

## **EFFECTUATING CRIME VICTIM RIGHTS THROUGH COURTHOUSE DESIGN: MARICOPA COUNTY COURT TOWER\***

Many crime victims and their supporters find the courthouse experience to be intimidating, confusing, and stressful. Crime victims are generally required to testify a few feet away from the people who victimized them, sit near to and cross paths with defendant's family and friends during long court proceedings, and otherwise navigate an often complex and chaotic criminal justice system. But at least one jurisdiction in the United States – Maricopa County, in Arizona – is determined to improve this experience through the integration of victims' interests and rights into the design of its new courthouse building.

The decision to build a new court tower stemmed from the increasing demands that population growth has placed on the Maricopa County court system, and from the concern that, with felony filings projected to grow by approximately 50 percent over the next 10 years, case backlogs may become unmanageable.<sup>1</sup> As described by Maricopa County Superior Court Presiding Judge Barbara Rodriguez Mundell: "Our goal, in resolving the court's critical need for more courtrooms, is to provide a state-of-the-art justice center for all court users."<sup>2</sup> Although the project began as an effort to build needed courtroom capacity, it took on greater significance for crime victims when Maricopa County's Judicial Branch decided that victims' rights would "play a significant role in the planning" of the courthouse and that the courthouse environment "should integrate crime victims' rights guaranteed by the state's constitution."<sup>3</sup>

Arizona's Victims' Bill of Rights provides for the right of a crime victim "[t]o be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process."<sup>4</sup> Of particular relevance to courthouse design, Arizona's criminal code further mandates that "[b]efore, during and immediately after any court proceeding, the court shall provide appropriate safeguards to minimize the contact that occurs between the victim, the victim's immediate family and the victim's witnesses and the defendant, the defendant's immediate family and defense witnesses."<sup>5</sup>

In recognition of the interrelationship between courthouse design and these important rights, Maricopa County's Judicial Branch worked with consultant Dr. Judith H. Heerwagen to ensure that crime victims were included in the design process. Dr. Heerwagen, an environmental and evolutionary psychologist, whose work focuses on the links between building design and human health, well being, and productivity, assisted in organizing nine focus groups in October and November 2008. Focus group participants included thirteen crime victims; attorney Mischa Hepner from Arizona Voice for Crime Victims; and victim advocates from the Maricopa County Attorney's Office, Arizona's Attorney General's Office, and the Federal Bureau of Investigation.

Dr. Heerwagen analyzed and summarized the results of the focus groups in a 15-page Report.<sup>6</sup> In Report, Dr. Heerwagen explained the practice of designing with victims' rights in mind as follows:

From a design standpoint, the victim as a client for services means creating a customer interface that is speedy, polite, understanding, empathic, and competent. From the perspective of the victim as an active customer, the design should reflect their thoughts and ideas about creating a courthouse that reduces the stresses and concerns they experience and provides an atmosphere that conveys respect, dignity, and justice for all.<sup>7</sup>

As input from the focus groups made clear, victims do not believe that the current courthouse addresses their stresses and concerns, and instead “they felt intimidated and re-victimized as a result of their experience.”<sup>8</sup>

As detailed in the Report, the primary concerns of the focus group participants were feelings of helplessness and lack of control, issues of safety and security, and the need to unreasonably hold emotions in check at all times.<sup>9</sup> The focus groups identified the main sources of these concerns as follows:

- **Finding and Navigating the Courthouse:** waiting in long lines to enter the building; entering a chaotic space with little or no signage; navigating crowded hallways; and the possibility of unwanted encounters with defendant’s family members or media in the elevator, outside the courtroom, or in the restroom.
- **Courtroom Proceedings:** difficulty in knowing when a case will be called; confusion about where to sit; unwanted intermingling between the victim’s and the defendant’s families; feeling pressure to maintain composure at all times; and difficulty seeing and hearing the proceedings.
- **Where to Eat and Take Breaks:** a lack of privacy in the cafeteria and other public spaces; and no access to windows or doors.<sup>10</sup>

After summarizing these concerns, Dr. Heerwagen provided a number of general and specific design recommendations, including the following:

- **Finding and Navigating the Courthouse:** a central entrance; highly visible signs and a centrally located information desk; a notification system for cases; access to daylight and views of the outdoors in public spaces; and separate elevators, restrooms, and small meeting and rest areas for victims.
- **Courtroom Proceedings:** a clearly marked seating area in each courtroom for victims, their families and supporters; and a separate room for victims in every courtroom for use during especially stressful times.
- **Where to Eat and Take Breaks:** a lounge off of the central lobby for victims to rest and talk privately, and which would offer telephone and internet access, work tables, comfortable chairs, a refrigerator, a microwave, and a child play area; and a cafeteria inside the courthouse.<sup>11</sup>

According to Jessica Funkhouser, Special Court Counsel for the Maricopa County Superior Court, the majority of these recommendations have been incorporated into the new building’s design. The selected innovations include the separate lounge and rest area for victims with chairs, tables, work stations, internet access, televisions, a microwave, and a refrigerator.<sup>12</sup>

Some of the most exciting design innovations that will be implemented for victims will be in the place they identified as the most stressful: the courtroom. According to Ms. Funkhouser, the new courtrooms will include rooms with separate entrances into the courtroom and access to private restrooms. Victims will be able to view and hear court proceedings from these rooms by a live video feed, which gives them the option to turn off the equipment if they do not wish to see or hear some part of a proceeding. When testifying, victims will be able to approach the witness chair from an aisle on the jury-side of the courtroom.<sup>13</sup> The court has invited focus group participants to tour full scale mock-ups of the planned courtroom design and to provide additional feedback as smaller design refinements are made.

Notably, these design plans have not met with resistance from the defense bar. Defense attorneys have been invited to view and offer feedback about the courtroom mock-ups. According to Ms. Funkhouser, feedback from this group of attorneys reflected an understanding that the new design will benefit all courtroom participants –including defendants, their witnesses, and their families – as it minimizes the likelihood of confrontations. Some attorneys requested the addition of a room for defendants’ families, similar to that provided for victims in each courtroom, and this room has been incorporated into the courtroom design.<sup>14</sup>

Construction began on the new courthouse in April 2009, and is projected to end in November 2011. The courthouse designed with victims’ interests and rights in mind is likely to provide a safer and less stressful environment for all courthouse visitors. As explained by Judge Mundell:

A well-designed courthouse with improved traffic patterns, effective signage, enhanced security and other improvements will assist not only victims, but all courthouse visitors. Defendants and their families will benefit from a relaxed ambiance because unexpected interactions between the victims and their families are minimized. Heightened comfort and safety improves equal access to the court and justice for everyone.<sup>15</sup>

More information about the courthouse is available at <http://www.maricopa.gov/courttower/descript.htm>.

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<sup>1</sup> Yvonne Wingett, *County Going Ahead with \$360 Million Court Tower*, *The Arizona Republic*, Mar. 19, 2008, <http://www.azcentral.com/news/articles/0319countyproject0319.html>.

<sup>2</sup> *Id.*

<sup>3</sup> Judge Barbara Rodriguez Mundell, *Message From the Presiding Judge*, *The Judicial Branch News 2* (Feb. 2008), <http://www.superiorcourt.maricopa.gov/MediaRelationsAndCommunityOutreach/docs/newsletters/Feb08.pdf>.

<sup>4</sup> Ariz. Const. art. II, § 2.1(A)(1).

<sup>5</sup> Ariz. Rev. Stat. § 13-4431.

<sup>6</sup> Judith Heerwagen, Ph.D., *Designing a Courthouse with Victims' Rights in Mind, Report prepared for the Maricopa County Superior Courthouse 2* (Jan. 2008) (on file with author).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 3.

<sup>9</sup> *Id.* at 5.

<sup>10</sup> *Id.* at 5-9.

<sup>11</sup> *Id.* at 11-15.

<sup>12</sup> Email from Jessica Funkhouser, Special Court Counsel for the Maricopa County Superior Court (Apr. 29, 2009) (on file with author).

<sup>13</sup> *Id.*

<sup>14</sup> Telephone Interview with Jessica Funkhouser, Special Court Counsel for the Maricopa County Superior Court (May 19, 2009).

<sup>15</sup> Judge Mundell, *Message From the Presiding Judge* at 2.