inspect the courthouse?              | Yes | No |
| 3. When was the courthouse last inspected by the fire<br>marshal? _____ |     |    |

4. Did the fire marshal approve the building? Yes No

If not, why? \_\_\_\_\_

5. Does the building have fire alarms? Yes No

6. Does the building have smoke detectors? Yes No

7. Does the building have a sprinkler system? Yes No

8. Does the building have fire extinguishers? Yes No

9. Does the building have emergency fire hoses? Yes No

10. Does the building have an adequate water supply? Yes No

11. Does the building have standpipes? Yes No

#### **Utility Control Points**

1. Are utility and plumbing access plates and doors locked or sealed when not in use? Yes No

#### **Attic, Basements, Crawl Spaces, and Air-Conditioning and Heating Ducts**

1. Do basement doors have intrusion alarms? Yes No

2. Are basement doors securely fastened or locked when not in use? Yes No

3. Are doors to basements, utility rooms, boiler rooms, crawl spaces, and attics locked when not in use? Yes No

4. Are crawl spaces secured from unauthorized entry? Yes No

5. Are air-conditioning and heating vent openings in public areas secure from tampering? Yes No

#### **Elevators**

1. Are private elevators provided for judges? Yes No

2. Are certain elevators used exclusively to move prisoners? Yes No



- |   |     |    |
|---|-----|----|
| 3. Are prisoner elevators marked "Not for Public Use"?                    | Yes | No |
| 4. Are prisoner elevators controlled by key?                              | Yes | No |
| 5. Are prisoner elevators programmed to bypass floors?                    | Yes | No |
| 6. Do elevators separate prisoners from escorts by metal bars or grilles? | Yes | No |
| 7. Are prisoner elevators equipped with:                                  |     |    |
| a. alarms   | Yes | No |
| b. telephones   | Yes | No |
| c. closed-circuit TV  | Yes | No |
| d. other (specify) _____  |     |    |

**Storage Areas for Arms and Dangerous Substances**

- |  |     |    |
|--|-----|----|
| 1. Which of the following dangerous substances are stored in the courthouse? |     |    |
| a. weapons   | Yes | No |
| b. ammunition  | Yes | No |
| c. tear gas  | Yes | No |
| d. other (specify) _____   |     |    |
| 2. Are dangerous substances stored in a restricted area?                     | Yes | No |
| 3. Are dangerous substances stored in a secure room?                         | Yes | No |
| 4. Does the storage area have an intrusion alarm?                            | Yes | No |
| 5. Is the door there solidly constructed?                                    | Yes | No |
| 6. Are hinge pins concealed or welded to prevent removal?                    | Yes | No |
| 7. Does this door have an adequate cylinder lock?                            | Yes | No |
| 8. Does this door have an adequate padlock?                                  | Yes | No |

- |   |     |    |
|---|-----|----|
| 9. Do windows in the storage area have steel bars, or mesh, or are they permanently sealed? | Yes | No |
| 10. Is the storage area well ventilated?  | Yes | No |
| 11. Does the storage area have fire detection equipment?                                    | Yes | No |
| 12. Does the storage area have a sprinkler system?  | Yes | No |

### **Communications**

- |   |     |    |
|---|-----|----|
| 1. Are communications adequate?   | Yes | No |
| 2. If not, what is needed? _____  |     |    |
| 3. What communications are available in the courthouse?                                 |     |    |
| a. telephone  | Yes | No |
| b. radio  | Yes | No |
| c. telegraph  | Yes | No |
| d. teletype   | Yes | No |
| e. public address system  | Yes | No |
| f. other (specify) _____  |     |    |
| 4. Is there more than one communications system used exclusively by security personnel? | Yes | No |
| 5. Is there more than one communications system used exclusively for security purposes? | Yes | No |
| 6. Who operates the public address system?<br>_____                                     |     |    |
| 7. Radios in the courthouse consist of:   |     |    |
| a. sheriff's base station   | Yes | No |
| b. unit in security or bailiff office netting to sheriff's base station                 | Yes | No |

