



Cook County, Illinois Criminal Courtroom Utilization Study

Final Report

June 12, 2019

National Center for State Courts

Chang-Ming Yeh, Principal Court Facility Planner

Gordon Griller, Principal Court Management Consultant

John Doerner, Principal Court Management Consultant

Allison McKenzie, Architect / Senior Consultant

David Sayles, Project Analyst

Daniel J. Hall, Vice President

Court Consulting Services

707 Seventeenth Street, Suite 2900

Denver, Colorado 80202

Executive Summary

This report reviews the results of a 12-month study by the National Center for State Courts (NCSC), a nonprofit court and justice consultancy, to identify strategies regarding the best use and deployment of County-provided space and facilities for adult criminal court operations and activities. Those functions are conducted by the Circuit Court of Cook County, a part of the Illinois Judicial Branch.

Criminal cases were chosen as the initial analytical focus since they generate substantial justice system costs as well as widespread opportunities for improved building and operational efficiencies. Civil court facilities utilization and future planning will be reviewed next according to County officials.

Three overarching goals developed by the NCSC are recommended as guiding principles for the County and Court in the planning of future criminal court operations, locations and space plans. They are based on a comprehensive examination of population trends, caseload patterns, current facility capacities and best practices in metropolitan state trial courts as determined by the NCSC. Additionally, the goals provide safe, economical, and helpful access for the public to justice services.

Determining the potential and state of the existing court buildings was a substantial portion of the study. The NCSC team evaluated 11 courthouses based on their ability to accommodate and adapt to the changing needs of the Court. The courthouse's functional adjacencies, security arrangements, geographic locations, and capacity for criminal court functions were all assessed.

It was determined that, while each of the five suburban courthouses and the Leighton Courthouse have unique upgradable needs, they also have unrealized capacity and potential which may be able to meet future criminal court requirements and service realignments.

Future Planning Objectives and Goals

Goal One: Centralize Bond Court countywide at the Leighton Criminal Courthouse (Phase I) as soon as possible; centralize all Chicago preliminary

hearing and misdemeanor proceedings held at the Branch Courts at a new Leighton Courthouse Annex recommended to be built in the near future (Phase II).

Initial appearances (a/k/a Bond Court) for persons arrested are high-volume, "batch" processed activities involving limited options and relatively routine, repetitive judicial decision-making. These front-end criminal proceedings currently take place at 9 separate locations during the normal workweek: 5 suburban courthouses, 3 branch court facilities and the Leighton Courthouse in Chicago. All Bond Court proceedings throughout the entire County should be held at the Leighton Courthouse (Centralization Phase I). The rationale for this recommendation rests on a variety of reasons:

- Economies of scale dictate that the business and judicial functions of Bond Court can be more efficient if output volume is consolidated and handled more uniformly for the full Circuit;
- Currently, 28% of the time (all weekends and holidays) Bond Court is conducted centrally for the entire County at the Leighton Courthouse;
- The Chief Circuit Court Judge agrees with centralizing all Bond Court functions and is proceeding to do so;
- In-custody transportation costs will be reduced;
- In-custody holding capacity needs at suburban courthouses will be reduced; and
- Branch Courts in Chicago need not be renovated.

Within the next few years, it is suggested that the County and Court consider the construction of a Leighton Courthouse Annex Building to adjudicate all Chicago prelims and criminal misdemeanor matters now conducted in the Branch Courts (Centralization Phase II). The rationale in doing so includes the following:

- Added prelim and misdemeanor case volume cannot easily be handled in the current Leighton facility.
- Public lawyers (prosecutors; public defenders), probation, the jail/detention center and various other criminal court-related functions are highly concentrated at the 26th and California Criminal Courts Complex;

- The need to upgrade existing Branch Courts can be deferred and/or eliminated;
- In-custody transportation costs will be reduced; and
- Branch Court rental costs for facilities owned by the City will be eliminated.

Goal Two: Regionalize the adjudication of felony cases in three courthouse locations rather than six as is the current situation.

