

Building Justice: Imagining a Political Agenda

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Abstract

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Reform of US incarceration facilities is a moral imperative that requires the integration of aspects of community planning, architecture, and legal and political agendas. The complexity of the challenge has only increased over time as legal and social structures including urban planning processes become more established. This paper examines the psychological impact of the built environment to define a criteria for psychologically health architectural conditions of incarceration. An embedded multiple case study analysis is used to compare efforts to improve the architecture of incarceration facilities in Skagit County, WA, federal guidance, and New York City Justice Hubs. Interviews conducted for this paper included planners, architects, and representatives of Washington States Department of Corrections.

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I. INTRODUCTION

“It is said that no one truly knows a nation until one has been inside its jails.”

-Nelson Mandela, *Long Walk to Freedom*

The prominence of prisons in the US has radically grown in the last half century. In the ten states that experienced the most growth between 1979 and 2000, the number of prisons has more than doubled (Lawrence & Travis, 2004). Incarceration facilities are part of the urban fabric and impact the lives of individuals and communities. Unconstitutional conditions of incarceration negatively impact the physical, social, and economic health of communities (Gifford, 2019) with impacts rippling out into other areas of urban planning including public health and community economic development.

Between 2012 and 2020 nearly 2.3 million people were held in over 7,000 detention centers (Sawyer & Wagner, 2020). One in 20 US citizens will serve time in a state or federal prison, discounting local admissions (Bonczar & Beck, 1997). Reform requires the improvement of conditions within incarceration facilities and planning for social infrastructure to mitigate the reasons for and impact of crime (Gallagher et al., n.d.).

The social cost of the prison-industrial complex is reflected in the fabric of our society. This is apparent when recognizing the psychological impact incarceration has on individuals (Haney, 2002; Liem & Kunst, 2013; Zeisel, 2006). The zeitgeist of prison reform is a critical political challenge in present day America.

A. PROBLEM

Windowless, badly ventilated cells amount to corporal punishment (Weschler, 1991). Building standards imposing adequate living conditions of incarceration facilities across the nation are inadequate and not mandatory. Incarceration facilities in the US do not have mandatory operational regulations or building code specific to their purpose and applicable zoning regulations or ordinances vary across counties and states. A lack of uniformity and oversight has led to inconsistent standards for inmate housing. There are severe cost to society due to the psychological trauma inmates experience, which too often interferes with rehabilitation as opposed to promoting successful re-entry (PREA, 2003). The built environment is a critical and often under considered aspect of rehabilitation because of the significant impact the environment has on psychological well-being, as explored in environment-behavior theory.

B. BACKGROUND

Prison reform has been an ongoing conversation in the public realm since the 1700's in England, on whose practices the US justice system is based. The first reform efforts were made by the Christian Knowledge Society when they became aware of conditions by visiting dungeons to distribute religious literature. Their early efforts included advocating for improved conditions in an attempt to lower the mortality rate and separate inmates by sex and conviction. (Woodruff, 2017a) Reformist and high sheriff of Bedfordshire, John Howard worked towards providing health, safety, and education for inmates throughout the 18th century. Parliamentary acts he spearheaded in 1774 called for conditions that improved prisoner health ("John Howard," 2014). Legislative reform efforts in the 19th century included the 1823 Gaols Act, an attempt to bring organization to prisons. Surveillance has long been a dominating architectural element in prisons,

and it was first promoted by opponents to dungeons like Jeremy Bentham, who saw it as a means to protect inmates from abuse and prevent riots and violence (Woodruff, 2017b). Bentham designed the panopticon which was meant to be an educational facility. It became commonly associated with Michel Foucault's work. The setting of a panopticon is an environment designed to monitor the behavior of detainees. Observation is used as a means to enforce desired behavior, a panopticon using constant supervision as a persuasive power. (Foucault, 1977) Present day standards continue to focus on the Direct Supervision Model, an evolution of Bentham's work (Woodruff, 2017c).

The purpose of prisons has oscillated between retribution, deterrence, incapacitation, and rehabilitation (Alschuler, 2003). In the early 1900's the goal of the US penal system began to shift toward reformation leading to probation and indeterminate sentences being introduced to our legal system as means of rehabilitation. Critics of reform cited deterrence as a necessary goal of criminal law and accused reformist of denying human autonomy and responsibility. The argument played out in court rooms as a debate between free will and determinism. Court rulings in the 1950's emphasize rehabilitation and treatment. Justice Black of the U.S. Supreme Court said in 1952, "Retribution is no longer the dominant objective of criminal law. Reformation and rehabilitation of offenders have become important goals" (*Reform of the Federal Criminal Laws*, 1977, pg. 8918).

There is a 76.6% rate of recidivism in the United States, whereas only 20% of detainees in Norway reenter rehabilitation facilities. (Benko, 2016) While it cost three times as much to house a detainee in Norway, the reduced recidivism rate economically compensates, with a potential savings of over \$45 billion per year. A President's Commission on Law Enforcement and Administration, established by Lyndon B. Johnson, did write a report promoting prison

reform in 1967, stating, “Architecturally, the model institution would resemble as much as possible a normal residential setting.” (Benko, 2016, para. 39) Johnson’s programs were countered with a strong media campaign downplaying the evidence of lowered recidivism rates in over half the experimental projects in the United States, which were shortly shut down. Sociologists who did not initially acknowledge rehabilitative architecture as effective in 1974, made public statements recognizing the effectiveness of designs that cognitively restructure detainees by 1979.

Dramatically increasing crime rates of the 1960’s and 1970’s, along with a lack of evidence for the effectiveness of rehabilitative programs brought public safety issues to the forefront of national politics, shifting the goal of the criminal justice system back to deterrence and driving hard-on-crime policy. By the 1980’s rehabilitation lost momentum and the prison industrial complex was booming. However, the certainty of punishment, not the severity, corresponds to the effectiveness of punishment as a deterrent discrediting prison conviction as an effective deterrent (*Five Things About Deterrence*, 2016).

Incarceration rates have skyrocketed since Reagan’s war on drugs, creating demand for facility construction. The implementation of policies such as the Comprehensive Crime Control Act of 1984 and the 1994 Crime Bill has led to an astronomical increase in criminal prosecution and detainment (Sawyer & Wagner, 2020). The combined national cost of mass incarceration for federal, state, and local entities is estimated to be at least \$182 billion a year. Near \$3.3 billion is allocated towards building and facilities. Annual state corrections expenditures averaged \$1.8 billion from 2002-2010, local government corrections expenditures averaged \$1.4 billion from 2005-2011, and the 2014 BOP budget requested \$100 million (Wagner & Rabuy, 2017). The Building and Facilities appropriations in the Bureau of Prisons (BOP) budget has decreased from

\$530 million in 2016 to \$99 million in 2019. These appropriations fund site, design, and construction of new correctional facilities, as well as the renovation, repair and maintenance of existing institutions (*FY 2019 Budget Request At A Glance*, n.d.). Voters supports public safety policies that prioritizes violence prevention, recovery, mental health, reentry, and effective strategies to stop the cycle of crime (*Toward Shared Safety*, 2020). The impact of public opinion on legislative financing of prisons and jails can be a guiding force.

A movement for humane prison architecture has gained international attention, embodied in the construction of Halden Prison, Norway. This method of design approaches the problem of the prison with the design intent of cultivating transformation and authentic rehabilitation (Samson, 2019). Architects/Designers/Planners for Social Responsibility (ADPSR) successfully appealed the American Institute of Architects (AIA) to ban the design of psychologically violent architecture that violate human rights as a part of the organizations code of ethics. Given the subjective nature of that appeal, it amounted to the AIA banning the design of spaces for executions and solitary confinement in December 2020 (“Prison Architecture,” n.d.).

Scandinavian countries have been developing at set of practices for designing humane prisons which have contributed to the International Committee of the Red Cross publication, *Towards Humane Prisons: A principled and participatory Approach to Prison Planning and Design*. The United Nations Specialized Conference published the first edition of the *Standard Minimum Rules for the Treatment of Prisoners*, also known as the Nelson Mandela Rules, in 1955. The latest updates were published in 2015. In 2016, the United Nations Office for Project Services published *Technical Guidance for Prison Planning: Technical and operational considerations* based on the Nelson Mandela Rules. Meanwhile, the US National Institute of Corrections worked on creating three editions of their *Jail Design Guide*.

C. QUESTION

How can the architecture of incarceration consistently be improved across the nation to promote rehabilitation? This question necessitates the investigation of local, state, federal, and international building standards that are currently being used to guide the design of incarceration facilities. Standards regarding rehabilitative architecture and legislation regarding prison reform can be used as guiding material. The identification of significant legislation regarding the reform of the built environment can be used to build a framework for intervention.

II. LITERATURE REVIEW

This literature review focuses on the theory and standards that inform prison design. Relevant theories are the Environment/Behavior paradigm which informs the movement for more humanely designed prisons. Standards of practice for the construction of incarceration facilities are shaped by lawsuits and litigation, which are also reviewed here.

There are many issues to be addressed in the conditions of future facilities, as well as in the over 7,000 existing US correctional facilities. The impact of the built environment on psychological health and behavioral outcomes calls for an assessment of the correctional facility as a unique building type. Environment/Behavior theory leads to the conclusion that the physical structures of the incarceration facilities undermine the objectives of restoration and rehabilitation. While there has not been sufficient research on the effect of prison architecture on inmate behavior, multilevel statistical analyses suggest that architectural design is associated with misconduct (Morris & Worrall, 2010). Post-incarceration syndrome resulting from imprisonment has been researched as a discrete subtype of PTSD; characterized by distrust, difficulty engaging in relationships, hampered decision-making, and loss or lack of sympathy associated with alienation. Recognition of the syndrome could result in more adequate treatment and successful re-entry into society (Liem & Kunst, 2013).

While inmates face difficult access to legal resources, there have also been significant lawsuits that contribute to the body of case law that influences the operations and standards of incarceration facilities. Key cases have included *Farmer v. Brennan*, United States Supreme Court, 1994, and *Brown v. Plata*, United States Supreme Court, 2011. This literature review examines these influential legal precedents on building standards and practices. The review can be divided into theory and legal review.

A. ENVIRONMENTAL BEHAVIOR THEORY AND HUMANE PRISONS

The built environment impacts our behavior because it is constantly influencing our psychological state, how our minds function, and impacting our neurology, our nervous system. (Dance, 2017) When applied to prison design, environment behavior theory raises the question, how do you build a correctional facility that promotes behavioral reform and a positive social identity? The greatest challenge isn't the architectural design of a humane prison but addressing social and political obstacles. This is because architectural concepts of humane design can be as straightforward as installing windows to provide daylight and fresh air whereas persuading the client to invest in install windows is more challenging.

Research concerning the psychological impact of the environment on the behavior and health of the inhabitants has been done in various urban settings: medical, educational, work places, and housing. (Bond, 2016; Dance, 2017; Howard, 2017; Zeisel, 2006) Improvements in recovery times, learning performance, and productivity have been found in these areas. Natural light and better air quality are a couple of elements that have been found to speeds up recovery time in hospitals, improve test scores and productivity in office spaces, and benefit the physical and mental health of residents of housing designed for well-being. (Howard, 2017; Zeisel, 2006)

Environment/Behavior theory reasons that a person in an intentionally designed environment, with access to nature and resources, will be better equipped to make positive behavior choices. (Sharpe, 2013) A person living in a stress inducing environment will react to their situation from an afflicted state of mind. An environment without natural elements or engaging design impacts the inhabitant's neurology and impairs their cognitive functioning, negatively affecting actions and behaviors. (Haney, 2002)

Prison structures are civic spaces and the dialogue between prison and surrounding urban space is often under considered. (Trusiani & D’Onofrio, 2018) The examination of the present-day city/prison relationship between Rebibbia and Rome emphasizes the connection between prisons and urban planning. Rome’s Social Regulatory Plan makes an attempt to establish connections between the neighborhood and prison and recognizes inmates as residents of the neighborhood. Inclusive policies addressed in the plan move to identify economic means to support reintroduction and identify the need for local development of standards.

Humane prisons in Scandinavian countries have been informed by the experience of incarceration from the perspective of the detained. (Fransson et al., 2018) Prison architecture is experienced in terms of materiality and place as well as a social construct. Lived experiences of inmates can identify the impact of the institution and architecture.

Known as the most humane prison in the world, Halden Prison design by Erik Moller Architects and HLM Arkitektur was selected in a competition held by the Department of Justice and the Norwegian Directorate of Public Construction and Property. (Vinnitskaya, 2011)

Humane design approaches were applied to promote successful transition after release. The design budget included \$1 million to be spent on art. This measure was part of the design mission to minimize psychological pressures, conflicts, and anti-social behavior. Architect Jessica Benco describes Halden as a



Figure 2-1. Halden Prison site (Source: Vinnitskaya, 2011)

“physical expression of an entire national philosophy about the relative merits of punishment and forgiveness” (Benko, 2016, para. 3).

Previous theories guiding the design of incarceration projects have used power dynamics in an effort to enforce desired behavior. (Foucault, 1977) This theory of design currently guides the design of current facilities. The effect of this environment has not resulted in the desired behavior of detainees. The reinforcement of an alienated identity strengthens anti-social behavior, and increases recidivism. (Cox, 2013)

1. *Psychological Impact of Natural Elements*

The inclusion of nature decreases psychological stress generated in incarceration settings and urban environments, and increases mental health, positively impacting psychological function, neurology, and behavior. (Bond, 2016) Green space improves overall health, physically and mentally. People living near green spaces in England were shown to have lower risk of circulatory disease in comparison to groups with similar risk factors, including socioeconomic status.

Halden Prison incorporates the surrounding woodlands into its design and incorporates natural light and improved ventilation, creating a healthier environment. (Benko, 2016) Designers of Halden focused on rehabilitation are moving away from the old image of incarceration buildings and working to create an environment more like the outside world. Doing so is meant to restructure the criminal identity and rebuild a healthy sense of self in relation to society.

Material elements and access to nature promote a safe environment. The availability of peaceful settings allows detainees to have a calmer and less threatened state of mind, which enhances their ability to learn, and improves social responses. (Zeisel, 2006) Stark, bare scenes

stimulate stress reactions associated with diminished chances of survival. A person reacting to an environment that's hazardous to survival has limited cognitive ability to make reasonable choices, and is more prone to unstable, risky behavior.

A PNAS (Proceedings of the National Academy of Sciences) study in 2015 showed that poor lighting design can cause headaches, stress, and anxiety. (Dance, 2017) Recent research also shows that syncing the light cycles of a building to the circadian rhythms present in the brain increases quality of sleep for occupants. The circadian rhythms are natural 24-hour cycles of mental activity and energy levels. This syncing can be achieved by the use of more stimulating natural light. There are increased long term health risk from disrupting the circadian cycle.

People were more frequently ill in buildings with mold, dampness, or other problematic climates. (Howard, 2017) Increased ventilation improves the health of inhabitants. The Environmental Protection Agency reports that the air we breathe inside buildings is two to five times more toxic than what is typically outside, due to off gassing and poor ventilation. When office workers in Syracuse, New York were tested on cognitive functioning, doubled ventilation capacity nearly doubled test scores of cognitive functioning. High humidity and rising carbon dioxide levels in public buildings lower people's energy and healthiness.

Students in classrooms with more natural light have test scores up to 25% higher than other students in the same school district in Virginia. (Howard, 2017) The limbic system, which controls our ability to learn, has developed in exposure to sunlight. (Zeisel, 2006) The lack of natural light and ventilation in incarceration structures impairs the ability of detainees to learn new social skills or engage in education. Lack of proper ventilation and lighting can cause severe damage to the psychology of detainees.

Incorporation of natural elements involves increasing natural light, ensuring water and air quality, the implementation of effective and clean heating and cooling systems and the inclusion of natural spaces. (Howard, 2017) Critical systems include natural and artificial lighting systems, Heating/Venting/Air Conditioning systems, and water systems. Doing so increases health and well-being and results in higher productivity, improved learning capacities, a higher functioning limbic system, and healthier inhabitants. This practice has been called ‘buildingenomics’ by the US Green Building Council.