- |  |     |    |
|--|-----|----|
| c. hand-held portables used by bailiffs          | Yes | No |
| d. hand-held portables used by security officers | Yes | No |
| e. other (specify) _____                         |     |    |
8. Can radios net with:
- |                                |     |    |
|--------------------------------|-----|----|
| a. local police                | Yes | No |
| b. State police                | Yes | No |
| c. other sheriffs' departments | Yes | No |
| d. other (specify) _____       |     |    |
9. Is maintenance of radio equipment adequate? Yes No
10. Do base stations have an auxiliary power source? Yes No
11. Is there a duress code signal? Yes No
12. Do all telephones go through a building switchboard? Yes No
13. Does the switchboard have any security safeguards? Yes No
14. Can teletypes communicate with outside security agencies? Yes No
15. Which agencies? \_\_\_\_\_

### **Storage Areas for Records**

- |  |     |    |
|--|-----|----|
| 1. Are fire detection devices in the records storage area?   | Yes | No |
| 2. Is a sprinkler system in the records storage area?  | Yes | No |
| 3. Are current records stored during non-business hours in locked rooms or locked filing cabinets? | Yes | No |
| 4. Are records storage areas inaccessible to unauthorized persons?                                 | Yes | No |
| 5. Are there checkout procedures for all records?  | Yes | No |
| 6. Is space available in or near the clerk's office for the public to review documents?            | Yes | No |

**Public Area (waiting areas, rest rooms, and hallways)**

- |   |     |    |
|---|-----|----|
| 1. Are public waiting rooms routinely searched?   | Yes | No |
| 2. Are waiting rooms next to courtrooms?  | Yes | No |
| 3. Are drop or removable ceilings used in waiting rooms?  | Yes | No |
| 4. Are public rest rooms routinely searched?  | Yes | No |
| 5. Are rest rooms next to courtrooms?   | Yes | No |
| 6. Are drop or removable ceilings used in rest rooms?   | Yes | No |
| 7. Do any trash receptacles allow easy concealment of contraband?                                   | Yes | No |
| 8. Are directions (directories and floor plans, if appropriate) clearly posted in all public areas? | Yes | No |

**Offices Handling Money**

- |  |     |    |
|--|-----|----|
| 1. Does the cashier's window have security features?   | Yes | No |
| 2. Is a large amount of cash in the office overnight or on weekends?                                 | Yes | No |
| 3. Is there an adequate safe, vault, or strongbox?   | Yes | No |
| 4. Is the safe approved by Underwriters' Laboratories?   | Yes | No |
| 5. Are safes weighing less than 750 pounds securely fastened to the floor, wall, or set in concrete? | Yes | No |
| 6. Are combinations changed when personnel leave?  | Yes | No |
| 7. When was the combination last changed?  | Yes | No |
| 8. Is the safe or vault protected by an intrusion alarm?   | Yes | No |
| 9. Where does the intrusion alarm terminate?   |     |    |
-

10. What is the response to an alarm?

Time \_\_\_\_\_

Manpower \_\_\_\_\_

11. Is there a duress alarm in these offices? Yes No

12. Where does the duress alarm terminate?

\_\_\_\_\_

13. Who escorts the employee carrying money to the bank?

a. sheriff Yes No

b. local police Yes No

c. State police Yes No

d. other (specify) \_\_\_\_\_

e. no one

### **Courthouse Procedures**

1. Is there a security procedures manual for the courthouse? Yes No

2. Are all data current and correct? Yes No

3. Are emergency plans current? Yes No

4. Is responsibility for declaring an emergency clearly fixed? Yes No

5. Are the authority and chain of command in emergency plans clear and accurate? Yes No

6. Are all emergency plans subject to periodic review and updating? Yes No

7. Is there a procedure for handling medical emergencies involving the general public? Yes No

8. Is first aid equipment, including oxygen, provided throughout the courthouse? Yes No

9. Is that equipment periodically checked and tested?	Yes	No
10. Is there a designated security officer for the courthouse?	Yes	No
11. Is there a security guard on duty after normal working hours?	Yes	No
12. If so, when and what hours?		
<hr/>		
13. Is there a procedure for routine daily inspection of the courthouse?	Yes	No
14. Are tenants given periodic instruction about the various emergency procedures?	Yes	No
15. Are support agreements with other agencies written or informal?	Yes	No
16. Are periodic fire and evacuation drills held?	Yes	No
17. Are periodic security conferences held with:		
a. judges	Yes	No
b. attorneys	Yes	No
c. tenants	Yes	No
d. supervising personnel	Yes	No
e. custodial personnel	Yes	No
18. Are security plans coordinated with appropriate local, State, and Federal agencies?	Yes	No
19. Are public, private, and prisoner circulation patterns separated and well defined?	Yes	No
20. Is there a routine inspection of packages and shipments entering the courthouse?	Yes	No