Currently, felony cases are handled at all five suburban courthouses and at the Leighton Criminal Courthouse in Chicago. The NCSC project team suggests these cases be adjudicated at a north County regional courthouse (e.g. Skokie) and a south County regional courthouse (e.g. Markham) in addition to the Leighton Courthouse. The rationale for this recommendation is based on the relative lack of demand by the public for widespread physical access to felony proceedings, security risks in moving large numbers of defendants charged with serious felony crimes to multiple courthouses throughout a metropolitan area, and the comparative experiences of other large metro courts:

- In large cities where jails, prosecutors and defense attorneys are located at or near the major city's central business district, demand is minimal for the transportation and adjudication of felons to suburban communities primarily for the convenience of law enforcement, victims and witnesses; even if the alleged crimes committed occurred in those outlying areas;
- The capacity of existing County Court facilities will be optimized;
- In-custody transportation costs will be reduced; and
- Economies of scale will occur (i.e. reductions in space, costs, personnel and time) for the Court and Court-related agency processes.

Goal Three: Economize and digitize criminal court business and adjudication processes.

Trial courts are knowledge-based, process-oriented organizations. Major directions re-shaping and re-engineering criminal courts throughout America largely center on two things, (a) implementing evidence-based caseflow management business techniques to process cases in a timelier fashion and

(b) digitizing data, voice and video to enhance and streamline adjudication processes.

Since the late 1970s, meaningful and timely methods to improve case management by saving or "economizing" time and effort through the employment of recognized caseflow procedures that eliminate needless delay began to emerge and have since been refined and widely embraced by high-performing courts over the last 40 years. Digitizing a court's adjudicatory practices (e.g. electronic criminal complaints, motions and briefs, video evidence, etc.) through workflow analytics has also been increasingly adopted to save time and improve the pace of litigation. As an offshoot, both these courses of action have the capacity to improve court space and facility use regardless of where a court is located.

The rationale in encouraging the Court to integrate proven caseflow methods and digitalize business and adjudication processes faster and on a more extensive basis is based on two reasons:

First, needless, protracted delay in adjudicating cases has been concluded to diminish the capability of the judicial process to effectively determine the truth. The Sixth Amendment to the U.S. Constitution guarantees all persons accused of criminal wrongdoing the right to a speedy trial. Although this right is derived from the federal Constitution, it has been made applicable to state criminal proceedings through the U.S. Supreme Court's interpretation of the due process and equal protection clauses of the Fourteenth Amendment. The sound administration of justice vests the court with upholding, protecting, and developing the methods and procedures in the adjudication process to assure fair and just outcomes. In doing so, the court is

guided by and accountable for all related due process and Constitutional requirements in moving a case from filing to disposition with reasonable speed.¹

Reasonable speed is not about “more and more,” or “faster and faster,” it’s about justice. Responsible, sound case processing affects the very purpose of a trial court to promote a fair, impartial result. With time, memories fade, and justice is harder to secure. Those unjustly deprived of liberty, property, position or reputations are unduly harmed. As the public watches cases languish due to inefficiency and disorganization, public trust and confidence in the justice system is eroded. There is little doubt that justice is more difficult to achieve with the passage of time.

Secondly, the movement of modern society toward new and more pervasive digitized communication methods is undeniable. How judicial branch leaders will expand public access, choice, convenience and transparency for an increasingly tech-savvy customer base will be challenging.

Internet use by the American public is a key indicator of how omnipresent technology affects our lives today. According to the Pew Research Center, over the last two decades (2000 to 2019), internet use by American adults grew from 48% to 90 percent.² An ever-increasing number of Americans are now online. Overtime, the offline population has been shrinking, and for some groups that change has been dramatic. For example, 86% of adults ages 65 and older did not go online in 2000; today that figure has been reduced to 27 percent. Among those without a high school diploma, the share not using the internet dropped from 81% to 29% in the same period.

Millennials (born from 1980 - 2000) have never been without technology and the internet; many are assistant State Attorney’ss and public defenders

today. They are hyper-connected to multiple electronic devices. The oldest millennials are nearing 40 this year. If *ur/25* (read: “you are over 25”), working remotely, using instant messaging, tweeting and text messaging, and never without your smartphone, you are definitely in this group.

