



Justice Goes Green

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The Sustainable Justice

Committee of the Academy of Architecture for Justice of the American Institute of Architects recently developed a white paper titled *Sustainable Justice 2030: Green Guide to Justice*. It provides policymakers, owners, operators, architects, and planners the tools they need to connect the designs of sustainable buildings to the principles of a sustainable community with an orientation to social justice and economic development.

Intended as a supplement to the *U.S. Conference of Mayors' Climate Protection Agreement* (see usmayors.org/climateprotection/agreement.htm), this white paper is similar to other green guides for education, health, and other public infrastructure. It outlines a vision for a justice system in the year 2030 based on the principles and practices that contribute to the sustainability of our society and protection of the planet.

Toward this end, the committee had a number of conversations with the U.S. Green Building Council and was encouraged by the council's reaction and suggestions. The white paper is the first statement by the committee. It is intended to serve as a preliminary guide for public agencies and communities as they jointly seek to answer the challenge, "How do we create sustainable justice?"

A Green Justice System

Green justice buildings require a green justice system that supports and contributes to sustainable communities. For the buildings that form the justice system—courthouses, detention centers, and law enforcement facilities—this is manifested in a mission statement that goes beyond a traditional reactive response to achieve a problem-solving approach that seeks to improve the communities they serve.

The contributions occur on three scales and in three areas:

- *Scale of community*—The purpose of the justice system is defined as protecting public safety by channeling deviant behavior into acceptable norms so that all citizens can have meaningful roles in their communities.
- *Scale of building*—The structures that house the justice system are sited, constructed, and operated to minimize resource consumption and ultimately to have a net-positive impact on the community and the environment.
- *Scale of individual experience*—The physical needs, health, dignity, and human potential of all who

come in contact with the justice system are respected and given the opportunity to flourish. This applies equally to staff, visitors, service providers, and detainees.

The three primary areas where the justice system interacts with citizens include:

- *Law enforcement* (or police services)—The agency most in contact with the life of the community and the effects of deviant behavior, the first responder to safety concerns.
- *Courts*—The branch of government responsible for determining the response to conflict and deviant behavior.
- *Detention/corrections*—The agency responsible for housing the persons accused or convicted of crimes and shaping their ability to return to society as productive citizens.

The fundamental principle of the missions and operational activities of each of these official entities is that they be coordinated in a complementary way that serves the principles of a sustainable society.

As many observers note, "The most sustainable building is the one that never gets built." Accordingly, sustainable justice systems must strive to do more with their square footage, using buildings to their maximum potential. Information technology is facilitating the move to the electronic provision of services, especially in areas such as records and filing, enabling the amount of built space formerly needed for these services—and their use of resources—to shrink dramatically. Many communications with the community can also be handled electronically, for example, jury assembly or the use of alternative dispute resolution in place of trials, thereby greatly shrinking or even eliminating space needs and the associated costs. Alternatives to detention and incarceration such as bail adjustment, remote monitoring, problem-solving courts, or restorative justice programs increasingly allow facility

planners to ask “How small a system can we operate?” rather than “How many beds do we need?”

Achieving sustainability requires *whole-systems thinking*, meaning that individual pieces of the system cannot be optimized in isolation from one another. For example, a speedy time-to-trial program is quicker to deploy and operate than a jail expansion to house people awaiting trial, but the designers and operators of the jail must recognize their position within the justice system as a whole. Mobile, on-the-spot booking by police can reduce space needs for detention and allow officers to spend more time in the field, making operations more efficient overall.

Sustainable design addresses three scales of development:

1. The urban or community scale.
2. The building itself.
3. The environments for individuals using the spaces within.

Each of these scales interacts with and balances the others. One cannot understand the building without reference to the community that it supports; likewise, one cannot appreciate the building without understanding the people for whom it is intended. The white paper on sustainable justice proposes a holistic definition of sustainability that includes a building’s relationship to the community and the well-being of the occupants during the lifetime of the building. The people who live their lives in the environments created in and around buildings make up communities that may be more or less sustainable.