## **C. COURTROOMS AND RELATED AREAS**

### **Courtrooms: Location**

- |   |     |    |
|---|-----|----|
| 1. Do spaces above, below, and next to the courtroom present a security hazard? | Yes | No |
|---|-----|----|

### **Courtrooms: Doors, Windows, and Other Openings**

- |  |     |    |
|--|-----|----|
| 1. Are all unused doors secured?   | Yes | No |
| 2. Are the keys to all doors strictly controlled?  | Yes | No |
| 3. Are there separate entrances into the courtroom for:  |     |    |
| a. judges  | Yes | No |
| b. in-custody defendants   | Yes | No |
| c. spectators  | Yes | No |
| 4. Is the prisoner entry door far enough from the public seating area to prevent passing contraband? | Yes | No |
| 5. Are all windows draped to obscure vision (particularly of the bench) from outside?                | Yes | No |

### **Courtrooms: Lights**

- |                                 |     |    |
|---------------------------------|-----|----|
| 1. Is there emergency lighting? | Yes | No |
| 2. Are lights key controlled?   | Yes | No |

### **Courtrooms: Furnishings**

- |  |     |    |
|--|-----|----|
| 1. Is the main area or well separated from the spectators by a barrier?              | Yes | No |
| 2. Is the judge's bench closed at both ends to restrict access from the well?        | Yes | No |
| 3. Are the defendant's chair and the witness chair built to allow use of restraints? | Yes | No |
| 4. Are spectator seats solidly built and fastened to the floor?                      | Yes | No |

- |  |     |    |
|--|-----|----|
| 5. Are potential weapons, such as drinking glasses, water carafes, and ash trays, kept out of the defendant's reach? | Yes | No |
|--|-----|----|

**Courtrooms: Security Devices**

- |  |     |    |
|--|-----|----|
| 1. Are routine checks made of:   |     |    |
| a. alarms  | Yes | No |
| b. emergency lighting  | Yes | No |
| c. metal detectors   | Yes | No |
| 2. Are metal detectors available for use?                                  | Yes | No |
| 3. Is the bench reinforced to make it bullet resistant?                    | Yes | No |
| 4. With what? _____  |     |    |
| 5. Is there a duress alarm in the courtroom?                               | Yes | No |
| 6. Are duress alarm buttons installed at:                                  |     |    |
| a. the bench   | Yes | No |
| b. clerk's station   | Yes | No |
| c. bailiff's station   | Yes | No |
| d. chambers  | Yes | No |
| e. judge's secretary's desk  | Yes | No |
| f. other (specify) _____   |     |    |
| 7. Does this alarm have an audio-monitor capability?                       | Yes | No |
| 8. Is there an acceptable response capability for courtroom duress alarms? | Yes | No |
| 9. Does the courtroom have a telephone?                                    | Yes | No |
| 10. Does the courtroom have a public address system?                       | Yes | No |



- |  |     |    |
|--|-----|----|
| 11. Does the courtroom have a radio transmitter?                           | Yes | No |
| 12. Is the bailiff equipped with a portable transceiver?                   | Yes | No |
| 13. Does the transceiver net with:   |     |    |
| a. sheriff's base station  | Yes | No |
| b. security office   | Yes | No |
| c. other (specify) _____   |     |    |
| 14. Are additional restraining devices available for use in the courtroom? | Yes | No |

**Courtrooms: Security Procedures**

- |  |     |    |
|--|-----|----|
| 1. Is there a policy for firearms to be carried into the courtroom by:                         |     |    |
| a. bailiffs  | Yes | No |
| b. law enforcement officer witnesses   | Yes | No |
| c. law enforcement officer spectators  | Yes | No |
| d. other (specify) _____   |     |    |
| 2. Are bailiffs armed in the courtroom?  | Yes | No |
| 3. Are bailiffs in uniform?  | Yes | No |
| 4. Are prisoners kept in restraints except when in the courtroom?                              | Yes | No |
| 5. Are there procedures for the emergency evacuation from the courtroom of:                    |     |    |
| a. prisoners   | Yes | No |
| b. judges  | Yes | No |
| c. jurors  | Yes | No |
| 6. Do bailiffs understand procedures for emergency evacuation of prisoners from the courtroom? | Yes | No |