2. *Psychological Impact of Built Environment*

Disorienting environments can have the negative psychological impact of inducing panic. (Zeisel, 2006) We have an evolved mental capacity for sensing direction and environmental mapping, which has benefited our survival. We respond favorably to environments we can easily navigate. Knowing the special relationships of our environment and having a sense of direction increases our psychological health. Places that look the same from any direction, or otherwise through off our sense of direction, are problematic to our ability to orient ourselves in our surroundings.

Physiological reactions to stress include physical and mental signs of stress, like rapid pulse, shallow breathing, sweating or clenched jaw. (Haney, 2002) Higher stress levels can cause frustration, hostility, mood swings, insomnia, difficulty concentrating or learning, depression, lower motivation, overreactions, and ill rational behavior, due to the psychological impact of stress inducing environments and situations. Prolonged exposure to stress turns these reactions into habitual behavior. Prison and jail designs purposefully create a sense of disorientation in the detainees.

Safe settings have a positive impact on our psychological health, whereas environments with high risk elements cause stress, which damages our psychology, especially by means of prolonged exposure. (Bond, 2016; Zeisel, 2006) Standard incarceration settings create an environment that is inherently threatening and over stimulates our survival instincts, generates psychological harm and increasing the likeliness of anti-social behavior. Emerging rehabilitative designs in incarceration facilities actively works to address psychological disturbances created by the designed environment. (Hildebrand, 1999) The ability to feel safe in a space is one of the most influential elements on neurological health. Prolonged exposure to unsafe environments causes long term psychological damage by rewiring the neurological system and creating difficulties in emotional and mental function of the mind.

The brain's responsiveness to environmental changes results in the development of behavioral patterns. (Zeisel, 2006) Experiences had in healthy environments contribute to well-being and shape pro social behavior. Recognizing territory, like recognizing space, is one of the most fundamental brain functions. It is a survival adaptation deeply rooted in genetic evolution. The mental stability of people who do not have the ability to access safety or social support is impacted, provoking negative social behavior. Wayfinding is how Zeisel describes the neurologically ingrained practice of relating one's self to one's environment.



Figure 2-2. Can the architecture of a prison contribute to the rehabilitation of its inmates?

(Source: Samson, 2019)

The Environment/Behavior/Neuroscience paradigm contributes to understanding how architecture affects the physical brain. (Zeisel, 2006) E/B analysis looks at how people behave in accordance with their environment, whereas the E/B/N analysis determines why people behave differently depending on the environment they are interacting with. The effects of the environment on the brain continues throughout a person's life, continually impacting their identity, by means of neurogenesis, the growth of brain cells throughout a lifetime. The personalization of space is a means for the individual to express their identity and reinforce concepts of self by forging memories and feelings.

E/B/N research considers the physical environment as the contextual setting for mental activity, such as mental mapping, and memory of setting. (Zeisel, 2006) E/B/N research sees the environment as an impactful element on the brain's ability to learn, recall, and understand relationship to the external world. Ability to learn is impacted by environment, as the mind creates connections between information and the learning environment. Contextual learning refers to the influence of environment, emotions, and state of mind on our ability to remember subject matter. People are better able to recall information learned in a meaningful environment. Information learned in a psychologically detrimental environment can't be processed as well.

The higher purpose of this environmental system of the brain is to understand who we are in relationship to our environment, the neurological process of creating identity. (Zeisel, 2006) The way we relate to our environment is a critical aspect of how we define ourselves. The design of Halden tries to create more positive social interactions between the detainee and outside society. (Fazzare, 2017) Creating a safe environment allow the occupants to develop themselves without being under continuous impact of a stressful environment.

A stress inducing environment causes the mind to respond from a state of high alert, which impacts the ability to develop long term plans. (Zeisel, 2006) Decreasing environmental stress is necessary to allow psychological healing from trauma inducing environments. The incarceration setting deteriorates the cognitive capacities of those detained. A space of rehabilitation enables one to improve themselves. Intentional design aims to produce behavioral corrections, by applying knowledge of how architecture enhances the effects on behavior through neurological manipulation, a process known as cognitive restructuring.

Engstrom has developed a systematic review of prison design features related to wellbeing in his work *Ethical Prison Architecture*. (Engstrom & van Ginneken, 2022) There is still a gap in research regarding prison environment and well-being. This article identifies building adjustments to promote well-being defined as mental, physical, and social health, and safety. The article identifies sixteen domains of "ethical architecture" defined as aspects of prison environment that promote well-being and creates a framework for the definition of "ethical prison architecture." Identified elements of ethical prison architecture include lighting, materials; aesthetics, noise, view, temperature, air quality, privacy; size & crowding, visitation, nature, layout, security, building age, accessibility, and facilities (building systems).

B. LEGAL REVIEW

1. *Case Law and Legislation*

There has been a growing body of case law calling for the improvement of conditions inside US correctional facilities. The 1977 case of *Laaman v. Helgemoe*, United States District Court, D. New Hampshire, is a landmark case in the history of prison reform and one of the most comprehensive lawsuits won against a prison. The ruling supports the intervention of federal

courts to examine the conditions of confinement in order to provide for inmate's constitutional rights and stated the importance of inmate's rehabilitation. Laaman filed suit alleging lock downs were instated without bases in fact and in bad faith, searches conducted illegally, noncontraband property had been confiscated, and visitations denied in violation of constitutional rights.

The case expanded to address medical care, work, education, rehabilitation, harassment, and living conditions. The three-story block of back-to-back cells prevents daylighting and air circulation. Complaints included excessively hot and cold indoor temperatures. Lighting inside and outside the cells was found to be inadequate. Air circulation systems added since litigation have not been found to be effective. Lack of sanitation, heating and lighting created difficult living conditions. It was built in 1878, so the original structure was a hundred years old. The facility was renovated for expansion in the 1940's, increasing the prison's size from 248 to 314 single cell units. The major access route to the cells along a single-rail catwalk on the perimeter of the nonfunctioning boiler room was found to be unsafe. West wing isolation cells had no hot water, lighting, windows, or air circulation and were completely isolated and unsupervised. They were found to be "totally unfit for human habitation ... with the potential of devastating psychic, emotional and physical damage." (*Laaman v. Helgemoe*, 1977) "Death" cells and "treatment" cells were found to be equally nightmarish and found to be potentially psychologically destructive and physically dangerous. Insufficient visiting space and poor acoustics in the gym above prevented the use of the space because of noise problems. Fire hazards and medical spaces were highly problematic. The plaintiff class expanded to represent present and future inmates of New Hampshire State Prison. The ruling required the prison to provide adequate physical and mental health care, remove fire hazards, and ruled in favor of plaintiffs' complaints concerning classification, vocational training, and visitation.

In the 1994 case of *Farmer v. Brennan*, 511 U.S. 825 United States Supreme Court, Dee Farmer, a preop trans woman alleging assault in a male penitentiary filed suit seeking an injunction barring future confinement in any penitentiary. The US Supreme Court with no dissent held that prison officials may be liable under the Eighth Amendment for denying humane conditions of confinement only if they know that inmates face substantial risk of serious harm and disregard that risk by failing to take reasonable measures to abate the risk. The case was remanded back to the lower courts to determine if this standard was met.

This decision established a critical precedence for federal power of intervention and accountability of facilities. This ruling established that deliberate indifference to substantial risk is a violation of prisoners' rights under the cruel and unusual punishment clause of the Eighth Amendment and that a prison violates the Eighth Amendment when conditions pose a serious risk of harm and prison officials can be shown to act with deliberate indifference to inmates' health and safety.

The US Constitution has inspired global human rights documents like the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment written in New York in 1984, almost two hundred years later. Since then, Nelson Mandela's work as a human rights advocate has had the greatest global impact for the just treatment of prisoners, also inspiring United Nations publications like *Standard Minimum Rules for the Treatment of Prisoners* (known as the Nelson Mandela Rules). This history of incarceration has led to continually developing architecture, standards, laws, and purpose of incarceration all of which impact the urban framework of society.

Given the history of society having relied on corporal and capital punishment for thousands of years, amendments Five through Eight of the United States Constitution were a

revolution of criminal justice. The US Constitution granted substantial rights to detainees that prior political systems did not consider critical in a just society. England was operating the Tower of London as torture chambers when the founding fathers first included the phrase “No cruel and unusual punishment” in the Constitution. Inmate litigation still relies on that clause of the Eighth Amendment. The Constitution is still the most powerful legal tool for advocates seeking to improve the conditions of incarceration.

Farmer v. Brennan, 511 U.S. 825, 1994 case was referred to in the 2003-04 US Congress Senate Bill 1435, The Prison Rape Elimination Act (PREA). This act is a foundation for future intervention by the federal government over county and municipalities to act to improve the conditions of incarceration consistently across the nation. While its scope addresses the operations of facilities, parallels exist between PREA and the Americans with Disabilities Act (ADA). These two pieces of legislation provide the groundwork of national legislation enforcing humane prison architecture across the United States and are grounded in the Eighth Amendment. PREA estimated that 13% of inmates are assaulted in prison, over a million assaults in the 20 years prior to 2003. The initial law identifies mentally ill inmates and juveniles as being at increased risk. Prison rape often goes unreported and untreated and is a threat to public safety.

The law uses Congress’ established right to take action to protect the Eighth Amendment rights of prisoners in states that have shown indifference under *Farmer v. Brennan*. States that do not adopt standards to abate prison rape demonstrate indifference and are not entitled to federal grants. The purpose of the act is to protect individuals from prison rape, to adopt a zero-tolerance standard, priorities prevention, create standards, increase data, create definitions, increase accountability, protect the eighth amendment, create accountability for grants, and reduce cost of prison rape. The outline of the act, calling for comprehensive reviews, a review panel, reports

from the Attorney General to Congress, provision of grants for state projects, is a template for future legislation on the architecture of facilities. It is a template for the enforcement of national architectural standards because of the means it uses to create the National Prison Rape Reduction Commission to provide a comprehensive study on the impacts of prison rape report and recommendations to inform the develop national standards. It requires accreditation organizations like the American Corrections Association to adopt accreditation standards. Like in the ADA, the International Code Council may be qualified to fill the role of the National Prison Rape Reduction Commission in future legislation requiring the creation of building standards.

The US Congress is still working on strengthening PREA and will be considering HR 8096 PREA Rights Enforcement this year. (PREA Rights Enforcement, n.d.) This act codifies the definition of biological sex and gender identity, orders federal inmates to be held by sex and restricts funds to states that do not comply in an effort to address the impact of violence and assault on female inmates due to inmate housing assignments based of gender identity.

SB 5248 Establishing the joint legislative task force on jail standards was reintroduced in the WA State Legislature in the 2023 regular session. This goal of the act was to standardize rights of confined individuals in county, municipal, and juvenile facilities by creating a regulatory body with oversight powers. The legislature found that the living conditions in jails play an important role in the reentry process and that successful reentry has a positive effect on reducing recidivism and promoting public safety. The legislature found that the mental and economic trauma imposed by substandard living conditions in such facilities can have a negative impact on rehabilitation efforts. The oversight board was to be tasked with enforcing standards on mental health care, health, safety, and welfare. The 2021 budget approved the creation of the

tasks force, and it was amended again in the 2022 budget. The task force is codified at RCW 70.48.801.

2. *Standards*

Few authorities in the US have elaborated on standards impacting incarceration facility design beyond planning considerations regarding connecting buildings to city services like utilities. A unique exception exists in Minnesota where Administrative Rule Ch. 2900 New Corrections Facilities, .0600 Construction Standards for Security Areas, Subp. 4. Exterior and natural light orientation requires natural light in cells for permit approval. This rule, adopted by the State Department of Corrections, requires that medium and minimum dormitories be located on an exterior wall with windows providing natural lighting, although there is an exception allowing natural lighting to come through a dayroom. Maximum security cells or dayrooms are allowed to provide natural light through a 44-inch inspection corridor.

Most standards address the operations of facilities, which are one of the first things to be considered in the design process. Not only are operational standards significant because of the importance to the design of buildings, but looking at what organizations publish operational standards and what authority they have to enforce them is informative to any plan of action to significantly alter the built structures of prisons and jails.

One of the most notable standards written on prison operations is the UN's 1955 *Standard Minimum Rules for the Treatment of Prisoners* (Nelson Mandela Rules). The Nelson Mandela rules lay out guidelines including no discrimination, maintained prisoner records, and no imprisonment without order. The rules call for separation of prisoners based on sex, age, and conviction status, and individual cells or supervised dorms.

The rules call for architectural accommodations of minimum space, light, heat, and ventilation to support health, sanitation, and hygiene along with clean, individual bedding, nutritional food, and clean water. Rule 11 states that “In all places where prisoners are required to live or work: (a) The windows shall be large enough to enable the prisoners to read or work by natural light and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation; (b) Artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight.” (*Nelson Mandela Rules*, 1955)

Architectural accommodations must provide for rules requiring outside space, medical treatment including on site psychiatrist, dental and pregnancy care, and entry medical screenings. The prisons’ design also must provide contact with the outside world, libraries, and access to religious services. These accommodations have their own story in the legal history of civil rights in the United States.

The US National Institute of Corrections published the *Jail Design Guide: Resource for Small and Medium-Sized Jails* in 1998. This guide begins to identify the benefits of superior design by noting that outdated small jails generating numerous technical assistance requests and that architectural failures become costly mistakes that haunt local officials. While it focused on the challenges faced by small to medium facilities its content is relevant to the design of most facilities. The first edition was ten years old at the time of this revision, and hard to locate. The NIC revised the standards because of the increase in jail populations driving a demand for small jails during the 1990’s.

The considerations of the guide are based on striving for efficiency. The guide focuses on capacity and security but does address environmental quality regarding control of sound levels, provision of a decent environment (space, temperature, light, color, humidity), minimizing reliance

on electronic surveillance, and designed cell windows (when used), and spatial organization promoting circulation.

It does also build on the case for design intervention to address conditions by listing benefits of design such as decreases of assaults, suicides and attempts, fires and vandalism, lawsuits, and contraband. *The Nature of New Small Jails: Report and Analysis* (1985) and *Small Jail Special Issues* (1986) were funded by a grant awarded to evaluate jails built after 1974. The report found repeated problems would require major renovations and lead to the development of the *Small Jail Design Guide*.

In the 2011 third edition of *Jail Design Guide* updates “Chapter 11: Planning and Designing to Standards”. Understanding current building standards is necessary to improving those standards. Jails need to meet various codes and standards of local, state, and national agencies. This chapter reviews standards and legal requirements that architects must meet to permit the construction of a jail.

What agencies have authority to enforce jail standards vary by state. (Kimme, 2011) Approaches, legal authority, and resources of agencies vary greatly. Highly regulated states have granted authority to agencies to close non-compliant facilities, less regulated state agencies rely on encouraging compliance. Often different agencies regulate architectural and operational standards. As of 2011, seventeen states had no formal jail standards, and some states with jail standards had no specific agency responsible for the enforcement of those jail statutes or standards.

National Standards include the National Fire Protection Association Life Safety Code and the Americans with Disabilities Act: Title II which bars architectural barriers. National agencies include the American Correctional Association and the Commission on Accreditation for

Corrections, but these lack authority to mandate or enforce compliance with their published standards on operations and programming. They are private non-profits that accredited institutions. The American Jail Association supports accreditation of facilities (*Resolutions of the American Jail Association*, 2017). State standards vary greatly, and national agencies like the ACA set standards that are not mandatory, and enforceable federal standards only address fire protection and accessibility.

Meanwhile, in 2015 the UN revised and expanded the Nelson Mandela rules. Expansion of the rules included an emphasis on the respect for dignity of human life and a ban on subjection to torture, cruel or degrading punishments. The rules called on facilities to meet individual needs, resolve conflicts and focus on rehabilitation by minimizing the differences between prison life and life at liberty. The rules now call for evidence-based decision making.

