

ARCHITECTURAL PSYCHOLOGY AND COURTS BUILDINGS

Prepared for the Department of Justice, Western Australia

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A: CURRENT AND RECENT RESEARCHERS

Dr Greg Missingham

1 INTRODUCTION

This Report sets out findings of an investigation of the researchers and the research currently being carried out around the world concerning people and their behaviour associated with Courts buildings.

The Report was prepared in response to three particular recommendations in Chapter 34 “The Court Environment” of the Law Reform Commission of Western Australia’s 1999 *Review of the Criminal and Civil Justice System in Western Australia: Final Report*. The recommendations were that:

- 402 Careful psychological studies of the effects of courts environments should be made prior to commencing any significant construction or renovation projects.
- 410 Prior to commencing significant renovations or new construction of courts buildings, psychological research should be reviewed and appropriately tailored studies undertaken to consider the design variables which may influence aggressive behaviour and affect the safety of participants in the justice system.
- 413 User surveys should form the basis for developing design guidelines for high traffic public access areas including foyers, registries and waiting areas. From the information received it should be possible to create protocols for the upgrading of existing, and design of, new court facilities.

The aim of this present Report was, therefore, to establish what is the present state of research into these matters.

The work began by reviewing two other key texts prepared as part of the Department of Justice’s ongoing process of studying how to improve the workings of the justice system in Western Australia. They were: Louise St John Kennedy & David Tait, 1999, *Court Perspectives: Architecture, Psychology and Law Reform in Western Australia* (an earlier version of that Chapter 34¹) and Nick Del Monaco, 2000, *Juror Well Being Project*.²

¹ In Kennedy & Tait, the recommendations are known, respectively, as Proposals numbers 2, 6 and 9. They are introduced and discussed, respectively, on pages 9-11, 15-16 and 22-26.

² Details of References to this present Report are provided before the Appendices.

The Kennedy & Tait report makes a number of important points in respect of the social and architectural psychology of people and courts environments and in respect of associated research. In summary, these include:

- The psychological state of participants in courts environments derives from political, social, ethnological, economic and personal grounds as much as from the judicial, environmental or architectural circumstances.
- Further, these grounds cannot readily be dissociated from each other. To study the architecture of courts alone would be to miss much of the point. A person's psychology responds to the various grounds together.
- It is how other people view us that is often important. Depending on their role in the courts, even 'minor' details of procedure, environment, timing, cost or language, for example, can have major psychological ramifications for people – particularly because differences are so quickly interpreted by others as significant.
- There is a great deal of study of the social and architectural psychology of people and environments other than courts that bears instructively on people and courts environments – of, for example, health care, schools and residential aged care environments.
- Relatively, there is very little research being carried out directly on the social and architectural psychology of people and courts environments.

The weight in Del Monaco's paper and in its references, because of its nature, is on jury stress. This is principally occasioned:

- by the evidence,
- by the trial publicity and community reaction to a decision,
- by the decision the jury is required to make and its consequences for those concerned (murder trials being more stressing) and
- through the process of itself reaching a decision.

Trial procedure and circumstances were less important. References to potential psychological influences on juries occasioned by the environment are usually in extracts taken from the Kennedy & Tait report. That is, it might well be expected that similar stresses operate on others involved with courts but, generally, it is difficult to extrapolate from the findings in the Del Monaco report to any conclusions concerning the role of courts environments widely across the many other participants in courts environments.

This study

After these reviews, rather than to attempt only and simply to update the literature surveys contained in those works, it was decided that contacting leading researchers directly would be an informative way to attempt to understand the state of present research and what directions it might be taking. It was thought, for example, that some as yet unpublished research might be at such a stage that the Department of Justice itself could usefully participate in some way.

(Section B of this Report, below, *Bibliography of Relevant Materials*, prepared by Chris Heywood, surveys what current literature might be available and relevant.)

Four classes of persons were contacted: Editors (and members of the Advisory Boards) of key journals in the environmental psychology or human-environment relations field, Authors of key texts, Office bearers of relevant organisations and researchers known to have worked in related fields. Additionally, some surfing of the World Wide Web proved useful.

The key journals are *The Journal of Architectural Psychology* and *Environment and Behaviour*. Their editors are, respectively, Professor Robert **Gifford**, Professor of Psychology, University of Victoria, British Columbia, and Professor Robert **Bechtel**, Department of Psychology, University of Arizona.

The two leading organisations in the field are the North American-based Environmental Design Research Association (EDRA) and its European equivalent The International Association for People and Physical Settings (IAPS).³ There is a Southwest Pacific-based organisation, People and Physical Environment Research (PAPER) and a Japan-based organisation, Man-Environment Research Association (MERA).

Correspondents were contacted initially by e-mail, using the following form of words:

I write to seek your assistance. As part of a research team led by Professor Graham Brawn, I am trying to compile a database of people knowledgeable about or actually conducting research on issues of interest to the Justice Commission of Western Australia concerning the role the (built) environment plays in people's experience in and of Courts buildings.