7. Is there a procedure for a search-screen operation for entry to courtrooms?	Yes	No
--	-----	----

**Judges' Chambers and Related Offices**

1. Are judges' chambers routinely searched for contraband by bailiffs or secretaries?	Yes	No
---	-----	----

2. Is visitor access controlled by clerks, bailiffs, or secretaries?	Yes	No
--	-----	----

3. Which? _____		
-----------------	--	--

4. Are suspicious packages or letters examined before delivery to judges?	Yes	No
---	-----	----

5. Do these chambers have more than one means of entry and exit?	Yes	No
--	-----	----

6. Do doors have automatic closing and locking hardware?	Yes	No
--	-----	----

7. Are the chambers routinely locked when the judge is not present?	Yes	No
---	-----	----

8. When occupied by the judge, are the chambers' doors usually:		
---	--	--

a. open	Yes	No
---------	-----	----

b. closed	Yes	No
-----------	-----	----

c. locked	Yes	No
-----------	-----	----

9. Are outside views, particularly of judges' desks, obscured?	Yes	No
--	-----	----

10. Are judges routinely escorted between parking areas, chambers, and the courtroom?	Yes	No
---	-----	----

11. Are judges escorted between parking areas, chambers, and the courtroom during high-risk or sensitive trials?	Yes	No
--	-----	----

12. Do chambers have duress alarms?	Yes	No
-------------------------------------	-----	----

- |   |     |    |
|---|-----|----|
| 13. Is there acceptable response capability for these alarms? | Yes | No |
| 14. Do any judges carry firearms?                             | Yes | No |
| 15. Do any judges keep firearms in their chambers?            | Yes | No |
| 16. Do any judges keep firearms at the bench?                 | Yes | No |

### **Witness Waiting Rooms**

- |  |     |    |
|--|-----|----|
| 1. Are witness waiting rooms provided?                           | Yes | No |
| 2. Is it possible to separate prosecution and defense witnesses? | Yes | No |
| 3. Is public access to waiting rooms restricted?                 | Yes | No |
| 4. Are light switches located outside the waiting rooms?         | Yes | No |

### **Attorney-Client Conference Rooms**

- |  |     |    |
|--|-----|----|
| 1. Are rooms provided in the courthouse for attorney-client conferences? | Yes | No |
| 2. Are these rooms secure?   | Yes | No |
| 3. Do the rooms have drop or removable ceilings?                         | Yes | No |
| 4. Can the rooms be locked?  | Yes | No |
| 5. Are the rooms routinely searched for contraband before and after use? | Yes | No |
| 6. Are conferences visually observed at all times?                       | Yes | No |

### **Jury Deliberation Room**

- |  |     |    |
|--|-----|----|
| 1. Is the jury deliberation room next to the courtroom or accessible through a controlled passage? | Yes | No |
| 2. Are the windows draped?   | Yes | No |

- |  |     |    |
|--|-----|----|
| 3. Are rest rooms provided as an integral part of the deliberation area?                                 | Yes | No |
| 4. Is the deliberation room soundproofed well enough to prevent unauthorized persons from eavesdropping? | Yes | No |
| 5. Is the deliberation room routinely searched for contraband before occupancy?                          | Yes | No |
| 6. Is the deliberation room locked when unoccupied?  | Yes | No |

**Prisoner Reception Area**

- |  |     |    |
|--|-----|----|
| 1. Are prisoners brought from jail to the reception area in the courthouse by:   |     |    |
| a. elevator  | Yes | No |
| b. stairway  | Yes | No |
| c. tunnel  | Yes | No |
| d. bridge  | Yes | No |
| e. vehicle   | Yes | No |
| f. foot  | Yes | No |
| 2. Do prisoners brought from outside the courthouse enter through a:   |     |    |
| a. public entrance   | Yes | No |
| b. private entrance  | Yes | No |
| c. sally port  | Yes | No |
| 3. Is the area equipped with gates that can close the area to the public?  | Yes | No |
| 4. Is there more than one means for vehicles to exit from the area?  | Yes | No |
| 5. Are gates electronically controlled from a remote station?  | Yes | No |
| 6. Is an interlocking system used so that the outer gate can be closed and locked before the door to the building is opened? | Yes | No |