The UN followed the expansion of the Nelson Mandela rules with development of the *Technical Guidance for Prison Planning: Technical and operational considerations* based on the Nelson Mandela Rules. This illustrates how rules of operation directly impact architectural and planning guidance, and the significance of the work of political bodies. This guidance was developed to protect society, recognize legal processes, and provide rehabilitation. Design can contribute to safe and decent outcomes for inmates and staff. Front end decision making during the design process impacts the operational life cycle, functionality, and ability of a facility to provide rehabilitative regime.

Guidelines have also been developed by the International Committee of the Red Cross in their 2020 publication *Towards Humane Prisons: A principled and participatory Approach to Prison Planning and Design*. “Chapter 5: Using Evidence in Design” has particularly important content because many legislative bodies in the US are concerned with making evidence-based

decisions and are seeking to build a body of informative reports and studies to guide recommendations concerning incarceration practices and facilities. The building of humane prisons requires an understanding of complex design and operational issues. We can develop this understanding by learning from existing facilities, how they came to be, and applying conclusions from data and research about the impact of the built environment on people and organizations. Evidence based design uses operational logs and databases, user surveys, prison studies, and research in other settings. The purpose of this book is to support humane prison design through evidence-based design practices.

III. METHODS

A. APPROACH

To understand the location and design of incarceration facilities and commonly referenced standards, a multiple case study research method informed by interviewing professionals who participate in planning, operations, design, and construction of facilities will be applied. A case study method is useful in this situation to answer the how aspect of the research question, How can the architecture of incarceration consistently be improved across the nation to promote rehabilitation? A case study approach is also useful because of the lack of control over real world events any study would face and due to the contemporary issue of current incarceration practices. This method is used to describe reform interventions within the real-world context in which they are occurring. (Yin, 2018)

This research is based on the propositions that current architectural standards of practice often result in psychologically detrimental conditions of incarceration measured by the defined criteria, and planning and policy do not adequately meet the needs of individuals or communities impacted by incarceration. The case studies will review each jurisdiction's work in planning facilities and draw on the experience of planning, design, and policy professionals. The study will remain limited to whether the criteria for ethical architecture of incarceration has been planned and designed for. (Yin, 2018)

B. CASE STUDIES

Each of the case studies selected provides an example of efforts to improve the conditions of incarceration. New York's plan to close Riker's Island is the most relevant case study, while looking at the local case of Skagit County, WA provides some comparison. The case study of

New York encompasses the city's plan to replace Riker's Island with borough-based justice hubs. This plan has involved city policy approval, planning interventions, the creation of a commission and neighborhood advisory committees, and the preparation of advisory reports for the commission and city offices. In contrast, planning for Skagit County went through conventional practices of building permit applications and land use rezoning of the site. As the extent of planning performed for the cases is dramatically different, the methods are a multiple case study. Due to the extensive work done on New York's plan to Close Riker's Island, there is a substantial amount of material to be examined. The differences and similarities between the case studies can provide insight into possible approaches to reform of the planning and design of incarceration facilities. The case studies will examine the local plans, policies, and standards of the jurisdiction of New York City and Skagit County.

Advisory federal standards have been created by the National Institute of Corrections. These standards can also be examined to see if they meet the criteria for ethical design of incarceration facilities. The federal agency of the National Institute of Corrections (NIC), a branch of the US Department of Justice (DOJ), has been the party responsible for the development of standards of practice concerning the design and construction of incarceration facilities. The *Jail Design Guide* that the NIC publishes represents federal standards intended to guide the design of incarceration facilities. (Federal Policy Analyst, personal communication, August 28, 2021) It was originally developed in the 1980's due to the high rate of inmate litigation against incarceration facilities due to unconstitutional conditions. (Kimme, 1998) Development of the design guide was carried out by an architecture and planning firm.

New York City is in the middle of an extensive planning effort to close Rikers Island, a significant case study due to its prominence. This effort was selected as a case study due to its

tremendous significance of the project. The plans looked at legal practices, community planning and social infrastructure along with the detrimental impact of inhumane conditions on Rikers Island. The importance of social infrastructure to support communities impacted by incarceration practices has been a primary focus of investigation in reports prepared for New York policy makers. Activist efforts and litigation have contributed to the progress made by the close Rikers’ movement. (Gallagher et al., n.d.)

Skagit County recently constructed a new justice facility which was selected as a case study primarily as a representative case study of the northwest. The level of engagement that the involved counties and planning professionals had with this project is in alignment with common practices which are less substantial than the effort of work performed to address the conditions of incarceration in New York. This case study was selected due to the clients their transparent approach to community engagement and willingness to participate in this study.

C. FRAMEWORK & OUTLINE

To seek an understanding of the planning and design of local government incarceration facilities, case studies were selected to contrast their design and approaches to reform. This approach is appropriate because standards vary across jurisdictions and national standards are advisory (Kimme, 2011). A strength of using this case study is that it explores the

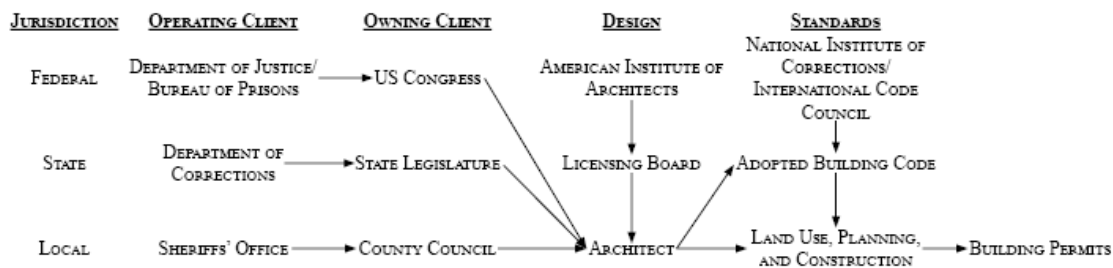


Figure 3-1. Planning, Architectural, and Client Mapping (by author)

implementation of a plan to close an incarceration facility within the political, legal, and social context of the plan. The contextual conditions of the case are pertinent to understanding. (Yin, 2018)

Figure 3-1 illustrates the interactions between public clients, architects, and planners. For clarity, many involved parties are not shown. The process depicted is that of an operating client going to the funding client for project approval. If a project is deemed necessary, the funding client hires a licensed design professional, typically an experienced architectural firm. For a firm to acquire a building permit, the local agency responsible for issuing building permits will review the construction documents to determine if the project meets all applicable codes and ordinances.

To define a rehabilitative environment in terms of the architecture of incarceration, Engstrom and van Ginneken's definition of "ethical architecture" which identifies elements of ethical prison architecture will be referenced. (Engstrom & van Ginneken, 2022) This definition includes lighting, materials, aesthetics, noise, view, temperature, air quality, privacy, size and crowding, visitation, nature, layout, security, building age, accessibility, and facilities (building systems). As materials and aesthetics were found to have less of an impact on behavior in the *Nature of New Small Jails* report, they will not be referenced. (Kimme, 1985) Noise, temperature, and air quality data is not available. Layouts for incarceration facilities are not publicly available and could not be accessed to evaluate privacy and security within facilities.

Case study research will focus on how planners and designers have planned to provide lighting, views and access to nature, size and crowding, visitation, and building age. Given the references to program spaces for education and rehabilitation activities in *Laaman v. Helgemoe*,

United States District Court, D. New Hampshire, and *Standard Minimum Rules for the Treatment of Prisoners* (Nelson Mandela Rules), access to program space will be considered.

D. INTERVIEW PROTOCOL

Interviews were conducted with professionals involved in the work of clients, designers, and policy advisors closely involved in planning reform efforts. Due to the contemporary and contextual aspects of the case study discussed, interviews are appropriate for their ability to investigate the experiences of engaged professionals and provide qualitative information. Interviews conducted will provide empirical evidence concerning the experiences, challenges, and difficulties faced by professionals involved with planning to close Rikers'. Interviews were conducted over email, on zoom, and on phone calls based on the participants' schedule and availability. For their protection, due to the sensitive and ongoing nature of their work, participants will be referred to anonymously.

Within the federal jurisdiction, an interview was conducted with a policy analyst who worked on the development of the *Jail Design Guide* for the National Institute of Corrections. The participant was selected to work on the project for the NIC due to their significant relevant experience in incarceration facility design and planning. They will be referred to as Federal Policy Analyst. Interviews were conducted via email on August 28th and October 13th of 2021. Reference appendix for interview questions. Documents reviewed include multiple editions of the *Jail Design Guide* along with the *Nature of New Small Jails Report and Analysis* and *Small Jails Special Issues*.

Within the jurisdiction of New York City, an interview was conducted with a policy advisor who worked closely within the Mayor's Office and the reform commission. The participant will be referred to as Policy Advisor. The interview was conducted on a zoom call on

March 31st of 2023. An interview was also conducted with an architect. They will be referred to as Architectural Policy Advisor. The interview was conducted over the phone on March 15th, 2023. While this interview also moved between topics, pre-written questions for both interviews can be found in the appendix.

Documents reviewed for this case study include New York Local Law in relation to amending the bill of rights for incarcerated individuals and establishing guiding principles for the design of newly constructed jails, advisory reports prepared for the Independent Commission on New York City Criminal Justice and Incarceration Reform on policy, planning, and design principles, design guidelines prepared for the four borough facilities in Brooklyn, Bronx, Manhattan, and Queens, media coverage, and plan updates available on city website.

Within the Skagit County jurisdiction, interviews were conducted with a representative of the operating client and an architect. The client will be referred to as Operating Client Representative. The interview was conducted over the phone on February 21st, 2023. The interview did not follow a scripted question list. The architect will be referred to as such. They participated in an interview on Microsoft teams meetings on February 21st, 2023. Questions are listed in the appendix.

Public documentation available to the public that was reviewed for this case study include staff reports prepared by the City of Mount Vernon Community and Economic Development Office, for comprehensive plan amendments and associated rezones, conditional use permits for essential public facility and master plan approval for the Skagit County Jail, City of Mount Vernon Resolutions regarding land use permits for the new jail facility, and exhibits of staff comments, public comments, and narrative justification reports.

E. LIMITATIONS

There are many limits to conducting research on the impact of the conditions of incarceration. Foremost, this analysis is limited due to its very contemporary nature. While the city has developed a plan to close Rikers' and incorporated it into the city's comprehensive plan, New York is only halfway towards the closing of the facility. This limits the case study to reviewing why closing Rikers' is a high priority for planners and politicians in New York, what their plan is, and how they are implementing it. The results cannot yet be evaluated due to the plan currently being in the implementation phase.

Lack of transparency into the conditions and operations of facilities creates significant obstacles. One of the notable limitations to the research is the issue of private prisons. Private prisons are not required to meet the same reporting standards as public facilities. Due to the unavailability of information regarding the private operations of facilities, it was not feasible to use a privately operated facility as a case study. Private facilities are responsible for the housing of seven percent of the incarcerated population. (Sawyer & Wagner, 2020)

IV. CASE STUDIES

A. NATIONAL PLANNING AND DESIGN GUIDANCE

Prior to the 1980's, the US Department of Justice (DOJ) provided Advanced Practices documents for incarceration projects throughout the US along with Federal government funding programs and technical assistance. (Federal Policy Analyst, personal communication, August 28, 2021) During the 1980's the National Institute of Corrections (NIC), a branch of the DOJ, awarded the University of Illinois a grant to evaluate jails built after 1974 and develop Advanced Practices for detention facility standards (Federal Policy Analyst, personal communication, August 28, 2021). These reports included *The Nature of New Small Jails: Report and Analysis* (1985) and *Small Jail Special Issues* (1986) which found repeated problems would require major renovations and led to the development of the *Small Jail Design Guide*, published in 1988. The NIC updated the guide in 1998 and 2008 and operated training programs for local government staff about to take on jail projects.

Legal challenges to the conditions in jails are a critical issue for local jurisdictions. (Kimme, 1986) In 1985, one in three jails was facing a lawsuit or court order under the Civil Rights Act of 1871. Federal courts were ruling against local jails in cases regarding inhumane conditions contributing to violence, suicide, and death. Prisoner lawsuits had held facility staff responsible for millions in damages. Inadequate square footage, inadequate lighting and heating, lack of toilets and sinks in cells, fire code violations, and inadequate ventilation systems were found to be unconstitutional. In *Hamilton v. Love*, (Dist. 1971) the courts found that "If the State cannot obtain the resources to detain persons awaiting trial in accordance with minimum constitutional standards, then the State will simply not be permitted to detain such persons."

As part of the 1985 *Nature of New Small Jails* report, 255 jails of fifty beds or less were surveyed and on-site evaluations of 32 of those facilities were conducted. (Kimme, 1985) Many facilities were challenged by overcrowding and lawsuits. Facilities that conducted pre-architectural planning, had trained staff, and met jail standards faced less frequent issues. Methods of supervision were a significant factor impacting the frequency of legal challenges, while architectural features like materials had less of an impact of operational issues. Major liabilities included jail management, staffing, and facility design.

Between 1970 and 1985, approximately 1,000 local jails had been constructed across the US costing approximately \$670 million. (Kimme, 1985) Along with overcrowding, changing standards contributed to the high rate of construction. New facilities continued to have the same problems as facilities they were replacing. Some could not open due to operational, staffing, physical problems, and others faced lawsuits immediately after opening. Due to the growing body of case law concerning jail design, many local jurisdictions were attempting to create minimum jail design standards at the time. The *Nature of New Small Jails* report assessed which planning, design and operational elements were functional or were liabilities. The report recognizes the question of the constitutionality of prisons and jails as a more significant issue than either crime rates or rioting of the era, as well as the lack of regulation and standards for incarceration facilities.

Planning issues identified during the surveying process were significant enough that the *Small Jail Special Issues* for the NIC in 1986 was developed as a series of follow up guidance. (Federal Policy Analyst, personal communication, August 28, 2021) This report summarized findings on nine special issues faced by small jails. (Kimme, 1986) These issues were prior considerations, lawsuits and liabilities, multi-jurisdictional jail options, capacity, modes of

supervision, cost, transition planning, maintenance, and using an architect. The special issues document was created to inform local officials and planners of often ignored issues.

When the planning process was rushed or incomplete, jails faced more problems concerning overcrowding, insufficient funds for operations, failure to comply with standards, operational difficulties, and lack of essential spaces. (Kimme, 1986) Achieving tolerable architectural conditions in jails requires a comprehensive planning process. For example, determining the capacity of a jail to avoid overcrowding needs to be informed by known how many people are likely to pass through the facility over decades and what the special needs of women, juveniles, intoxicants, or mentally ill detainees will be. The inclusion of expanded operations like education and vocational training requires increased space and costs. Public engagement and support are necessary to developing more humane and ethical facilities and often becomes a challenge in the process of siting a project.

Pre-design programming work was vital to understanding project needs. (Federal Policy Analyst, personal communication, August 28, 2021) This pre-design process involved establishing client priorities and expectations by using questionnaires, and sometimes touring facilities or conducting NIC training programs. Design teams focused on assessing the needs of staff and supporting their operational practices in new facilities. The emphasis on pre-design programming was due to operational cost of small jails opened from 1974-1984 being 10 times more than construction cost over a 20-year lifecycle.

In the 1970s and 1980s, local clients were more amenable to investing in better quality facilities with more rehabilitative programming. (Federal Policy Analyst, personal communication, August 28, 2021) However, the focus shifted to cost during the 1990s in part due to the overwhelming increase of the incarcerated population and rapidly accelerating cost of

constructing facilities to avert overcrowding. In the past 50 years, the average national per capita county jail incarceration rate increased fivefold. While mental health issues have always been a major long-term problem in county jails, the closure of large state mental health facilities in the 1970s without adequate replacements led to an increase of jail inmates suffering from mental illness. In many circumstances, police officers had nowhere else to take someone who is having a mental health episode except for the local jail, even though County Jail staff are ill-suited to manage them, and jails are not designed to accommodate them. Despite advocacy for normative environments, designers have been limited in providing them due to client's goals.