There may be subsequent contact regarding the work itself, but the attached file, "Princpls.rtf", sets out a number of principles that are informing the Commission's thinking. They may provide a better guide to the kinds of research matters that the people we would like to know about are considering. We would like to know if you yourself have knowledge of these matters or if you know of others that do. E-mail replies would suffice, of course.

³ The acronym has only one 'P'.

That file attached to the e-mail to indicate in what was the inquiry particularly interested was a copy of the List of Courts Principles attached, below, as Appendix 1.⁴

A total of thirty-six persons were in contact, twenty-six of whom wrote back directly. (Refer Appendix 2, below.) Some specific examples of replies are provided in Appendix 3, below.

In general, North American sources proved more useful than European sources.

2 MOST USEFUL RESEARCH REPORTED WORTH PURSUING

The richest source of all relevant research work is being funded by the U.S. Courts Administration and/or by various agencies of the U.S Justice Department or the U.S. Secret Service. World Wide Web searches indicate that there are studies being conducted simultaneously throughout the United States and some areas of Canada. The World Bank also is continually funding major research projects in developing countries often focused on judicial or courts matters and regularly sponsors conferences at which such research is reported. These rich research resources are, however, too numerous to evaluate in a study of the present kind and rarely report specifically on issues of human behaviour in courts. Their utility to the present interests will be buried in detail concerning security and funding regimes, management practices, judicial and sentencing issues, for example.⁵

However, Mr Gerald **Thacker**, former Assistant Director of the Administrative Office of the U.S. Courts (responsible for facilities and security matters), under whose direction the U.S. Courts Design Guide was prepared and whose department administered much of the research just noted, proposes to visit Australia early in 2003. Since 1998 he has been acting as a private consultant particularly, for example, with Dr Zimring's work (see, below).

Other work that is directly relevant:

Professor Craig **Zimring**, College of Architecture, Georgia Institute of Technology, is conducting research for the Administrative Office of the US Courts and for the US General Services Administration Courthouse Management Group. His team recently completed a feasibility study for developing a full-scale mockup facility for federal courtrooms where they can test alternative layouts, furniture designs and technologies. They are currently developing a secure web site where judges, staff and others can explore

⁴ These 'Courts Principles' were derived from: *Perth CBD Courts Operational Planning: Workshop: Principles, Policies and Issues* (17 April 2002).

⁵ See, for example, the more promising example: US Department of Justice, Developing an Evaluation Plan for Community Courts: Assessing the Hartford Community Court Model, at: <http://216.239.35.100/search?q=cache:4AWI2b-CyVIC:www.ojp.usdoj.gov/BJA/pdf/NCJ185689.pdf>

And, as an example of World Bank material, see Rowat, Dakolias & Malik 1995.

immersive 3-D panoramas, plans, 3-D models, specifications and other information about completed courts.

The disadvantage of the work is that results will be forthcoming at some (distant?) future date.

Professor Duncan **Joiner**, Pro Vice Chancellor, Massey University, Wellington, New Zealand, and former Chief Government Architect, Ministry of Development and Works, New Zealand, has conducted various relevant research projects. From 1993 to 1996, his practice did a number of Post Occupancy Evaluations (POEs) of courthouses in New Zealand for the Department of Justice. It also had contact for a while with the Courts Division of the New South Wales Department of Justice, although in the end didn't do any evaluations for them. The evaluations conducted in New Zealand were of new big (for New Zealand) district court buildings in Wellington, Porirua, Dunedin and Avondale (Auckland). They included family courts, mediation facilities, and so on – covering a number of the issues raised in the Principles [refer Appendix A1]. His practice also did a POE of the Auckland High Court building, which houses a complex set of facilities, and earlier evaluated the Palmerston North Courthouse. In the mid 1990s his practice also did POEs of a number of Police stations, all of which have custodial facilities, and that work might be relevant.

Dr John **Zeisel** reported 1970s work concerning the establishing of Housing Courts in New York City and Boston, and on later work with Dr Jacqueline **Vischer** on a Court in Massachusetts. In the later project, they carried out a complex POE studying the goals of the court and how that building did and did not contribute to the working of the court. The building included a criminal court, a juvenile court, and several court rooms.

The Joiner and Zeisel work should be of immediate relevance – even though the Zeisel and Vischer work was carried out so long ago.

Chris **Richardson**, from the School of Criminology and Criminal Justice at Griffith University, South Australia, is currently conducting research into how the courtroom environment impacts on juror ability to focus on evidence. The work is being supervised by Dr. Richard Wortley and Dr. Anna Stewart. This work should be of immediate relevance in supplementing Del Monaco's 2001 inquiry into Jury Well Being.