- |   |     |    |
|---|-----|----|
| 7. Is this area monitored by closed-circuit TV?         | Yes | No |
| 8. Is this area used exclusively for prisoner movement? | Yes | No |
| 9. Is the entrance for prisoners out of public view?    | Yes | No |

**Restricted and Secure Passageways**

- |  |     |    |
|--|-----|----|
| 1. Do prisoners walk through public areas when going from temporary holding areas to court?                              | Yes | No |
| 2. Are restricted passages also used by judges and court staff?  | Yes | No |
| 3. Are restricted or secure passageways monitored by closed-circuit TV?  | Yes | No |
| 4. Are law enforcement officers required to leave guns in locked cabinets before entering restricted or secure passages? | Yes | No |
| 5. Are restricted passageways locked with keys that cannot normally be duplicated commercially?                          | Yes | No |
| 6. Are keys to secure passageways issued to people other than sheriff's personnel?                                       | Yes | No |
| 7. Are security staff forbidden to remove secure passageway keys from the building?                                      | Yes | No |
| 8. Are the stairways used for prisoner movement adequately lighted?  | Yes | No |
| 9. Are stairways and stairwells enclosed with protective metal grilles?  | Yes | No |
| 10. Are stairways monitored by closed-circuit TV?  | Yes | No |

**Temporary Holding Areas**

- |  |     |    |
|--|-----|----|
| 1. Are temporary holding facilities located in the court building? | Yes | No |
| 2. If not, where are prisoners held?                               |     |    |

3. How many temporary holding cells are there?

---

4. Are prisoners moved from the reception area to a temporary holding area by a secure or restricted:

- |             |     |    |
|-------------|-----|----|
| a. elevator | Yes | No |
| b. stairway | Yes | No |
| c. tunnel   | Yes | No |
| d. bridge   | Yes | No |

5. Do temporary holding cells open directly into:

- |                         |     |    |
|-------------------------|-----|----|
| a. the court            | Yes | No |
| b. a restricted passage | Yes | No |

6. Are adequate toilet facilities available for prisoners?

Yes	No
-----	----

7. Are lights for the holding area controlled from outside the cells?

Yes	No
-----	----

8. Do cells have emergency lights?

Yes	No
-----	----

9. Do cell doors have observation ports?

Yes	No
-----	----

10. Is at least one holding cell equipped for audio or visual coverage of courtroom proceedings?

Yes	No
-----	----

11. How are cell doors locked:

- |                 |     |    |
|-----------------|-----|----|
| a. electrically | Yes | No |
| b. manually     | Yes | No |

12. Are cell doors locked and unlocked from:

- |                            |     |    |
|----------------------------|-----|----|
| a. a remote command center | Yes | No |
| b. directly                | Yes | No |
| c. both                    | Yes | No |

- |   |     |    |
|---|-----|----|
| 13. Are keys to temporary holding cells issued to people other than sheriff's personnel?  | Yes | No |
| 14. Are temporary holding areas locked with keys that cannot normally be duplicated commercially?                                     | Yes | No |
| 15. Are cells and areas used by prisoners routinely searched for contraband before and after use?                                     | Yes | No |
| 16. Are cells built securely and in a way that reduces opportunities for self-inflicted injuries by prisoners?                        | Yes | No |
| 17. Are law enforcement officers required to leave guns in locked cabinets before entering temporary holding areas?                   | Yes | No |
| 18. Are prisoners kept in restraints except when in the cell?   | Yes | No |
| 19. Are additional restraining devices available?   | Yes | No |
| 20. Are telephones available?   | Yes | No |
| 21. Are juveniles routinely separated from other prisoners?   | Yes | No |
| 22. Are females routinely separated from other prisoners?   | Yes | No |
| 23. Do prisoner feeding procedures present escape opportunities?  | Yes | No |
| 24. Are there procedures for the emergency evacuation of prisoners from temporary holding areas?                                      | Yes | No |
| 25. Do security and transportation officers understand procedures for emergency evacuation of prisoners from temporary holding areas? | Yes | No |

**Security Equipment Storage Area**

- |  |     |    |
|--|-----|----|
| 1. Are the number of gun cabinets adequate?  | Yes | No |
| 2. Are storage areas locked with keys that cannot normally be duplicated commercially? | Yes | No |

### **Prisoner Procedures**

1. Is there a procedure for handling the medical emergencies of prisoners? Yes No

**Please use an additional page to offer any specific comments or suggestions for improvements in the security of the courthouse.**