Environmental irritants include sound, light, smell. An environment that supports mental health also supports improved behavior.

At the time of de-institutionalization from mental health facilities, the disconnect between states and local governments was highly problematic. (Federal Policy Analyst, personal communication, August 28, 2021) States solved their philosophical and operational problems posed by mental institutions by closing massive and decaying state facilities without following through on providing funding for regional facilities. This passed the fiscal burden of providing for the mentally ill onto localities with an unfunded mandate to provide regional "community-based" facilities that were never opened. This problem has gone unresolved for half a century with limited increases in local capacities and decreased state support. Due to the lack of options, many mentally ill people end up in county jails, suffering in "substandard facilities with insufficient services." (Federal Policy Analyst, personal communication, August 28, 2021)

When working on county projects, county board members are considered the owning client and sheriffs or facility staff are referred to as the operating client. (Federal Policy Analyst, personal communication, August 28, 2021) Owning clients would primarily be involved with

budget, site location, and sometimes plans for future expansion. The owning client represents public opinion. Due to the infrequency of jail construction within each county jurisdiction, the owning client on a county level is usually not familiar with specialized buildings like jails, courthouses, or law enforcement centers. Counties may have gone a half century since their last justice project, so their project knowledge is based on the failures of the existing building systems. States build, expand, or renovate prisons more frequently than smaller jurisdictions and often have professional construction staff familiar with state prison projects. Sometimes they have standards of design for the architect, usually regarding construction, security system, conceptual, and site development standards.

County Boards or executives often leave a great deal up to the architect, meeting only with the board or selected board representatives for occasional client presentations or budget approvals. (Federal Policy Analysis, personal communication, October 13, 2021) The design process of jails invariably includes political discourse. Clients often saw the facilities' purpose as

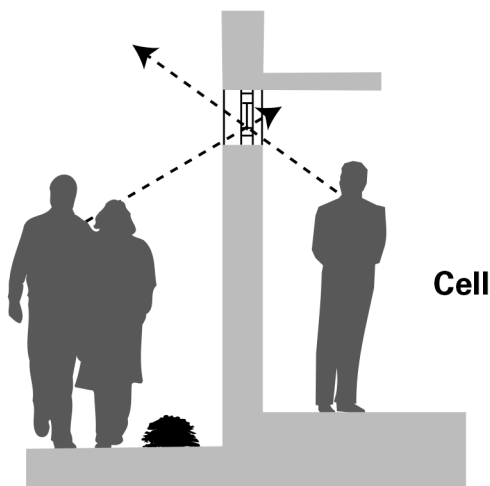


Figure 4-1. Window Sill Height Prevents View Conflict (Source: Kimme, 2011, pg. 24)

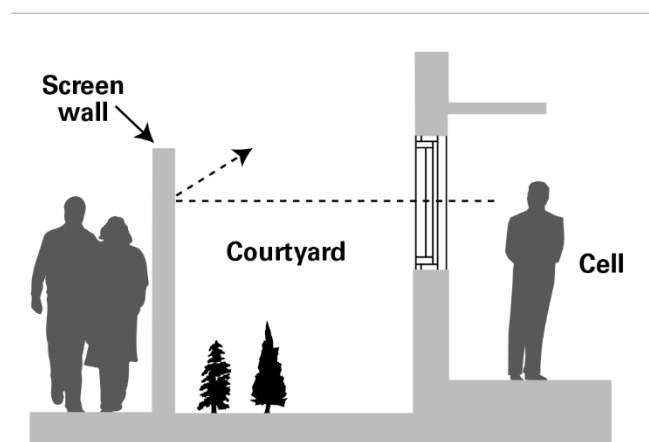


Figure 4-2. Placement of Window to Look Out Onto Controlled Space (Source: Kimme, 2011, pg. 25)

inherently punitive. For example, county board members would object to exercise areas because those facilities might be perceived as letting the inmates have fun. Explaining the health and behavioral benefits of exercise and how that improved safety for staff and inmates has been a helpful communication method for architects and designers.

More involved owning clients get into issues like philosophy, aesthetics, and project mission. (Federal Policy Analysis, personal communication, October 13, 2021)

This level of involvement builds understanding, support and buy-in and enables the county to explain the project fluently to the taxpayer. As an experienced policy analysis observed, “It is always better when the elected official explains and justifies the project to their electorate than it is when the hired "gunslinger" (the architect) does it.” (Federal Policy Analysis, personal communication, October 13, 2021)

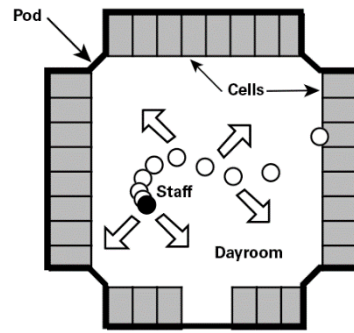


Figure 4-3. Direct Supervision Housing Unit (Source: Kimme, 2011, pg. 45)

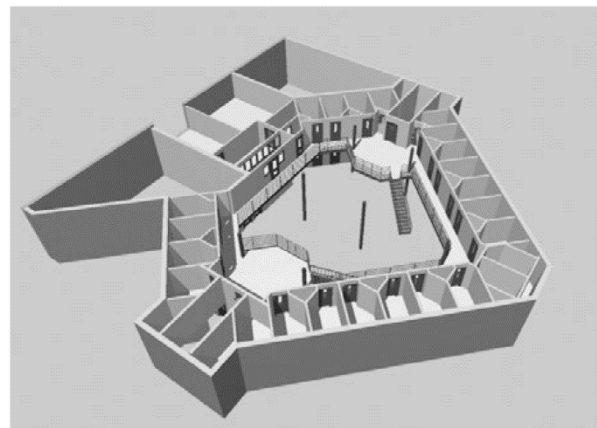


Figure 4-4. Direct Supervision Housing Pod (Source: Kimme, 2011, pg. 53)

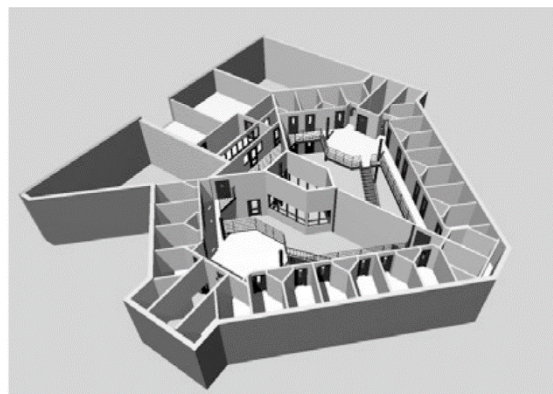


Figure 4-5. Remote Surveillance Housing Pod (Source: Kimme, 2011, pg. 47)

The operating client includes the sheriff, jail staff, probation and correctional officers, service providers, medical staff, local law enforcement, and any other staff or judicial officers that work at the jail. (Federal Policy Analysis, personal communication, October 13, 2021)

Visiting the public or visiting attorneys are also considered operating clients. The operating client is focused on project details, programming, and layout. On some projects, the owning client limits the operating client's participation in the design process. This decision may be supported by the architect depending on their regard for the operating client's knowledge and credibility. This approach has had problematic results including inability to open projects due to the design of the facility being too staff intensive causing operating costs to be too high.

The American Correctional Association (ACA) national standards for prisons, jails, and juvenile detention facilities has been referenced by expert witness testifying in federal lawsuits in cases challenging the constitutionality of a jail. (Federal Policy Analysis, personal communication, October 13, 2021) These cases rest on the eighth amendment as all ACA and DOJ standards are advisory. Cases challenging the constitutionality of facilities most frequently cite the cruel and unusual punishment and due process clauses. The standards written at the University of Illinois were applicable everywhere in the US, if a county wanted federal construction monies. When working on county projects, the National Institute of Corrections could recommend that the federal government decline funding if it felt that the project did not meet the standards. Those recommendations were typically followed, although the agency occasionally "took some serious political heat from House and Senate offices" when their recommendations were not liked.

B. NEW YORK CITY, NY

In a landmark event, New York City has committed to closing Rikers Island by 2027. Construction of the replacement borough-based jails located in downtown Brooklyn, a subway yard in Queens, next to the city hall in Manhattan, and replacing a police department tow pound in the Bronx has begun. (Hagg, 2019) Rikers Island began operations in 1932 and has become the most infamous jail for neglect, abuse, and dangerous conditions in the US. While overpopulation peaked in the 1960's and 1970's, the facility has continued to be criticized for its dangerous conditions, particularly abuse and violence faced by adolescent inmates. The facility suffers from understaffing, gang violence, crumbling infrastructure, and deaths of inmates. Nineteen people died in the facility in 2022. (Gonzalez et al., 2022)

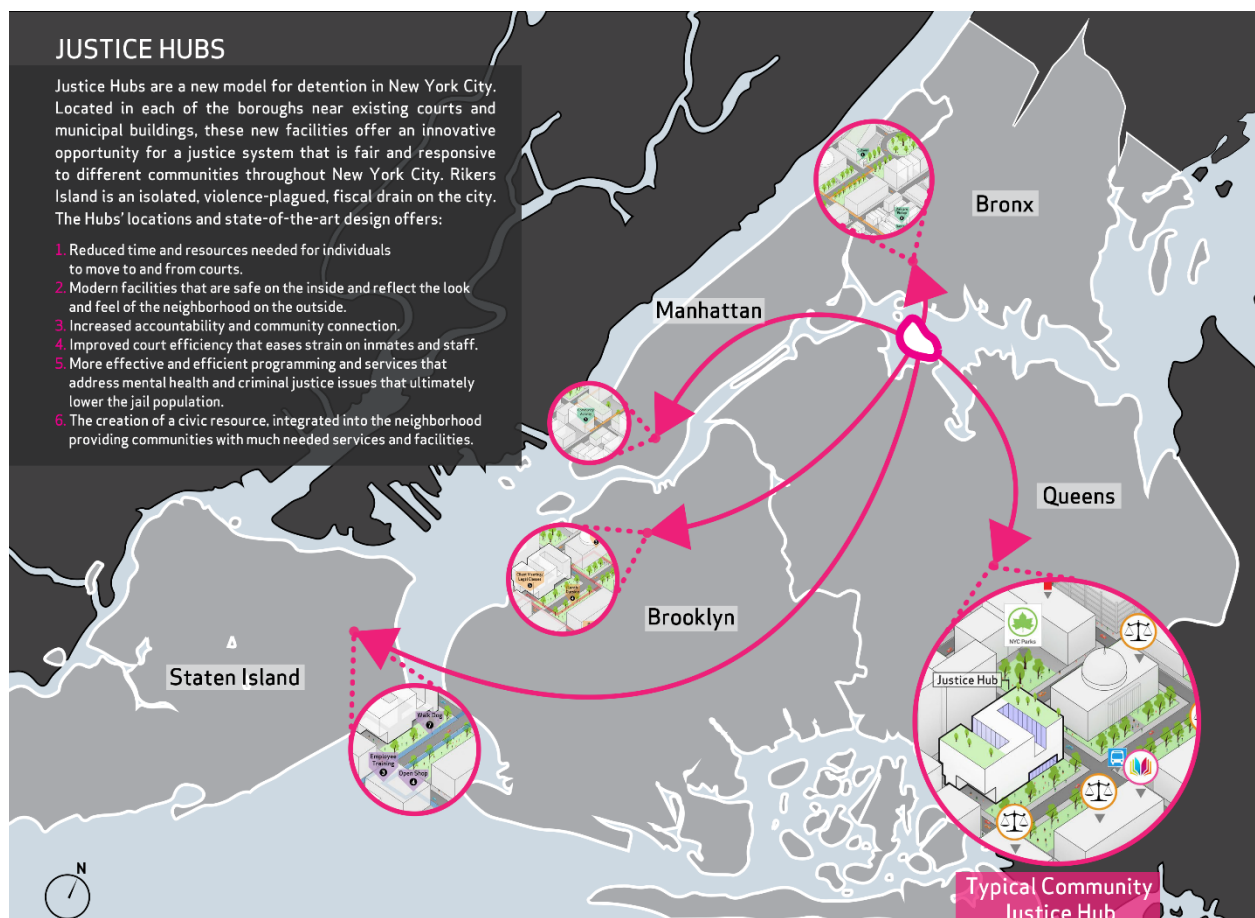


Figure 4-6. Justice Hubs (Gallagher et al., n.d.)

The Close Rikers' campaign began in 2016 ("JustLeadershipUSA," n.d.). Close Rikers' activists worked to gain attention from the mayor's office through both formal and informal communication methods. (Policy Advisor, personal communication, March 31, 2023) A prominent activist and former detainee, Glenn Martin approached the mayor at public events to convey the message that it was time to close the facility. The Department of Corrections was already concerned about the conditions on the island. There was federal litigation during De Blasio's term as mayor in which the city was sued due to the conditions of confinement of juveniles who had been charged as adults when 16 to 17 years old, known as the Nunez Case. The news coverage that the litigation received raised awareness of the conditions on Rikers' as everyone could read the plaintiffs' claims, making it a focus for city council members.

As a result of the Nunez case, the court approved a consent judgement and began enforcement on October 21, 2015. (*Case: Nunez and United States v. City of New York*, n.d.) The settlement agreement included requirements to improve conditions. (Policy Advisor, personal communication, March 31, 2023) A federal monitoring team was appointed to determine if the city was meeting the improvement criteria which included additional programming, funding for community service providers, education providers, reentry funding invested in transitional employment opportunities, universal camera coverage, and officer training on de-escalation tactics.

On Thursday October 17, 2019, the proposal to close Rikers and build four new borough-based facilities was passed by the full City Council. ("Rikers to Close," n.d.) Mayor Ed Koch first called for the facility to be closed in the early 1970's (Gonzalez et al., 2022). Almost 50 years later, the City Council approved an \$8 billion plan to replace the facility. Herb Sturz, a criminal justice activist and chairman of the New York City Planning Commission in the early

1980s, secured Mayor De Blasio’s commitment to close Rikers’ as one of his many contributions to the city (Roberts, 2021). Mayor De Blasio supported the measure against concerns from neighborhoods where the borough-based jails will be located and concerns from correctional officers that the plan is unrealistic. Following the approval of the plan, Mayor De Blasio said, “Today we made history: the era of mass incarceration is over.” (Hagg, 2019).