3 OTHER RELEVANT RESEARCH

Part B of this present document, *Bibliography of Relevant Materials*, is itself in two parts. In the first part, references relevant to the issues raised in the Principles are noted systematically against each item – thereby providing a summary of the range of interests currently being pursued together with an indication of the relative level of intensity of investigation. The four topics from the Principles in which most

intensive work was being or had been carried out (indicated by the number of relevant references in the literature) were:

Courts, generally

(Safety and) Security

Demystifying Court operations

Dealing with people's emotions.

Twenty-two items of the items noted here were also included in Kennedy & Tait (1999), showing that they remain useful, despite covering a period of forty-five years, but there was no overlap with the text references in Del Monaco (2001). That point suggests that the work on Juries' well being is complementary to wider focused work concerning courts environments.

There are some particular findings here worth highlighting, however.

In direct contact, Dr Frances E Kuo reported research that argued for the desirability of access to the outside of buildings, to view verdure, for example, during stressful work. This is consistent with work reported in Cooper Marcus & Barnes (1999) *Healing Gardens*.

And, the observation in Kennedy & Tait (1999) of the desirability of cafes in major courts complex foyer areas is supported by Del Monaco (2001). In both cases, it is the calming effect of such a resource that is thought desirable. But, as sites for relatively private negotiation, cafes might simply add to the efficiency of courts.

4 OFFERS OF INVOLVEMENT FROM RELEVANT OTHER RESEARCHERS

Professor Kimberley G **Dovey**, Professor of Architecture and Urban Design, Faculty of Architecture, Building and Planning, the University of Melbourne.

Professor Dr fiengül Öymen **Gür**, Karadeniz Teknik Üniversitesi Mimarlık Bölümü, Turkey.

Associate Professor Paul **Memmott**, Director, Aboriginal Environments Research Centre, University of Queensland – especially on matters to do with aboriginal involvements with courts buildings and the courts system.

5 POTENTIAL VISITS FROM OTHER INTERESTED EXPERTS

Dr Gilbert **Geis**, Professor Emeritus in the Department of Criminology, Law, and Society at the University of California, Irvine, who has written books on methods of research in criminology, is soon coming to Australia.

Dr Henry N **Pontell**, Chair of criminology, law and society in the University of California at Irvine's School of Social Ecology, is soon coming to Australia.

APPENDIX 1:

LIST OF COURT'S PRINCIPLES

Professor Graham Brawn

New Principles for Consideration

1. **Mood and tenor of the system and all the people in it being Accessible and Supportive of the individuals affected by the matters before the Courts;**
2. **Direct and substantial help to the disadvantaged:**
Including those unfamiliar with the processes and protocols as well as the self-represented and those of different cultural traditions to those on which our justice system is built.
3. **Continuing support for and capacity to bring about change**
4. **Availability of accommodation resources for other community users where not compromising the operations and effectiveness of the Courts**
5. **Plan for some form(s) of evening and weekend operations of the Courts**
6. **The final determination of a matter before a Court is also the time to begin acts of reconciliation needed to reaffirm the effectiveness of our justice system**
7. **Respect for the Justice system begins with respect for individuals in society.**

Continuing Principles

8. **Demystifying the Court Operations:**
The form, arrangement and layout of the Courts Building should “enable” unfamiliar users to anticipate and locate themselves and lead them to their destinations, making operations “plain to see” for all participants.
9. **Dignity and Respect for Justice:**
Regardless of the changes in process and experiments in more appropriate settings for justice operations, the overall projected image should not reduce the significance of justice or of the judiciary in our democratic society.

10. Approach and Entry:

The contact points with the fabric and functions of the CBD should be easy and logical, befitting a symbol and representation of the third arm of our governmental system.

Whether the sense of arrival is outside or inside the Building, it should be clearly felt.

Functionally, pedestrian routes should be collected in a logical way and directed to the entrance(s). Interfaces with vehicles, taxis and buses – including tour buses, should not be disruptive to the functioning of both the Courts and the part of the city in which it is located.

11. Entry and Orientation:

From the entry place – Foyer or Entrance Hall – people should know they have arrived and be able to see where to go next: to Administration / Registry or to support groups and should be in no doubt about where to go for court rooms and hearings. Information should be readily available and in support of the Building itself being a “road map”.

12. Familiar and Unfamiliar:

Respect the focused determination of the busy regular user as well as the uncertainty and tentativeness of first time users.

13. Uniqueness in a sea of Justice Matters:

Regardless of the ultimate size of the Building, and the jurisdictions accommodated, for those involved in matters before the Courts, there is only one case: theirs. All the operational structures and procedures as well as the spatial planning should support this. This is, of course, also a tenet of our justice system – namely, that each case is to be heard on its own merits.

14. Individuals and Groups:

In Courts there are special patterns of people moving and waiting that the Public Realm must accommodate.

People will move around the Building in various manners from the rushing individual to the large tour groups with the most common being parties to a case that might try to be three to four wide as they move down passages, many pulling carts and bags of materials.

