
Sustainable 2040: **Green Guide to Justice**



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Introduction

2020 Update

The Sustainable 2040: Green Guide to Justice is a resource for AIA/AAJ members that sets forth a vision for how the justice buildings that we design can support the sustainability of communities, institutions, and the persons in contact with the justice system. It presents a holistic view of the linkage between these buildings and their context, both physical/environmental and systemic/operational. The proposition that beneficial outcomes are the true measure of a sustainable system is supported by emergent hybrid building types that blur the boundaries between police, courts, detention, and health care facilities to implement effective ways to address needs and to deliver positive outcomes.

The advocacy of an enlightened and humane justice system has deep roots within the AIA and the AAJ community that stretch back to the 1970s, with many current members pioneers in the creation of “direct supervision” and the notion that jails in particular should be smaller, smarter, and kinder. The effectiveness of their advocacy was diminished during the “tough on crime” era of the 1980s and ’90s but has proven prescient and is now widely accepted as mainstream. The slow but steady reduction in the numbers of people being held in jails and prisons is validation that these practices are effective. The original Sustainable 2030: Green Guide to Justice was published in 2010; it cast forward to 2030 as a horizon when transformative changes with benefits to the community would be realized and their physical form could be described. A decade later, the nation’s general views are starting to align with the 2010 vision and to be realized in recent projects, though much remains to be done. Our commitment to justice reform continues to build on our progressive work over the past 50 years. The opportunities for change are greatly increased as society becomes more aware of the reality of justice issues in the United States and starts to echo and strengthen the cry for reform. Although our push for changing the status quo has not always been well-received, and many times has fallen on deaf ears, we continually seek out and speak out on the needed partnership with our communities, clients, taxpayers, legislative and policy creators,

and activists—our vision for humane design, care, and treatment of those justice-involved will not gain traction without you, the reader. No longer can the response be “Not in my neighborhood” (NIMBY) or “Not my problem” when there are justice-involved people in EVERY community. These people are not “they” or “them” or “those” but must be recognized as valuable and vulnerable community members—someone’s grandparent, parent, child, sibling, friend, neighbor, coworker, and acquaintance. In 2040, our view of justice-involved individuals is focused on dignity, humanity, and the inherent belief that every life is valuable. Recent dramatic reductions in crime, arrests, and incarcerated populations and the widespread adoption of alternatives to incarceration (ATI) are hopeful signs of a new era for the justice system, one where the mission is directed toward healing rather than punishment, toward the needs of the individual rather than the logistics of managing mass numbers of bodies.

The transformation in thinking about the role of the justice system in upholding essential principles of fairness and equality before the law has been driven by the spotlight on enduring injustice cast by Michelle Alexander’s pivotal work *The New Jim Crow*. In her work, she introduced the term “mass incarceration” to describe the “tough on crime” and “war on drugs” policies implemented during the 1980s and 1990s. The damage produced by these policies falls disproportionately on Black and brown individuals, families, and communities, continuing the overt oppression of the Jim Crow era in a covert, though no less harmful, manner. Harsh policing targeting communities of color; cash-based bail policies; mandatory lengthy sentencing rules, including “three strikes” laws; parole and probation technical remands; and correctional facilities warehousing people without fostering successful return to society resulted in the largest population of people in confinement ever seen and helped the United States earn the moniker “Incarceration Nation.”

A sustainable and just transformation of the built environment means undoing design practices that support mass incarceration as well as deconstructing the carceral landscapes we live in day-to-day that

many of us have lost awareness of. The USA was created by stripping Indigenous people of their ancestral territories, destroying the built communities, infrastructure, and natural resource management they had cultivated since humans first set foot on what we now call the Americas. The land that Indigenous people, as well as displaced Latinx and Black people, were eventually given to develop their communities was typically contaminated, bereft of resources, and built with toxic materials. They were provided with inadequate and biased health care and education that punished them for self-expression. Asian-Americans were similarly subject to seizure of land and internment, economic exploitation, and erasure. These are some examples of environmental racism and injustice supported by the built environment. Others include redlining, gentrification, design practice and pedagogy biased toward an Anglo-European standard, and biased policing and governance.

The gradual pivot of justice system professionals and elected officials toward policies that nurture the human needs and potential of those in contact with the system has been accelerated by the protests and intense public criticism of the all too frequent deaths of Black and brown people at the hands of police. The perceived lack of accountability for the fatal actions of these officers has led to a widely supported Black Lives Matter movement to increase police accountability in their treatment of people

of color suspected of criminal offenses. This paper attempts to translate the national groundswell of angry demands for a “reimagining” of the justice system into approaches that will help heal the harm done to people, families, and communities that have experienced the trauma of racism and denial of opportunity.

The release of incarcerated persons at high risk of contracting the virus during the COVID-19 pandemic suggests that these individuals might not have needed to be confined in the first place and could be better housed in less restrictive, expensive, and harmful ways. The fear of COVID-19 contagion among staff and incarcerated persons magnifies the negative impacts of obsolete jail facilities on the mental and physical health of those who live and work there and point to the need for more healthful, humane environments for the justice system to operate effectively.

These realizations prompted the updating of the Green Guide to reflect this new perspective while building on its premise that the justice system plays a unique and essential role in addressing the most difficult challenges to the social order. This role can and should be restorative, healing, and effective.



Ontario Court of Justice Toronto by Norr Limited, 2020, Recipient Of The AIA Justice Facilities Review Photo Credit: RPBW

Overview

Sustainable 2040: Green Guide to Justice proposes a holistic vision of the justice system that contributes to the continuing vitality of our society. It is intended to complement other AIA sustainability initiatives with 2040 as the planning horizon, and we aim to articulate a vision for how green justice buildings support a green justice system as a foundation of a just and sustainable society. As architects and planners, our professional efforts are framed by the values of our clients; this paper proposes public policies that shape a kinder, fairer, and smaller justice system.

With widespread public acceptance of shared responsibility for the environmental health of our planet comes a growing awareness of the linkage between ecological design, social equity, and economic development—the “three e’s.” This triple bottom line is the full measure of the effectiveness of the justice systems that serve our communities. The purpose of this paper is to connect the design principles of sustainable buildings to sustainable system design: green buildings that support a humane system dedicated to the well-being of those it serves.

The sustainable high-performance buildings that house the justice system—courthouses, detention centers, prisons, police stations, and other hybrid justice centers—manifest this connection in missions and operations that include human-centered, proactive, problem-solving approaches to crime and punishment. The AIA Committee on the Environment (COTE) Framework for Design Excellence, the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) program, and the WELL buildings programs are all inspirations for approaches to design of the buildings.

This paper connects this well-studied research and standards to the considerable output of social justice advocacy groups, such as the Vera Institute of Justice, The Fortune Society, the Osborne Association, and the Center for Court Innovation (CCI); blue ribbon panels, such as the Lippman Commission and New York City’s Justice Implementation Task Force; professional organizations, such as the International Corrections

and Prisons Association (ICPA) and the National Juvenile Justice and Delinquency Prevention Coalition (NJJDPC); and finally the National Institute of Corrections (NIC) at the Department of Justice. Many other think tanks and university research groups are making essential contributions to defining the context for the repurposing of the justice system, such as the Justice Lab at Columbia University and the criminal justice programs at John Jay College of Criminal Justice and Rutgers University. A key innovation in these and many other programs is the inclusion of formerly incarcerated persons in the conversation, which both deepens the understanding of the needs of those being served and enhances the credibility of the message. This is a long-neglected aspect of justice planning and design practice, and in retrospect, an obvious omission.

There are also many other significant contributors to this new perspective on the opportunity for transformative change; progressive elected officials in state legislatures, mayors, governors, district attorneys, judges, court administrators, police chiefs, sheriffs, and commissioners have measured the moment and taken steps toward a more just system.

This guide is intended to complement visionary initiatives, such as the U.S. Conference of Mayors’ Climate Protection Agreement, Vision Zero 2050, and the Paris Climate Agreement, as well as the various technical manuals that detail security, universal design, technology, and functionality in justice facilities. It does not replace their detailed approach to design and construction, but seeks to provide a context that will increase the ability to provide robust safety and accessibility in a humane, dignified manner.

A LEED-certified building in a non-sustainable context is a non sequitur. The necessity of a sustainable context is foundational in a society that is just, full of opportunity, and devoted to the well-being of its citizens. This Sustainable 2040: Green Guide to Justice proposes a vision of a justice system with green high-performance buildings that are cherished as civic assets that enhance their neighborhoods and offer healthy, uplifting environmental experiences for all who use them while facilitating activities that restore harmony and help people and communities thrive.

Sustainable justice at three scales

1.

The scale of community

The purpose of the justice system is to protect public safety by responding to harmful behavior with evidence-based approaches that redirect individuals who have caused the harm into behavior that makes a positive contribution to their communities. This philosophy is restorative and transformative, emphasizing treatment over punishment, and focuses on improved outcomes rather than retribution.

2.

The scale of building

Structures supporting the justice system are sited, constructed, and operated to maximize resource utilization and to reduce net resource consumption and pollution to zero; thus, the justice system building creates a healthy, net-positive impact on the community and the environment.

3.

The scale of individual

The physical needs, health, dignity, and human potential of all who come in contact with the justice system are respected and given opportunity to flourish. This applies equally to staff, detainees, visitors, service providers, media, jurors, and support agencies.

People, planet, and prosperity

The justice system plays a crucial role in sustaining community life by providing services, from public safety to dispute resolution. The activities of this system require human resources, energy, water, and numerous other resources to operate. The configuration of its facilities within communities significantly affects the resource consumption of individual justice buildings and the system as a whole, including the delivery of remote services. Centralization and dispersion of facilities each have their place in a balanced system design.

While sustainability is often assumed to mean reduced environmental impact, sustainable thinking proposes a broader context that encompasses the “three p’s”: people, planet, and prosperity. One frequently cited definition of sustainability is “the ability to continue to do into the future what is currently being done today.” As it currently operates, our justice system falls short of a truly sustainable definition: it cannot long continue to be the same.

People

We invest in our justice system to make communities places where people can live in safety and with dignity. Trust must be nurtured between our communities and the justice system in order to support its ability to effectively address the needs of those who come into contact with

the system. A network of public and community-based justice partners is the most effective way to build on this trust in order to impact those for whom incarceration has proven to be a blunt instrument. The safety of those who work for the justice system, are in custody within the justice system, as well as those visiting justice-involved persons or staff members must be at the forefront of every decision. This must translate back to community safety as justice-involved persons move through the system and re-enter society as a welcomed and valuable community member.

Refocusing the justice system on its effectiveness in producing positive outcomes for the people it impacts is the challenge of the sustainable system.

While sustainability is often taken to mean reduced environmental impact, an emerging body of thought proposes a broader context encompassing “three p’s”: people, planet, and prosperity.

Planet

Efficient use of resources means doing more with less: a key principle of sustainability. As observers note, “the most sustainable building is the one that never gets built.” And smaller is better; a building of 50,000 square feet has half the carbon footprint as one of 100,000 square feet. Accordingly, sustainable justice systems strive to do more with their facilities, using buildings to their highest potential and leveraging technology.