**APPENDIX E**  
**KITSAP COUNTY SUPERIOR COURT**  
**TECHNOLOGY SURVEY**

In an effort to assess the future growth of technology in the Kitsap County Superior Court, you are asked to complete the following survey. The information you provide will be extremely valuable for court leaders to determine the scope of technical infrastructure necessary in the design and planning for future court facilities. Once completed, surveys may be dropped-off in the Superior Court Reception office, Room 210; e-mailed to Frank Maiocco, Superior Court Administrator, at [fmaiocco@co.kitsap.wa.us](mailto:fmaiocco@co.kitsap.wa.us); or mailed to Kitsap County Superior Court, Attn: Superior Court Administrator, 614 Division Street, MS-24, Port Orchard, WA 98366.

Your responses by **Wednesday, December 19, 2007**, are greatly appreciated.  
Thank you for your assistance!

1. How long have you practiced law:

a. Generally? **(N=16)**

- (1) Less than 2 years
- (1) 2 to 5 years
- (2) 6 to 10 years
- (4) 11 to 15 years
- (8) Over 15 years

b. In Kitsap County? **(N=16)**

- (3) Less than 2 years
- (0) 2 to 5 years
- (5) 6 to 10 years
- (2) 11 to 15 years
- (6) Over 15 years

2. What percentage of time would you estimate you practice in each of the local court types?

a. Superior Court? **(N=16)**

- (0) Never
- (2) 1% to 25%
- (1) 26% to 50%
- (2) 51% to 75%
- (11) 76% to 100%

b. District Court? **(N=16)**

- (4) Never
- (10) 1% to 25%
- (2) 26% to 50%
- (0) 51% to 75%
- (0) 76% to 100%

c. Municipal Court? **(N=16)**

- (9) Never
- (5) 1% to 25%
- (2) 26% to 50%
- (0) 51% to 75%
- (0) 76% to 100%

3a. When involved in hearings, Bench trials or jury trials, do you regularly integrate the use of courtroom technology into your case presentation? **(N=16)**

(7) Yes

(9) No (*Go to Question 4*).

3b. If you responded "Yes" to Question 3a, in what type of proceedings are you more likely to use some form of court technology? **(N=8)**

(7) Jury Trials

(5) Bench Trials

(0) Pre-trial Hearings

(0) Arraignments

(0) Sentencing Hearings

(2) Summary Judgments

(0) Other: \_\_\_\_\_

3c. If you responded "Yes" to Question 3a, in what case types do you integrate courtroom technology the MOST? (*Please check more than one, if necessary*). **(N=8)**

(2) Criminal – Felony

(5) Civil

(0) Criminal – Misdemeanor

(3) Domestic Relations

(0) Criminal – Traffic

(0) Probate/Adoptions

- |                       |                         |
|-----------------------|-------------------------|
| (0) Infractions       | (0) Mental Health       |
| (0) Juvenile Offender | (0) Juvenile Dependency |
| (0) Other: _____      |                         |

3d. If you responded “Yes” to Question 3a, what modes of courtroom technology do you most prefer to use? (*Please check all that apply*) (N=8)

- |  |                                       |
|--|---------------------------------------|
| (5) Television, VCR/DVD player               | (0) Videoconferencing systems         |
| (5) Evidence Presentation/ELMO systems       | (0) Digital recording systems         |
| (2) Audiocassette or CD player               | (1) Real-time court reporting         |
| (6) Laptop, front projector and large screen | (0) Computer animation/simulation     |
| (2) Overhead projector and acetates          | (1) Electronic legal research systems |
| (1) X-Ray Shadow Box                         | (0) Laser pointers                    |
| (1) Teleconferencing systems                 | (0) Other: _____                      |

3e. If you responded “Yes” to Question 3a above, in approximately how many hearings or trials have you actively integrated courtroom technology in your presentation over the last 12 months?