Families and friends will be there to help and to support. And, groups of “one side” will want to be separate from the “other side”.

15. Peaks and Valleys:

Work patterns and intensities of a large Courts Building vary quite considerably, diurnally and weekly.

When very busy, the experience should not be of excessive overcrowding and under provision of space and, when slow, not of excessive and irresponsible provision of space.

16. Waiting and Delays:

As in hospitals, in Courts Buildings, there can be considerable amounts of time waiting associated with the proper functioning of matters rather than with disfunctioning.

All parties should be able to continue with their work/lives while waiting to the maximum degree possible and within the capabilities and capacities of the Courts and the Court Administration to support that continuity.

17. Meeting:

Arriving at different times and from different directions and needing to meet people, sometimes for the first time, is a major characteristic of the workings of Courts.

Places with identifiable characteristics are needed, inside and outside the building for this.

18. Emotions:

In Court matters, personal emotions can be quite close to the surface and break out at times when litigants, juries, witnesses, the accused, staff, legal personnel and judicial officers all have to concentrate and remain focused and attentive.

The need for relief from these complex conditions, be it momentarily by focusing on something beyond the immediate, or symbolically, by getting “outside the area” is central to producing good order and less stress.

19. Independent Operations (collection of):

The normal perception of a Courts Building is the court room. But the working of the Courts involves numerous individuals, bodies and agencies, including voluntary groups.

Each have their own protocols and cultures and need the ability to establish their presence, albeit for only a part of a day when their help is needed.

20. (Safety and) Security:

The potential for unexpected behaviours and deliberate actions that threaten the safety of staff and all participants, as well as proceedings, is real in Courts Buildings.

Through effective policies and procedures, and effective, supportive technology, the potential for incidents needs to be reduced and results of incidents minimized. At all times, people should have confidence that they are in a safe place.

21. Movement Hierarchy:

The movement through the Public Realm must be easy and direct. There are to be separate and secure movement systems for the judiciary, the accused-in-custody, and juries. All systems to have adequate capacity, be timely, and reliable.

APPENDIX 2:

LIST OF ALL COMMUNICANTS

Note:

Persons whose family names are indicated in **BOLD CAPITALS** responded to our enquiry or to messages forwarded by others. Persons whose family names are indicated in **bold lower-case** have not responded to our attempted contact.

| Person | Location | Comments |
|---------------------------------|--|--|
| Dr Randy ATLAS | Architect, | Specialises in justice facility design. Has conducted research on environment & behaviour issues. Responding to edra call, asked how he(?) could help. |
| Professor Robert Bechtel | Department of Psychology, University of Arizona; Editor, <i>Environment and Behavior</i> | No response |
| Dr John Braithwaite | Professor, Law Program, Research School of Social Sciences, ANU | No response |
| Professor David V CANTER | Professor of Psychology, Centre for Investigative Psychology, University of Liverpool; editor & author of numerous texts in environment and behaviour | Not aware of any relevant research |
| Dr Giuseppe CARRUS | Dipartimento di Psicologia dei Processi di Sviluppo e Socializzazione, Università degli Studi di Roma "La Sapienza" | At Prof Uzzell's prompting, provided reference to Prof Maass. |
| Professor Clare Cooper (Marcus) | Professor Emerita in the Departments of Architecture and Landscape Architecture at the University of California, Berkeley, and joint editor of <i>Healing Gardens</i> (1999) | Elsewhere at the time of this work |
| Professor Kim DOVEY | Faculty of Architecture, Building and Planning, the University of Melbourne; former Boardmember, IAPS; author of <i>Framing Places</i> (1999) | Prepared to be and interested in being involved in research. Provided references to David Tait, Goodsell (1988), spatial syntax research (Hillier & Hanson). |
| Dr Gilbert GEIS | Professor Emeritus in the Department of Criminology, Law, and Society at the University of California, Irvine. | Could contribute during visit to Australia |
| Professor Robert GIFFORD | Professor of Psychology, University of Victoria, BC; editor, <i>Journal of Environmental Psychology</i> | Forwarded request to former student now working for BC government. |
| Susan Goltzman | Moore Iacofano Goltzman, Inc., | Undertook extensive research |

