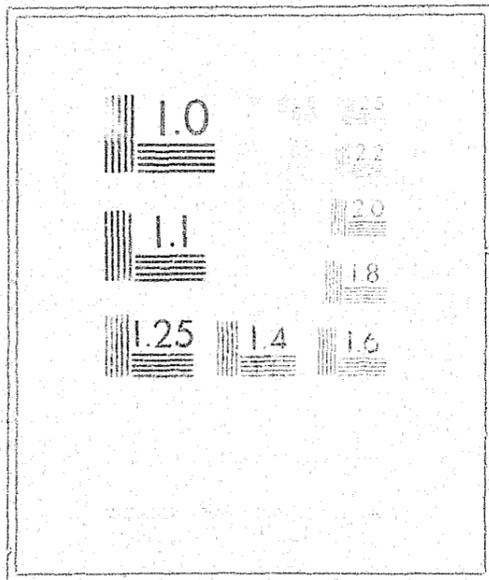


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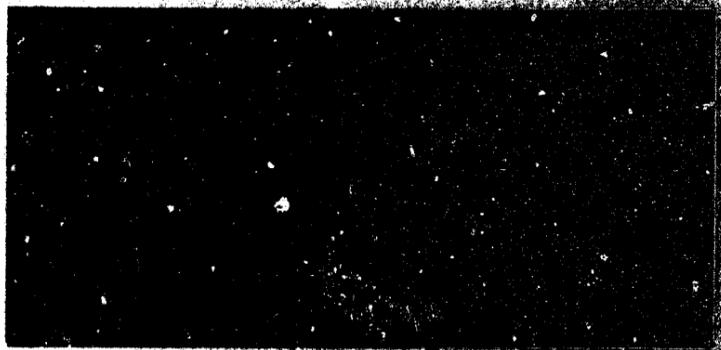
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SURVEY OF COURT COSTS IN THE
 DISTRICT COURTS OF
 FIVE STATES INCLUDING
 NORTH CAROLINA



THE AMERICAN UNIVERSITY
 Criminal Courts Technical Assistance Project
 Institute for Studies in Justice and Social Behavior
 The American University Law School
 Washington, D.C.