Information technology is facilitating the move to virtual service delivery, allowing the amount of built space and resource consumption to shrink dramatically. Many contacts with the community, for example, empanelling a jury, can be accomplished virtually to reduce or even eliminate space, trips, and associated costs. Alternatives to detention and incarceration, such as bail adjustment, remote monitoring in sync with problem-solving courts, and restorative justice programs, increasingly allow facility planners to ask, “How small a system can we operate?” rather than “How many beds do we need?”

Prosperity

Sustainable justice systems have the potential to enhance a community’s wealth. First, by redirecting individuals toward more productive lifestyles, they can obtain the educational and vocational skills necessary to participate in the 21st century economy. Though not all justice-involved individuals desire change, all should be given the opportunity, skills, and resources to change. Second, by making communities safer with less risk from crime, businesses and services can flourish. Third, as the cost of operating the justice system declines over time and fewer staff is required, taxes can be reduced or redirected, increasing prosperity for all.

Achieving a sustainable justice system requires whole-systems thinking, meaning that individual elements of the system should be optimized in context with their interactions with the justice system as a whole. Whole-systems thinking provides the opportunity to solve many problems more effectively and at lower cost. For example, speedier case resolution, including trials and supervised community-based alternatives to incarceration, are quicker to deploy and more economical to operate than building new jail beds to hold people awaiting trial. Mobile, on-the-spot booking by police can reduce space needed for detention while also allowing officers to spend more time in the field, making operations more effective in the pursuit of safer, more prosperous communities.

Within the goal of greater sustainability for the justice system, each building project is an opportunity to transform the relationship of the justice system to the communities it serves as it becomes more efficient in the use of resources.

Decentralizing new models of justice services into communities provides further benefits, such as reduced travel times and reduction of resource consumption to net zero. The 20th century suburban office building located away from convenient mass transit may generate more automobile carbon emissions than the operation of the building itself. Rural correctional facilities can create even larger transportation-related carbon

footprints. Locating police stations, for example, near the communities reduces travel distance of squad cars or, better yet, enables foot and bicycle patrols, reducing the carbon footprint of the police department more than optimizing the station's design alone can achieve. In a time of increasing budget pressures on government agencies at all levels, these approaches allow justice systems to respond to calls for leaner operations while enhancing service.

Distributed locations, whether physical or virtual, can also provide the community with enhanced access to, respect for, and participation in the justice system. Court systems serving large geographic areas could consider satellite locations colocated with local government or businesses to allow individuals more convenient access to service. Sharing parts of facilities for community use—whether a designated “community room” in a police station or making a courthouse jury room or jail lobby available for public functions—gives the community a stake in the physical facility and provides an avenue for people to interact positively with the justice system. Sustainable justice facilities offer the community a broader and more user-friendly set of options for when, where, and how to access the justice system.

Youth

No aspect of the justice system supports the movement toward sustainable principles more than the juvenile justice area. Widely accepted practices emphasize outcomes-based programs that rely heavily upon community and family participation to enhance the supportive components of a continuum of services. Numerous community-based and nonprofit organizations support progressive, sustainable initiatives within the juvenile system, identifying the right placement for youth and incorporating evidence-based design and operational philosophies, multi-systemic therapies, and a more successful transition back to their community. The Sustainable 2040 criteria outlined for police, courts, and detention/corrections include successful, achievable goals for adults inspired by youth-based practices within our communities.

Community solutions

Some key strategies to foster sustainable community relations for justice system design are defined as:

Whole-system efficiency

Maximizing public safety using the least resources and optimizing community participation. The actors in the system must coordinate their activities in a purposeful way to minimize harm and to improve outcomes.

Dematerialization

Leveraging technology to utilize remote communication or monitoring programs for in-person transactions (e.g., virtual appearances for pretrial interview court hearings and motions).

Unbundling

Separating functions to allow for alternative uses or programs.

Decentralization

Providing services in multiple locations closer to users rather than in one location (e.g., community reentry facilities). Clear wayfinding and ensuring operational long-term funding/staffing are critical.

Colocation

Providing multiple services in one location (e.g., court facilities at detention centers). While conveniently colocated services is a best practice, this is not always possible if the local governing organization has already purchased or earmarked property. In these cases, successful master planning that allows community buy-in should occur, along with a heavy vetting process to ensure this property is best used for a justice function versus an alternative use.

Shared use

Providing community access to portions of facilities (e.g., community meeting rooms and spaces for volunteers and program providers in courthouses, police stations, and detention facilities). Creation of multiuse space that is accessible for community meetings in a justice facility should ensure the security of the physical plant. Safety and security come first.

An effective 2040 justice system operates with teamwork and coordination according to policies directed by a criminal justice commission with representatives from

the executive branch, law enforcement, courts, and detention/corrections. The inter-related activities of these branches of the justice system together can reduce crime, speed up trials, facilitate case resolution, and reduce incarceration rates. The social, economic, and physical costs of crime can be reduced, along with the operating costs of facilities, if policies are guided by a sustainable model.

Community engagement in 2040 is robust and essential to making decisions that enjoy support from a broad range of stakeholders. New buildings result from a process that allows people affected by the justice system to share their objections to injustice in the status quo and to express their views of how the system might be made more effective and humane. Many of these people have organized into advocacy groups to better amplify their points of view and have designated representatives who act on their behalf in participating on oversight boards.

When policy and operational reform programs are implemented in existing facilities, the misfit and inefficiencies of innovative programs operating in buildings designed with a different philosophy becomes clear. When the benefit of a new building to better serve sustainable goals is agreed upon, the leadership will implement a process of engagement with all aspects of the community: neighbors, business owners, community-based service providers, formerly incarcerated persons, as well as representatives of those who work in the present buildings. The engagement will be conducted in parallel with the initial needs assessment and proceed throughout the design and construction process, with regular check-ins, focus group workshops, town halls, and reports that provide transparency and accountability.

The openness and inclusivity of the process is matched by the designs of buildings that serve the 2040 sustainable justice system, welcoming community-facing civic assets that are environmentally friendly and with spaces that can be used by community groups for their activities. This sharing of spaces builds strong ties of trust between the institutions of the justice system and the communities they serve.

Sustainable strategies

Sustainable justice systems

- Organize around public service and positive outcomes.
- Leverage technology to support effective access to justice.
- Coordinate between agencies and branches of government.

Sustainable community

- Engage community support and resources for alternatives to incarceration (ATI) with accessible, community-facing secure facilities.
- “Right size” facilities to optimize space use and function.
- Co-locate justice functions and provide multiuse spaces available for public use.
- Locate close to civic facilities, multiuse developments, transit, and other walkable destinations.
- Engage in justice-involved initiative programs that focus on relationships, value, and contribution within the community.

Sustainable user

- Provide a successful, trauma-informed experience of the justice process to increase positive interaction and reduce negative outcomes.
- Reduce stress and trauma by providing normative environments with daylight and views to nature from all occupied spaces.
- Make buildings that are health-enhancing, user-friendly, welcoming, serene, and safe.
- Foster transparency and system accountability.

Sustainable building

- Construct efficient buildings powered by renewable energy sources.
- Conserve water with capture and reuse, fixture selections, and landscape design.
- Plan for “plug-in” green upgrades to meet net zero 2050 goal.
- Plan for future changes in use.
- Implement a virtuous circle of recycling, composting, and gardening.

Sustainable principles

Sustainable justice system

- Emphasize positive outcomes and do no harm.

Sustainable Community

- Engage community ownership by balancing resources with long-term needs.

Sustainable user

- Provide environments and processes that guide positive behavior, reduce stress, and promote productive engagement.

Sustainable building

- Aim for net zero resource consumption/waste production in design, construction, and operations.

Sustainable justice

The three practice areas where the justice system interacts with people include:

1.

Public safety

Public safety agencies are most in daily contact with the community and our fundamental need for safety. Their focus is on preventing crime as well as responding to emergencies. Public safety agencies fill the gap to protect those most vulnerable in the community.

2.

Courts

The branch of government responsible for managing the response to conflict resolution and providing the “due process” in regards to allegations and disputes.

3.

Custody

The agencies responsible for care and custody of the persons accused or convicted of crimes and of shaping their ability to successfully return to society.

It is a fundamental principle that the missions and operational activities of each of these institutions be coordinated in a complementary way to serve the objectives of a sustainable community.

Sustainability: Gender-responsive design

Gender is a complex consideration in design because it carries challenges essential to human dignity and the creation of safe communities, but it may be seen as a divisive social construct to be recalibrated or eliminated. To dismiss gender altogether would ignore specific pathways to incarceration, arrest and crime data, social bias, and gender-based health impacts. Gender fluidity is seen by many as representing a future in which all humans can express complementary parts of their identities without their identity being weaponized against them.

The 2040 vision for sustainable justice is an intersectional, integrated network that fundamentally treats all life as equal but adapts to meet individual needs across a continuum. Normative and trauma-informed design is a key framework for restorative justice. When people feel comfortable, trust is developed, which creates stronger connections and improved outcomes.

Establishing formulas for proportionality of facilities by gender inevitably results in misallocation of resources, inflexibility of space, and arbitrary segregation. Essential to recruitment and retention of a diverse professional staff is an atmosphere of security and respect in the workplace. Lactation rooms are necessary for staff and visitors. For instance, a police officer can return to work after giving birth with a clean, quiet room in which to pump milk for their child back home. This room could also serve as a nap or quiet room for staff. In courts, if a juror is called for duty, they must be able to pump as needed to avoid discomfort and maintain focus.

Model correctional facilities around the world have developed healing landscapes that offer occupational therapy, habitat restoration, food cultivation, and treatment for physical and spiritual well-being. Interaction with nature and outdoor recreation have significant gendered influences, which can be heightened or exploited in a controlled setting. This interaction also supports goal attainment, self-esteem, communication, bonding, and having a fulfilling occupation. These qualities better enable people to lead successful lives.

Trauma-informed programming and operations are foundational as many justice-involved people have experienced multiple significant traumas. For female and LGBTQ+ people and those with health concerns,

the likelihood of co-occurring abuses is higher. Sleeping rooms should be sized for one person or for two people to comfortably share space with a sense of security and should include individual toilets, lavatories, and showers as opposed to gang restrooms.

In police and correctional environments, the staff locker rooms are where the organizing and the grassroots culture of the team is established. Gender neutral locker rooms with individual changing/toilet/shower rooms and common locker areas eliminate bias and the underservicing of any gender. Many justice professionals have experienced trauma in their lives, so their work spaces should provide clear sight lines, appropriate lighting and acoustics, and reliable technology and be enlivened with daylight and views to nature.

Gender neutral public facilities reduce bias and increase convenience in gender-informed justice facilities that are scalable and adaptable by need.

The social, economic, physical, and personal costs of crime can be reduced, along with the operating costs of the facilities, if these policies are guided by a sustainable model.



Sustainability: Public Safety



Sweetwater County Justice Center by EDA, 2020 Justice Facilities Review; Photo credit: Lucy Call

Our vision of society in 2040 begins with freedom from fear of crime, as the reimagining of the role of police has both enhanced respect for the professionalism of police and increased public safety. This reimagining began with a focus on the core role of police in supporting the goal of a free and just society, meeting social needs for public safety, and upholding the rule of law. This is essential to protect individual liberty and to foster community well-being.