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| | design firm in Berkeley, California | on renovation of the Edmund D Edelman Children's Courthouse, County of Los Angeles. No response |
| Professor Dr fiengül Öymen GÜR | Karadeniz Teknik Üniversitesi Mimarlık Bölümü, Turkey | Supervising PhD candidate researching spatial analysis & meaning of courts design. Offered to collaborate. |
| Professor Julianne Hanson | Course Director, MSc Built Environment: Advanced Architectural Studies, Reader in Architecture and Urban Morphology, UCL, Director, Space Syntax Laboratory; with Hillier, author of <i>The Social Logic of Space</i> (1984) | No response |
| Professor Robert Hershberger | Professor and Dean Emeritus, College of Architecture, University of Arizona | No response |
| Professor Bill HILLIER | Professor of Architecture and Urban Morphology, Bartlett School of Architecture, University College London; with Hanson, author of <i>The Social Logic of Space</i> (1984) | Not aware of such research himself, but passed request onto Professor Hanson |
| Ms Turid HORGEN | Research Associate, Design Technology Group, Department of Architecture, MIT; joint author of the programming text <i>Excellence by Design</i> (1999). | Has worked on other types of buildings and thinks some findings there relevant. Referred on to Prof Zimring, also. |
| Professor Duncan JOINER | Pro Vice Chancellor, Massey University | Noted a number of POEs of New Zealand Courts buildings, prepared to be involved with research |
| Louise St John Kennedy | Joint author (with David Tait) of <i>Court Perspectives: Architecture, Psychology and Law Reform in Western Australia</i> (1999), LRCoWA | Not separately contacted as she is already involved with the Department's work. |
| Dr Frances E KUO | Assistant Professor of Cognition & Environment, Department of Natural Resources & Environmental Sciences, University of Urbana-Champaign | Provided various references on relieving stress through viewing nature. |
| Professor Roderick J Lawrence | Professor, Faculty of Social and Economic Science, University of Geneva; Board member IAPS | No response |
| Professor Anne MAASS | University of Padova, Italy | Provided reference to study showing that intimidating architecture damages optimism regarding trial outcome (Maass et al 2000). |
| Sanjoy MAZUMDAR | Department of Urban and Regional Planning, School of Social Ecology, University of | Provided remarks, text references and references to Drs Geis and Pontell. |

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| | California at Irvine. | |
| Waleed H Malik | Senior Public Sector Management Specialist, World Bank, and joint editor of <i>Judicial Reform in Latin America and the Caribbean</i> (1995) | Has run courts projects in Venezuela (Task Leader for the World Bank on the Venezuela Supreme Court Modernisation Project), the Phillipines, Guatemala. No response |
| Thomas Markus | Emeritus Professor of Building Science, University of Strathclyde; author of <i>Buildings and Power</i> (1993) | No response |
| Associate Professor Paul MEMMOTT | Director, Aboriginal Environments Research Centre, University of Queensland | Prepared to advise on Aboriginal issues |
| Professor Gary T MOORE | Dean, Faculty of , University of Sydney; joint editor of <i>Environmental Knowing</i> (1976) | Not aware of any relevant research |
| Dr Henry N PONTELL | Chair of Criminology, Law and Society in University of California at Irvine's School of Social Ecology | Passed on message to Urban and Regional Planing staff at UC Irvine. |
| Professor Wolfgang PREISER | University of Cincinatti; joint author of <i>Post-Occupancy Evaluation</i> (1988) | No direct experience of Courts research, but sent out general call for help through EDRA networks (via Janet Singer at EDRA office). |
| Chris RICHARDSON | the School of Criminology and Criminal Justice at Griffith University | Studying environmental effects on jury ability to focus on evidence |
| Professor Henry SANOFF | Distinguished Professor of Architecture, Department of Architecture, School of Design, North Carolina State University | Provided reference to Professor Zimring's work. |
| Professor Andrew D Seidel | Professor, College of Architecture, Texas A & M University; Editor-in-Chief, <i>Journal of Architectural and Planning Research</i> | No response |
| Dr David TAIT | Senior Lecturer, Course Convenor – Bachelor of Social Sciences, University of Canberra | Running a conference, with the AIJA, called <i>Representing Justice</i> , in the High Court and UC, 12-14 December, this year, in which issues related to the court environment will be raised |
| Dr Jan Teklenburg | Urban Planning Group, Faculty of Architecture, Building and Planning, Eindhoven University of Technology; Boardmember IAPS | No response |
| Gerald THACKER | Former Assistant Director of the Administrative Office of the US Courts (responsible for facilities and security matters) | Provided references to Courts Design Guides in the US and UK, and to Mr Waleed Malik. Has been working as private consultant to Dr Zimring's projects. Proposes to be in Australia early in 2003. |

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| Professor David UZZELL | Professor of Environmental Psychology, Department of Psychology, University of Surrey; Chair of the Board of IAPS | Sent out call for assistance. |
| Dr Jacqueline C VISCHER | President, Buildings-in-Use; Research Associate MIT; Professeure agrégée, Programme de design d'intérieur, Faculté de l'aménagement, Université de Montréal | Claimed no expertise in courts buildings. Provided reference to John Zeisel. |
| Randy WHITE | White Hutchinson Leisure & Learning Group, Kansas City, Missouri | Recommended Susan Goltzman. |
| Dr John ZEISEL | Hearthstone Alzheimer Care, author of <i>Inquiry by Design</i> (1981) | Reported two studies: on a Housing Court in Boston and on a POE of a complex court building in Massachusetts. [early 1970s and later] |
| Professor Craig ZIMRING | Professor, College of Architecture, Georgia Institute of Technology | About ten years ago developed data base on research concerning courts buildings. Now leading the most substantial research project in the field – though in an embryonic stage |

APPENDIX 3: SELECTED TEXTS FROM E-MAILS

Selected texts of e-mails from the following persons are included, below:

Professor Duncan Joiner, Massey University

Sanjoy Mazumder, University of California at Irvine

Gerald Thacker, former Assistant Director, Administrative Office of U.S. Courts

Dr John Zeisel, Hearthstone Alzheimer Care

Professor Craig Zimring, Georgia Tech.

