

A NEW EXPERIENCE OF TRIALS

THE BERLIN REGIONAL CRIMINAL COURT

INDEX

INTRODUCTION	4
GERMAN JUDICIAL ORGANIZATION	
THE REGIONAL COURT	
CRIMINAL COURT MOABIT	
TRIAL PARTICIPANTS	
PROBLEM STATEMENT	
RESEARCH QUESTION	
RESEARCH FRAMEWORK	10
THEORETICAL FRAMEWORK	
RELEVANCE	
RESEARCH METHODS	12
PROGRAM	
CLIENT	
SITE	
DESIGN BRIEF	14
PROGRAM	
CLIENT	
SITE	
BIBLIOGRAPHY	16
BIBLIOGRAPHICAL REFERENCES	
FIGURES	

INTRODUCTION

This graduation project of a new “Regional Criminal Court” is located in Berlin’s city center. Since the architectural requirements of a courthouse for criminal justice are especially complex, the design will focus on fluid processes and logistics and the building’s relationship with the user’s spatial perception.

GERMAN JUDICIAL ORGANIZATION

In Germany, the legal system is organized in five jurisdictions (Criminal and Civil, Administrative, Labour, Social, Financial). At the apex of the judiciary is the Federal Constitutional Court, which is not an instance of the five divisions, but independent. Generally, there are three levels in the hierarchy of each jurisdiction, only the Civil and Criminal have a fourth stage, the Regional Court. It is the second instance and is followed by two further courts of appeal at the higher and federal level. (Handschumacher, 2009, pp. 241-243)

THE REGIONAL COURT

The Regional Court serves as a court of appeal, but also as the first instance for particularly severe criminal offenses. This is the case, if a prison sentence of more than four years or an order for preventive detention or placement in a psychiatric hospital is to be expected. (Handschumacher, 2009, pp. 241-243) As the first instance, the Regional Court decides in criminal cases as a “Grand Criminal Chamber” after the public prosecutor’s office has filed charges. In especially serious cases, such as murder, manslaughter, sexual abuse, and robbery resulting in death, the “Grand Criminal Chamber” decides as a so called “Schwurgericht” (jury court). Additionally, there are special chambers for economic criminal cases, juvenile cases, and juvenile protection cases.

Furthermore, the chambers of the Regional Court decide in the second instance following an appeal by the plaintiff, defendant, or public prosecutor as the “Small Criminal Chamber” on verdicts of the criminal (juvenile) judge



Figure 1:
Federal Court of Justice Karlsruhe



Figure 2:
Higher Regional Court Berlin

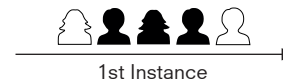


Figure 3:
Regional Court Berlin
(Criminal Court Building)



Figure 4:
Local Court Tiergarten

and the court of lay assessors of the Local Courts.

“The Grand Criminal Chamber” and the jury court consist of three professional judges and two lay assessors, while the “Small Criminal Chamber” is composed of one professional judge and two lay assessors. (Matthiessen, n.d.)

An objection to the decision of the Regional Court can be lodged with the Higher Regional Court. As a last resort, an appeal against the verdict of the Higher Regional Court can be filed with the Federal Court of Justice in Karlsruhe. (Handschumacher, 2009, p. 242)

CRIMINAL COURT MOABIT

The Criminal Court (completed 1906) in Berlin’s district Moabit is where all criminal proceedings of the Berlin Local Courts and the Regional Court are conducted. The building accommodates the Local Court Tiergarten and the criminal division of the Berlin Regional Court. In addition, a majority of the public prosecutor’s offices and the public attorney’s offices are located here. The name Criminal Court re-

fers exclusively to the building and is not a legal instance. (Mielke, 2011) Together with other court buildings on the site and the Moabit Correctional Institution, the Criminal Court forms a compact complex. The prison also contains Berlin’s pre-trial detention facility. (Hauner, 2021)

TRIAL PARTICIPANTS

A typical court proceeding of the Criminal Jurisdiction at the Regional Court consists of the judges and lay assessors, the public prosecution, a recording clerk, the defense attorney(s), and the defendant(s). Witnesses, if not related to a defendant, are obligated to testify. Furthermore, consultants can be questioned, and joint plaintiffs have the choice to participate in the trial. (Thüringer Ministerium, 2018, pp. 10-11) In general, hearings, including the delivery of judgments and decisions, are open to the public. (Windau, 2020) However, trials involving juvenile defendants (14 to 18 years of age) are not open to the public for rehabilitative reasons. (Skopalik, 2005, p. 21) Each of the designated parties has differ-

ent needs and requirements in terms of spaces within the courthouse.