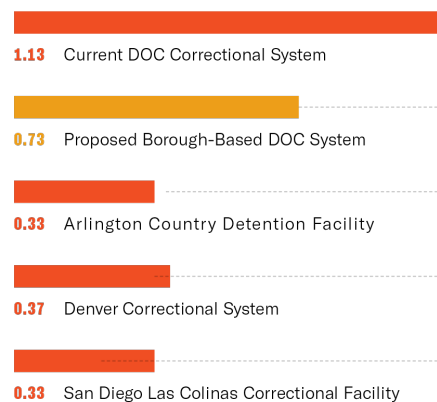
Committing to closing Rikers Island is an investment that is predicted to have substantial benefits to the city, including fiscal savings. Although the new facilities and services are predicted to cost over \$10 billion, the net annual benefit predicted in *A More Just New York City*

Number of Employees and Inmates

	EMPLOYEES	INMATES
Current System	12,515	9,700
	↓	↓
Borough-Based System	5,700	5,000

↑ \$540 Million of net annual benefit savings a year

Uniformed Staff Per Inmate



Total operating savings from increasing staffing ratios and the decreasing inmate population (mid-level estimate)

\$1.6 BILLION

Figure 4-7. Operating Savings (Source: A More Just New York City, 2017, pg. 90)

Costs and Savings Over Time

● Site Development and Design ● Population Reduction ● Construction ● Borough-Based System Opens

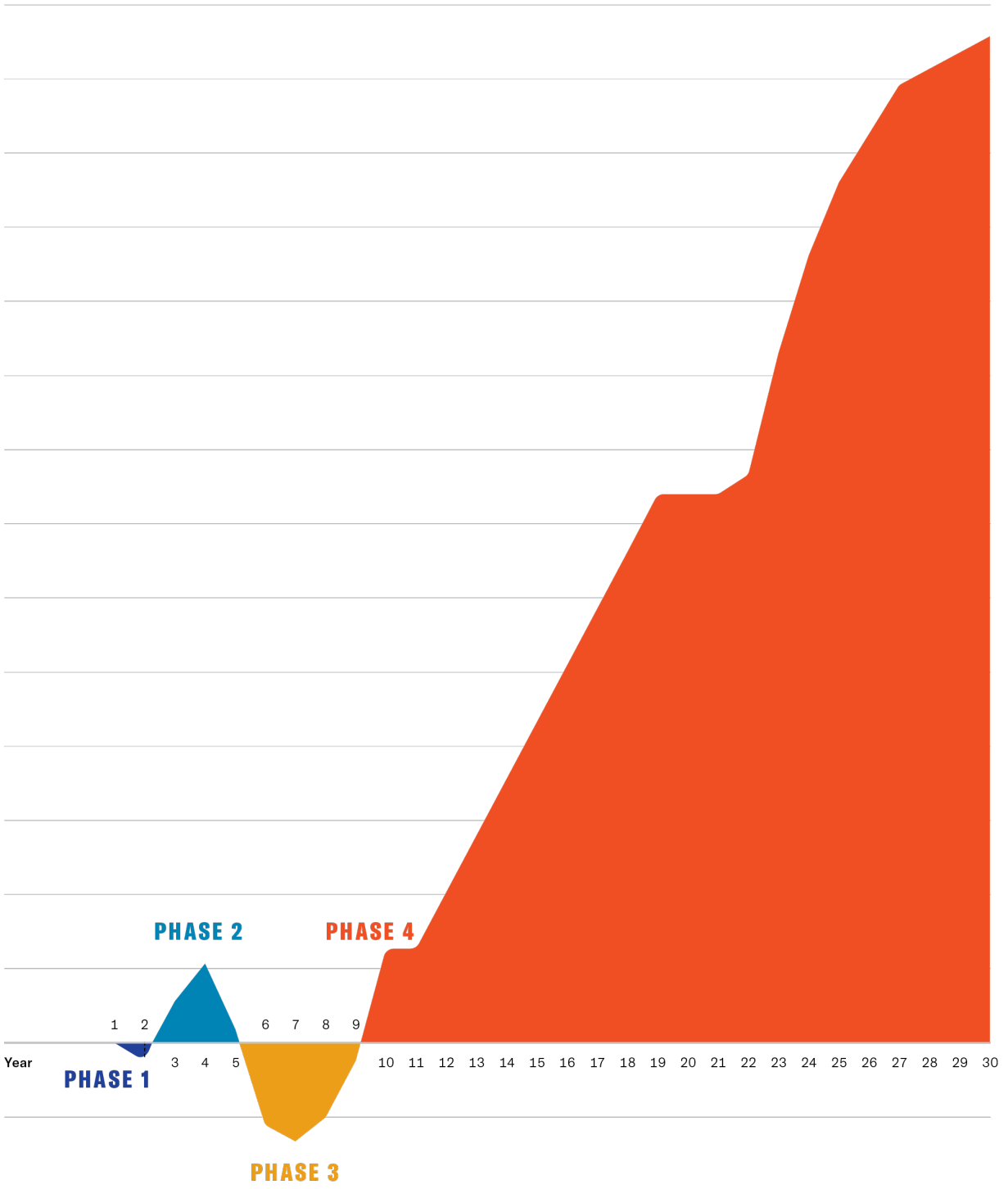


Figure 4-8. Cost and Savings Over Time (Source: A More Just New York City, 2017, pg. 92)

\$540 million. These estimates include a \$320 million cost for a new training academy for a new training academy for correctional officers intended to contribute to addressing the culture of corrections, \$24 million annually to double the length of training for correctional officers, and \$260 million a year towards diversion programs. Cost also includes maintenance of the existing facility until it is closed and funds for temporary housing during the transition period between facilities.

Decreasing both the number of incarcerated individuals and the number of necessary staff are both expected to contribute to long-term savings. (*A More Just New York City*, 2017) The new facilities, use of direct supervision and lower number of detainees is expected to decrease the number of staff from 10,500 to 5,700. Staff restructuring is expected to save \$1.6 billion annually after the transition has been completed. Moving the facilities off of the island also has substantial cost benefits and was estimated to save \$2 billion in comparison to trying to rebuild facilities on the island.

Closing the facility has been easier said than done. (Policy Advisor, personal communication, March 31, 2023) Oversight of the process has been tasked to the Independent Commission on New York City Criminal Justice and Incarceration Reform, known as the Lippman commission, which is composed of formally incarcerated people, judges, leaders in the business community and community development leaders, and experienced officials from the Mayor's Office of Criminal Justice. The Van Alen Institute, an independent nonprofit architectural organization, dedicated to improving design in the public realm since 1894, was hired by the Mayor's Office of Criminal Justice (MOCJ) to provide a report on architectural and planning interventions which was prepared by a team of architects, designers, planners, social and environmental psychologists, and incarceration reform advocates. The Justice in Design

report was a contribution to the larger A More Justice New York report, prepared by the Lippman Commission for the Mayor's Office. (Architectural Policy Advisor, personal communication, March 15, 2023) The plan is currently behind schedule. Jonathan Lippman, chairman of the Independent Commission on New York City Criminal Justice and Incarceration Reform criticizes the delay as undermining "public safety and puts staff and incarcerated people alike at grave risk" (Akinnibi, 2023) and acknowledges the widespread impact of the current conditions stating that, "People who are destabilized and traumatized return home to our communities," (Lippman, 2022).

The *Justice in Design: Toward a Healthier and More Justice New York Jail System* report by the Van Alen Institute highlighted significant planning and design concepts as recommendations. The report focused on design principles for the justice hubs replacing Rikers' Island. The team of designers who prepared the report included architects, designers, planners, social and environmental psychologists, and incarceration reform advocates. Its purpose was to answer the questions, how can we create jail designs that are more healthy, rehabilitative, and respectful? What impact does jail have on the community, and how can a decentralized jail system improve these negative effects? What social services and programming can be included to help people re-enter communities? What site elements are important to include in the design of community-based jails? And What types of neighborhood services can be offered to complement a community? (Gallagher et al., n.d.) The Justice in Design team analyzed the conditions of Rikers Island to determine the nature of the facility and how it got that way in order to provide recommendations on moving forward concerning what to do with the island and what to do with the jail. (Architectural Policy Advisor, personal communication, March 15, 2023) The goal of the Van Alen Institute was to consider the next generation of criminal justice and jails in

New York. A significant aspect of the planning process focused on civic engagement and programming of the jail.

The Mayor’s Office of Criminal Justice navigated an array of issues regarding the objective of closing Rikers. (Policy Advisor, personal communication, March 31, 2023)

Neighborhood considerations affected the height of the buildings as neighbors did not want them to be very tall and to maintain a neighborhood scale while they still needed to provide ample programming, rooms, and clinical cost all of which drives up the size and cost. Reform objectives needed to be balanced with neighborhood integration, cost, and timelines. A balance had to be found between creating a normative environment and security constraints. Many things

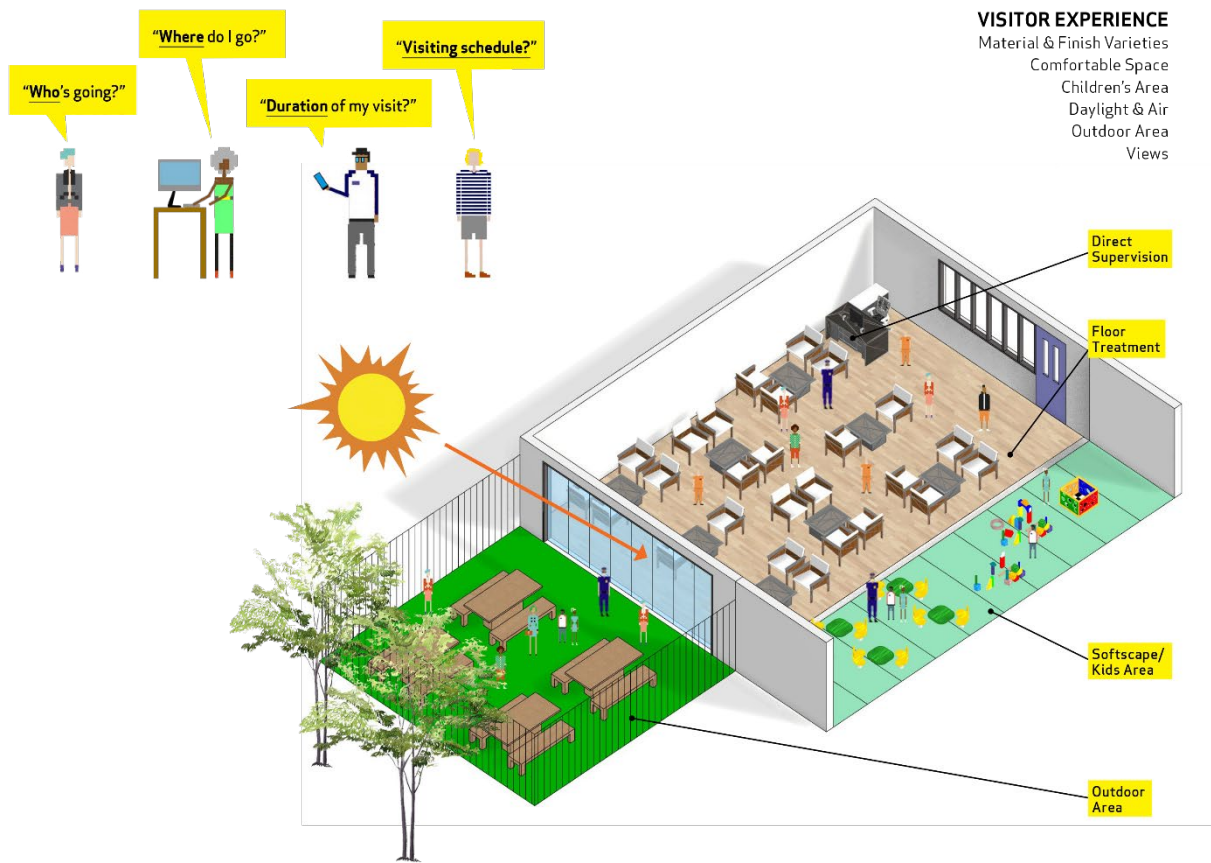


Figure 4-9. Visitor Experience (Source: Gallagher et al., n.d., pg. 25)

seen as profound and beautiful in the Norwegian model, like privacy and people's ability to choose their own sheets, were seen as suicide risk by DOC staff.

Planning priorities outlined in the *Justice in Design* report include providing neighborhoods with new public amenities and architectural goals like creating a healthy, normative environments to support rehabilitation for incarcerated or detained individuals by providing direct access to daylight and air, activity spaces and enhanced models for welcoming visitors. (Gallagher et al., n.d.) It was imperative to consider the needs of the communities where the justice hubs are located. Community resources that can alleviate the challenges faced by community members and previously incarcerated individuals during re-enter include medical clinics, social services community gardens, art studios, and exercise facilities. Architectural programming for the justice hubs expanded to accommodate job training centers, community courts, a police department, and probation offices. Designating the hubs as sites of civic unity prioritizes re-entry services and enhancing visibility and accountability.

While incarceration facilities are a necessary component to the justice system, the *Justice in Design* team's work was to consider what they would be, where they should be located and why they were there, and what would constitute the program. (Architectural Policy Advisor, personal communication, March 15, 2023) In New York, density drives development at every level of the city of ten million and 5 boroughs. Architectural policy advisors defines "The jail is a part of our city," not an anonymous part bounded by high security walls. It is a part of our lives as city dwellers, so the question became how do we engage the building with its context, both visually and physically? It is important to keep in mind the jurisdictional difference between jails and prisons during planning and design. Unlike state and federal prisons, jails like Rikers Island operate locally and are a part of city or county communities. The disturbing problems faced by

Rikers Island are exasperated by its isolation. Beyond better transparency, accountability, and community inclusion, the proximity of borough-based jails to courts allows for due process and better access to legal representation as well as more frequent family visits. (Gallagher et al., n.d.) In recognizing jails as civic institutions and not state institutions it is important to understand that people housed in jails are often awaiting court dates. They function as an in between place where people are held after arrest and prior conviction when the detained person is considered a flight risk or can't make bail. (Architectural Policy Advisor, personal communication, March 15, 2023)

The strongest voices of opposition have come from the extremes of both sides. (Policy Advisor, personal communication, March 31, 2023) The tough on crime perspective is concerned with a perceived threat to public safety posed by reducing the number of people in jail. One public meeting started with people chanting, "Keep Rikers' open." On the other side of the opposition were abolitionists who were against opening any type of new facility based on the premise that there is no such thing as a humane jail. There is a philosophical tension between conditions reform work and abolitionism. Abolitionist would say that efforts to improve the conditions have strengthened the system and have not led to the type of changes reformist are seeking. On the other side, what the conditions are like for people on the inside is a very real and important question. The mayor's office has a requirement to make sure there is some level of humanity provided. There was also opposition based on localized neighborhood concerns, primarily against the location of the new facilities. Three of the four facilities are located on the sites of existing facilities.

The *Justice in Design* report focuses on the needs of four user groups, detainees, officers and staff, visitors, and communities. To prepare the report, the team led community-based workshops to identify the needs of these groups. (Gallagher et al., n.d.) Participants included



Figure 4-10. Section through Justice Hub (Source: Gallagher et al., n.d., pg. 28)

former detainees and families, correction officers, staff, and members of the community. The *Justice in Design* report reads “the depth and breadth of feeling and experience shared by workshop attendees was profound and gave immediacy to the situation.” (Gallagher et al., n.d., pg 12) For further research, the team also the team also toured two existing jails, attended Lippman Commission

round-table discussions, and met with family members of people who were detained and with former correction officers. (Policy Advisor, personal communication, March 31, 2023) One intervention the *Justice in Design* team proposed was to incorporate mixed use on the street level. This was not an unprecedented proposal, in the 1980’s the Brooklyn jail tower was renovated to include street front shops. (Architectural Policy Advisor, personal communication, March 15, 2023) The team did not receive push back from the city’s Department of Corrections.

NYC's DOC was open to the proposal although conservative about what they would have an opinion on. (Architectural Policy Advisor, personal communication, March 15, 2023) They did recognize the necessity to address the conditions on Riker's while remaining cautious about what they would acknowledge. The *More Just New York* report recommends retraining correctional officers (COs) to be less power centric. They are part of a powerful city union which may have contributed to their apprehension to substantially engage. There are rules and regulations of higher jurisdictions that COs are required to follow which limited their ability to talk openly during workshops and the design process. The *Justice in Design* team found that former COs were more likely to be open to communication and engagement. Changes in the job description of COs are likely to impact who remains employable which placed political pressure on the workshop participants.

Former detainees and their families who participated in the workshops did not think the system worked on any level and wanted substantial reform. (Architectural Policy Advisor, personal communication, March 15, 2023) In Brooklyn, the justice hub is an expansion of an existing jail and community members were concerned with how the project would be better, so the design team focused on asking what could be done to improve the existing facility from the perspective of the community to facilitate positive workshop engagement. Like in Brooklyn, the Manhattan justice hub is also located on the site of a current downtown jail in the middle of the courthouse district and bordering Chinatown. Residence concerns about the location were not alleviated by the access to legal services this location would provide detainees. Ultimately, their concerns were given to the mayor's office, but the site selection was not changed. Closing Rikers and replacing it with justice hubs isn't just about the city or boroughs, it is about the people living within a few blocks of the new facilities.