The advantages of employing validated caseflow management techniques and expanding digital applications in the Court are many:

Caseflow

- Reduction in case continuances and postponements;
- Quicker and more case resolutions prior to trial;
- Proportional allocation of judicial time based on case complexity;
- Further reductions in jail overcrowding;
- Reduced juror usage and costs due to more pretrial settlements;
- Reduction in needless delays in case processing; and
- Incorporation of time standards and performance measures

Digitization

- Better prepared lawyers;
- Always “on” and can work from anywhere;
- No physical limits to information storage;
- 24/7 availability of information via secure internet connections;
- Integrated online information sharing (e.g. e-discovery exchange)
- Greater savings in records storage space;
- Easy 24/7 retrieval; and
- Many can access a digital file at the same time

¹ *Principles for Judicial Administration*, National Center for State Courts (July 2012). Ostrom, Brian; Hanson, Roger, *Achieving High Performance: A Framework for Courts*, National Center for State Courts (April 2010). Ostrom, B., and Hanson, R., *Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts*, National Center for State Courts (1999). Steelman, David; Goerdt, John; McMillian, James, *Caseflow Management: The Heart of Court Management in the New Millennium*, National Center for State Courts (2004).

² Monica Anderson, Andrew Perrin, J. Jiang and Madhumitha Kumar, Pew Research Center, April 2019. “10% of Americans don’t use the internet. Who are they?”

Introduction

STV Architects, who is contracted with Cook County, requested consulting services from the National Center for State Courts (NCSC) to aid in strategizing future planning and use of Cook County's criminal court facilities. Objectives of the study are to determine the optimal use of the County's criminal courtrooms based on evolving trends, observed nationally and locally, regarding the latest judicial administration, and public demands on court services, as well as the resulting implication on feasible realignments on future criminal facilities in the Circuit Court.

Scope of Work

The criminal court facility utilization study encompasses three major planning considerations:

- National trends of court evolvments;
- Cook County-specific court operation and space utilization practices; and
- Cook County-specific criminal court operation and facility recommendations.

The NCSC project team studied criminal court operations at eleven court facilities to discover their current space utilization as well as their capacities meeting future court requirements. The NCSC was provided drawings and area calculations of those buildings to use as a basis for the analysis.

The following tasks were conducted:

1. Analysis of current components and offices of the court and court-related offices or departments that are housed in the Cook County facilities to identify current facility utilization, deficiencies and needs.
2. Analysis of national court evolution trends applicable to the future planning of Cook County Circuit Court.
3. Analysis on court case filing trends and court space/calendar assignment practices to establish planning criteria for future courtroom needs estimate.

4. Development of planning strategies to optimize use of criminal court facilities to meet future court operation realignment goals.

Methodology

The NCSC project team gathered court workload data and planning information by distributing a questionnaire to all court and court-related offices, conducting onsite interviews, and touring existing facilities. The survey questionnaire gathered information about court and court-related office organization and functions, staffing levels, workload, and users' input on court facility issues and concerns. In conjunction with the operation/staffing survey, the NCSC consultants visited Cook County and met with the facility staff, presiding judges, sheriff, criminal court administrator, clerk of courts, public defender, and other court-related offices that are included in the existing facilities. The NCSC project team then analyzed the data and information collected to identify the current operational practices of the court and relevant issues impacting space use.

Subsequent to the survey analysis, the NCSC project team analyzed historical Cook County court caseload data along with historical population data to simulate future evolvments of court case filing trends. The project consultants established future planning parameters in terms of a levels-of-space-utilization-ratio relative to past experiences and quantified possible needs of courtrooms to process projected future criminal case volumes.

Given the consideration of future criminal court workload evolvments in Cook County, the needs for enhancement of public access to justice, and the objectives to optimize courtroom utilization, the NCSC project team developed facility planning recommendations to streamline future court service delivery mechanisms with phased implementation strategies.