Much of the focus of the green movement, however, has been on high-performance museums, schools, libraries, private homes, luxury condominiums, offices, and the like. All of these worthy efforts are targeted at the most successful elements of our society with the goal of making these facilities even better than the rich legacy upon which they are founded. Much as the idea of “public housing” has largely been abandoned by the modern move-

ment, the fates of the less successful in our society have been left to the productive capacity of industrialized manufacture. Witness the growth of large jails and prisons with little consideration regarding the effect of the resulting environments on those housed there or their neighbors.

Sustainable detention/corrections decision makers are most concerned with preserving the resource of personal potential. The time an individual spends incarcerated is time stolen from that individual’s potential. The precept of sustainable justice is that the future success of our society is as much bound up in the fate of those left in the wake of progress as those on its leading edge. The facilities designed for the incarcerated should be planned and designed with outcomes in mind every bit as much as an academy for prep school students. Obviously materials and treatments will differ, but the same attention to scale, humane materials, healthy environment, and all of the metrics of energy efficiency should apply.

A holistic, or systems, approach to sustainable design suggests that a jail facility be considered in the larger context of the system it serves and that sustainability is fostered by changes to the system as well as building design. For detention facilities, elected officials should begin the jail planning process with the question “How small—rather than how large—should we build our new jail?” By addressing this question, we are taking a key step toward sustainability.

Do Not Build Your Way Out of Overcrowding

Although a new jail may be required to address the security, life safety, and operational problems of an old and outmoded facility, the sustainable approach to jail construction involves building as small as possible without sacrificing public safety. Changes to current system functioning can result in significant bed-space savings, and this can be

demonstrated empirically, as the following case studies illustrate.

One county in New Jersey reduced the number of beds required in its proposed juvenile detention center from 90 to 75. This reduction resulted from identifying system factors that contribute to the use of secure detention and then developing interventions. A review of current practices showed that many juveniles were spending long periods of time in detention awaiting court action because of the complexities of developing appropriate dispositional plans.

Representatives from human services, the courts, detention, the juvenile prosecutor, local service providers, and other key stakeholders agreed that establishing a multidisciplinary team approach for these youths could help to expedite their cases and ultimately shorten their length of stay. This, along with other system recommendations, resulted in an overall decrease in facility capacity requirements. Other recommendations included the implementation of a standardized intake process to control inappropriate admissions, the expansion of alternatives to secure detention, and promotion of the more timely transfer of adjudicated youths to State facilities.

Control Admissions

Another way that sustainable justice system advocates manage detention population growth is to reduce the number of admissions to jail. One key design feature is to have an intake area large enough to hold those eligible for bail/bond or for release on recognizance. This way, many individuals never have to spend a night in a cell but can be released after several hours once proper measures have been taken and the paperwork is complete. In large cities, sustainable jail practices have increased the percentage of individuals who spend less than 12 hours in reception to almost 50 percent.

One county in New Hampshire used this approach when planning a new jail facility. Home detention and work release were alternatives to secure incarceration for the sentenced population; however, no similar programs were in place for the pretrial population. As part of the planning effort, eligibility criteria were developed for a new pretrial release program for Superior Court cases. Individuals who meet the criteria will be diverted into the program at the arraignment hearing instead of being sent to jail.

Expand Alternatives to Jail

The third way to reduce the number of beds required is to enhance existing alternatives to incarceration or develop new ones. When the cities in one Washington State county were faced with developing a jail facility system for their misdemeanor population (the county jail would no longer house them), pro-

jections indicated the need for more than 1,200 beds in the next 20 years. But by implementing or expanding such jail alternatives as day reporting, work release, electronic home detention, and pretrial release, the cities reduced the baseline need by 12 percent, which translates into 149 fewer beds being built. A smaller building means a smaller footprint as well as a smaller site and a reduction in materials, domestic water usage, energy, and staffing.

Not Just "How Many"

By identifying inmates who require a maximum-security cell, objective-based jail classification (OJC) supports the sustainable justice approach to jail design and construction. Rather than assuming that all inmates need an expensive single cell, OJC usually limits the percentage of single cells (typically to between 10 and 20 percent), thereby lowering resource consump-

tion and construction cost. Providing multibed or larger dormitories for the remainder of the population conserves resources and reduces costs.

