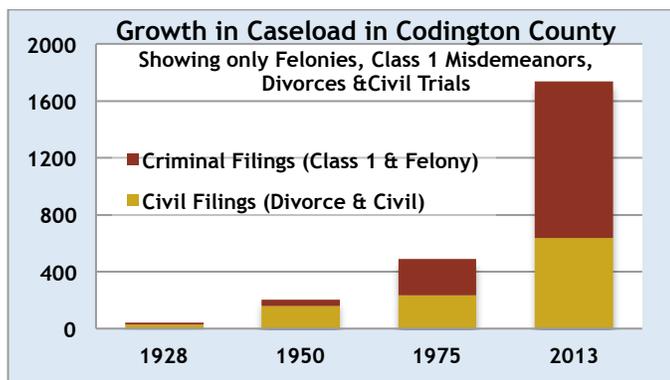


On November 4th, 2014, voters in Codington County, South Dakota voted down a proposal that would have provided up to \$35 million to fund the construction of a new courthouse-jail-law enforcement complex. The work done to develop this proposal is partially documented in a series of working papers and correspondence dating from 2002 to 2014. This paper is a short compilation of the main points from these documents and the public meetings held in the months before the vote in November 2014.

Problem identified: Our justice facilities are too small and unsecure

The Courthouse

Codington County opened its courthouse in 1929 with one jury courtroom and a small non-jury courtroom. That year, there were only 40 cases. In 2013, there were a total of 7,463 cases filed in Codington County.¹



This growth in caseload is causing the following problems:

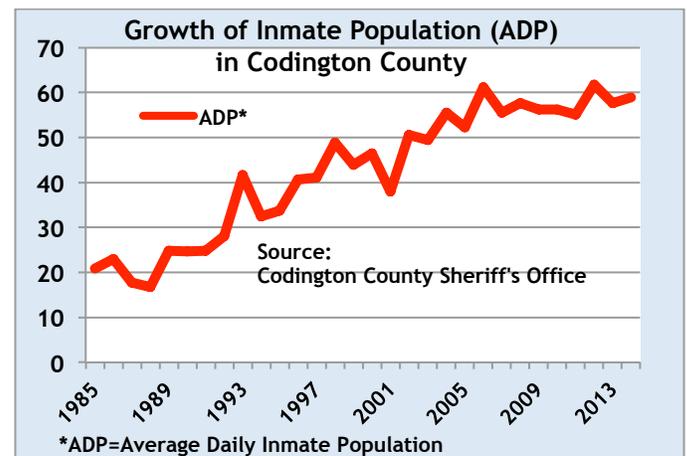
- Difficulties protecting the right to a speedy trial.
- Trials must be scheduled 2 to 3 months in advance.²
- Because 2 trial judges & one magistrate share this court space, it can be months before proceedings can be rescheduled.³
- Increasing demand for court space due to recently established drug & veterans' courts.
- Crowding of court-related offices to manage caseload has absorbed attorney-client meeting space.

Additionally, our 1929 courthouse wasn't constructed according to modern best practices for security & handicapped access.

- No secure separation of defendants, victims, inmates, witnesses, jury members.
- Judicial personnel lack secure entry to courthouse & movement patterns within building.
- Inmates must be moved to courtroom in close proximity to members of the public.
- Platforms & steps throughout large courtroom, rest rooms, & jury room prevent handicapped access & movement.⁴

The Jail (or Detention Center)

Since its construction in 1974, the county jail has seen steady growth in its inmate population. The facility was built with 38 inmate beds. In 1985, the average daily inmate population (ADP) was 20.85. By 1995, the ADP was 33.66.⁵ Anticipating the impact, in 1998, the county added to the jail, bringing the total to 52 beds. As the ADP continued to rise, the Sheriff's Office modified the basement to eventually reach 96 beds. Due to the need to segregate the various prisoner classifications, the true current capacity of the jail is from 70 to 80 inmates. The ADP in recent years has hovered around 60 inmates, but the ADP spikes above 80 from time to time.⁶



This rise in ADP is causing the following problems:

- Crowded conditions throughout jail.
- Conversion of inappropriate space to cells ("Band-Aids").
- Frequent mismatch in the type of cell space to prisoner classification.
- Spikes in ADP cause overcrowding in some cellblocks.

Also, our 1974 jail wasn't built using modern standards for security & effectiveness.