SURVEY OF COUNTY COURT FACILITIES
AND RECOMMENDATIONS
FOR STATE-WIDE PLANNING
NORTH CAROLINA

June, 1973

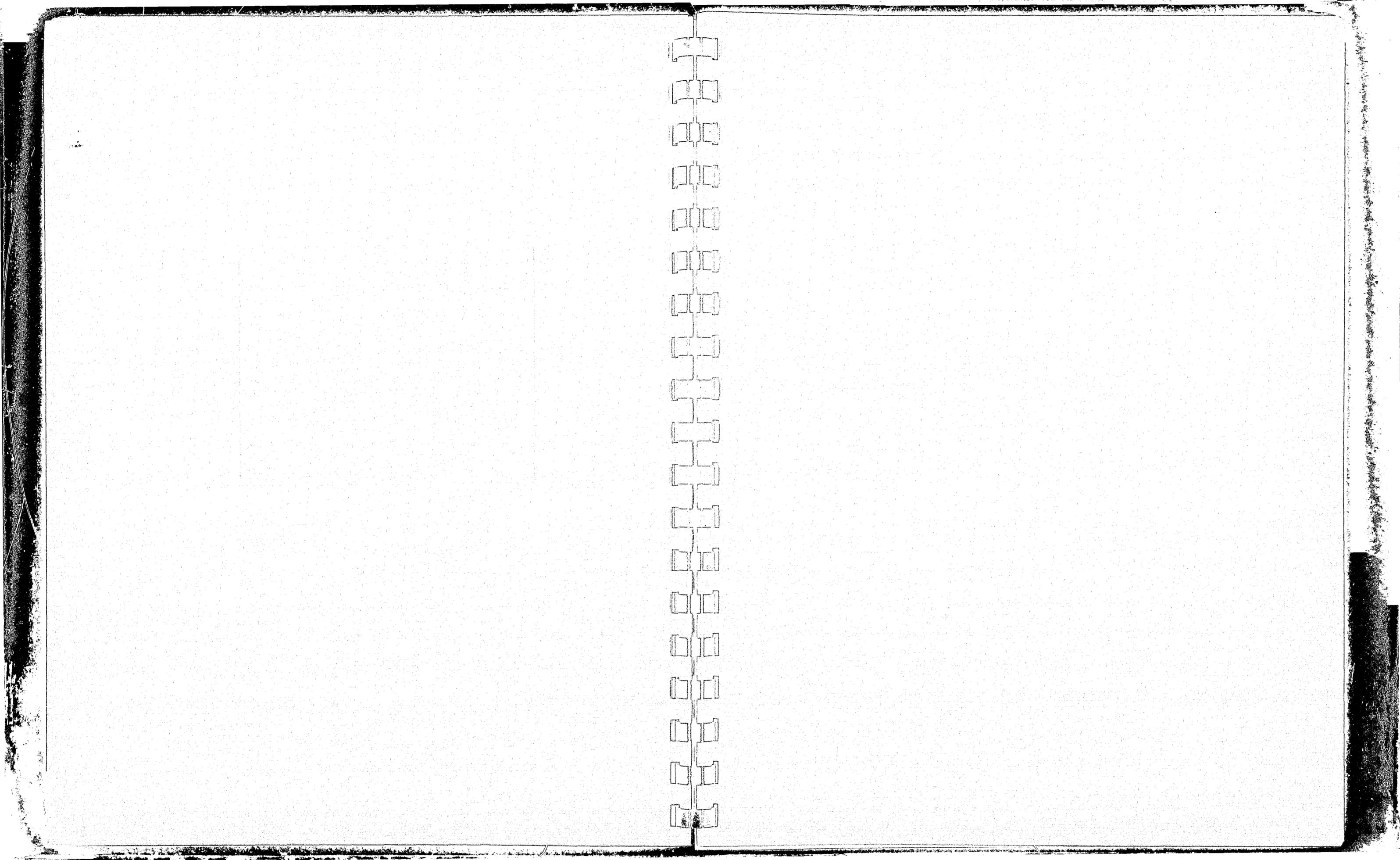
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ACQUISITIONS

Consultants:
The Institute for Court Management:
Donald G. Webber

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I. INTRODUCTION

At the request of the North Carolina Department of Natural and Economic Resources (SPA), technical assistance was provided under the auspices of the Criminal Courts Technical Assistance Project at American University for the purpose of developing a format for a state-wide analysis of county court facility requirements. The Institute for Court Management in Denver was designated to provide the requested assistance and Mr. Donald G. Webber, Assistant to the Director of I.C.M., visited county judicial facilities in six North Carolina counties. These counties and the location of the county court facility, are: Cabarrus (Concord), Cumberland (Fayetteville), Montgomery (Troy), Moore (Carthage), Stanly (Albemarle), and Wake (Raleigh). While the resource limitations of the project precluded additional counties from this analysis, each county selected was in a different stage of change and development and, thus together they provide a representative sample of the 100 counties in the state.

During this visit, Mr. Webber consulted with numerous officials involved in the North Carolina judicial system.

These officials include:

Waverly Akins, Chairman of Wake County Board of Commissioners, Raleigh, North Carolina.

Henry (Hank) Avants, Planning Director, Region M. Fayetteville, North Carolina

The Honorable Coy Brewer, Resident Superior Court Judge, Cumberland County, North Carolina

James R. Durham, Planning Director, Triangle Commission on Criminal Justice Planning.

Garland Jones' Assistant, County Manager's Office, Wake County, North Carolina.

Charles M. Johnson, Clerk of Court, Montgomery County, Troy, North Carolina.

Frank Lewis, Esq., Representative of North Carolina Association of Counties.

Charles M. McLeod, Clerk of Court, Moore County, Carthage, North Carolina.