Professor Duncan Joiner, Massey University, New Zealand

The project sounds an interesting one, and I would like to be kept in the loop. From 1993 to 1996 my practice did some Post Occupancy Evaluations of courthouses in New Zealand for the Department of Justice, and we also had contact for a while with the Courts division of the New South Wales Department of Justice, although in the end we didn't do any evaluations for them. The evaluations we did in NZ were of new big (for NZ) district court buildings in Wellington, Porirua, Dunedin, Avondale (Auckland). They included family courts, mediation facilities etc - covering a number of the issues in your document. We also did a POE of the Auckland High Court building, which houses a complex set of facilities, and about 3 or 4 years earlier I had evaluated the Palmerston North Courthouse. In the mid 90s we also did POEs of a number of Police stations, all of which have custodial facilities, and might be relevant.

Let me know if any of this experience is of interest. I would need to get clearance from clients before releasing any information, or I could perhaps refer you to clients directly. It would be good to talk. Our courts projects were fascinating and fun and I felt I learnt a lot about socio-political agendas in the built environment.

Sanjoy Mazumder, Department of Urban & Regional Planning, School of Social Ecology, University of California at Irvine

I am responding to your email addressed to Dr Preiser sent to edra.

You have done a wonderful job of noting most of the worthwhile points as a guide for the designers. I am not a researcher of courts, but had studied them in relation to my doctoral work at MIT on work

environments and offices. My work concerns cultures and their physical environments. Perhaps you will permit me the latitude to make just a few suggestions:

1. The culture of the court system ought to be taken into account so [it is] one that is symbolically conveyed and understood by all peoples who interface with that system, especially those who are participants. Most importantly, the workers in this court should not ever forget that they are there to facilitate negotiation, justice, and an atmosphere that will leave an indelible mark on all there that this court (building) cares most about these important principles. This is the core and futuristic principle. Please see my piece on programming if that will help.
2. Symbolic language varies from culture to culture, and should be carefully looked into and well understood prior to the design. Please see my piece on symbols if necessary. Murray Edelman's work is very useful here as well.⁶
3. Functionality, though important and needing attention, need not be the foremost consideration. Something as innocuous as corridors can end up doing much damage. I strongly recommend spaces as serendipity and chance encounters as well easily accessible spaces where confidential discussions can occur. Examples are little side spaces off the main corridors with convenient seating. Mary Bralove's piece showed how in making courts in the USA more efficient, the designers reduced the width of the corridors in an effort to make space use more efficient. Much to the detriment of justice, negotiated settlements reduced markedly and adjudicated cases increased. This because the space where lawyers would bump into one another and talk of settling now were gone.⁷
4. Let there be light: Light brings in scrutiny, upliftment, hope. I mean this metaphorically as well as directly. Let the public see and learn from observing the system at work, yet prevent them from negatively affecting the work of those involved.

These are just some quick thoughts penned hurriedly. There might be others as I think some more.

Beyond my own suggestions, I thought of some others as well. You know some professors from the Department of Criminology, Law and Society have been invited to Australia to work on some research projects. They will be going during the summer. I am sure some of them could provide additional ideas. Examples are Dr. Gilbert Geis, Dr. Henry Pontell. In Australia, you may want to consult Dr. John Braithwaite.

⁶ Murray J Edelman, George Herbert Mead Professor Emeritus of Political Science, University of Wisconsin, died 4 February 2002. He was author of eleven books, including, for example: Edelman 1964, 1988 and 1995 listed in the references to this Report, below.

⁷ Formerly, Mary Bralove was a News Editor at the *Wall Street Journal*.

Gerald Thacker, former Assistant Director, Administrative Office, U.S. Courts

Dr Zimring sent me a copy of your note and attachment, which I found very interesting. From 1987 until my retirement in 1998 I was the Assistant Director of the Administrative Office of the U.S. Courts responsible for facilities and security matters. During that time our office developed the U.S. Courts Design Guide, which addresses many of these same issues. Since 1998 I have been a private consultant and also work with Dr Zimring as a visiting scholar in the College of Architecture.

In addition to the Federal courts design guide, there is an excellent one published by the British courts (which we used as a basis for our own). You might also be aware of the excellent work being done by Mr Waleed Malik of the World Bank office here in Washington on infrastructure projects in support of the World Bank's judicial reform program. I have consulted with Mr. Malik on his projects in Venezuela, the Philippines, and in Guatemala. Most, if not all, of the design principles you enumerate are addressed by the designers in these projects as well.