In 2040, the development of community resources that are complementary to police work has freed up police from areas where their skills are misapplied, such as in resolving domestic disputes and intervening with individuals with mental illness. This teamwork approach has strengthened community connections and transparency. According to the International Association of Chiefs of Police (IACP), challenges faced by police require sustained engagement and collaborative approaches with communities.¹

Trust, transparency, and holistic community engagement is necessary for partnerships where public safety officers and communities solve problems together and improve quality of life. The range of services delivered extend well

beyond the core activity of “law enforcement,” and the agencies that deliver them serve widely varying contexts—from our national borders to our backyards.

Police and law enforcement include officers at the local, state, federal, and tribal levels. Among the many who serve, there are two sub-groups, sworn and non-sworn, who work for local police, sheriff’s offices, state and highway patrol, Border Patrol, Customs and Border Protection (CBP), game and fish, FBI, DEA, and probation offices.² These officers are called to assist in every manner of personal, natural, domestic, community, or federal crisis—large or small, hazardous or trivial—but in 2040, they have community resources to call on to resolve noncriminal matters. Officers are the first point of contact or intervention for citizens seeking assistance in threatening situations, but officers reach out to community partners in a teamwork approach.

As a result, the mission of police in the community is not only to swiftly respond to crime, but also to prevent crime, and the fear it can create, enhancing a sense of serenity that drives economic vitality. The diversity in geography, population densities, and adjacencies to other service areas suggests differing operational needs and

appropriate support facilities. In an urban setting this might include a “network” of facilities serving a cluster of neighborhoods, with centralized support facilities. Rural facilities that serve large geographic areas with dispersed populations bring their own unique needs; these populations are potentially vulnerable if resources and supporting agencies are remote.

This diversity in the range and types of services required by the circumstances of multiple public safety agencies suggests that no single prototype facility will be appropriate for all conditions. Nonetheless, principles that support sustainable goals can be implemented and applied in all situations.

The most significant action toward crime prevention has been “community policing.” According to the U.S. Department of Justice (USDJ), community policing comprises three components: community partnerships, organization transformation, and problem solving.³ The IACP, under a cooperative agreement with the Office of Community Oriented Policing Services (COPS) at USDJ, developed the approach to promote stronger community-police relations in the early 21st century. This visionary proposal advocates building trust and improving performance by embracing community policing programs that give members of a community a voice and role in supporting public safety. Research has shown that “the public cares as much about how police interact with them as they care about the outcomes that legal actions produce.”⁴

This approach recognizes that a culture of transparency and accountability between public safety and the community is essential at all scales. At a neighborhood police department, the police work with the local community to identify situations requiring resolution or prosecution as well as proactively identifying potential threats.

Of particular concern is the response of the agencies when violence has occurred, where a person has been harmed or killed. In 2040, these incidents have been greatly reduced due to a concerted effort that builds trust through the partnerships between the police and the community, but when an incident occurs, the approach of the agency is open and transparent, with reliable communication about the facts. The disciplinary process that addresses violations of civil and human

rights by officers respects the presumption of innocence of the officer but allows the community and the victim’s relations to participate in assessing the facts and working to address the harm done to the people.

In 2040, due to improved economic conditions in developing countries, the pressures of economic migration have been greatly reduced. At the land ports of entry, CBP officers work with a broader community to identify and solve problems that enable efficient and respectful movement of goods and people over national borders. Department of Homeland Security professionals have noted that “infrastructure can be a source of stress for public servants working at the border.”⁵

This strategy of community partnership has transformed the manner in which police work is conducted and, correspondingly, the human and energy resources required and allocated. In 2040, a return to officers “walking the beat” by foot, bicycle, or two-wheeled personal transporter has placed police in more direct contact with citizens. Each of these alternative modes of movement supplements conventional vehicular patrol and is not only energy conserving, but also more effective in building trust-based cooperative relationships essential to outcome-oriented community policing.

Community policing seeks to encourage and maximize the willingness and likelihood that citizens within the community will share information with the police.

Other significant changes achieved by 2040 have transformed the role and effectiveness of law enforcement. Ever-evolving national security requirements continue to create challenging conditions for officers at the border in serving the needs of those traveling across borders. By leveraging robust technology, officers have improved the reliability of security assessments while speeding movement in a dignified experience.

In past years, the National Alliance on Mental Illness estimated that more than 2 million arrests in the U.S. involved people with serious mental illnesses. The National Conference of State Legislatures acknowledged

an important intersection between criminal justice and health policy to better serve a person with mental illness who becomes involved in the criminal justice system. People who were experiencing a mental health crisis were more likely to encounter police before getting medical help. The changes instituted as part of the “reimagining” changed this paradigm.

In the early 20th century, 41% of males and 68% of females in jails had a mental health problem⁶. Due to the “reimagining” and the efforts of the IACP, in association with other organizations, the One Mind Campaign transformed police response to people experiencing mental health issues to ensure more successful interactions.⁷ Many police agencies created crisis intervention teams that are trained to divert individuals to treatment whenever possible.

Bias-free policing is essential to upholding professional ethics and building community trust and confidence in the police. The IACP defines biased policing “as an act, intentional or unintentional, that is the basis of police action that inappropriately distinguishes people by race, ethnicity, gender, sexual orientation, religious beliefs, age, or socio-economic status.”⁸ Appropriate space for training programs and communication with the public supports the fundamental principle that police services must be delivered free of bias. The siting of a public safety facility within a community, and how the facility’s design respectfully receives the public, further builds trust.

The applications of new technologies to support proactive police operations at the community level have taken many forms, and the evolution of further developments in 2040 has balanced the right to privacy with effectiveness. Cameras with video recording backup are strategically located in consultation with communities—both as a deterrent to crime and as an aid to detecting and prosecuting such activity. Mobile devices with photo and video recording capability enable people to observe and report situations requiring law enforcement response and hold police accountable for an appropriate response. An important tool for accountability in these transactions are the ubiquitous body and in-vehicle cameras.

Tablets and mobile devices in the patrol vehicles allow more real-time reporting in the field. Similarly, fingerprinting of suspects and criminal history searches can be accomplished in the field. These technologies reduce the need for space in the facility,

resulting in significant energy and pollution reduction, and enhance public safety while strengthening community-police relations.

Additional technologies are increasing safety for officers and allowing them to spend more time in communities. This includes thermal imaging, vehicle pursuit darts, robotic cameras, integrated camera-database technology, aerial drones, gunshot detection systems, and handheld laser devices. While many of these may be used in the field or off-site, they may require additional, or a reduced, need for physical space in a facility.

Social media is important to engage and educate community members. Community outreach and accountability can enhance transparency and therefore trust. Management of this increasingly used information and communication outreach tool has shifted staffing resources and facility space use.



With patrol assignments in communities, police are immediately available to those in need of services and more accessible to receive information from citizens. For example, police personnel are deployed in schools, shopping centers, transportation centers, etc. Police have increased presence and training in social services coordination, including homelessness intervention and urban quality-of-life support for downtown businesses.

This kind of staff deployment also has reduced energy consumption and carbon emissions by decentralizing roll call, lockers, and other support needs to these locations and reducing transportation. Incentives for police officers to live in the communities they serve in 2040 have produced additional benefits in the form of trust and communication.

The public no longer has to travel to a police precinct to make or obtain a report or to request information. The internet supports electronic document transfer, website information posting, and audio-video communications. Therefore, the physical movement needed for these transactions is greatly reduced, which significantly reduces carbon emissions and parking space needs, while providing accountability and transparency to the public.

Scale of the building

To deliver these potential benefits at the community scale, the challenge at the building scale is to incorporate design thinking into strategies that support operational objectives while attaining high-performance 2040 sustainability goals in buildings that are net zero energy/waste. Sustainable design strategies for police facilities are similar to other public buildings but also include unique challenges and opportunities. Unlike most other building types, a majority of police facilities are “mission critical,” in operation 24 hours a day, seven days a week, through natural disasters, pandemics, and other hazardous conditions. These facilities must be built for resiliency.

Portions of a police facility are used eight hours per day, other portions may be in use for 16 or 24 hours, and others may have only intermittent requirements for the lighting, temperature, and humidity features of occupancy. Energy savings can be realized by utilizing systems that bring these different areas “online” only when they are actually needed. Operational efficiency and energy savings will be realized through the grouping of functions that have high-volume traffic, locating them with direct access to the outside, and reducing the need and frequency of vertical transportation utilization.

Unlike most other facility types, law enforcement facilities are in operation 24 hours a day, seven days a week, through natural disasters, pandemics, and other hazardous conditions.

Consistent with the principles of community policing, in 2040, public safety facilities are integrated with community-based public facilities, social services,

behavioral health organizations, or other associated justice functions. This co-location optimizes energy consumption by sharing mechanical support systems and creating opportunities for synergies of shared parking, shared reception, and increased community accessibility. Locating the facility along accessible routes and mass transit nodes further maximizes access.

Program spaces serve multiple purposes through scheduling. For example, a conference room can be used by the community on a scheduled basis, reducing additional square footage needs elsewhere, without compromise to specialized spaces police need for interviews, holding, training/roll call, and secure storage. Facilities are designed so that the walls of the building can serve as a secure perimeter in a robust but unobtrusive manner. This reduces the need for additional walls or fencing while creating a more respectful, humane, and transparent image to the community.

As architects and engineers addressed the design and delivery of sustainable public safety facilities for the year 2040, every avenue was explored, even those that may seem unconventional. With changing demographics, unpredictable events, and the evolving and increasing services provided by law enforcement, consideration is given to pop-up, modular, or adaptable configurations, which not only provide flexibility and resiliency, but allow for rapid deployment in times of need.



Aspen Police Department by Charles Cunniffe Architects, 2019 recipient of the AIA justice facilities review; Photo Credit: Dallas & Harris Photography

Scale of the individual

Consistent with its mission to support the delivery of services to the public, the 2040 police station presents an open, safe, and welcoming experience to all users, supporting the “reimagined” message of community-facing transparency. The first pillar of the President’s Task Force on 21st Century Policing is to “Build and rebuild trust through procedural justice, transparency, accountability, and honest recognition of past and present obstacles.”⁹ The facility’s perceived image, clear wayfinding and orientation, unobtrusive and integrated security, and strategic transparency provide an image of dignity and accessibility.

Dedicated public and controlled access to shared program spaces for community meetings, interviews, and engagement with police is key to breaking down barriers and reinforcing a sense of procedural justice. A transparent and well-lit entry serves as a beacon of safety at night. With high levels of traffic in public areas and extended hours of utilization in staff areas, materials are durable and sustainable. Well-maintained facilities increase the feeling of respect for users and visitors.

Mitigating stress and trauma are essential for all users of a 2040 police facility—officers, staff, visitors, and those detained. Appropriate natural and artificial lighting, access to views of nature, clear wayfinding and orientation, thermal comfort, mitigation of noise, respectful screening, sightlines, choice of space, and areas for respite are all considerations in design. Correspondingly, integration of these considerations improves the operations of the facility. For example, reduction in stress for visitors aids in management of the facility and positively impacts the officers and staff. These design strategies also increase productivity, support staff and officer retention, and promote health and well-being.