There were substantial community engagement efforts during the planning process to close Rikers. (Policy Advisor, personal communication, March 31, 2023) Mechanisms used to engage the community involved working groups on culture change, reducing the incarcerated population, and new facility design. The working groups had a broad range of participants including non-profit representatives, government agency members, professors, and those with lived experiences. The Mayor's Office met with neighborhood advisory committees over the course of six months to develop recommendations. The work included securing a land use change for one of the sites which required legally mandated public hearings, opportunity to comment, and city council and planning hearings, as well as focus groups with defenders, service providers, formally incarcerated individuals, and women in facilities. In order to facilitate updates to New York's master plan, elected officials were provided a Capital Project Scope Development (CPSD) plan prepared by Perkins Eastman.

The *Justice in Design* report supported humane and ethical architectural priorities geared towards supporting positive behavior and decreasing the psychological impact of incarceration by providing daylight, fresh air, and space for constructive programs. (Gallagher et al., n.d.) Architectural priorities included direct supervision, direct connection to programmed spaces, improving acoustics and air, streamlining intake and release, and providing comfortable health service spaces. Community planning is to be a critical aspect of creating positive local connections and community support systems. Beyond improving the architectural conditions of incarceration facilities, creating supportive connections between individual jail detainees and their families, the surrounding community, and the city is critical. Visitation spaces and process is a sometimes overlooked and important aspect of community connection. Improving this spaces can increase frequency of visits.

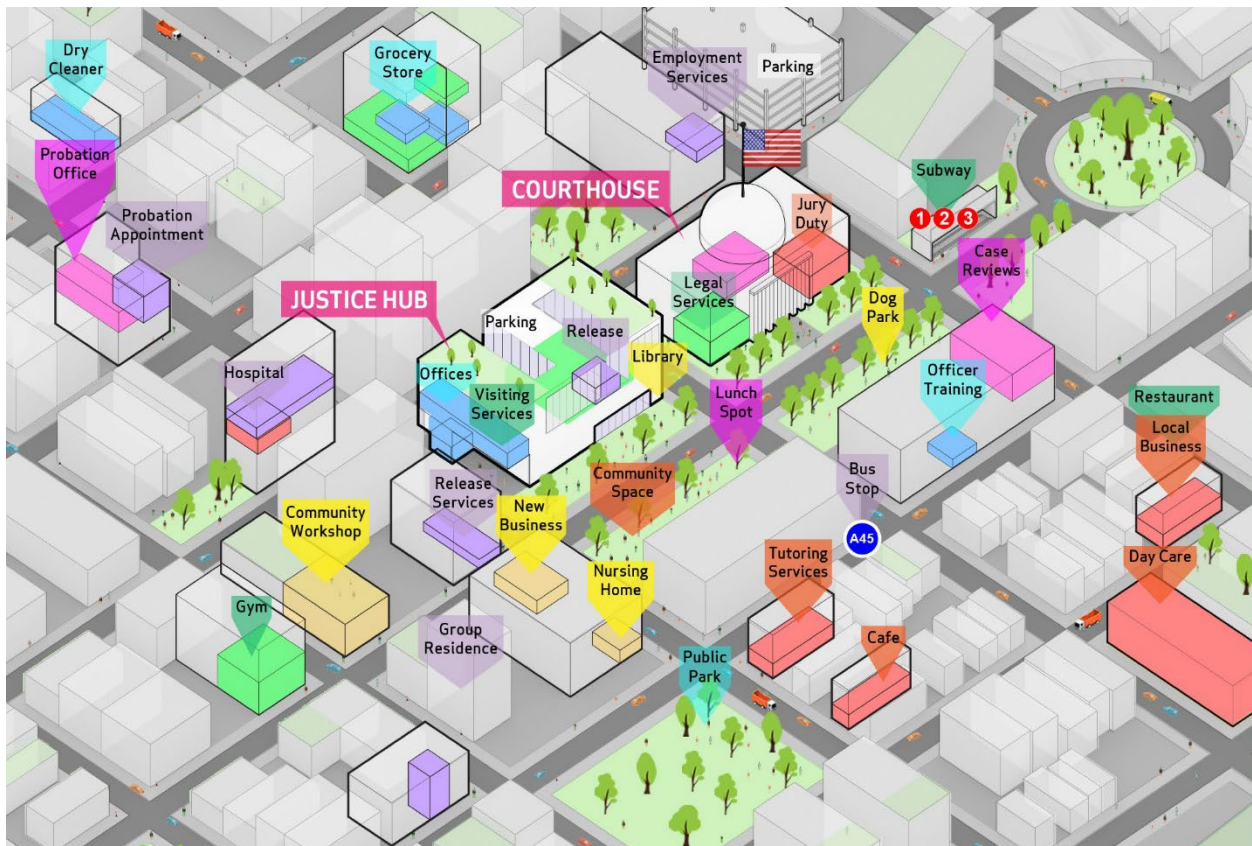
The *Justice in Design* team recognized that the psychological impact of “dark, loud, degrading, traumatizing, and dirty interior environments that dehumanize inmates and detainees, exacerbating the already distressful experience of being in jail” (Gallagher et al., n.d., pg. 19) re-enters communities with detainees when released, impacting communities and calling for community planning interventions. (Gallagher et al., n.d.) They challenged the narrative of incarceration as a disciplinary over rehabilitative experience because of the consequences of long-term behavioral results of the experience of punitive facilities. The report hints at the negative impact of design on staff conduct. They stressed the importance of access to natural light, air, outdoor spaces, and trauma-informed design.

Policy advisors from the Mayor’s Office and Lippman Commission appointees attended a trip to San Francisco to visit facilities to compare the impact of direct and indirect lighting and concluded that direct lighting is critical and meaningful, not minimal. (Policy Advisor, personal communication, March 31, 2023) The definition of direct light is related to the size of the window and what type of covering is used to block people from seeing in. The state commission of corrections sets the standards for New York State jails and prisons, while the city has a board of corrections and the city’s DOC has its own standards which are mainly consistent with the commission and board. In 2019, new sunlight requirements were passed by the city council in an inmate’s bill of rights, but not signed by the mayor.

The Norwegian model described in the literature review of Halden Prison influenced more than just the architecture of the new facilities, but also sentencing and programming. (Policy Advisor, personal communication, March 31, 2023) Scandinavian culture defines correctional officers as more than guards and sees the incorporation of health care and social work as an important aspect of reform. This is something New York worked to incorporate by

bringing in health care staff although the DOC maintains control, so it is not consistent with the Norwegian model. The organization Amend works with departments of corrections around the country to bring in the principles the Norwegian model focuses on to officer training and job descriptions. The conditions in facilities and physical plans are intertwined with the role of incarceration. The Norwegian model influenced policy priorities beyond the brick-and-mortar elements.

The significance of community connection and the civic experience was stressed as a critical aspect of reform efforts. (Gallagher et al., n.d.) Exterior design of inner-city facilities contributes to stigma and isolation. Key elements of integration include the connection of justice hubs to courts and legal services, secure and respectful engagement of the building and the city,



The Justice Hub offers a diversity of opportunities in the neighborhood and fosters healthy experiences. Its presence in the community enables a higher standard of local accountability for the criminal justice system. It not only supports a more just and efficient judicial process, but cultivates positive civic identity and understanding.

Figure 4-11. Neighborhood Context (Source: Gallagher et al., n.d., pg. 29)

along with humane design principles and programming and activity spaces. Proposed efforts include incorporating a community room within the jail structure and possible re-entry and social services. Necessary services for successful re-entry and legal services require a jail to have connection to the urban context. This is highly significant during the siting of a facility.

The plan to close Rikers' included points of agreement in which the city council agreed to invest \$400 million to justice related community projects. (Policy Advisor, personal communication, March 31, 2023) The points of agreement document recommended that funds be directed to neighborhood affordable housing, cultural community centers. While there was not direct opposition to the points of agreement, it has been called 'bloody money' because the funding came in a package with the borough-based jail facilities. The city committed to a public tracking status which is updated annually. Most of the delays have been due to covid.

Community planning can expand the quantity of people benefiting from reform. (Gallagher et al., n.d.) While better access to services and engagement with the outside world can benefit detainees and improves chances of successful re-entry, detainee families, facility staff, legal representatives, and community members can also all benefit from better planning for incarceration facilities. Thoughtful siting of facilities can grant families and legal representatives more frequent visits, correction officers and staff have more engagement with the local community benefiting their experience and behavior and creating more transparency, and community members gain access to support services.

All of the reform initiatives in the plan to close Rikers' have been difficult. (Policy Advisor, personal communication, March 31, 2023) As far as reducing the number of people incarcerated, one entity is not responsible. The goal requires the cooperation of judges, prosecutors, legislators, and organizations who provide diversion and early intervention. The

individual actions of courts at a local level impact case processing time particularly post-covid. The will of the public and elected officials are significant factors in the size of the jail population. (Policy Advisor, personal communication, March 31, 2023) While optimistic the team recognized the depth of the structural, socio-political, and economic challenges of reform faced by New York and the US. (Gallagher et al., n.d.)

The design of the new facilities was started under the former administration who traveled to Amsterdam and Norway to investigate precedence for humane facilities there. (Policy Advisor, personal communication, March 31, 2023) All of the levels of closing Rikers' have so many different pieces and the plan includes a huge commitment to address incarceration and cultural change within the facilities, which goes beyond what any individual body of government can address. The vision of reform was different under the new mayor and leadership. Building massive capital projects is always challenging and this one was approved in October of 2019, just before the coronavirus pandemic.

C. SKAGIT COUNTY, WA

The Skagit County Community Justice Center is located in Mount Vernon, Washington. The project architect was DLR Group. The new facility was designed to replace the existing, overcrowded facility (Lowell, 2014e). Including off-site improvements, the cost was estimated at \$6.85 million. The project and planned expansion address a 40- to 50-year planning horizon. The overcrowding of the old facility enhanced risk of safety concerns for staff and inmates, increased operational costs, and limits on programming capacity (Lowell, 2014c). The Mount Vernon City Council approved the land use permits (EPF & Master Plan) for the facility in September of 2014 by passing Resolution 878 (Resolution No. 878, 2014). The building is a 110,000 sf, single-story

jail with four hundred beds intended to house inmates for the next 15 to 20 years. It includes offices, a medical area, rehabilitation and educational programming space, and a court room. The property is screened by a solid perimeter wall to prevent inmates from being visible to the public. The County is anticipating a future expansion to double the number of beds in the facility. Doubling the bed capacity is expected to add 55,000 sf to the building size for a total of 165,000 sf. The approximately 10.4 acre site is bordered by Old Highway 99 South on the west, Suzanne Lane on the south, and industrial properties to the north and east (Lowell, 2014e). The project was completed in 2017 (“Skagit County Community Justice Center,” 2017).

The process of permit approval of the site required the City’s Hearing examiner to hold open record public hearings and provide a set of recommendations informed by staff and public comments, application documents, geotechnical evaluations, stormwater strategy, and environmental impact statement. (Lowell, 2014a) Staff comments addressed common issues

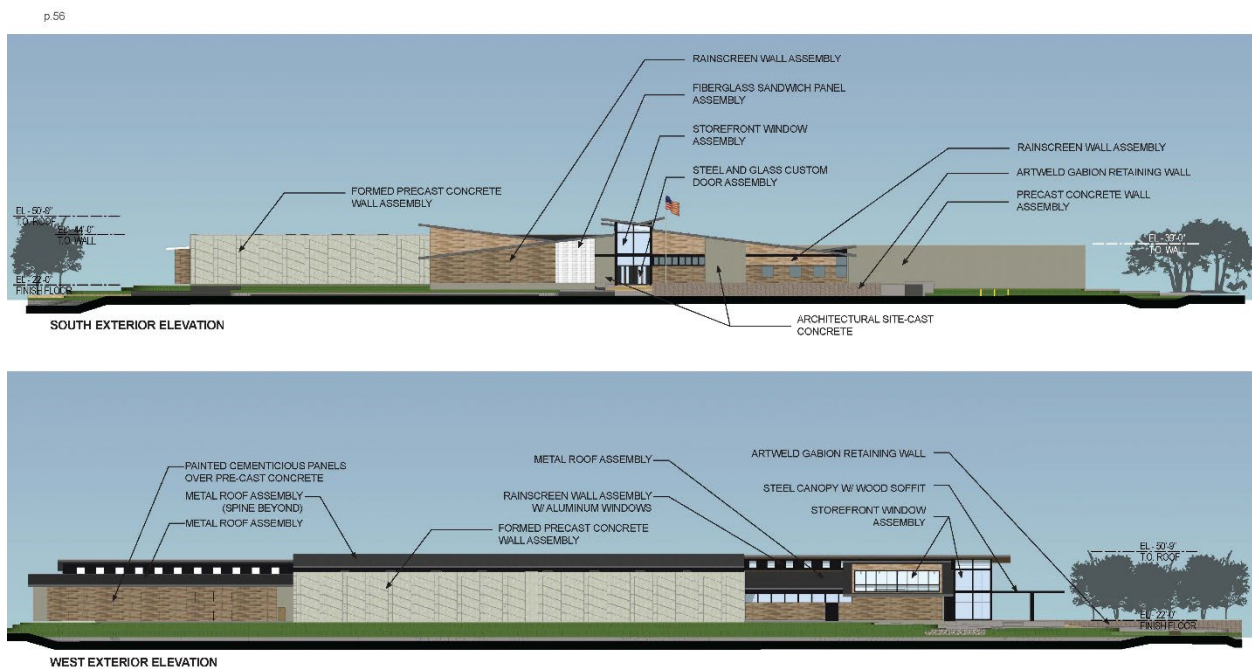


Figure 4-12. Exterior Elevations (Source: “Skagit County Jail EPF,” n.d.)

discussed in design meetings involving planning and development offices and architects. This process provides planners with the opportunity to review construction plans developed by the architect and grant or deny approval based on compliance with applicable code based on jurisdiction. Skagit County staff commented on the orientation of loading/unloading areas for garbage and recycling access, street improvements on Suzanna Lane to the south of the facility, traffic and grading consideration for Civil Plan review, utility access/maintenance easements, sewer system integration, and storm drainage and water quality of run off.

Public comment on the Skagit County facility brought up questions about environmental clean-up of a contaminated truck stop location and energy efficiency technology including solar roof panels. (Lowell, 2014b) The project manager, Marc Estvold, managed the cleanup of contamination. Estvold also responded to comments on energy efficiency with assurances that the facility would meet or exceed energy code requirements, although the budget did not accommodate solar installation. An owner of a rental home adjacent to the property expressed concern over their tenant leaving due to the facility resulting in damage to their rental business. The tenant also submitted comments regarding the difficulties they faced in relocating due to safety concerns.

The site went through a rezoning process in order to gain master plan approval. (Lowell, 2014d) The site was originally zoned as Commercial-Limited Industrial (C-L) and required a rezone to Public Use (P). Relevant comprehensive plan goals included developing and maintaining a strong position on economic development promoting a positive civic image of Mount Vernon as a good place for business investments. The impact of the rezone was a lost opportunity for commercial development due to a lack of potential commercial and industrial lands. Employment generated by construction and operation of the new jail was considered.

Design considerations discussed during the master plan permit approval process included proposed on-site improvements. These included the “opportunity to institute new technologies, such as surveillance, arraignments, and visitation through video.” (Lowell, 2014c, pg. 2) The project outdoor exercise area design ensured the inmates would not be visible from outside the facility at any time. The jail applied an enhanced direct supervision model that provides staff with direct lines-of-sight into all inmate cells from control rooms. This requires 76 to 86 full-time employees for the 400-bed facility. Priorities addressed during master plan permitting included the environmental, social, economic, financial and infrastructure impacts of the project. (Lowell, 2014c)

The representative of the owning client was a liaison between the community and county governments during the planning, design, and construction of Skagit County. (Operating Client Representative, personal communication, February 21, 2023) With experience working for Washington’s Department of Corrections (DOC) in a probation and parole and having been in every prison in the state which led to a developed understanding of gang activity and overcrowding problems, the client representative was simultaneously tasked with running the old facility which was dangerously overcrowded. The client describes prisons and jails as being just a different beast.