Dr John Zeisel, Hearthstone Alzheimer Care

I worked on two court-related reports. These covered several of the issues you sent on the attachment.

1. A design and planning program for a new "Housing Court" in Boston. The newly appointed judge wanted to make the whole process more accessible to the many poorer "tenants" who were new to the process, while the "landlords" tended to know the process well. I probably can locate this study somewhere. It was carried out in the early 1970s when I was just starting out in this field. It included observations carried out in the Housing Court of New York City.
2. A post-occupancy evaluation of a major regional court building in Massachusetts. Together with Jacqueline Vischer--whom Graham Brawn knows--I carried out a complex POE in which we studied the goals of the court and how that building did and did not contribute to the working of the court. This building included a criminal court, a juvenile court, and several court rooms. The issues you mention were covered in this study as well.

[Professor] Craig [Zimring]

Georgia Tech is conducting research for the Administrative Office of the US Courts and for the US General Services Administration Courthouse Management Group. We recently completed a feasibility study for developing a full-scale mockup facility for federal courtrooms where we could test alternative layouts, furniture designs and technologies. We are currently developing a secure web site where judges, staff and others can explore immersive 3-D panoramas, plans, 3-D models, specifications and other

information about completed courts. (Unfortunately, due to security reasons we cannot share this with you but are developing a "vetted" demo version.) Several of our students have also conducted courthouse research, including an exploration of what "openness" means in the new federal courts construction program.

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B: BIBLIOGRAPHY OF RELEVANT MATERIALS:

LAW COURTS AND ENVIRONMENTAL PSYCHOLOGICAL ASPECTS

Chris Heywood

Note: This Bibliography is in two parts: the first provides indications of the References relevant to particular items in the List of Principles and the second provides an alphabetical listing of the Bibliographic items themselves.

Twenty-two items of the items noted here were also included in Kennedy & Tait (1999), showing that they remain useful. The jointly included items are: Asma (nd), Baird (1995), Gehl (1994), Goodsell (1988), Hardenbergh (1992), Hardenbergh et al (1992), Harvard University GSD (1998), Home Office (1991), Hutton (1987), Izett & Leginski (1974), Jackson (1995), James (1994), Judicial Council of Virginia (1997), Kerr & Bray (1982), Kessler (1954), Laswell & Fox (1970), Lawson et al (1992), Mileski (1971), Szwarc (1991), Taylor (1993), Tyler et al (1986), and University of Woollongong (1998).

There was no overlap with the text references in Del Monaco (2001).

REFERENCES AND THE PRINCIPLES

New Principles for Consideration

- 1. Mood and tenor of the system and all the people in it being Accessible and Supportive of the individuals affected by the matters before the Courts;**
(Silbey 2001, Maass et al. 2000)
- 2. Direct and substantial help to the disadvantaged:**
Including those unfamiliar with the processes and protocols as well as the self-represented and those of different cultural traditions to those on which our justice system is built.
(Robinson and Thompson 1999)
- 3. Continuing support for and capacity to bring about change**
(Dovey 1999)
- 4. Availability of accommodation resources for other community users where not compromising the operations and effectiveness of the Courts**

5. **Plan for some form(s) of evening and weekend operations of the Courts**
(Hanyu 1997, Hanyu 2000)
6. **The final determination of a matter before a Court is also the time to begin acts of reconciliation needed to reaffirm the effectiveness of our justice system**
7. **Respect for the Justice system begins with respect for individuals in society.**
(Tyler et al. 1986) (?Goodsell 1988)

Continuing Principles

8. Demystifying the Court Operations:

The form, arrangement and layout of the Courts Building should “enable” unfamiliar users to anticipate and locate themselves and lead them to their destinations, making operations “plain to see” for all participants.

(Clitheroe Jr et al. 1998, Kerr and Tacon 1999, French 2001, Anonymous 2001, Stamps III and Nasar 1997, Asma [nd], Baird 1995, Mohr 1999)

9. Dignity and Respect for Justice:

Regardless of the changes in process and experiments in more appropriate settings for justice operations, the overall projected image should not reduce the significance of justice or of the judiciary in our democratic society.

(Kerr and Tacon 1999, Grob 1995, Goodsell 1988, Lasswell and Fox 1970)

10. Approach and Entry:

The contact points with the fabric and functions of the CBD should be easy and logical, befitting a symbol and representation of the third arm of our governmental system.

Whether the sense of arrival is outside or inside the Building, it should be clearly felt.

Functionally, pedestrian routes should be collected in a logical way and directed to the entrance(s).

Interfaces with vehicles, taxis and buses – including tour buses, should not be disruptive to the functioning of both the Courts and the part of the city in which it is located.