Taylor, McMillion, Assistant Counsel, Administrative Office of the Courts, State of North Carolina.

Bert M. Montague, Director, Administrative Office of the Courts, State of North Carolina.

John T. Morrisey, Sr., Executive Secretary, North Carolina Association of Counties.

Chief Pritchers, Sheriff's Dept., Wake County, North Carolina.

Larry Spears, Division of Law and Order, Department of Natural and Economic Resources, State of North Carolina.

Carter Twine, County Administrator, Cumberland County, North Carolina.

Estus White, Clerk of Court, Cabarrus County, Concord, North Carolina.

This report represents the consultant's initial evaluation of county court facility needs and planning in five of the six counties visited as well as the outline for a future comprehensive study of the county court facility needs throughout the state.

II. BACKGROUND OF THE STUDY

In 1962, North Carolina adopted a new Judicial Article IV which established a unified statewide and state operated General Court of Justice consisting of three divisions: the Appellate Division, the Superior Court Division, and the District Court Division. In 1965 this article was amended to authorize an intermediate appellate court.

This judicial unification altered the existing judicial system extensively. On the appellate level, the State Supreme Court was joined by an intermediate Court of Appeals activated in 1967 to relieve the Supreme Court of some of its caseload. On the highest trial level, the superior court lost its original jurisdiction over misdemeanors, minor civil cases, domestic relations and juvenile matters. At the intermediate trial level, a variety of dissimilar city and county courts were replaced by a new uniform district court system. At the bottom of the hierarchy, the justice of the peace and the mayor's courts were replaced, at least in part, by the magistrate - a minor judicial official who operates within the District Court Division.¹

The maintenance and construction of county court complexes is the responsibility of each county. To partially offset the cost of maintenance, renovation and construction of courtrooms and judicial facilities, a uniform fee is imposed on criminal

¹North Carolina's General Court of Justice, Second Edition
C.E. Hinsdale, Institute of Government - University of
North Carolina at Chapel Hill. page 3

and civil action or service in each case. The amount of this fee may vary depending upon the nature of the action or proceeding and with the court in which it is tried. For the fiscal year 1970-71, the revenue to the counties surveyed amounted to:²

<u>COUNTY</u>	<u>LOCATION</u>	<u>FACILITY FEES RECEIVED</u>
Cabarrus	Concord	\$ 14,276
Cumberland	Fayetteville	\$ 60,466
Montgomery	Troy	\$ 5,912
Moore	Carthage	\$ 13,065
Stanly	Albemarle	\$ 14,627
Wake	Raleigh	\$123,293

² ANNUAL REPORT of the Administrative Office of the Courts. 1971, The Judicial Department - State of North Carolina. pp. 86-89

III. ANALYSIS OF EXISTING SITUATION

The county court facilities surveyed revealed a broad range of conditions; some were quite acceptable while others appeared clearly unworkable. In four of the counties, most of the personnel work in cramped contained quarters with no room for expansion. In two cases (Moore and Montgomery), the facilities are sorely in need of repair and, in one county (Cabarrus County), the court building is in a deplorable state. In fact, if this facility were a nongovernmental public meeting place it would most likely be condemned.

These conditions, however, have not gone unnoticed by local officials and numerous and varied efforts have been made to remedy them. A review of the specific facility situation within each county surveyed, together with the planning efforts undertaken, will highlight these varied stages of county court facility development currently underway in North Carolina.

A. Stanly County

A government center exists in Albemarle which exemplifies good facility planning. The center was constructed at a cost of 3 million dollars and dedicated April 15, 1972. Although the building is not without a few flaws, such as inadequate areas for the clerk of the courts and entry into the courtrooms, it serves the needs of the 43,000 people living in the county and allows for future growth.

B. Wake County

In early 1970, a new 13-story building was completed in Raleigh, the County seat. Although the court initially occupied only the first eight stories, the room for expansion is indicative of the forethought that went into the design and construction of the building. Constructed at a cost of 6.6 million dollars, it is aesthetically attractive and should be adequate for the needs of the 240,000 people living in the county.