- |                     |                         |                         |
|---------------------|-------------------------|-------------------------|
| i. Hearings? (N=0)  | ii. Bench trials? (N=5) | iii. Jury trials? (N=5) |
| (0) 1 to 2 hearings | (3) 1 to 2 Bench trials | (4) 1 to 2 Jury trials  |
| (0) 3 to 5 hearings | (2) 3 to 5 Bench trials | (1) 3 to 5 Jury trials  |
| (0) > 5 hearings    | (0) > 5 Bench trials    | (0) > 5 Jury trials     |

4a. If you responded “No” to Question 3a above, what is the number one reason that you do not regularly integrate courtroom technology in your trial or hearing practice? (*Please check ONLY one*). (N=10)

- (2) The cases in my general area of practice are not amenable to technology.
- (2) I am not sufficiently familiar with the available types of courtroom technology equipment.
- (1) I am familiar with available courtroom technologies, but I am not adequately trained in the use of any of them.
- (2) I am not aware of the types of courtroom equipment that is available in the Court.
- (2) The courtroom technology that would most make a difference in my cases is not available in the Superior Court.
- (0) The courtroom technology made available by the Superior Court is rarely, if ever, available when I need it.
- (0) I do not believe the use of technology in the courtroom makes a difference in the presentation of my cases.
- (0) I am generally uncomfortable with most forms of technology.
- (0) I am concerned about technological glitches that may arise during trial.
- (0) I just don’t want to use technology.
- (3) Other: See Attached Narrative Comments

4b. If you responded “No” to Question 3a above, would your decision(s) to integrate the use of courtroom technology change under the following circumstances? (N=9)

- |  |                          |
|--|--------------------------|
| The Court has available resources to address glitches?   | (5) Yes (2) No (2) Maybe |
| The Court has resources to facilitate hands-on training? | (4) Yes (3) No (2) Maybe |

The Court permanently installs equipment in all courtrooms? (5) Yes (2) No (2) Maybe  
The Court adds additional types of technology? (4) Yes (2) No (3) Maybe

5. The current method of technologically displaying evidence in the Superior Court courtrooms is through a front projector on a single, large screen. If you were given the option, which method would you prefer for displaying your evidence presentations? (N=15)

(3) Front projector and large screen

(8) Flat panel monitors throughout courtroom (jury box, witness stand, etc.)

(3) Multiple, large plasma screens

(1) Other: See Attached Narrative Comments

6. If the Court has the opportunity and the resources to integrate the necessary infrastructure and provide additional courtroom and courthouse technologies in a new or renovated courthouse facility, what types of technology would you most be interested in using? (Please rank ONLY your top five priorities, with "1" as your highest priority and "5" as your lowest priority).

(N = 15)

\_\_\_ Annotation monitors at witness box/counsel tables

\_\_\_ "Drag and Drop" touch screen monitors

\_\_\_ CD and/or audiocassette playback machines

\_\_\_ Wireless connectivity throughout the Courthouse

\_\_\_ Wireless connectivity in courtrooms

\_\_\_ Computer animation software

\_\_\_ Jury box, witness box, Bench and counsel table evidence monitors

\_\_\_ Courtroom-ready legal research capabilities

\_\_\_ Electronic calendar display monitors in corridors

\_\_\_ Electronic filing

\_\_\_ Electronic bench copying

\_\_\_ Court closure notification system

\_\_\_ "Smart" Counsel tables (integrated tables w/ computer, S-video, etc. jacks)

\_\_\_ Digital signature capabilities

\_\_\_ Digital audio/video recording

\_\_\_ Juror payment kiosks

\_\_\_ Electronic whiteboards in courtrooms

\_\_\_ Videoconferencing/remote testimony systems

\_\_\_ Video printers

\_\_\_ Light pen technology integrated in evidence presentation systems

\_\_\_ Integrated use of tablet PC's

\_\_\_ Comprehensive courthouse public address system

\_\_\_ Instantaneous document imaging systems

\_\_\_ Enhanced Assistive listening and interpretation technologies

\_\_\_ Enhanced courtroom surveillance cameras

\_\_\_ Other 1: \_\_\_\_\_

\_\_\_ Other 2: \_\_\_\_\_

7. The Court has installed wireless assistive listening devices to facilitate court access for hearing-impaired jurors, witnesses, defendants and spectators. In your experience, have these devices effectively enhanced access for those who require accommodation? **(N=14)**

**(4)** Yes

**(2)** No

**(8)** No Experience

8. Reflecting on your experiences with clients and jurors, what additional technologies are necessary and should be integrated in the Superior Court courtrooms to further promote accessibility and active courtroom participation?