- Most cells are too small to meet "constitutional" standards.⁷
- Linear floor plan prohibits constant view of the inmates.
- Reliance on passive "intermittent surveillance" techniques (video surveillance and regular cell checks), which puts inmates in control of the cell space most of the time.
- Converted basement cells lack natural light.
- Juvenile cell space not sound segregated.

What are the basic needs?

For the Courthouse

- Enough adequately sized court and jury deliberation rooms for projected caseload.
- Separate areas in the courtrooms for prisoners, experts, press and litigants.
- Inmate holding cells with secure courtroom access.
- Separate access to building for public, judicial staff, inmates, victims and witnesses.
- Private meeting space for attorney-client and other sensitive meetings.⁸

For the Jail

- Floor plan with a central control station for constant inmate viewing that doesn't rely on video observation.⁹
- Adequate number of beds for projected growth in ADP.

- “Constitutionally sized” cells (70 sq. ft. for 2-person cell) and common floor space.
- Larger booking area for simultaneous bookings and maintaining classification of detainees.

For associated spaces (Judges' Chambers, Sheriff's Office, State's Attorney, Court Services, Clerk of Courts, court reporters, etc.)

- Work space to accommodate current staff and expected growth in staff based on projected growth in workload.
- Space for the projected need for file storage, evidence storage, equipment and resources.
- Conference space for working meetings.
- Appropriate public waiting areas.
- Secure customer service windows.

What should we do to learn more?

Continue working to determine space needs in further detail

- Project future caseload and ADP 20 years forward to determine expected need for court and jail spaces.
- Become more familiar with current standards and best practices for court and jail facilities. This can provide a better understanding of how facilities can make things more efficient and safer.
- Determine assumptions and choices for future facilities. Possible examples:
 - Assumed lifespan of facilities.
 - Desired preservation of historical features.
 - Location considerations.

- Needs for proximity among offices and departments.
- Willingness to assume risk in levels of security.

“Inventory” the current facilities and other resources available. This might reveal:

- Possible alternative uses for current spaces.
- Limitations for modifying current facilities.¹⁰

Document our findings to

- Maintain an objective understanding of what we learn and reference point for working together.
- Provide accessible information for further project work.
- Provide a way to share findings with the public and stakeholders.

Where will this process lead? A sufficiently detailed picture of our needs will help us determine criteria we can use to evaluate specific facility options.

Most of the working papers used to prepare this paper are available at <http://codington.org/codington-county-justice-advisory-committee>

¹ 2014 3rd Judicial Circuit Administrator Presentation <http://codington.org/ccwp/wp-content/uploads/2014/12/Court-Svcs-on-JustCtr.pdf>

² 2002 “Needs of the Circuit Court in Watertown/Codington County” January 15, 2002 with 2013 updates, <http://codington.org/ccwp/wp-content/uploads/2014/12/2002-01-15-w-updates-Circuit-Ct-Request-to-develop-options.pdf>

³ The difficulty in rescheduling a court trial is due to the significant preparation necessary & the large number of people involved (defendants, witnesses, lawyers, judges, juries, plaintiffs).

⁴ 2006 Facility Needs Committee Recommendations, <http://codington.org/ccwp/wp-content/uploads/2014/12/2006-11-Facility-Needs-Committee-Recommendations.pdf>

⁵ Jail Population Trends, <http://codington.org/ccwp/wp-content/uploads/2014/12/Jail-ADP-1985-2012.pdf>

⁶ Codington County Sheriff's Office, <http://codington.org/ccwp/wp-content/uploads/2014/12/2006-09-Sheriffs-Office-Facility-Assessment.pdf>

⁷ Based on court findings in recent decades, the typical standard for unencumbered square footage for a two-person cell is 70 square feet.

⁸ See 2008 Court checklist for detailed list of estimated needs <http://codington.org/ccwp/wp-content/uploads/2014/12/2008-03-25-Court-Checklist.pdf>

⁹ According to the National Institute of Corrections Jail Design Guide, 3rd Edition, indirect surveillance (also known as remote surveillance) allows constant viewing of the inmates by staff with the staff being physically separated from the inmates. P.42

¹⁰ The consulting architect's preliminary assessment of the structure of the courthouse indicates that there are numerous load-bearing walls and columns throughout the first floor of the courthouse. Modifications would need to balance maintaining the structural integrity of the building with the desired use of the space. Similarly, the jail's basic structure would be difficult to modify and achieve the desired functionality <http://codington.org/ccwp/wp-content/uploads/2014/12/Consulting-Architect-Narrative-Summary-Assessment-on-Existing-Facilities.pdf>