(Maass et al. 2000, Gehl 1994, Cherulnik 1991)

11. Entry and Orientation:

From the entry place – Foyer or Entrance Hall – people should know they have arrived and be able to see where to go next: to Administration / Registry or to support groups and should be in no doubt about where to go for court rooms and hearings. Information should be readily available and in support of the Building itself being a “road map”.

(Fishbein 1995, Sharkawy and McCormick 1995, Dovey 1999, Markus 1993)

12. Familiar and Unfamiliar:

Respect the focused determination of the busy regular user as well as the uncertainty and tentativeness of first time users.

(Pedersen 1999, Haq 1998, Haq and Benne 2000)]

13. Uniqueness in a sea of Justice Matters:

Regardless of the ultimate size of the Building, and the jurisdictions accommodated, for those involved in matters before the Courts, there is only one case: theirs. All the operational structures and procedures as well as the spatial planing should support this. This is, of course, also a tenet of our justice system – namely, that each case is to be heard on its own merits.

(Wallenius 1999)

14. Individuals and Groups:

In Courts there are special patterns of people moving and waiting that the Public Realm must accommodate.

People will move around the Building in various manners from the rushing individual to the large tour groups with the most common being parties to a case that might try to be three to four wide as they move down passages, many pulling carts and bags of materials.

Families and friends will be there to help and to support. And, groups of “one side” will want to be separate from the “other side”.

(Haq and Benne 2000, Haq 1998, Hutton 1987)]

15. Peaks and Valleys:

Work patterns and intensities of a large Courts Building vary quite considerably, diurnally and weekly.

(Hanyu 1997, Hanyu 2000)

When very busy, the experience should not be of excessive overcrowding and under provision of space and, when slow, not of excessive and irresponsible provision of space.

16. Waiting and Delays:

As in hospitals, in Courts Buildings, there can be considerable amounts of time waiting associated with the proper functioning of matters rather than with disfunctioning.

All parties should be able to continue with their work/lives while waiting to the maximum degree possible and within the capabilities and capacities of the Courts and the Court Administration to support that continuity.

(Reidel-Martinez 2000, Newman 1972)

17. Meeting:

Arriving at different times and from different directions and needing to meet people, sometimes for the first time, is a major characteristic of the workings of Courts.

Places with identifiable characteristics are needed, inside and outside the building for this.

18. Emotions:

In Court matters, personal emotions can be quite close to the surface and break out at times when litigants, juries, witnesses, the accused, staff, legal personnel and judicial officers all have to concentrate and remain focused and attentive.

The need for relief from these complex conditions, be it momentarily by focusing on something beyond the immediate, or symbolically, by getting “outside the area” is central to producing good order and less stress.

(Hartig et al. 1999, Kerr and Tacon 1999, Dearborn-Karen 2000, Gärling et al. 1998, Kerr and Bray 1982, Izzett and Leginski 1974, Hutton 1987, Mileski 1971)

19. Independent Operations (collection of):

The normal perception of a Courts Building is the court room. But the working of the Courts involves numerous individuals, bodies and agencies, including voluntary groups.

Each have their own protocols and cultures and need the ability to establish their presence, albeit for only a part of a day when their help is needed.

(Ichniowski 2000)

20. (Safety and) Security:

The potential for unexpected behaviours and deliberate actions that threaten the safety of staff and all participants, as well as proceedings, is real in Courts Buildings.

Through effective policies and procedures, and effective, supportive technology, the potential for incidents needs to be reduced and results of incidents minimised.

At all times, people should have confidence that they are in a safe place.

(Calhoun 2001, Faust and Raffo 2001, Geiger 2001, Greacen and Klein 2001, Greibel and Phillips 2001, Hardenburgh and Weiner 2001, Harris et al. 2001, Jenkins 2001, Vossekuil et al. 2001, Weiner and Hardenburgh 2001, Ham Rowbottom 2000)

21. Movement Hierarchy:

The movement through the Public Realm must be easy and direct. There are to be separate and secure movement systems for the judiciary, the accused-in-custody, and juries. All systems to have adequate capacity, be timely, and reliable.

(Major et al. 2000, Torgrude and Boelter 2000, Haq and Benne 2000, Dovey 1999, Markus 1993)

22. Generic court

(Perry 2001, University of Michigan Law School 1973, Park and Farr 2000, Goltsman 1992, Taylor 1993, Szwarc 1991, Harvard University Graduate School of Design 1998, Hardenbergh et al. 1992, Hardenbergh 1992, Home Office (England and Wales) 1991, Hutton 1987, Jackson 1995, James 1994, Lawson et al. 1992, Kessler 1954, Judicial Council of Virginia 1997, University of Wollongong 1998, Markus 1993, Pevsner 1976)

23. Generic environmental psychology (from this study)

(Walsh et al. 2000, Kerr and Tacon 1999, Brown and Gifford 2001, Dai 2000, Kramer 1995)

24. Other psychology

(Kapardis 1997).

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