First responders are exposed to the traumatic effects of dealing with horrific “critical events” of human activity, making officer health and wellness a primary concern. Keeping public safety officers healthy physically, mentally, emotionally, and spiritually is a top priority. Drivers for how police agencies support wellness include:

- reducing risk associated with the presence of high-stress factors
- recruiting and retaining officers
- reducing suicides

The high rate of first responder suicides in the early 21st century was a symptom of an unmet need that has been addressed in the 2040 justice system. According to statistics from the Ruderman Family Foundation, “first responders [are] ... more likely to die by suicide than in the line of duty. In 2017, there were at least ... 140 police officer suicides. In contrast ... 129 police officers died in the line of duty.”¹⁰ The demands of policing in the 21st century, including increased use of technology, such as body cameras and predictive analytical software, can quickly amplify stress levels. This reality has led to the design of police workspaces in 2040 buildings that are calming, well thought-out, and mindful of the environment’s impact on the people who work there.

This awareness led to a major shift in thinking about the work environments for uniformed and civilian staff in 2040 buildings. This sensitivity addressed a risk to the future of police recruitment: being able to attract and retain the best candidates. According to *The Workforce Crisis, and What Police Agencies Are Doing About It*¹¹, a report from the Police Executive Research Forum, thoughtful human-centered workplace environments reinforce the perceived legitimacy of the agency and aid in the recruitment and retention of quality staff. In 2040, local police and sheriff departments are creating



Photo Credit: Frank Greene, FAIA

specialized teams to address the evolving needs of our most vulnerable populations. This includes crisis intervention teams that are trained in mental health first aid and awareness. Police are training with the autism community to better understand how to interact with one another, and training for encounters with people with Alzheimer's has become standard. This ability to adapt to evolving and demanding response needs in the community has facility implications. Providing sufficient and flexible space for all types of training that is conducive for bringing in the community or experts is essential.

The challenge of sustainability for police services transcend building design and building systems technologies and must consider the community context and underlying goals for the delivery of public safety and protection of individual and community well-being. It is critically important that these issues be addressed in the design, reflecting the mission of the public safety professionals and the needs of the community being served. Through partnership and collaboration, many problems are solved in 2040, and community stability and vitality is nurtured.

Sustainability strategies— public safety

Sustainable justice system

- Create partnerships with the community served and implement relevant community policing approaches.
- Support continuum of care and resiliency from the first opportunity for alternative services or diversion to reentry back into the community.

Sustainable community

- Locate close to other justice functions (courthouse, detention facilities) to create system synergies and to reduce travel distances and management time.
- Locate facilities convenient to public transportation and downtown districts, services, and other public and civic uses. Consider the potential for additional parking requirements.
- Create community connections through school resource officers, community facilities, and youth centers.

- Share meeting facilities that are located outside of secure areas with other public safety organizations and community activities on a scheduled basis and in coordination with their use by the primary public safety agency.

Sustainable user

- Use technology where appropriate to minimize the need for physical transactions and increase convenience.
- Create stress-mitigating environments for officers, staff, and the public by providing views to nature and natural light in occupied spaces.

Sustainable building

- Zone the building to conserve energy when not in use.
- Design to net-zero criteria.

Sustainable environment

- Reuse existing facilities.
- Reduce energy consumption of patrol vehicles through use of bicycles, personal transporters, and electric vehicles where possible. Create more accessible officer-public relationships.

Sustainable operations

- Provide sustainable program and services funding.
- Provide appropriate and flexible space for evolving training needs.

Sustainability: Courts



Salt River Pima, Maricopa Indian Community Justice Center by Gould Evans, 2019 recipient of the AIA Justice Facilities Review; Photo credit: Winqvist Photography

The American courthouse is a symbol of our nation's democracy and a vessel for the values and aspirations of a community. Historically, it is located at the physical and civic center of a community. In *The Guiding Principles for Federal Architecture*, Daniel Patrick Moynihan, Hon. AIA, former U.S. senator from New York, writes that a courthouse "will reflect the dignity, enterprise, vigor, and stability of the American Government" with "qualities which reflect the regional architectural traditions of that part of the Nation." In 2040, the courthouse is a dynamic force in the resilience of the communities it serves.

Scale of the community

The American judicial system in 2040 widely uses two paths to respond to civil disputes and to criminal matters: traditional due process and innovative alternatives, such as alternate dispute resolution (ADR), online dispute resolution (ODR), restorative justice, and specialized problem-solving courts. Many jurisdictions implement all of these approaches within their systems, with the alternative approaches particularly relevant in the lower courts that have the greatest caseload. These courts play a crucial role in the sustainability of the justice system, directing each person to a less punitive, more therapeutic path where possible and appropriate.

An important 2040 innovation to the traditional paths of detention and diversion in criminal matters is that of deflection, creating the three d's: detain, divert, deflect. Deflection refers the person brought before the court to an alternative process that does not include criminal sanctions, recognizing that being charged with a crime creates a stigma that is lasting and harmful. The referral can be to a mental health facility, to a community-based program, or to a court-sponsored program, without sanction or penalty.

Courthouses that are planned and designed for the three d's require allocation of space for community partners to operate, often an issue where budget and square footage are claimed first by public agencies and where community partners are not in the room when the decisions are made and priorities established. Early stakeholder involvement (including but not limited to victim advocate groups, social service agencies, the media) when done in an inclusive way creates community support and awareness for funding of various court functions as well as holistic solutions. This approach, well defined in the problem-solving courts operating globally, allows judges to exercise wide discretion in applying sanctions, utilizing their experience and judgement in managing appropriate responses to the needs of the person before the court.

In 2040, as our society has implemented “green” practices that conserve resources and reduce pollution, an ongoing challenge is the restoration of ecosystems and regenerative approaches that heal the damage caused through neglect and malfeasance. An analogous approach can be applied to the justice system, with policies for offenders consciously designed to conserve resources, reduce harmful impacts, and restore and heal the person and their community. Partnerships with community-based service providers are low-cost, high-impact ways to leverage public resources to implement treatment-oriented programs.

Regionalizing or centralizing courts creates fewer facilities that are more staff and operationally efficient; however, users may have to travel longer distances, consuming greater resources. The complementary approach to regional courts is to locate smaller-scaled courts closer to the communities they serve, increasing access to justice and reinforcing community acceptance of outcomes as just and responsive. This approach, however, requires more buildings and networking of data systems. To resolve this dilemma, it is critical to assess and balance a community’s needs and priorities with a keen eye to the sustainable, whole-system implications of these decisions.

The evolving sustainable philosophies of justice have parallels to resource utilization. Many courts in 2040 have evolved from a process-oriented methodology to a more outcome-oriented and problem-solving philosophy. The concept of early, front-end case triage, with individualized placement of cases in appropriate pathways, encourages an approach that promotes investment in the human potential of each person coming before the court.

Sustainability in the 2040 court system begins with a clear definition of the court’s mission and its role in the community. Is the court simply a passive administrator of due process or an active participant in addressing the needs of a community, taking some responsibility for its vitality? Many courts in 2040 have chosen the more active role, with a “restorative justice” approach that engages the community and the other partners in the justice system in addressing root causes of deviant behavior and seeking to repair the harm done to those affected.

Careful social and physical integration of the courthouse into the community reaps sustainable cultural, economic, and programmatic benefits.

Using existing facilities

Adaptive reuse of an existing facility takes advantage of the civic location, transportation connections, and physical resources of the heritage building, particularly when the courthouse is of high civic quality. Existing courthouses are frequently located in iconic, central, urban locations, and retaining that location helps with the legibility of the urban experience and enhances court prestige by keeping it easily assessable and centralized within a community—typical of public governmental facilities.

Unbundling the courts

Unbundling and dispersing some services into the community reduces travel time and provides greater convenience for the public users. When activities such as mediation, self-help, and probation reporting rotate between distributed community locations, so that the spaces are fully utilized on a publicized schedule, the public has better access to the service at a location closer to their homes. A subset of unbundling is leveraging technology to make scheduling, appearing in court, and complying with court directives possible to accomplish virtually. This concern for convenience increases the likelihood of compliance with directives. Benefits include significant time and costs savings, including reduced or eliminated associated travel.

Location

Placing or reusing a court facility with direct adjacency to a holding facility has the added advantage of not requiring a central holding facility, particularly if an existing secure tunnel for detainee transfer is already in place.

Adjacency to public transit is vital to provide public access to a courthouse and is typically more available at an urban site.

The location of the courthouse is critical to the success of this approach. The community, all stakeholders, and physical resources should be close to the court and accessible by mass transit. Custody facilities should be near the court and connected by a tunnel or bridge (and video links) to reduce the energy consumption

and pollution created by transport vehicles. However, the entrance to a custody facility and court should be separate to ensure the visitor understands the court is a neutral institution. The urban role of the courthouse as an anchor to the civic district has an important role to play in the economic viability of the downtown, creating demand for office, retail, and restaurant space and supporting the sustainability of downtown districts often competing with suburban edge cities for investment and activity.

Many courts have evolved from a process-oriented approach to a more outcomes-oriented and problem-solving philosophy. This approach promotes investment in the human potential of each person coming before the court.

As an icon in the cityscape for small towns and large cities, the presence of the courthouse in the urban landscape is an important element in the identity of a community and a source of civic pride. The presence of the courthouse communicates the values of our democracy with a message of public access to justice, reflecting the solemnity, stability, vigor, and enterprise of the government in contributing to the sustainability of our society in 2040.

Scale of the building

The mission of the court in 2040 drives both operations and architectural expression. The building design communicates the degree to which the court is user friendly and customer oriented rather than an aloof and impartial administrator of due process. Sustainable courthouse design balances these two imperatives: the traditions and authority of a neutral court tempered with openness and ease of use—both are needed and can be called on to address the diversity of needs within the community fabric.

This duality shifts its emphasis depending on the level of court: an appeals court that has low levels of public use would not need the intensive level of public amenities that a busy family or county court would require to orient

people through the building. All courts should, through the presence of daylight, increase the visibility and human comfort of occupied areas. This means that courtrooms, jury rooms, staff areas, and conference rooms should be daylit, whether through borrowed light or direct, controlled natural daylight.

Public areas are of particular importance in the sequence of use, where after security screening, visitors must find their destination through visual cues and directory systems. Users and visitors benefit from building transparency through strategic community views and biophilic design. A successful sustainable strategy is to place high-volume public areas and service counters at the entry level and make an open public stair or escalator prominent in the early experience of the building, encouraging those moving up to courtroom floors to save energy and to improve their health by walking up and down stairs. Saving the cost of elevator operation and reducing the number of elevators because of the convenience of the stair is a triple bottom line success.

A court with shared services, self-service centers, interpreters, colocated support agencies, extended evening and Saturday hours, and even early morning calendars not only creates a user-friendly, customer service-oriented facility, it also requires less physical building and less transportation.