The building arrangement is satisfactory although the overall utilization of space has several shortcomings. For example, the Superior Court's seating capacity is minimal; there are six rows of benches, each approximately 16 feet in length. The room, however, is dignified and well lighted. There is easy access from the chambers to the courtroom and interior walkways. However the chambers appear small and the interior walkways unfortunately enter into the common lobby area. In addition, there appears to be a lack of meeting rooms for discussions between client and counselor and others involved in the court process who unavoidably add to the congestion in the common lobby area. Although the concession machines on this level undoubtedly serve a function - particularly for the grand jury and others involved in extended trial deliberations- they are incongruous in the area.

These shortcomings are minor in terms of the overall building plan. Undoubtedly, they are a result of the time

lag between initial planning and the final design during which time architectural innovations continued to occur.

C. Moore County

The courthouse in Carthage is clearly inadequate to handle the county's work volume. The court has two calendars (District and Superior³) with only one courtroom. This courtroom is one and one-half stories high and seats approximately 300 people. The magistrate's courtroom is located in the basement with lagged steam pipes overhead. This courtroom measures 8' x 20'. Although the courthouse has no holding cell, it is one block away from the new jail which has a capacity for 40 prisoners.

Local officials in Moore County had been considering a new courthouse for some time but decided to remodel the existing facility in view of the considerable cost saving involved. The cost of a new facility was estimated at between three and four million dollars while the cost for remodeling was estimated at \$500,000. An architect from nearby Southern Pines has been commissioned to design and oversee the remodeling project which includes adding one-half story to the existing

³In Moore County the total number of days court was held for the 1970-71 fiscal year was:

Superior	44
District	<u>111</u>
Total days court held	155

This is a substantial number of days for one courtroom, and presents scheduling problems for the Clerk of Court.

two and one-half story building and installing an outside elevator.

D. Cabarrus County

The most serious problem in terms of county courthouse facilities among the counties surveyed was found in Concord. The County Courthouse was built in 1876 and clearly has outlived its usefulness. Both the interior and the exterior condition of the building is deplorable and the building should be condemned.

The officials in Cabarrus County are quite aware of the need for new county court facilities. More than a year ago a bond issue was approved by the 75,000 citizens of the County, although the project has not as yet gone to bid. To date, 2.3 million dollars has been appropriated for the construction of the new court facility from the following sources:

\$1.5 million from the bond issue
.5 million from a foundation grant
.3 million from the Capital Reserve Fund
<hr/>
\$2.3 million total appropriation

A local architect has prepared a design for the new three-story building which will allow for expansion of existing court functions as well as future growth. For example, the Clerk of Court will be able to expand to an area three times larger than he has now and will be able to use two stories in the new building. One courtroom will have a seating capacity for more than 300, and a second courtroom will have a seating capacity for 200, while a third courtroom will accommodate

approximately 70 persons. The architect has incorporated many innovative architectural ideas into his plans for the new facility, and a brief review of these plans by an outside consultant can remedy the few flaws that are present. These flaws are minor, such as poor circulation in the semi-private halls and the location of holding rooms directly across from the trustee area and can be easily corrected.

E. Cumberland County

The county court facility in Fayetteville is also inadequate to meet the needs of the county's population, the third largest in the state. The existing facility houses the activities of the Criminal, Civil, Traffic and Juvenile courts. The hallways are jammed with people. Since there are no O.R. programs, prisoners are detained three to four months awaiting arraignment. The jail population stands at approximately 200 (including city prisoners) and the facility for prisoners is antiquated, overcrowded and inhuman.

As in Moore and Cabarrus Counties, local officials in Cumberland County are fully cognizant of the need for new judicial facilities. Planning and design of a new law enforcement program and facility has begun at an initial cost of \$93,000. A new government center is planned along with an Administration building which will be begun after construction of the Justice building is started. The construction of the new Justice building is planned in several stages. Initially, eight courtrooms will be built and occupied and

eventually an additional five courtrooms will be added. All of these courtrooms will be sized to the function they will accomodate.