A difference between jails and prisons is the amount of experience the client has in constructing projects. (Architect, personal communication, February 21, 2023) States build all the time, whereas counties take on projects once in a generation. Larger counties have more experience, but overall, the internal processes and knowledge of technical aspects are more developed at the state level. When it comes to providing humane architectural conditions, states also benefit from larger budgets and tend to be further along in the journey on normative design. This results in state facilities having more space for vocational and educational programming.

There has been a shift across the industry towards prioritizing the Norway model, based on Halden Prison design, particularly in Oregon and California. However, only 6% of selected Norwegian inmates are held at Halden, so it is not representative of the norm. (Architect, personal communication, February 21, 2023)

The challenges faced in ensuring the facility was more than an incarceration space included getting the community on board and funding. (Operating Client Representative, personal communication, February 21, 2023) The project houses people from multiple jurisdictions, so funding had to be pulled together between all involved municipalities and counties. With the leeway granted to control the direction of the project, the focus was put on a rehabilitative philosophy. Educational programming, job certification programs, and substance abuse treatment were incorporated into the spaces provided by the project. Existing relationships with treatment officers from prior work meant the treatment community was open to collaborating on bringing in services to try to get people out of the cycle of crime. The project prioritized giving people the skills to be able to change and the humanity of inmates saying, “These are human beings and we’re going to treat them like human beings, this is about right from wrong and we’re going to do it.” (Operating Client Representative, personal communication, February 21, 2023)

Outreach to the public was critically important. (Operating Client Representative, personal communication, February 21, 2023) The process of educating the public about the need to address overcrowding took years. The community outreach process started by going to Kiwanis Clubs and PTA meetings and stressing that incarcerated people are not strangers but brothers, aunts, and uncles. Not nameless unknown persons, but people who are near and dear to us. Doing this addressed the primary community concerns including visibility and safety with

assurances that the facilities were secure and emphasis on improving behavioral outcomes after release.

It was important to communicate the liability attached to communities and how correction facilities are the number one government target of litigation in order to explain that when inmates and staff are at risk, the community ends up paying for it if safety is not attended to. (Operating Client Representative, personal communication, February 21, 2023) Safety was a priority during the design process. Groups went on tours of the old jail to see its poor lighting and dangerous conditions to build transparency during the design process. The tours attracted 1,700 people in a day and a half.

The facility was one of few that opened without protest during public outreach. In contrast, a community of addiction treatment specialist had pushed back on a project in Whatcom County, located just to the north of Skagit, a situation that may have been avoided by early plans to incorporate treatment during and after incarceration. (Operating Client Representative, personal communication, February 21, 2023) The community accepted the Skagit County approach along with the ongoing commitment to provide services in order to decrease recidivism. An inmate who has been incarcerated all along the west coast described Skagit County as a better experience than they were used to. It was stressed to staff that they would treat people respectfully.

The political aspect of planning the facility was the toughest aspect of the project. (Operating Client Representative, personal communication, February 21, 2023) Each city had a different impact on the jail in terms of population and community characteristics which led to disputes between jurisdictions over the share of dollars contributed. For example, the City of Anacortes protested to pay for what it perceived as an unfair share of the project. The City of

Burlington nearly pulled out of contributing the funds gathered from a 2/10ths sales tax to prioritize purchasing fire engines and the mayor was featured on the front-page news saying that it was not the County's business what the City does with its funds.

When the project got to the value engineering phase, the project was at risk of losing classroom spaces. (Operating Client Representative, personal communication, February 21, 2023) The client representative advocated for importance of the classrooms to stakeholders during monthly meetings with the coordinating council to review the budget and schedule of the project. Stakeholders who needed to be pursued to retain the educational spaces including the coordinating council, city mayors, city and county representatives and finance directors, county administrators, and one or two commissioners. DLR Group provided data on educational programming and decreased recidivism necessary to defend the educational space as an investment and beneficial to behavioral outcomes. The council was focused on the cost per bed, size, and siting of the project. The budget was decreased by simplifying the elaborate design of judge's chambers located in the justice center attached to the facility.

Educational programming performs an important function from a management perspective beyond providing hope and an opportunity for people to change. (Operating Client Representative, personal communication, February 21, 2023) It was a struggle to make sure the community college is working with inmates. This program stopped during covid. The program included formally incarcerated students coming into the facility to guide inmates in the enrollment process. Testifying before the State House Committee on the community involvement programs was an effort to secure funding for the college program that recruited and supports justice involved students. While state prisons are connected to the community college, there is a lack of educational programs in jails due to the shorter lengths of stay. Many participants loose

connection to the programs after release when adjusting to community life and guiding connections increase the likelihood of follow through, such as a club for justice involved students that is very successful in creating support and a sense of belonging. In the end, the educational spaces were kept. The owning client representative believes, “We all win when these people come out and are successful.” (Operating Client Representative, personal communication, February 21, 2023)

DLR Group worked on the architectural design of the 400 bed Skagit County Justice Center. (Architect, personal communication, February 21, 2023) They work with owning and operating clients on justice projects ranging from federal to county jurisdictions. Clients have included county commissioners or councils, sheriff’s departments, and facility project managers on county projects or directors of corrections and super intendents for state projects.

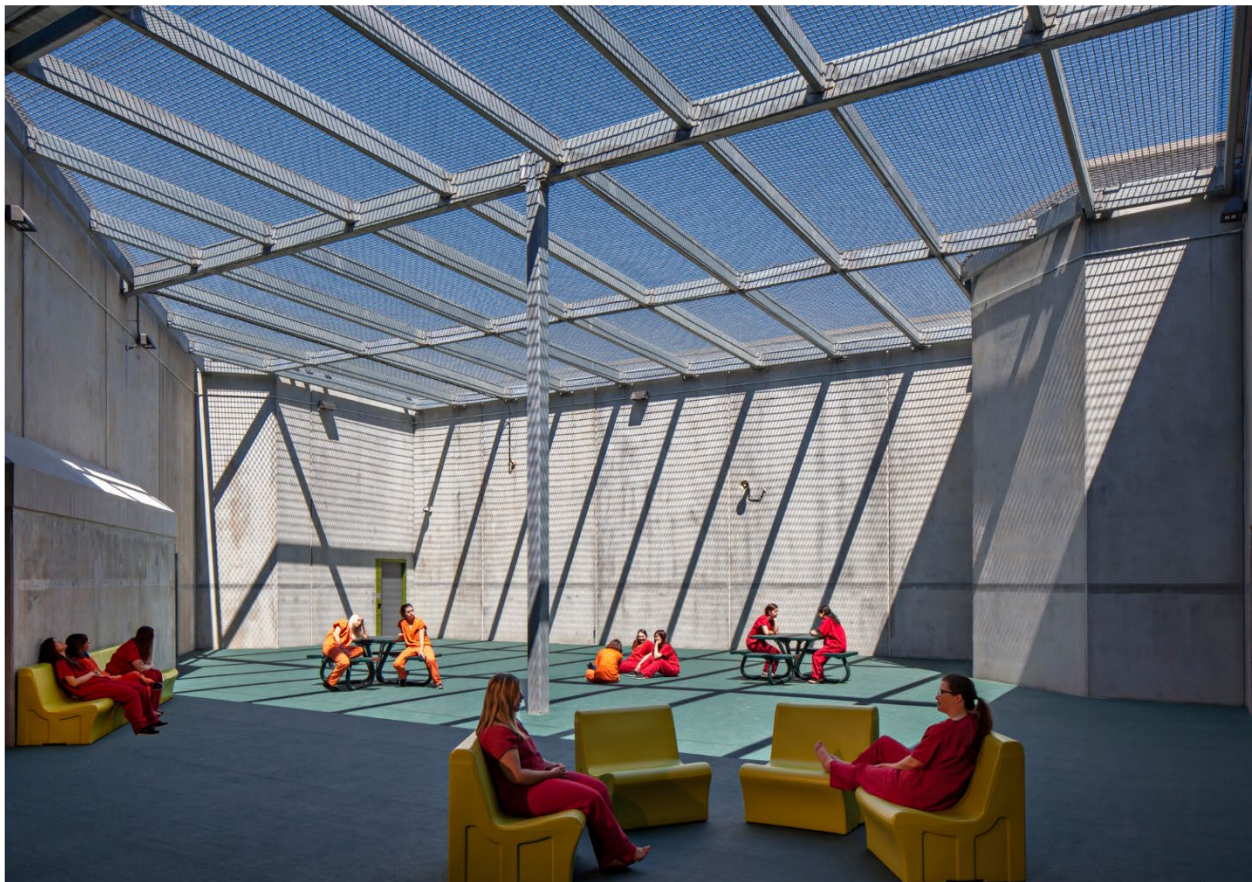


Figure 4-13. Outdoor Recreation (Source: “Skagit County Community Justice Center,” 2017)

DLR Group focuses on architectural reform efforts, of which acoustics are a big unsung element. (Architect, personal communication, February 21, 2023) They have done research on acoustic quality and stress. Daylighting and normalizing the environment, including furniture, are some of the firms' priorities in design. Major challenges include safety and privacy, which is typically non-existent. While the firm recognizes the psychological benefit of daylight providing a sense of time going by and views to a horizon, the firm sees windows as a debatable challenge in urban settings because allowing people to see into jails can lead to incarcerated people 'signal' out of the windows. Firm practices often place windows in day rooms with views to the rec yard.

The difficulties of working on justice projects come from balancing the need to make something humane and normative with what clients and stakeholders want. (Architect, personal communication, February 21, 2023) Staffing levels create operational challenges to providing normative treatment focused facilities. Political pressures force prioritizing humane design and program elements. Staff culture can have negative reactions to new facility designs and create obstacles due to staff use of buildings. The facility provided staff with additional outside space.

Architects have struggled with the morality of designing incarceration facilities but believe an architect that can better convince clients of the benefits of efforts to design humane facilities will do better than firms that will not try to push their value. (Architect, personal communication, February 21, 2023) When working for clients whose values were not in alignment with the firms, architects have resorted to incorporating humane design elements in aspects of the architecture that were not noticed. When presenting the value of humane design, referencing the American Correctional Associations (ACA) standards for daylighting is helpful. For accreditation, a facility must earn one hundred points including 40 points from building standards, although the point-based calculations differ between jails, prisons, or juvenile

facilities. One standard is twelve square feet of glazing in a dayroom. Referencing standards gains leverage during meetings with clients.

Not all architects see a standard requiring windows in cells as feasible, while a standard of minimum daylighting may be. (Architect, personal communication, February 21, 2023)

Windows in higher security areas and variances could provide sufficient daylight in dayrooms and cells. Many architects prefer performance standards over prescriptive. When it comes to daylighting and incarceration, the difference between jail and prison is significant. Correctional facilities like prisons are often campus settings allowing movement between dining rooms and dayrooms. In contrast, jails are one building designed to accommodate shorter sentences, meaning most professionals, planners, or politicians involved don't recognize window requirements in jails as practical or feasible.

V. DISCUSSION

A. CROSS-CASE COMPARISON

Key characteristics of “ethical architecture” of incarceration defined by methods include lighting, views and access to nature, size and crowding, visitation, building age, privacy and security, and program space. This is a limited list of core characteristics. Aspects of incarceration that impact the conditions of confinement are broad and range from legal proceedings to quality of water, air, and food. In order to assess facilities as part of the built environment, these characteristics have been identified to provide a quantifiable measure of the architecture of the facilities. The examples of national guidance, the planned justice hubs replacing Rikers Island, and the Skagit County Jail do not provide core characteristics of ethical architecture.

	Federal Guidance	New York Justice Hubs	Skagit County
Day Lighting		Y	
Visual Connection			
Access to Nature		Y	
Size & Crowding	Y	Y	Y
Visitation	Y	Y	Y
Building Age		Y	Y
Program Space		Y	Y

Table 1. Evaluation Matrix (by author)

National guidance is informed by the guidance found in the NIC’s *Jail Design Guide*. Evaluation of the justice hubs is informed by the *Justice in Design* report and the design principles and guidelines prepared for each borough. Some criteria have been considered met as the most recent plans address providing these criteria. This will not be fully confirmed until the facilities are completed. The Skagit County facility has been evaluated based on permitting

documents from the City of Mount Vernon. Interviews have been conducted to further inform evaluation of each example.

Day lighting is not discussed in national guidance for jail design documents. Discussion of windows in documentation considers the placement of windows from a security perspective. Design considerations of day lighting for the justice hubs in New York consider day lighting an essential characteristic of humane conditions. Efforts were made by the city council to mandate the inclusion of windows in local law. Policy makers and advisors were informed by research conducted for the advisory reports prepared. This research included touring facilities in California and Denmark to observe the differences between direct and indirect day lighting. Policy advisors defined direct day lighting as a critical component of a humane environment. Day lighting in the Skagit County facility was recommended but not considered critical. Documentation and interviews were unable to confirm the presence of daylighting or windows in the new facility.

The discussion of windows in national guidance is limited to preventing views from within the facility due to security concerns. This is in direct conflict to using windows as an element of ethical architecture. The design of the New York Justice Hubs was limited due to the constraints of the urban environment in which the facilities are located. In Skagit County, community concerns about security were raised during the planning process. In order to alleviate these concerns, views from the facility were prevented in order to maintain a lack of visibility of inmates from the neighboring residence.

National guidance does not discuss access to nature. Discussion of exercise facilities considers the possibility of either interior or exterior exercise spaces and related security issues. The New York justice hubs have been recommended to include rooftop green space that is

accessible to the incarcerated population. As the facilities are still in the demolition phase, the intention of including green space cannot be confirmed until construction is complete. Since the most recent documentation regarding the facilities illustrates green space, this criteria has been met by the most recent plans. In Skagit County, renderings of exterior exercise yards show a space enclosed by four walls a metal screen roof which does not qualify as access to nature.

Size and crowding in facilities is a critical aspect of ethical architecture due to the enhanced dangers of overcrowded facilities. National guidance stresses the importance of building for capacity and predicted future trends in jail populations in order to plan for preventing overcrowding. New York has set benchmarks for decreasing the size of the incarcerated population in order to remain on track in the plans to close Rikers Island. The political and legal aspects of this plan address issues with sentencing and courts in order to achieve this. These aspects of the plan must be met in order for the new facilities to provide adequate housing space in facilitating the closure of Rikers. The Skagit County facility was designed due to overcrowding and future needed capacity was considered highly significant in the facility master plan.

Visitation is considered necessary in national guidance. The chapter on visitation discusses layout options, circulation of inmates and visitors, security considerations, and layout and design considerations of visitation areas. The focus of the guidance is to maintain security during visitation. Advisory reports considering the New York Justice Hubs consider visitation necessary and also a critical aspect of normative design. The design of visitation areas is considered from the perspective of the inmate and visitors and recommendations include providing safe, comfortable, and normative visitation environment. Visitation spaces in Skagit

County were provided, although there was no special consideration identified in documents or interviews considering the visitation spaces.

Building age is not discussed in national guidance. Given that both the New York Justice Hubs and Skagit County facility are recent and ongoing projects, the age of the building is considered to be improved in both projects. The age of the facilities being replaced was considered to be detrimental to conditions in both cases. The cost of renovating Rikers' Island was shown to be higher than building new facilities in the *A More Justice New York City* report. The deterioration of the old Skagit County facility was a primary concern to the sheriff's office and the conditions of the old facility have been documented and shared with the public in Skagit County Corrections online jail tour.