User-friendly court systems impact detention costs significantly. A large percentage of bookings and one- to two-day stays in the past were the result of citation noncompliance, booking people on a minor charge. Court date appearance occurred days or weeks later, allowing continuations to occur and dragging the process out. Compliance skyrockets when the system works together for a court appearance to occur at the booking of the citation, reducing the need to return to a busy downtown metropolitan area with limited parking. Additionally, there is less opportunity to forget a court date or less need take time off from work. Diverting offenders of minimal driving offenses (in collaboration with the DA and public defender) out of the criminal system and directly into a community service opportunity relieves the court dockets.

The potential for video arraignment is another 2040 sustainable strategy that reduces transportation and security costs and speeds arrest-to-arraignment times. Technology should complement the in-person court

appearances for the public, with access to scheduling, jury screening, and remote testimony where appropriate. Recent research has revealed the importance of the physical design of video court camera, lighting, and backdrop configurations to the credibility of the person being shown on camera. Careful consideration of these factors maintains the ability of judges and juries to evaluate testimony without distractions from the neutral setting of a courtroom. Remote video appearances are allowed in all case types followed by digital record keeping (documents, signatures). Video streaming of court proceedings are normal built-in capabilities of tech-savvy courtrooms.

Increased flexibility of some nonsecure program elements may lead to additional space reductions, particularly in high-volume public areas. Public access to case filing or payments through an electronic portal on the exterior of the building or in the prescreening area reduces wait times and increases convenience.

Case-based scheduled courtrooms and collegial chambers for the judges allow intensive use of chamber space. Gathering the judges and their staff together in a collegial suite similar to a law firm reduces the need for individual private toilets, law libraries, and dedicated support staff. Staff efficiencies are strengthened in cross-chamber coverage, backing up staffing, and allowing enhanced communications and standards. Locating the courtrooms and jury rooms remotely (not adjacent to the courtroom but within the same building) from the judges' chambers can better facilitate access to daylight in the courtrooms.

Court building materials should be chosen for durability, regional sourcing, and renewability. These materials enrich the visual environment and define the sustainable identity of the court. The 2040 court building is flexible and can accommodate reconfiguration and wiring upgrades, gracefully adapting to changing technologies and functions for many years to come.

Strategies for physical criteria

- Save energy first.
- Reduce the courts' footprint: Make courts smaller and more local.
- Incentivize increased utilization and innovation to reward energy-saving and smaller-footprint courthouses.

Scale of the individual

The physical setting of the 2040 courthouse, where all the users feel safe and respected and are treated with dignity, positively contributes to the individual's experience of the system. When stakeholders (judges, lawyers, staff, jurors, defendants, victims, friends, family, and media) feel unsafe, they are put into a stressful state, decision-making and wayfinding become more difficult, people become harder to manage, and conflicts become more likely.

When entering the 2040 courthouse, one moves through a transparent entrance, through a well-organized and user-friendly screening process, and into a space illuminated by natural daylight with clear orientation to the building. Acoustics in the space are controlled to limit harsh ambient noise. The building organization is legible and transparent, making possible abundant natural daylight, enhanced safety, and automatic orientation through views, "landmark" cues, and daylight. Wayfinding is supported with clear, flexible signage that is customer-service oriented. Design is compliant with antiterrorism/force protection (AT/FP) standards.

The individual feels treated with respect and dignity because diversity and regional attributes inform the choice of materials and artwork for the building. The courthouse is clean and safe. Safety is enhanced by clear building organization and through provision of a variety of attractive, comfortable, and human-scaled waiting areas.

Users (staff or visitors) will feel empowered by having a choice of spaces—private or public, active or quiet, adult- or child-oriented. Appropriate mechanical systems save money and energy and provide thermal comfort with local control.

Staff, visitors, and detainees feel respected when their physical needs are met. Jurors have the ability to control thermal comfort, natural light, and views of nature in the jury deliberation rooms—all of which reduce stress and mental fatigue. Witnesses and victims awaiting trial feel safe and have a stress-free place to wait quietly. Providing a space where a person can pause or restore themselves enhances health and improves attention.

Human scale and well-considered details enhance a dignified experience within the 2040 courthouse. Feeling respected and less stressed offers a more easily managed

and more effective process for everyone. The concept of procedural justice demonstrates that people accept the outcomes of the judicial process as just when treated respectfully and with courtesy, enhancing respect for the institution of the court.

Sustainable strategies for court systems

Sustainable justice system

- Locate near other justice components to reduce travel distances and management time.
- Virtualize courthouse processes to minimize built space and unnecessary trips.

Sustainable community

- Locate facilities proximate to public transportation and downtown districts, services, and civic centers.
- Expand hours of court business to increase utilization of spaces.

Sustainable user

- Introduce natural light into all occupied spaces, especially high-stress areas to allow for transparency and decompression.
- Make the courthouse pedestrian friendly.

Sustainable building

- Design the building to be flexible; determine long-range shelled space needs on a case-specific basis.
- Zone the building to conserve energy when not in use.
- Schedule courtrooms for multiple judges on a case-specific basis, and design collegial chambers to increase utilization of court spaces and reduce the built area.
- Optimize calendar management and stagger starting times/days (including juries/jury selection) for courthouse spaces.
- Design to net zero performance standards.

Sustainable environment

- Reuse/adapt existing facilities wherever possible.



Broward County Courthouse by AECOM, Heery International, Cartaya and Associates, 2020 recipient of the AIA Justice Facilities Review; Photo credit: Robb Williamson

Sustainability: Custody

In 2040, custody, meaning detention (jails) and corrections (prisons) or other secure alternative facilities, robustly contributes to a sustainable society at three scales:

1.

Community

The scale of community, supporting public safety by channeling rogue behavior into acceptable norms.

2.

Building

The scale of building, minimizing resource consumption and ultimately creating civic assets with net-positive impact on the community and the environment.

3.

Individual

The scale of individual experience, where the physical needs, health, dignity, and human potential of all who come in contact with the justice system are respected and given opportunity to flourish. This applies equally to staff, visitors, service providers, and detainees.

The 2040 custody system is the result of holistic thinking in researching best practices from across the globe that promote normative, dignified, medically sound environments; net zero sustainability practices; crisis resiliency; and pandemic policies. Learning from innovations in other places brought improvements to the resiliency, safety, health, and wellness of our 2040 justice facilities, integrating emergent best practices into current operations and future planning. Key decisions that consider climate change and emerging forces (such as population migration, drought, food insecurity, poverty, conflict, and disease) contribute to the sustainability of the 2040 facilities.

In 2040, the United States has worked diligently over the last 20 years to decrease the 2.3 million people (698 per 100,000, or 24% of the world prisoners) currently

incarcerated in 2020¹² through policy and legislative reforms, including the First Step Act of 2018¹³ (P.L. 115-391), which became legislation on December 21, 2018. This act focused on reducing the size of the federal prison population while keeping our communities safe and addressed three specific areas:

1. Correctional reform via the establishment of a risk and needs assessment system at the Bureau of Prisons (BOP),
2. Sentencing reform via changes to penalties for some federal offenses, and
3. The reauthorization of the Second Chance Act of 2007 (P.L. 110-199). The act also contains a series of other criminal justice-related provisions.



In the United States, which in 2018 had 555,000 people locked up without having been convicted or sentenced¹⁴, sustainable custody decision-makers in 2040 are most concerned with conserving the scarce resource of human potential. Time spent incarcerated may positively or negatively impact one's human potential. Therefore, in 2040, elected and career officials begin the facility planning process with three leading questions,

- “How small—rather than how large—should we build our new custody facility?” without sacrificing the safety of justice-involved persons, staff, and the public.
- “What level or levels of security are required within the facility?” to protect justice-involved persons, staff, and the public while allowing the most normative conditions possible.
- “What reentry/alternative programs and services can be offered at the facility?” to lower recidivism, promote wellness, address mental and behavioral health, and support positive human potential. How are these programs a seamless part of the continuum of care?

A successful custody facility will effectively address these issues at the community scale, the building scale, and the individual scale. Reentry and specialized planning starts at day 1 with holistic assessments, trauma-informed treatment plans, dietary plans, skill-building, practice of positive coping strategies, and supportive reentry planning.

Alternatives to incarceration are encouraged for both sentenced persons (in the form of home detention, work release, and electronic monitoring) and for individuals awaiting trial. SAMHSA's Sequential Intercept Model (SIM) illustrates how justice-involved individuals interact and circulate through the justice system. The SIM helps identify resources and gaps in wraparound services at each intercept and informs strategic community plans¹⁵. Problem-solving community courts have eligibility criteria for a pretrial supervision program, including elimination of cash bail. Individuals who meet the criteria are diverted from entering a secure custody facility at their arraignment hearing. Instead, they participate in programs that, if successfully completed, make incarceration unnecessary and lead to an expunged criminal record. In 2040, the custody goal is to emulate the SAMSHA SIM zero-intercept model, a diversion model of connecting “people with treatment or services instead of arresting or charging them with a crime.”

Representatives from human services, the courts, custody, prosecutors, medical and mental health services, local service providers, formerly incarcerated advocates, credible messengers, and other community stakeholders participate in a multidisciplinary team approach to assist with the custody processes. The partnering of agencies and organizations improves communication between justice-involved individuals, their families, facility staff, and public stakeholders. This may include, but is not limited to, issues such as expediting cases, shortened

length of stay, controlling inappropriate admissions, reducing admissions, promoting timely transfers between facilities, alternatives to secure custody, and assisting with community reentry services.

Over half the incarcerated population needs mental health and behavioral health treatment. Public safety is trained and enabled to evaluate and divert mentally ill individuals in the pre-arrest phase to appropriate mental or behavioral health facilities and programs in a partnership with justice, health care, and robust wraparound systems. People referred to these facilities and programs are not burdened with a criminal record for their mental health behavior. In 2040, “detain, divert, or deflect” continue in direct response to an individual’s risk and needs. Detention and corrections facilities no longer function as de facto mental hospitals due to better decision-making tools and access to nonprofit partners via updated policies and legislation.

Sustainable 2040 communities implement practices that allow officers to cite and release, skipping a trip to a custody facility entirely. This strategy is doubly effective when the practice of bail is eliminated. Officers become the first line of diversion, where most offenders are diverted from secure custody to alternatives, only booking individuals that pose a risk to the community. A helpful design feature is an open booking area in the intake area. Compliant behavior results in arrestees sitting in an open area with unimpeded access to the phone to allow family notifications. The intake area is large enough to hold those eligible for release to alternative programs, so they never spend a night in a cell and can be discharged once proper measures have been taken and paperwork is complete. Facilities are accessible via public transportation—a humane consideration that simplifies access for families, friends, and attorneys who provide critical services, support, and connection.

Reducing the number of beds might lead to a smaller building. Overbuilding the number of beds encourages unnecessary incarceration. “Right sizing” the bed count and size of the custody facility or facilities within its community is the ultimate goal. In general, the facility becomes a bit larger by increasing the space for therapeutic and program-oriented spaces.

In buildings that are properly designed for agency and access, staff escorts can be reduced and access to services improved, helping to limit contact and the spread of future contagions without the need for lockdowns. Intentional design can lead to reduced stress, elevated mental health, and a more successful transition back into the community.