**See Attached Narrative Comments**

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9. With an opportunity to strategically plan for technology and technical infrastructure in a new court facility in the future, are you interested in seeing more, less or about the same technologies as are presently used in the current court facility? **(N=14)**

**(13)** More

**(1)** About the Same

**(1)** Less

10. From your perspective, what additional or broad-reaching technology issues, opportunities or concerns should the Court consider as it plans for a new courthouse facility?

**See Attached Narrative Comments**

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Thank you for your thoughtful responses.

Once completed, this survey may be returned in one of three convenient ways, as follows:

Dropped-off in:  
Superior Court Reception, Room 210

E-mailed to Frank Maiocco at:  
[fmaiocco@co.kitsap.wa.us](mailto:fmaiocco@co.kitsap.wa.us)

Mailed to:  
Kitsap County Superior Court  
Attn: Superior Court Administrator  
614 Division Street, MS-24  
Port Orchard, WA 98366.

Your responses by **Wednesday, December 19, 2007**  
are greatly appreciated!

## KITSAP COUNTY SUPERIOR COURT

### ICM Attorney Survey Narrative Comments

4a. If you responded “No” to Question 3a above, what is the number one reason that you do not regularly integrate courtroom technology in your trial or hearing practice? (*Please check ONLY one*).

**Respondent #3** - Other: I just haven’t yet had occasion.

**Respondent #4** - Other: I would like to use technology, but need more information and training and appropriate case, and I am worried about glitches.

**Respondent #7** - Other: It seems that the courtrooms are not well set up for the use of technology, i.e. sight lines. I am not that familiar with what the court has available. There has been no training, which would be helpful.

5. The current method of technologically displaying evidence in the Superior Court courtrooms is through a front projector on a single, large screen. If you were given the option, which method would you prefer for displaying your evidence presentations?

**Respondent #10** - Other: 1 large screen @ front, multiple monitors throughout courtroom.

7. If the Court has the opportunity and the resources to integrate the necessary infrastructure and provide additional courtroom and courthouse technologies in a new or renovated courthouse facility, what types of technology would you most be interested in using? (Please rank **ONLY** your top five priorities, with “1” as your highest priority and “5” as your lowest priority).

**Respondent #7** - Other: I don’t feel that I have adequate knowledge to rank this.

**Respondent #12** - Other: Capability to see files online through Internet

7. The Court has installed wireless assistive listening devices to facilitate court access for hearing-impaired jurors, witnesses, defendants and spectators. In your experience, have these devices effectively enhanced access for those who require accommodation?

**Respondent #14** - “In fact twice folks have complained that they are ineffective.”

8. Reflecting on your experiences with clients and jurors, what additional technologies are necessary and should be integrated in the Superior Court courtrooms to further promote accessibility and active courtroom participation?

**Respondent #1** - Federal District Courts have done a good job. Follow their example.

**Respondent #2** - The United States District Court Western District of Washington is an excellent model. Electronic filing is extremely efficient and economical for parties. The courtrooms are equipped with Elmos and video screens for judges, witnesses, lawyers and jurors. I think the Kitsap County Superior Court should use our local federal court as a model.

**Respondent #3** - I can’t think of anything – this is pretty complete.

**Respondent #4** - More telephonic hearing provisions? My cases do not require much technology at this time.

**Respondent #10** - Reliable, quick internet access.

**Respondent #14** - Podiums on Counsel tables in Courtroom 275

**Respondent #16** - Online filing, work area for attorneys to meet with clients, lounge for attorneys to work.

10. From your perspective, what additional or broad-reaching technology issues, opportunities or concerns should the Court consider as it plans for a new courthouse facility?

**Respondent #1** - E-filing

**Respondent #2** - Wireless technology, electronic filing and electronic presentation of evidence to juries and judges.

**Respondent #3** - The biggest concern I can think of is access, and ways that increased technology can improve access for jurors and clients who have challenges. Too much reliance on visual technology by attorneys will alienate jurors/clients/witnesses who are sight-impaired. This may be outside of the purview here, but increasing the capacity and updating the law library would be a high priority for me – I still go to Seattle when I need a law library, typically.

**Respondent #4** - Those listed in Quest. 6 seem pretty comprehensive.

**Respondent #10** - Room(s) w/ computer for attorney use and printer (and internet!!)

**Respondent #14** - There is a lawyer who needs hearing assistance. I don't know the solution.

**Respondent #15** - I am concerned that filings and motions become mandatory without adequate forethought and effective training.

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