National guidance has limited consideration of program spaces. Medical spaces are discussed but reference to educational or vocational spaces are limited to undefined possible multipurpose spaces. New York plans worked to include as much space for program spaces like education and training activities as possible. There were conflicts between available square footage for the project and desired spaces, so along with lighting, views, and access to nature confirmation of the inclusion of program spaces will need to be made when the facilities are completed. The city did provide funding for support services in the boroughs where the facilities are located. Skagit County facilities do include educational programming space. Maintaining funding for these spaces was a political battle during the planning process.

B. FURTHER DISCUSSION ON CLOSING RIKERS

The plan to close Rikers Island engages reform efforts in urban planning and architecture along with decarcerating efforts. (*Borough-Based Jail System*, n.d.) The plan was pushed for by the advocacy work of formally incarcerated individuals and the city has maintained engagement

with formally incarcerated advocates throughout the planning and design processes. Efforts to close Rikers are as much about community planning as architectural reform. The siting of the facilities is a critical component of the plan. The isolation of Rikers Island has contributed to the abuse and neglect of inmates by contributing to a lack of accountability. Siting the new facilities within communities is hoped to enhance access to legal and health service providers. The borough-based jail sites could strengthen connection to families along with legal representation. The enhanced access to the facilities improves accountability. The city hopes this will decrease recidivism.

The city based the new facility program on twelve design principles and developed design guidelines for each of the four boroughs that will house a new facility, Manhattan, Brooklyn, Queens, and the Bronx. (*Borough-Based Jail System*, n.d.) The first of the 12 design principles is that the facilities must be grounded in dignity and respect by providing enhanced community and service connections and appropriate housing for those with medical and mental health needs to support stable reentry. While this is an improvement on current conditions, it does not address the underlying problem created by deinstitutionalization in the 1970's. Closure of facilities for the mentally ill contributed to rising rates of incarceration during the 1980's, along with the war on drugs and crime rates. This principle tasks the facility with housing mentally ill persons leaving the care of people suffering from mental illness to the Department of Corrections, who are as ill-equipped to perform the task. (Federal Policy Analysis, personal communication, October 13, 2021) City and county municipalities have been tasked with providing community mental health services and have resorted to doing so within the confines of incarceration facilities. "Mental Health facility costs, once borne by the states, were effectively transferred to localities, many of whom neither had the money nor the knowledge to pull them

off. So, the answer defaults to the jail where specially designed areas need to be created.”

(Federal Policy Analyst, personal communication, August 28, 2021) The prominence of mental illness in the jail population reflects a lack of adequate housing and services for people with mental health issues.

The second design principle states that the facilities must provide a safe, humane, secure, and efficient environment for all those who work, visit, or are in custody. Efficient design is fundamentally at odds with creating a humane environment. The eighth principle prioritizes efficiency stating, “The optimization of overall operations and maintenance efficiency,” (*Borough-Based Jail System*, n.d.) as independent principle. The conflict between dignity and efficiency is apparent in the layout of an efficient facility floor plan. Facilities that stack cells back-to-back in order to be efficient cannot provide adequate daylighting or ventilation. Councilmen Keith Powers included the requirement of windows in the jail units in his 2019 Bill of Rights package for inmates (Chapman, 2019) but the bill has not been signed into law so how adequately facilities will provide daylight remains to be seen.

The neighborhood design guidelines were created by the NCY Department of Design and Construction. Manhattan, Brooklyn, Queens, and the Bronx all focus on supportive environments, connected communities, civic assets, and enduring resources. (*Design Principles & Guidelines Brooklyn Facility*, 2022; *Design Principles & Guidelines Manhattan Facility*, 2022; *Design Principles & Guidelines Queens Facility*, 2022; *Design Principles & Guidelines The Bronx Facility*, 2022) The design guidelines place the planning and design of the borough-based jails into a larger legal and political context by asking, “What does a fair and equitable criminal justice system look like?” and “How do we deploy resources, beyond the criminal justice system, to keep all New Yorkers safe?”

The design guidelines emphasize the necessity to closer Rikers' as an integral part of the city's plan to ground the justice system in dignity and respect. (*Design Principles & Guidelines Brooklyn Facility, 2022; Design Principles & Guidelines Manhattan Facility, 2022; Design Principles & Guidelines Queens Facility, 2022; Design Principles & Guidelines The Bronx Facility, 2022*) The executive summary identifies the jails as the civic structures representing the physical form of the justice system.

The four new facilities are required to house no more than 3,300 people and will require 3,544 beds to allow for operational flexibility. The Manhattan, Brooklyn, and Bronx facilities are required to provide commercial and community space, while the Queens facility will serve pregnant women and mothers. (*Design Principles & Guidelines Brooklyn Facility, 2022; Design Principles & Guidelines Manhattan Facility, 2022; Design Principles & Guidelines Queens Facility, 2022; Design Principles & Guidelines The Bronx Facility, 2022*) Like the ongoing controversy of shackling pregnant women addressed by the First Steps act which places a federal ban on the practice (Cohen & Chang, 2018). The integration of pregnancy services reinforces the role of holding pregnant women into the programming of the facilities. These specific situations bring up the question of whether people with such medical conditions should be receiving services in the same medical facilities as the rest of the population.

The principles regarding the role of the facilities as civic assets shift to address the impact of the facilities within their neighborhood context. (*Design Principles & Guidelines Brooklyn Facility, 2022; Design Principles & Guidelines Manhattan Facility, 2022; Design Principles & Guidelines Queens Facility, 2022; Design Principles & Guidelines The Bronx Facility, 2022*) These principles challenge the character of the building to respond to the neighborhood context, create connections, and enhance the pedestrian experience. Doing so can help to reduce the socially

isolating experience of being a previously incarcerated person. Allowing jail facilities to exist within communities can help to work against the stigma that defines incarcerated people as others. The design guidelines for each facility become more specific to the individual projects while focusing on six shared concepts, urban relationships, streetscape, and open space, building exterior, community and commercial space, public areas of the Facility, staff areas and custody areas. The urban relationship guidelines identify intersections of significance due to the visibility of the facilities from those locations.

The enduring resources principles incorporated the facilities into the city's OneNYC 2050 Strategic Plan. The enduring resources principles call for high performing environmental design, contribution to the urban ecosystems, and designing for longevity and resilience. (*Design Principles & Guidelines Brooklyn Facility, 2022; Design Principles & Guidelines Manhattan Facility, 2022; Design Principles & Guidelines Queens Facility, 2022; Design Principles & Guidelines The Bronx Facility, 2022*)

The plan to close Rikers' incorporates planning efforts to address community development intended to support reentry and healthy communities. (*Beyond Rikers Commitment Tracker, 2022*) Efforts to support neighborhood and community-based approaches to public safety have been in development with justice-impacted advocates, neighborhood advisory committees and design professionals. Services directed towards supporting reentry and decreasing recidivism are housing, community health and social services. In fiscal year 2021 the city allocated \$11.2 million towards providing 380 new beds for the highest utilizers of jail and shelter beds. As of August 2022, no new beds have been made available due to a lack of responses from request for proposals.

In more targeted efforts to address community concerns, New York City collaborated with community boards, civic associations, and community organizations as well as tenant associations and justice impacted individuals in the four boroughs in which the new facilities will be located to develop community investment plans. (*Beyond Rikers Commitment Tracker*, 2022) Each neighborhood appointed a neighborhood advisory committee to engage the city during the planning process. In the Bronx, affordable housing and investment in public schools are key priorities. This engagement process is why the Bronx facility RFP required community space in the facility program. The city, council, and neighborhood committee are continuing to determine the use of this space and other design through an ongoing workshop process. In regard to affordable housing in the Bronx, the city committed to three housing projects in the neighborhood. As of August 2022, the Park Haven project was listed as complete, the 321 Powers Avenue project was listed as in progress and the 320 Concord Ave project had not started. The Park Haven project was slated to provide 178-affordable units for occupants with an income within 30-80% AMI. (*The Community Builders and BronxWorks Break Ground at Park Haven*, 2019) The 321 Powers Avenue request for proposals has been released, but proposals have not yet been made public.

The 320 Concord Avenue project has become a site representative of substantial conflict. Prior to start of the demolition phase which is now underway, Diego Beekman Mutual Housing Association filed a petition to nullify the city's plan for the south Bronx facility in an effort to protect property values (Kromrei, 2020). While the site of the facility was selected to provide inmates with enhanced access to legal services and accommodate visitors who face challenges in visiting Rikers Island, residents against the placement of the jail argue that jail placement in a lower-income community of color is hypocritical (Mitchell, 2019).

Further efforts to promote housing development in the Bronx include the study of rezoning local districts to legalize existing residential uses. (*Beyond Rikers Commitment Tracker*, 2022) The city has also committed funds to new and upgrading community centers, youth service center, and senior center. Capital project funds have also been allocated to improve multiple schools, parks, and pedestrian corridors. Similar community engagement processes have been applied to address community concerns about the design and construction of facilities in Manhattan and Brooklyn. Capital improvement projects have also been committed to education, sanitation, and pedestrian safety projects in Queens. The city has made all status updates on commitment trackers, neighborhood advisory committee and justice implementation task force, and design workshop materials publicly available.

VI. SUMMARY

Reform of US incarceration facilities is a moral imperative that requires the integration of aspects of community planning, architecture, and legal and political agendas. Planners, architects, and political representatives have to work in cooperation with a multitude of public agencies to address the monumental challenge. However, the complexity of the challenge of reform has only increased over time as legal and social structures including planning processes become more established in their legal context. As facilities became increasingly overcrowded and dangerous, their conditions became contentious in the world of architecture, politics, and society as a whole.

The physical conditions of incarceration facilities impact the psychological health of those that experience them, and they carry that experience with them back into the communities they reenter. That trauma needs to be addressed by community planning efforts to enhance the

well-being and health of American society. Federal action is necessary to outline a basic human right to daylight that must be mandated across the nation. While the magnitude of the practice of incarceration we see today surpasses historic precedent, the conditions of imprisonment have improved since the era of dungeons and are rarely as mortally unhygienic as they were a hundred years ago. While the conditions of incarceration are inherently miserable, they have been gradually improving over the last three hundred years. During the past 50 years, since the writing of the Nelson Mandela Rules, there have been significant efforts to improve incarceration conditions and efforts to strive towards more humane and ethical conditions. The evolution of case law, legislation and standards illustrates the processes that are behind the evolution of prison design. It is important to keep in mind that development of standards has varied between the work of the UN, US, other countries, states, and counties.

The importance of daylight in incarceration facilities cannot be overstated. Access to daylight has a hugely significant impact on mental health. The impact of architecture on our well-being carries over into our behaviors. It can enhance learning, workplace environments, and the home. Denying a person access to sunlight denies them their humanity and dignity. The less psychologically detrimental the experience of incarceration is, the more likely incarcerated people are to successfully reenter their communities without reoffending.

Proper ventilation has frequently been neglected as a necessity. Many deteriorating facilities release toxic mold and vapors into the air, or they have inadequate or un-used HVAC systems causing unhealthy conditions, such as in the *Laaman v. Helgemoe* case. In order to function well and make responsible decisions, the human mind requires access to fresh air and sunlight.

Layout and floorplans have a significant impact on psychological health due to their ability to orient a person within a setting. This design element is significantly challenging for incarceration facilities because of the emphasis on security within those facilities. Disorienting floor plans have been a standard practice in incarceration facilities due to concerns about riots and escapes. These considerations have gained traction as psychological health has been documented to improve behavior and enhance security. The stress induced by standard architectural practices in the design of incarceration facilities has alarming impacts on the physical and psychological health of incarcerated people. The disturbances in sleep patterns caused by lack of daylight and constant exposure to unpleasant lighting causes levels of psychological disturbances that can induce symptoms of psychosis. Psychologically damaging conditions in facilities contribute to physical health risk, the mental health crisis in incarceration facilities, inmate deaths and suicides, and negative behavioral outcomes like high recidivism rates and dangerous facilities.

Planning efforts to improve the health of communities impacted by incarceration is necessary and attainable. It requires the commitment of planners, community activists and lawmakers. Professionals have been working diligently in New York to attempt to address the social impact of incarceration. Social infrastructure in communities impacted by incarceration is required to plan for safe communities that provide economic and educational opportunities, along with affordable housing and reentry support services. New York has led substantial efforts to improve the health of communities. The plan does invest significantly in community support services and address a wide scope of social issues. The process of community engagement involving formally incarcerated individuals who diligently worked at being heard was tremendously beneficial to the planning process.

Critical points of New York's plan have included architectural priorities enhancing the mental and physical health of detainees, implementing legal processes to decrease the number of people incarcerated by the city, and building up community support systems. Connecting the facilities to communities by allowing easier visitation and access within facilities were significant efforts to create more transparency and accountability. Planners, politicians, and design professionals working in New York understand that reform requires the participation of a wide range of political entities from planners to the judiciary branch of the government.

While initially an overwhelming problem to study, there is actually a tremendous amount of effort going into addressing the impact of the built environment for incarceration facilities on the population of incarcerated persons. The issue of dehumanizing conditions of incarceration has been widely recognized by citizens, planners, politicians, and design professionals. While no perfect solutions are possible, the efforts going into providing dignity and humanity to individuals and communities impacted by incarceration are enough to inspire hope for a better future.

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APPENDIX (INTERVIEW QUESTIONS)

A. FEDERAL POLICY ANALYSIS

1. *October 13, 2021*

- Who were you directly working for on your detention projects, was your client the National Institute of Corrections, Department of Corrections, or US Department of Justice or Bureau of Prisons?
- What position did the person(s) you were in contact with hold within the client's organization?
- What were the client's priorities, goals or attitudes concerning the projects you worked on?
- Was the mental health of inmates a consideration of the clients?
- Did politics ever influence the design process?
- Do you think there could be a role for nationally mandated building standards or codes that are relevant to the design of incarceration facilities in the US?

2. *August 28, 2023*

- Could you expand on the differences between owning and operating clients and how much input they would have on a project?
- Do state Department of Corrections/sheriff offices have someone in particular that works with the architect, or does the US Department of Justice have anyone who is specialized in working on the design of new projects?
- Do you have any more insights into why priorities changed around the 80's and 90's beyond deinstitutionalization?

- Which states or localities have you've worked with?
- By constitutionality of a jail, do you mean if it violates the 8th amendment's cruel and unusual punishment clause?

B. NYC POLICY ADVISOR

- What goals and strategies did the mayor's office have for addressing conditions of incarceration prior to the Close Rikers' movement?
- What led to the closing Rikers movement?
- How did activist groups approach the mayor's office to start conversations about closing Rikers?
- What was your role in communicating between stakeholders during the process of planning the new facilities?
- Who were the strongest voices of opposition and what were their concerns?
- Have affordable housing and community services been expanded during this process to provide reentry support?
- What initiative has proven the most difficult, support services, humane facility design, or judicial and sentencing reform to decrease the number of people incarcerated?
- Was the greatest challenge funding or something else?
- What aspects of sentencing of programing come from this Norwegian model?
- Will facilities have daylighting?
- When making decisions regarding facility design, construction, and operations what are the primary influences on the mayor's offices' choices?
- Are there any bodies of evidence that inform key political decision makers?

- What information informs decisions regarding facility construction, operations, or maintenance?

C. NYC ARCHITECTURAL POLICY ADVISOR

- Was their push back from the client of community, especially about the recommendations of diversifying street level uses?
- Who were the owning clients for Rikers and the new facilities?
- Did you have much engagement with owning or operating clients due to writing this report?
- How was working with correctional officers and staff during workshops?

D. SKAGIT COUNTY ARCHITECT

- Do you work with owning or operating client, or both?
- Who represents these clients in the design process?
- What elements of humane design does your firm focus on incorporating into projects?
- Is providing sunlight to living spaces a priority that comes up much in the conversation on humane design elements?
- Has there been a situation where your firm has secured client buy in to humane design that was not an initial goal?
- What resources are available to you as a body of evidence for the benefit of humane design?
- Do the goals or process of working with clients in different jurisdictions vary much?
- What do the clients use to set their goals?
- What standards or guidelines for designing justice projects does your firm reference?