As outdoor recreation yards, program areas, and treatment spaces are added to housing units (to allow justice-involved individuals to have free access to services on demand), building area will grow—but so will positive outcomes. Adding space for contact visiting that is normative and family-oriented also works for volunteers and community-based service providers. Enhancing video to include visitation from remote or mobile devices allows more family connection regardless of location and proximity. The need for a huge location with monitors on-site is reduced to having a handful of monitors available as needed, especially as service providers also take advantage of the remote opportunities. Family connectivity is enhanced both remotely and in-person through rooms to facilitate child/parent visits. Service provider professional spaces are available for connection and relationship skill-building exercises. This will add to the size of the custody facility, but it improves the facility’s ability to effect positive changes on the lives of residents, staff, and the community. Due to these adjacent operational enhancements, custody programming at over 1,000 square feet per bed becomes the norm compared to the 350 to 400 square feet per bed that was typical in the era of harsh incarceration.

Objective-based inmate classification supports the sustainable 2040 approach to custody design and construction by identifying those individuals who require a maximum-security cell and by providing minimum- to medium-secure housing for those whose behavior is compliant with norms. Custody facilities implement direct supervision and manage special populations awaiting trial or sentencing by increasing access to specialized treatment. Special housing units are designated to respond to the individual's medical needs, mental health, behavioral health, age (geriatric), gender and gender identity, sexual orientation, cognitive assessment, and other specialty classifications, including how these inter-relate, utilizing a classification toolkit. In 2040, custody has eliminated long-term isolation housing, and individuals are never isolated for longer than 12 hours.

Sustainable 2040 communities have separate facilities for pretrial detainees and sentenced individuals. Pretrial facilities are located adjacent to or in close proximity to the courthouse for convenient movement and legal services. Co-locating with the courthouse improves legal services, family support, and other critical interactions during the trial process. Downtown locations with secure circulation connections (e.g., tunnels, bridges, elevators) are common. Sentenced inmates, however, are better served outside of the downtown core where larger properties are available. A campus setting for vocational training and reentry skills learning can be more conducive, with separate dormitories or small-grouped spaces and the appropriate classroom and shop buildings. Vocational skills-building (welding, machine repair, agricultural programs, culinary programs, etc.) works better in a campus setting as opposed to the confines of a multistory building in downtown city block.

Sustainable 2040 custody facilities follow best practices by orienting the building mass in an east-west direction to capture sunlight during winter months and guard against heat gain in the summer. In downtown locations, multistory urban buildings promote a smaller footprint than single-story rural buildings while also conserving land, reducing the roof area, and reducing the amount of stormwater runoff to be stored, treated, and discharged. A smaller footprint reduces site use, materials consumption, water usage, pollution generation, and energy and staff costs. When carefully planned, it will attain the overall goal of a normative secure environment with operations conducive to positive change and successful outcomes.

The end goal is to have well-trained staff, effectively deployed, implementing successful treatment-oriented operations and programs for successful reentry of justice-involved individuals.

From a sustainable perspective, a single building, 24/7 custody facility in a "square doughnut" shape with an outdoor courtyard wrapped by narrow building space is a favorable option because it reduces energy consumption. This example allows the exterior façade to be the secure perimeter surrounding the center courtyard, while the courtyard permits more daylight, views, and sightlines into the building mass. The appropriate use of colors, materials, acoustic dampening elements, natural and artificial lighting, and climate control all create a more resilient and sustainable energy layout. Biophilia and connections to nature occur throughout the facility. Program elements and overall operation regarding personal wellness and resiliency also factor into the decision between a single building versus a campus layout that could, for example, allow interaction with the natural landscape to encourage connection to nature, fitness, normative daily routines through circulation, and the feel of a small community. Site and building(s) design must consider specific project flexibility and size. Critically reviewing options supports the potential for successful outcomes and reinforces the intersections of the sustainable design scales (individual, building, and community).

Daylight, vibrant colors, clear sightlines, climate control, and acoustic dampening create positive inmate/patient and staff attitudes and promote a safe environment conducive to positive behavior.

Existing facilities bring their own challenges and should be assessed for their ability to meet performance standards and wellness standards, answering critical questions, such as, "Can the reuse of this building establish a positive environment and support needed outcomes for those in custody and the staff that attend them?" Many communities may not have the funding for new custody facilities and can only afford renovations and additions. The question for those renovations and additions is the same as above, along with, "Does the facility's potential reuse meet the vision and mission?" With careful and thoughtful renovations, existing facilities may be brought closer to the current best practice operations, thereby conserving the embedded energy of the old structures by invigorating them with 2040 sustainable strategies.

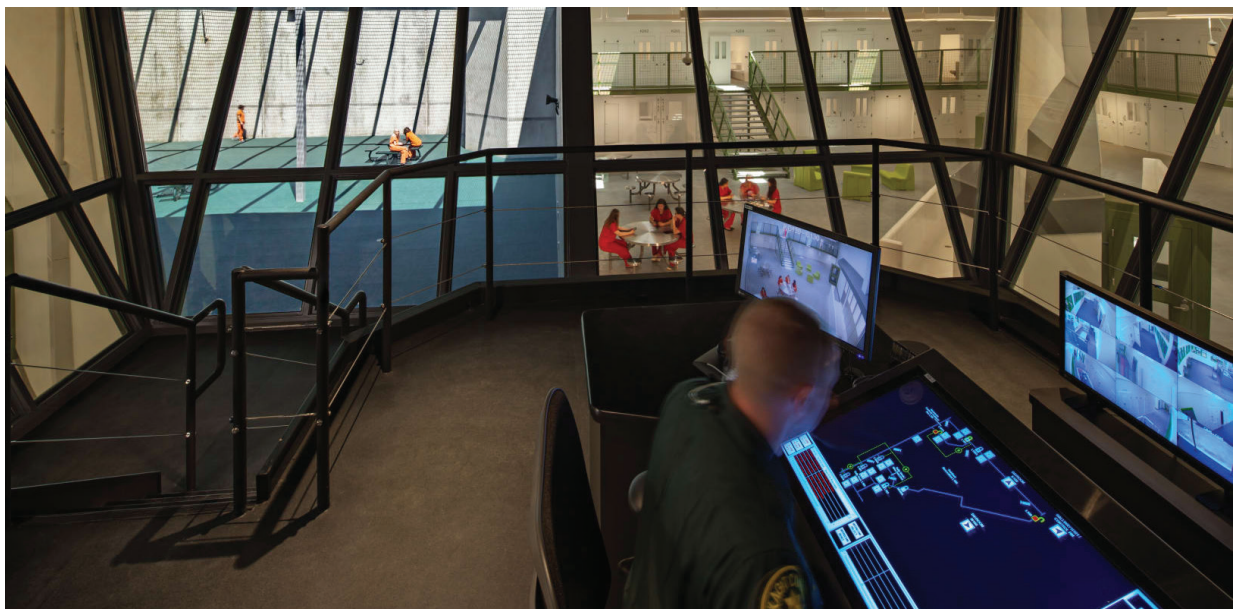
If the facility cannot meet that vision, the existing building(s) should be replaced with new, higher-performance buildings.

This can be a unique challenge due to the spaces that must adhere to Americans with Disabilities Act of 1990 (ADA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA), acoustical requirements, and the need for abundant natural light and views to nature for a sense of well-being and resilience. The operational function versus the sustainability gained have to be weighed carefully in analyzing the potential for up-cycling an existing structure. Facilities for people with longer sentences require more access to the outside; open sky; and work, training, and recreation areas. In 2040, facilities embrace universal ADA design, allowing the public, staff, and all individuals in their custodial care, regardless of mental or physical impairment or disability, full access to, and the benefit of, all facility components as their legal right. The ADA is not a building code, but a civil rights law. As such, creating an inclusive environment that complies with the law is required with no exemption loopholes. Relatedly, HIPAA is a federal law that requires the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge. As such, careful acoustical design is universal in 2040 custody facilities.

In 2040, suicide risks among staff and those in custodial care are addressed. Suicide rates among prisoners in 2020 are four times as high as among general non-incarcerated public populations.^{16,17} Pretrial suicide is seven times higher than for a convicted individual.¹⁸ Data for correctional officers show a 39% higher suicide rate^{19,20,21,22} than for ALL other professions combined—two times higher than for police officers.²³

In 2040, both staff and justice-involved individuals have robust wraparound services, including support stabilization programs, resources, specialized health care treatment, recovery, and rehabilitation. Dignity and safety are promoted, and roundtable discussion and assessments with a holistic team of staff occur daily. Architecture provides staff and justice-involved individuals decompression spaces, privacy, and clear sightlines to help mitigate stress. Wellness is primary with programs designed to build personal happiness.

In 2040, incarcerated transgender people are treated with respect. Equity is the standard, with vigorous wraparound services. Sexual assault has diminished in the prison system due to continually evolving Prison Rape Elimination Act (PREA) standards. The trauma-informed environment, training, and everyday interaction has reduced scenarios that previously caused multiple trauma. There is no tolerance for abuse. Trauma-informed and gender-specific design, operations,



Skagit County Community Justice Center by DLR Group 2018 recipient of the AIA Justice Facilities Review; Photo credit: Sam Van Fleet Photography

programs, and services are standard. All staff are crisis-intervention-trained to convey dignity and accessibility and mitigate stress and trauma for ALL users. In 2014, one-third of all female prisoners in the world were incarcerated in the United States;²⁴ 80% of those women were mothers.²⁵ In 2040, female incarceration numbers have been reduced due to alternative programs that keep family units together, providing mom and baby housing and specialized gender-specific programs, services, and design. Services are specific to all age ranges, genders, minority and/or marginalized groups, and relational needs, such as geriatrics and specialized health care. The built environment meets a variety of services through private family visitation spaces, spiritual/worship spaces, and step-down reentry facilities—2040 building components work together to achieve the goal of positive outcomes.

*“How do we hold justice in our hands?
How do we ensure that those who go
through our criminal justice system,
both those who work within it and
those incarcerated by it, retain the
dignity and worth afforded everyone
in this great country, regardless of
their circumstance in life?”*

– Attorney General Loretta E. Lynch
(March 30, 2016)

Sustainable 2040 normative environments contain greater individual control over daily living (small decision-making and skill building). They operate with round-the-clock direct supervision by a crisis-intervention-trained staff to de-escalate crisis situations, provide treatment and relationship skills through roundtable feedback, maintain order, provide safety, and be role models for those within their care. Normative design features are directly compatible with those of sustainable buildings and provide less stressful environments for residents/patients and staff alike, with the substantial benefit of reducing violent behavior, injuries, and sick days.