Section 1: Criminal Court System Profile

Jurisdiction of the Circuit Court

In Illinois, the circuit court is the court of original jurisdiction. There are twenty-four circuits in the state. Six are single county circuits (Cook, DuPage, Kane, Lake, McHenry and Will) and the remaining eighteen circuits comprise as few as two and as many as twelve counties each. The Circuit Court of Cook County was created by a 1964 amendment to the Illinois Constitution which reorganized the courts in Illinois. The amendment effectively merged the overlapping jurisdictions of Cook County's previous 161 courts into one uniform and cohesive court of general jurisdiction. For administrative and management purposes, the Circuit Court has divided Cook County into six geographic subdistricts. This allows the court to serve the county's large population with more organization. The Circuit Court's six districts and the areas which they serve are:

1st Municipal District – Chicago (City of Chicago) The First Municipal District serves the City of Chicago, which includes the Leighton Courthouse as well as the following five Branch Court locations included in this study:

- Branch 35 & 38 - 737 East 111th Street
- Branch 34 & 48 - 155 West 51st Street
- Branch 29 & 42 - 2452 West Belmont
- Branch 43 & 44 - 3150 West Flournoy
- Branch 23 & 50 - 5555 West Grand
-

2nd Municipal District – Skokie (Northern suburbs)

3rd Municipal District – Rolling Meadows (Northwestern suburbs)

4th Municipal District – Maywood (Western suburbs)

5th Municipal District – Bridgeview (Southwestern suburbs)

6th Municipal District – Markham (Southern suburbs)

There are two types of judges in the circuit court: circuit judges and associate judges. Circuit judges are elected for a six-year term and may be retained by voters for additional six-year terms and can hear any circuit court case. Associate judges are appointed by circuit judges and can hear any case, including criminal cases punishable by a prison term of one year or more (felonies) if the associate judge receives special authorization by the Supreme Court. The following types of cases are heard in the municipal district court-houses³:

- Felony criminal cases
- Misdemeanor criminal proceedings
- Domestic violence
- Domestic relations cases
- Juvenile justice cases
- Paternity and child support
- Law division tort cases seeking damages in excess of \$100,000
- Three specialty courts: drug court, veterans court and mental health court which hear felony cases.

For the purposes of this study, only the County Criminal Division and the Municipal Criminal Divisions of the Circuit Court were studied. The Criminal Division hears cases in which the state alleges the commission of a serious crime (i.e. armed robbery, assault, burglary, criminal sexual assault, and murder). The Criminal Division also has problem-solving/specialty courts that provide mental health treatment, support for veterans, drug treatment, and support for women charged with prostitution. The Criminal Municipal Divisions will hear cases involving: orders of protection, stalking/civil no contact orders, misdemeanor criminal proceedings, specialty courts for drug treatment, specialty courts for mental health treatment, specialty courts for veterans, felony preliminary hearings, ordinance violations and traffic enforcement citations.

³ Branch Courts in the First Municipal District only hear felony preliminary hearings, misdemeanor preliminary hearings and misdemeanor bench trials.

Current Facility Utilization

County court buildings are dispersed throughout Cook County in the geographic regions that makes up their corresponding districts.⁴ The First Municipal District is further divided into branch court locations within the City of Chicago. The Second through Sixth Municipal Districts are found in suburban areas, outside the City of Chicago.

General observations were made about various departments located at the respective courthouses. The NCSC project team focused on the use of criminal courtrooms and the associated ancillary functional areas. During the course of the study, two branch courts among the eleven court facilities studied were taken out of commission and the court operations were transferred to other facilities.

The three remaining branch court locations currently being utilized are:

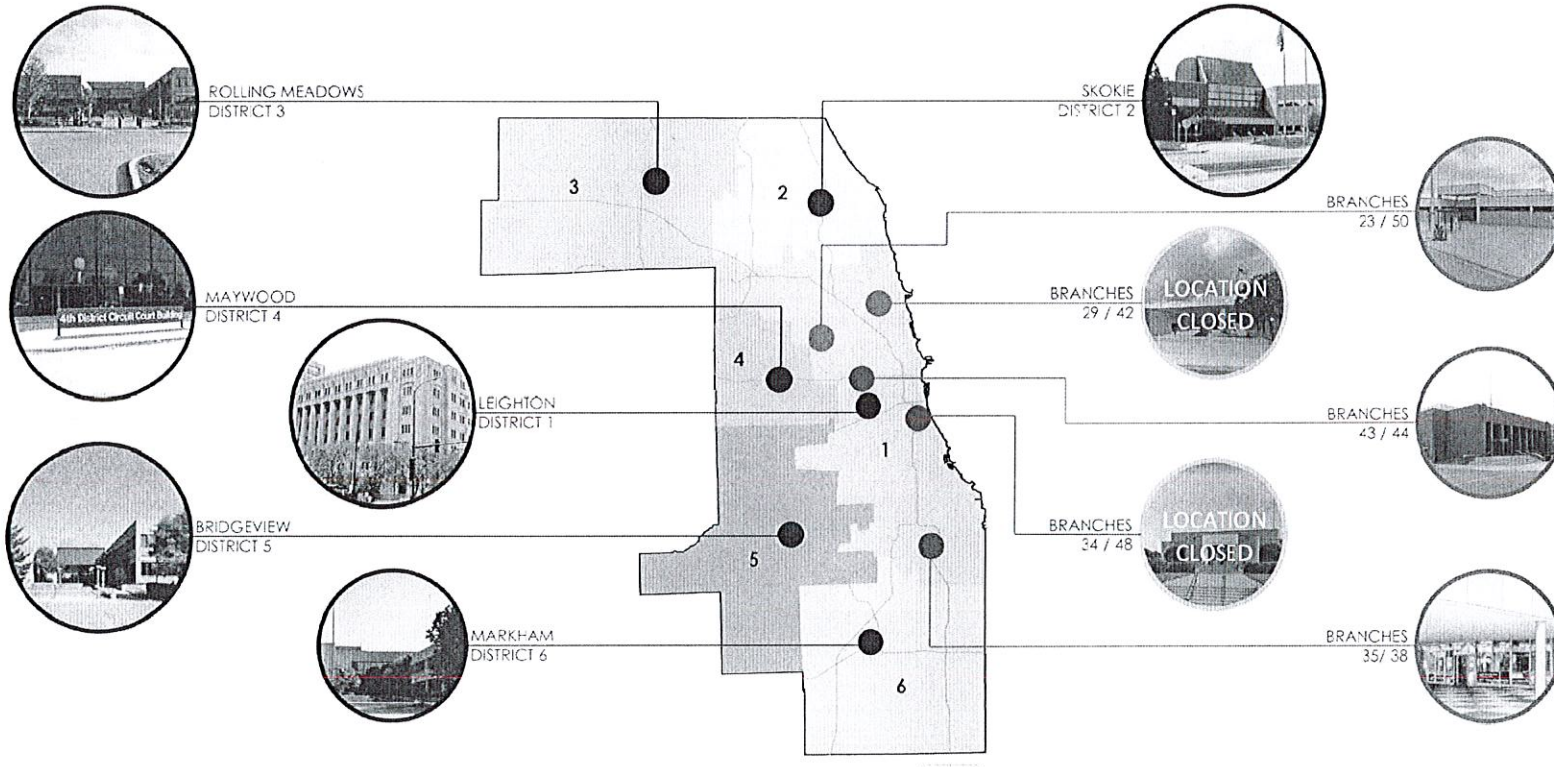
- Branch 23-29 (West Grand Avenue)
- Branch 35-38 (111th Street)
- Branch 43 & 44 (West Flournoy Street)

Even though two branch court locations have closed, this report contains information for all five branch court locations, per the contracted scope of our project work.

There are 135 courtrooms at the 11 court locations. 91 of those are currently utilized for criminal court proceedings. The county owns the Leighton Courthouse, the five suburban courthouses, and one branch court building. The majority of branch court buildings are leased (rent-free) from and maintained by the City of Chicago.

⁴ Refer to Figure 1, Map of Court Facilities Included in Study

Figure 1: Map of Court Facilities Included in this Study



Overview of Existing Facilities

The courthouse buildings studied are from different architectural time periods, constructed between 1927 and 1989. There are signs of wear and tear on the buildings resulting from years of intensive use; however, they are adequately functional and in relatively good condition.

The oldest of the 11 facilities observed is the Leighton Courthouse, originally constructed in 1927; and previously referred to as “26th and Cal”. Its floor plan is a traditional layout where each Judge accesses their assigned courtroom directly from their chambers. Like many aging court facilities throughout the country, this building does not meet the current requirements of a modern facility. However, primary functional space adjacencies do exist such as separate circulation. Basic prisoner holding, and circulation is provided, but needs upgrades throughout. This building’s proximity to the county jail makes it the obvious choice to locate in-custody proceedings so vehicular transportation costs can be reduced or eliminated.