Site Selection

Local officials are under tremendous pressure to relocate new jails to out-of-town locations, far from any dissenting voters. However, sustainable facilities belong downtown next to the courthouse for a number of reasons. First, placing a jail next to a courthouse allows for easy movement of prisoners for court appearances using a tunnel or a bridge, which dramatically reduces the number of vehicle trips required from a remote jail. It also means that the jail is likely to be more accessible to public transportation, a sustainable design goal and a humane consideration for families and friends of the incarcerated in addition to attorneys and other professional service providers.

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An example of the benefits of a downtown jail, the new Denver Detention Center has two pretrial courtrooms on the same floor as the intake housing area. Recent arrivals simply walk across the corridor to visit the courtroom for pretrial activities. About 40 percent of those admitted are released within four days; most of them never use an elevator to go to court. And by locating the new jail downtown, the city eliminated the need for lengthy bus trips to process inmates from the current remote holding facility.

Situating a jail downtown also may allow for reuse of an old jail, bringing it up to date and conserving embedded energy in the old facility. Additionally, downtown buildings often have a smaller footprint than a one-story, out-of-town building. These downtown facilities conserve land and have much less roof area, thereby reducing the amount of storm water runoff that has to be stored, treated, and discharged.

Energy Savings

If an out-of-town facility is unavoidable, it is at least possible to orient it to the south to capture sunlight during the winter and to guard against heat gain in the summer by planning the main axis of the jail in an east/west direction.

For example, after a 10-year search, an urban county in New Jersey located its new juvenile detention center in an industrial area with few nighttime or weekend neighbors. A new bus stop will be provided at the main entry to the site. The building itself is narrow (thin) and wraps around an outdoor courtyard in the shape of a square doughnut. The exterior of the building forms the secure perimeter and the courtyard created inside the square doughnut provides a daylight-filled corridor.

Daylighting and Normative Design

Using daylight to reduce the energy consumption of artificial illumination is key to a sustainable strategy, especially in a building

that operates all day, every day. Bringing daylight into the correctional environment also reduces stress for inmates and staff alike and can lift spirits. Research confirms the benefits of daylighting on student performance, patient healing, and worker productivity.

For detention or correctional facilities, practical experience strongly supports the beneficial effects of sunlight coming into housing area dayrooms, corridors, and program space. In one county jail, the sheriff warned that none of his staff would work in a newly designed addition, which was based on the concept of normative design. But by introducing daylight and views from/into the dayroom, vibrant colors, excellent sightlines, climate control, and acoustic dampening, the unit was subscribed to by senior officers from opening day and has since been a great success.

Environment cues behavior, and research has demonstrated that inmates respond better in a normative environment than a traditional cellblock. Normative environments contain natural light, views, colors, personal space, and control of some personal territory along with the around-the-clock presence of an officer. These normative design features are directly compatible with those of sustainable buildings.

A normative environment can also foster a positive staff attitude and be more conducive to positive behavioral change in inmates. It can reinforce the interrelationship among the three scales of sustainable design: the environment for individuals using the spaces, the building itself, and the community.

Successful Community Transition

Because the vast majority of offenders incarcerated at the local level will return to their local community, managing future jail population growth also means working to reduce the number of repeat offenders. Reducing recidivism can result in the need for fewer beds in the future and decrease the need for

facility expansion. But just as importantly, facilities that focus on successful reentry support the sustainability of *people*—by helping them to live better lives in which they are more loving, more productive, and more responsible.

The criminal justice system is complex. It is composed of many actors (e.g., judges, prosecutors, sheriffs, county commissioners, and community-based providers). Sustainable detention supports the mission of and reinforces the interrelationships among the three scales of sustainable design. The vision for a justice system in 2030 is one that defines its mission as helping communities solve problems that threaten the sense of well-being so important to a healthy and purposeful society. Although focusing on the unique characteristics of law enforcement, courts, and detention is important, even more useful is the coordination of these different branches of the criminal justice system to focus on the best interests and long-term viability of the communities they serve.

To access *Sustainable Justice 2030: Green Guide to Justice*, go to aia.org. In the search field of the homepage, type in: Green Guide to Justice. Scroll down the subsequent page to *Sustainable Justice 2030: Green Guide to Justice* and click on the PDF icon. ■

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