Campus Kilpatrick by DLR Group, 2018 recipient of the AIA Justice Facilities Review, Photo credit: Chip Allen

Sustainable 2040 facilities expand medical, dental, mental health services, behavioral health services, geriatric services, and alcohol and drug treatment programs. These custody facilities adhere to the International Committee of the Red Cross (ICRC) 2018 *Toward Humane Prisons* reference.²⁶ This guide is based on the premise that the removal of liberties should only occur when absolutely necessary and that prison design “empowers and enables prison staff to provide humane and dignified treatment and living conditions for detainees,” and when new prisons are expanded, resources are not wasted and opportunities for improvement are not lost. The ICRC believes: “When a State feels the need to build a new prison, it must be seized upon as an opportunity to (1) assess the relevance and efficiency of criminal justice policies and practices, both in relation to international standards and norms and alternatives to detention; (2) review and rethink the state’s intentions with regard to imprisonment; (3) implement changes addressing gaps and weaknesses in the prison system; (4) modernize management policies and procedures; and (5) upgrade the prison estate and close sub-standard places of detention.”²⁷

Furthermore, the ICRC notes that it is “broadly recognized that prisons should not only ensure the dignity of persons deprived of their liberty,” but also ensure justice-involved individuals’ rehabilitation and connection to society. This is paramount to their four principles of custody design: (1) do no harm, (2) maintain a maximum of normality, (3) promote health and personal growth, (4) maintain connection to society.²⁸

Educational and vocational programs have been increased. Dietary needs and food choices promote positive behavior and feeling well. Movement and exercise

COVID-19

The experience of the coronavirus (COVID-19) pandemic has brought to light the need for an appropriate facility response to outbreaks of communicable diseases. Lessons learned and best practices concerning contagions inform facility design and operations. During the outbreak in 2020, as a preventative measure, many facilities released people to reduce risk of infection and be better able to provide care should an outbreak occur within their facility. The release of incarcerated persons at high risk of infection suggests that these individuals might not have needed to be confined in the first place and could be better housed in less restrictive, expensive, and harmful ways.

The fears of infection for staff and incarcerated persons magnified the negative impacts of obsolete jail facilities on the mental and physical health of those who live and work there and highlighted the need for more healthful, humane environments for the 2040 justice system to operate effectively and sustainably.

Prison Policy Initiative lists “Five ways the criminal justice system could slow the pandemic”:³⁰

1. Reduce the number of people in local jails.
2. Reduce the number of people in state and federal prisons.

3. Eliminate unnecessary face-to-face contact for justice-involved people.
4. Make correctional health care humane (and efficient) in a way that protects both health and human dignity.
5. Don't make this time more stressful for families (or more profitable for prison telephone providers) than absolutely necessary.

These five points are paramount to the health, safety, and welfare of people in secure facilities and the criminal justice process in general. As more research data is published, the 2020 pandemic provides insight to how 2040 detention centers might be better designed. Some examples include the flexibility to shift from multiple beds to single bedrooms (cells); density reduction in dorm areas; the ability to provide negative pressure ventilation on a scalable needs basis and 100% outside air (not return air); increased access to dedicated program and support spaces; easily sanitized and antibacterial surfaces and furnishings; individualized toilet, lavatory, and shower areas; additional medical and mental health care areas; and reduced length of stay to improve the safety and health of all.

“A number of jurisdictions have taken quick and laudable actions to protect the most vulnerable justice-involved people, including reducing the number of arrests and bookings, releasing people held pretrial, reducing admissions to state prisons, and suspending medical copays in most states. Given the toll COVID-19 has already taken on our jails and prisons, as well as our society at large, the time is now for federal, state, and local officials to put public health before punishment.”

— Peter Wagner and Emily Widra, March 27, 2020,
Prison Policy Initiative

are incorporated into daily activities. Ideally, access to programs and services are directly adjacent to housing areas and free movement is permitted between dayrooms and recreation yards. Movement outside of the cells supports a normative environment and increases the likelihood that those in custody will take advantage of all programs and services offered by the facility. As noted previously, accessibility shall be fully incorporated into all custody operations, spaces, services, and programs, and specialized geriatric services will be provided for all older individuals. Crimes of survival—to receive medical care, shelter, or food—are no longer committed in 2040 due to community nonprofit and custody partnerships. While building area may increase, it allows for better access, circulation, decision skill-building, and staff efficiency by reducing escorted movement from housing to services and amenities.

The vast majority of justice-involved individuals will return to the community. Sustainable custody facilities focus on successful treatment and reentry to support the sustainability of people—helping each person achieve a better life in which they are happier, more loving, more productive, and more responsible. Basic human needs are supported, including:²⁹

1. A safe environment
2. Respect
3. Meaningful interactions and purposeful activities
4. Ability to exercise religious beliefs
5. Suitable work spaces
6. Affordable local housing and decent living conditions for staff

Scale of the individual

In 2040, the **individual scale** focuses on becoming a contributing member of society beginning with a holistic sense of wellness. This wellness goes beyond creating positive mental health environments and learning opportunities. It is the ability to make healthy decisions, eat well, breathe clean and fresh air, access the resources for healthy hygiene and sanitation, and access quality drinking water. It is thermal, acoustic, and lighting comfort and mindfulness through skill building and trauma-informed treatment. It is about restoring human dignity so that justice-involved individuals feel safe enough in trauma-informed environments to open up

and engage in their own treatment, education, and skill-building. This is how society supports and encourages restored individuals to reenter and contribute positively to their communities.

Scale of the building

The 2040 custody facility **building scale** is a tool that supports this mission. The largest facility cost over the 30-year life cycle is related to staff, whereas the building construction and maintenance is only 20% of total operational costs. Environment cues behavior, and research has demonstrated that incarcerated people conduct themselves more normally in a safe, trauma-informed, normative environment than a loud, dangerous cellblock.

Scale of the community

The 2040 **justice system and community scales** are composed of many actors (e.g., judges, prosecutors, sheriff, county commissioners, community-based service providers, and the community itself), each with their own agendas. But all are focused on a common goal: successful outcomes for those in contact with the system. Sustainable justice 2040 is built on an inclusive, participatory approach that views detention, correctional, and mental health beds as a scarce resource—a basic tenet of sustainability—and includes representation of all actors in the criminal justice system.

Architects and planners now must accommodate and make maximum use of this new reality.

— Richard W. Velde, former administrator of the Law Enforcement Assistance Administration

Sustainable strategies for custody systems

Sustainable justice system

- Detain, divert, deflect.
- Create a criminal justice coordinating council (judges, probation, detention, police, prosecutors) that meets regularly and evaluates objectives to reduce the number of admissions, reduce length of stay, and coordinate successful community reentry.
- Reserve high-security expensive construction for high-risk, high-needs populations.
- Don't allow people to become justice involved due to bias, racism, poverty, homelessness, and/or lack of health care.

Sustainable community:

- Locate the jail in an urban environment—closer to family, courts, attorneys, and service providers—to enhance convenience and accountability.
- Provide a community resource through shared facilities (community meeting room, gallery, evening gym for neighborhood kids).
- Create trauma-informed communities based on safety, transparency, trustworthiness, choice, collaboration, mutuality, and empowerment within the continuum of care.

Sustainable user:

- Introduce natural and artificial light into all occupied spaces, especially high-stress areas, to support natural human circadian rhythms.
- Use technologies to reduce water usage, such as low-flow shower heads and vacuum systems for toilets.
- Minimize movement to increase access to services (distance learning; counseling; video visitation, including attorney-client conferences; video arraignment; preliminary court proceedings; other on-demand services).
- Create normative environments (sunlight hits the floor of the dayroom, daylight in cells, views to nature, access to outdoors, acoustic dampening, natural materials, artwork).
- Offer day 1 reentry planning and flexible or stepped-down processes for successful transitions.

Sustainable building:

- Use energy efficiency measures for corrections buildings, with payback of the initial cost investment four times faster than ordinary buildings due to the 24/7 nature of the occupancy.
- Make the building exterior a secure perimeter to eliminate the need for a fence.
- Create a virtuous circle: Rainwater capture plus compost from kitchen generates food and training for green jobs.

Design for net zero energy/waste.

- Mitigate risk by complying with laws, codes, standards, and best practices: International Building Code (IBC), Authorities Having Jurisdiction (AHJ), Americans with Disabilities Act of 1990 (ADA), Health Insurance Portability and Accountability Act of 1996 (HIPAA), Prison Rape Elimination Act of 2003 (PREA), International Committee of the Red Cross (ICRC) 2018 *Toward Humane Prisons*, American Correctional Association (ACA) Standards, National Commission on Correctional Health Care (NCCHC) standards, Leadership in Energy and Environmental Design (LEED) standards, Green Globe Standard, WELL standards, First Step Act of 2018.

Sustainable environment:

- Reuse existing facilities, incorporating conservation and generation of renewable energy sources.

Sustainable operations:

- Gain support from elected officials for sustainable program and services funding over the long term and in day-to-day operations.

Continuum of care/resiliency:

- Use a framework that is made up of the all services, facilities, and opportunities for alternatives services or diversion for justice-involved individuals (e.g., education, vocational training, trauma centers, GIS, addressing homelessness, Job Corps).
- Create customized reentry by partnering with advocates, fostering relationship skill-building and support systems, engaging in wrap-around programs and services, building pre-vocation and vocational skills to ensure employment and opportunity, providing assistance in securing safe housing, and continually addressing health care needs.

Sustainability: Intersectionality



Image credit: Alex-Hanesworth

Intersectionality is a multi-axis framework for understanding complex, overlapping inequities. It takes into consideration the intersecting forces that impact a person's embodied experience. Rather than silos of bias, which have limited scopes and can perpetuate disparity, overlapping considerations ensure that people are not subject to compounded discrimination. Harm reduction must also be considered because many community members are chemically dependent. And staff must have space to separate from their work area mentally and emotionally. Prolonged exposure to stress is a major health hazard that greatly impacts justice professionals. Biophilic design and horticultural therapy are frequently utilized in justice design, and integrated landscape design connects users to the beauty of their communities while offering a calm and pleasant distraction.

"Intersectionality." Term created by Kimberlé Crenshaw in "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" (1989).