Markham, Rolling Meadows, and Bridgeview Courthouses are often referred to as the “three sisters”. These buildings share almost identical floor plans. They were built between 1977 and 1989. These three facilities have the most modern, functional floor plans including secure separation of circulation paths with a few exceptions. The judicial chambers are not physically attached to a courtroom; therefore, many courtrooms are assigned to a case type and allow multiple judges to share courtrooms.

It was reported that the Skokie Courthouse building was originally designed as a shopping mall and was renovated into a court building in 1980. Regardless of its intended original function, it works well as a court facility.

The Maywood Courthouse was constructed in 1975. It has the most in-custody circulation issues and lacks many of the appropriate modern security standards. This facility and its operations would benefit most from reducing the number of in-custodies circulating throughout the building.

While the District 1 Branch Court facilities are conveniently located to many users in the City of Chicago, they are in the greatest need of repair and upgrades. In particular, the sally ports have serious security deficiencies and various enhancements are needed in the holding areas.

The following table (Figure 3) summarizes the occupancy and areas of each facility. The subsequent pages provide a more detailed overview of the facility conditions, deficiencies, and benefits.

Figure 2: Summary Table of Facility Occupancies

DISTRICT	1						2	3	4	5	6	TOTAL
LOCATION	LEIGHTON	BRANCH 23-50	BRANCH 29-42 CLOSED	BRANCH 34-48 CLOSED	BRANCH 35-38	BRANCH 43-44	SKOKIE	ROLLING MEADOWS	MAYWOOD	BRIDGEVIEW	MARKHAM	TOTAL
FACILITY AREA (SQURE FEET)												
BUILDING GROSS	324,438	19,232	16,424	16,152	20,391	18,418	345,743	335,205	184,841	335,205	317,652	1,933,701
COURT-RELATED DEPT.	173,009	14,007	14,300	10,018	11,492	10,946	168,843	148,814	95,823	151,406	143,323	941,981

COURTROOMS & ANCILLARY SPACES (TOTAL NUMBER)												
TOTAL COURTROOMS	34	2	2	2	2	2	16	21	13	21	20	135
• CRIMINAL FELONY CTRMS	33	0	0	0	0	0	6	2	3	5	5	54
• CRIMINAL MISDMNR. CTRMS	0	1	1	1	1	1	2	5	4	5	4	21
• BOND/PRELIMINARY HEARING/CTRMS	1	1	1	1	1	1	1	1	2	1	1	12
• OTHER COURTROOMS	0	0	0	0	0	0	7	13	4	10	10	48
JUDICIAL CHAMBERS	34	2	2	2	2	2	21	23	20	26	25	159
JURY DELIBERATION	33	0	0	0	0	0	4	6	6	7	9	65
CTRMS WITH DIRECT IN-CUSTODY ACCESS	34	0	0	0	0	0	8	12	4	12	12	48

COURT-RELATED STAFF (FTE)												
TOTAL JUDGES	38	2	2	2	2	2	17	19	15	25	24	148
CLERK OF THE COURT	93	7	6	5	6	6	22	13	47	31	69	305
STATE ATTORNEY	507	5	4	4	5	4	39	27	30	39	50	714
SHERIFF COURT SERV.	160	15	10	14	13	10	44	46	69	62	86	529
JUDICIARY SUPPORT	13	0	0	0	0	0	5	6	3	11	7	45
JURY ADMINISTRATION	5	0	0	0	0	0	1	1	2	2	2	13
COURT REPORTING	4	2	2	2	2	2	17	19	15	20	22	107
INTERPRETING SERVICES	15	2	1	1	1	1	4	5	6	4	2	42
ADULT PROBATION	205	4	3	2	8	2	27	30	32	40	51	404
SOCIAL SERVICES	40	8	10	10	10	9	11	18	17	22	19	174
TOTAL STAFF	1,080	45	38	40	47	36	187	184	236	256	332	2,481

Note: Building square footages were provided by Cook County Capital Planning and the "Cook County R.E.A.S.R.P. Space Utilization Study"