The cost of construction is estimated at \$4 million in addition to the cost of land acquisition of \$1.2 million. A portion of these funds is anticipated from the new voter-approved override tax of one cent which is expected to generate over \$1 million per year to pay off the debt. Unfortunately, an anticipated \$800,000 urban development grant from HUD for land purchase does not seem likely.

Judicial facility planning in Cumberland County should serve as a model to other counties in North Carolina in developing functional facilities along with program revisions. As a result of the concerted effort of major county policy makers such as Judge Brewer and Carter Twine, a complex program and construction development plan can be instituted and implemented.

IV. RECOMMENDATIONS

A. County planning officials should become familiar with modern judicial architectural concepts for long range growth.

The county court facilities surveyed illustrate the varying degrees of planning and implementation currently in process in North Carolina counties. One of the primary factors requiring remodeling or construction of new facilities is age of the existing facilities. Antiquated county court facilities become inadequate both in terms of physical condition and in terms of serving the multiplicity of activities involved in the modern criminal justice system. Unfortunately, the course of action to provide adequate judicial facilities is frequently dictated by the immediate availability of funds rather than the course of action which would bring about efficient operations and public confidence.

Great faith and trust is placed in the advice of local architects and the final product is directly related to the depth of their knowledge of the justice system functions. At a bare minimum, these local architects and others involved in judicial facility planning should be familiar with The American Courthouse⁴, an interdisciplinary guide to the design of court facilities.

⁴The American Courthouse, American Bar Association, American Institute of Architects - Copywrite 1973. Library of Congress - Catalog Number: 72-89627

B. County officials should utilize all available resources at the state level to plan, finance and construct county court facilities.

Each county government should make use of all available resources in determining its own judicial planning and development. A pool of money should be made available as soon as possible to assist each county in this facility planning. These funds should be made available at a central point, such as the Office of the Director in the Administrative Office of the Courts.

The amount of planning that has gone on and is being considered and/or undertaken is substantial. Moreover, the brief survey of county court facilities discussed in this report indicates that some projects are better planned than others. In many cases, limited resources have precluded the assistance of architectural organizations with broad based experience in planning. Although the local architects utilized have provided competent - and impressive - plans, they would benefit from the alternatives and solutions of persons with the perspective of other jurisdictions. Their suggestions might save considerable money as well as provide space utilization ideas not previously considered. The quality of the final product is directly related to the knowledge and sophistication of the initial design. The recommended pool of money should provide for a minimum of 10 days at 10 locations in the state and should be either a budget or open-end account. The essential aspect of administering this pool

should be making all officials aware that these funds are available. Since the Administrative Office of the Courts has daily contact with numerous persons in the system, it would seem logical that the Office be responsible for managing these funds.

C. County officials should develop a comprehensive inventory of all court facilities in the state.

An informative, but outdated, booklet published in 1959 by the Institute of Government, University of North Carolina at Chapel Hill, Entitled: "Popular Government - The Land, The People, The State and The Counties" is an example of such an inventory.

D. Minimum acceptable standards and guidelines for court facilities in North Carolina should be established. A plan should be developed to establish such standards based on a detailed analysis of existing facilities, demographic and caseflow information, personnel and judicial needs, etc. Expert advice should be utilized as needed in this plan development.

E. Follow-on expertise should be provided through state resources to assist in the development of the unified system in the state.

This follow-on expertise might be provided by a staff member of the Administrative Office of the Court trained specifically for this purpose.

V. CONCLUSION

By utilizing experts in the field of judicial facility planning, money will be saved and facilities will be developed to adequately accommodate the needs of county residents in the future as well as save these residents money in the long run. These experts are particularly necessary in the conduct of the facility inventory and the development of minimum facility standards and guidelines. With this approach, coupled with the substantial and far-thinking planning already underway, the independent judgment of each county can be preserved. Moreover, the utilization of state resources will enable the quality and function of court facilities to be improved for the benefit of all residents in the state.

END

7/25/50