Unsustainable 2020: Intersectional injustice

Community

- Environmental racism for Indigenous people/working class people/people of color
- Colonialism-gentrification-displacement, selective historic preservation
- Superfund sites for residential, educational, correctional use
- School-to-prison pipeline, broken-window policing, erasure of culture
- Lack of clean, renewable resources and sources of education, income, food, shelter, health care

Building

- Designed to control behavior
- Designed FOR populations, not WITH or BY them

Individual

- Inaccessible, disabling, stigmatizing spaces
- Lack of diversity in design practice/education

Sustainable 2040: Toward intersectional justice

Race (construct)

- Combat institutional, systemic bias/discrimination (especially in the justice system and AEC pedagogy/practice)

Gender (construct)

- Gender-responsive
- Support for parenting/pregnancy
- Freedom of gender and sexual agency

Age

- Safe public spaces for youth/elders
- Empowered youth; end school-to-prison pipeline
- Stable housing, social inclusion, and public recreation for elders

Economy

- Investment over gentrification
- National bail reform—decriminalize poverty
- Resilient, desirable careers in justice/peace-making

Cognition

- Acceptance and respect for neurodiversity in design
- Balance of stimulation and relief
- Universal design

Trauma

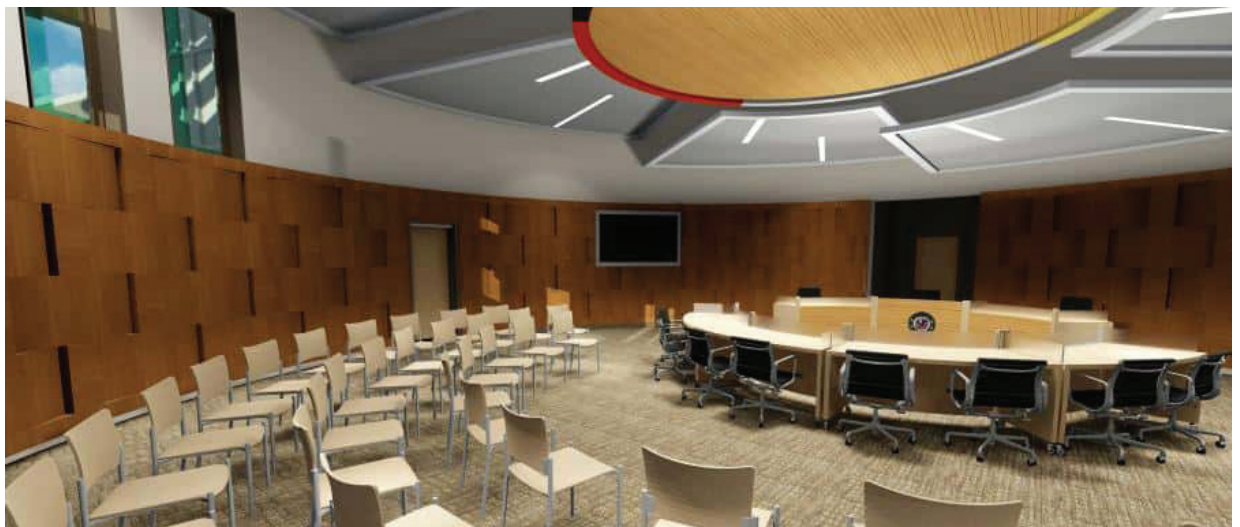
- Support systems in education and health care
- Sight lines, illumination levels/quality, acoustics
- Staffing and operations considerations
- Travel distance, quality of spaces

Physical needs

- Spaces that are enabling, not disabling

Environment

- Therapeutic landscapes
- Restorative, non-extractive



New United States Courthouse – Los Angeles by Skidmore, Owings & Merrill LLP; 2018 recipient of the AIA Justice Facilities Review; Photo credit: Bruce Damonte

Terminology & glossary

Terms to know

Note: Language used in the Green Guide to Justice was a deeply, sincerely considered topic as it is a tool of progress essential to architecture and design. When forecasting to the year 2040, it was agreed that new terminology is necessary for new typologies to succeed. The goal of this glossary is to ensure dignity, inherent humanity, and a focus on holistic healing in a newer era of trauma-informed, evidence-based treatment and design. This glossary, like the document it is attached to, is living and growing. It was developed by combing through classic and contemporary texts, following dynamic public discourse, comparing best practices across generations, and communicating with design partners and stakeholders.

Abolition

Typically referring to abolition of mass incarceration, though contemporarily used in reference to police and various other agencies in the justice system. Abolitionist values include, but are not limited to, defunding police and diverting funding to community-based support programs and specialized care. It is an organizing practice and a long-term social goal.

Caste systems

Infrastructure of divisions and stratification, with value calculated by weighing various identity metrics (e.g., gender, age, income, religion, education, lineage, race, cognition, mobility), dictating opportunities in life (e.g., residence, employment, education, marriage, health care, legal protection, political agency, economic security).

Continuum of care

A collaborative funding and planning approach that helps communities plan for and provide, as necessary, a full range of preventative, emergency, transitional, educational, medical, mental health, behavioral health, vocational, reentry, permanent housing, and other service resources to address the various needs of justice-involved individuals.

Corrections

Referring to jails, prisons, and other reform institutions. Jails are also specifically referred to as *detention* (interchangeably).

Courts

Judicial programs that include hearings or mediation receivers and givers of injustice; some have the mission of problem-solving, while others are focused on being compassionate communities through restoration or transformation.

Custody

In this context, the immediate charge, control, or safekeeping of an individual (i.e., customer) by an authority (i.e., custodian).

Gender-neutral

An assumption of humanity, regardless of gender (e.g., a gender-neutral restroom would serve all users without gender segregation).

Gender-informed

Design, operations, and function informed by user's gender-related needs (e.g., gynecologic facilities for females in custody).

Gender identity vs. gender expression

Gender identity is different from gender role or gender expression. While gender *identity* is an *internal*, deeply-rooted sense of self, gender *expression* is how a person externally *expresses* their gender identity.

Intersectional

Multifaceted consideration of a person's lived experience. Rather than examining impacts from the silos of race, gender, income, education, etc., each of these are weighed in the holistic narrative of a life. *Related to:* caste systems

Justice-Involved Individual

Person who has been arrested; person convicted of an offense; and person who has been incarcerated. (Note: this term replaces the following previous and outdated terms: detainee, criminal, inmate, prisoner, offender, juvenile)

LGBTQ

Lesbian, gay, bisexual, transsexual, queer/questioning

LGBTQAI+

Lesbian, gay, bisexual, transsexual, queer/questioning, asexual, intersex; additional unique *sexualities*

LGBTQ2S+

Lesbian, gay, bisexual, transsexual, queer/questioning, 2-spirit; additional unique *gender identities*

PIC

Prison-industrial complex. Term developed from “military-industrial complex” critique, attributing the rapid expansion of the U.S. inmate population to the political influence of [private prison](#) companies and businesses that supply goods and services to government prison agencies for profit. An example is the cyclical, systemic neglect of communities, their inundation with pharmaceutical drugs and firearms, and the “war on drugs” or “war on crime” that take members of that community into custody for weeks or years and then release them back to their communities without the ability to work, vote, or find housing or employment.

Police

“Body of officers representing the civil authority of government. Police typically are responsible for maintaining public order, enforcing the [law](#), and preventing, detecting, and investigating criminal activities. These functions are known as policing.” ... “However, police scholars have criticized this popular understanding of the word police—that it refers to members of a public organization having the legal competence to maintain order and enforce the law—for two reasons. First, it defines police by their ends rather than by the specific means that they use to achieve their goals. Second, the variety of situations in which police are asked to intervene is much greater than law enforcement and order maintenance.” ... “Following that definition, policing thus may be performed by several different professional organizations: public police forces, private security agencies, the military, and government agencies with various surveillance and investigative powers.”

Public safety

A function of governments ensuring the protection of citizens, persons in their territory, organizations, and institutions against threats to their well-being—and to the prosperity of their communities. Public safety organizations include law enforcement and fire and emergency medical services. Generally organizations are involved in the prevention of and protection from events that could endanger the safety of the general public from danger, injury, or property damage, such as crimes or disasters. Public safety issues include

narcotic use, trespassing, burglary, harassment, juvenile delinquency, unauthorized habitation, disturbing the peace, inappropriate social behavior, and other quality of life issues.

Prison reform

As opposed to abolition of prisons, prison reform is designed to reduce recidivism (i.e., reoffending, repeated unlawful or transgressive behavior) and strengthen public safety. It is focused on evidence-based rehabilitation strategies from an individual’s initial intake to their return to the community. The reforms hope to address core behavioral issues that result in criminality, which would result in safer communities and safe correctional facilities.

Restorative justice

Based on the assumption that all people live in community webs built on accountability, trust, and fulfillment of needs. When an act is committed against a member of the community, an imbalance or breakage occurs in the network and sends ripples of pain, anger, or desire for justice—it is a violation of people and relationships. This system has long been used by various Indigenous peoples. Resolution involves looking at the harm caused by the incident to the person(s) who were victimized, harm to the instigator/aggressor(s), and harm to the larger community. This system of justice asks: Who has been hurt and what are their needs? Who is accountable for addressing these needs? Who is involved in this situation and what is the process to include them in making things right and preventing future occurrences?

Retributive justice

Based on punishment of individuals for violation of laws, this system targets rule-breaking and rewards cooperation with authority. Resolution involves investigating the incident, determining blame, and administering the consequences. This system of justice asks: What rule has been broken? Who is to blame? What punishment do they deserve?

Sustainability

The ability of a system to continue operating into the future as it does in the present (i.e., perpetual, consistent, cyclical, resilient).

Transformative justice

As opposed to *restorative justice*, which restores an existing system, and *retributive justice*, which punishes individuals, *transformative justice* seeks to transform unhealthy relationships. Not limited to the individual level, it extends to improve or invent social structures and institutional policies. Resolution involves challenging social systems to help prevent the occurrence and reoccurrence of harmful incidents. This system of justice asks: What social circumstances promoted the harmful behavior? What structural similarities exist between this incident and others like it? What measures could prevent future occurrences?

Trauma-informed

A collaborative care and design approach that holistically respects the influence of trauma while equitably supporting healing, trust, empowerment, and growth.

Universal design

Design is often directed toward an elusive average user, leaving outliers frustrated, disabled, and underserved. Universal design, by contrast, is engineered to be usable by the widest range of people, to the greatest extent possible, without the need for modification. The objects accommodate individual preferences and abilities; effectively communicate information; and can be approached, reached, manipulated, and used regardless of the individual's body size, posture, or mobility. This changes the user's relationship with assistive technology.

Terms to avoid

Note: The terminology in this section is offensive for a number of reasons and to a number of people. Some of these terms are relics of the previous punitive era, which treated people as numbers or bodies devoid of humanity. Other terms come from ignorant assumptions based on identifying factors like age, race, ethnicity, gender, sex, economics, education, physicality, mentality, and spirituality.

The following terms and phrases to avoid are modified with permission by Alberta Health Services Human Resources from the 2016 Guide to Creating Safe and Welcoming Places for Sexual & Gender Diverse (LGBTQ*) People, which has since been updated to the 2019 Sexual Orientation, Gender Identity, & Gender Expression (SOGIE) Safer Places Toolkit.

Biologically male/female; genetically male/female; born a man/woman

These terms oversimplify a very complex subject. A person's sex and gender are determined by a variety of factors—not simply genetics. Many transgender people prefer a phrase similar to “assigned male/female at birth but is a woman/man.”

Homosexual

A dated and potentially offensive term for a person who has emotional and/or sexual attraction to people of the same sex. Use gay or lesbian to describe people attracted to members of the same sex.

Lifestyle

There is no single lesbian, gay, bisexual, or transgender lifestyle. A phrase that includes “lifestyle” is often used to attack people by suggesting that their orientation is a choice or a phase.

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In this vision of a 2040 justice system, the mission is to help a community solve the problems related to lack of safety and harmful behavior that threaten the sense of well-being so important to a healthy and purposeful society. While focusing on the unique characteristics of public safety, courts, and custody is important, it is even more useful to consider coordinating these different branches of government to focus on the sustainability and long-term viability of the communities they serve. The philosophies that drive best practices in each of these areas—community policing, problem-solving courts, alternatives to incarceration, direct supervision, reentry—strengthen the continuum-of-care local and national framework and are potent drivers of innovation, which together result in healthier communities that improve our future.

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Our sincerest hope is the hard work and passionate energy invested in creating this white paper reaches far beyond these words and into the hearts of our communities.

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