PROBLEM STATEMENT

The criminal justice system of Berlin and the Criminal Court Moabit are currently experiencing several different challenges, which concern capacity issues and obsolete, unfavorable spatial qualities.

The legal system is confronted with a disproportionate amount of cases compared to the number of its workforce. The amount of offences as well as the num-

ber of hearings are continuously rising as the city expands (Knispel & Gronemeier, 2021, pp. 15-60) Around 700 cases are brought before the Regional Court every year. (Jericho, 2021) Therefore, additional space must be created in order to allow for an increase of staff in the Berlin Criminal Jurisdiction. Since the areas on the Moabit campus are already unable to meet the great demand, the State of Berlin is currently leasing a premises at Kirchstraße 6-7, 10557 Berlin. However, based on economic calculations, the

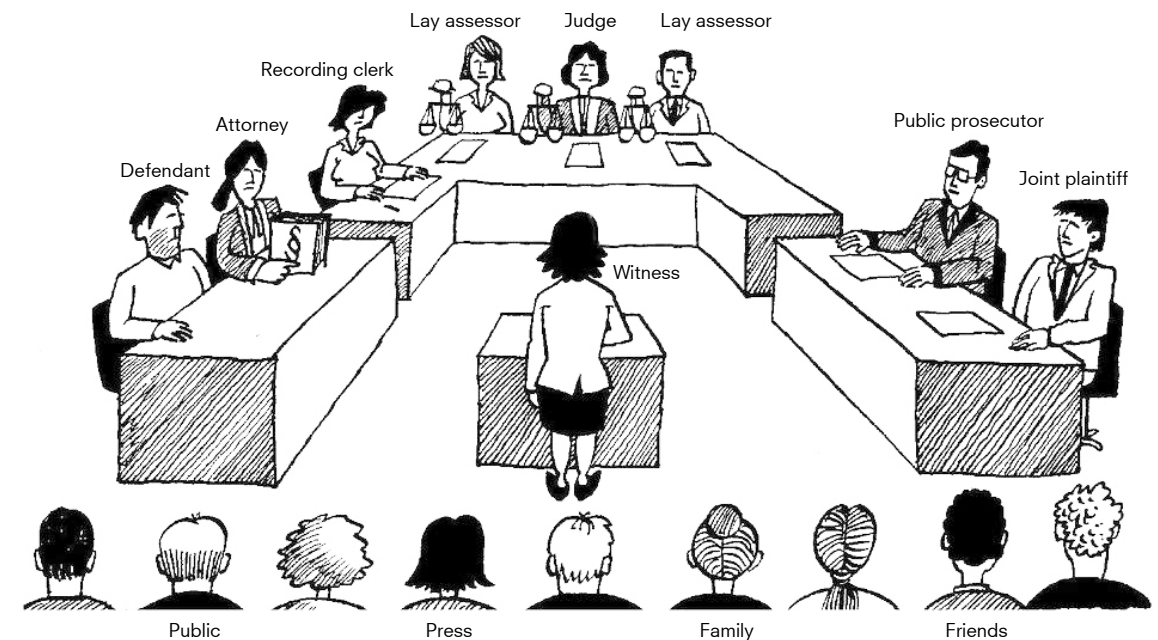


Figure 5: Trial participants in a procedure of the “Small Criminal Chamber” at the Regional Court

Senate Department of Finance wants to abandon the building and no longer rent properties for the State of Berlin, but instead construct its own, new facilities. Consequently, a restructuring of the spatial distribution of the departments of the Criminal Court needs to be implemented. (Joeken, 2022) Simultaneously, this offers an opportunity for improvement of working conditions in light of the undersized offices at the Criminal Court with its outdated technology and equipment. (Böll, 2017)

By modern standards, the Criminal Court has numerous deficiencies in terms of spatial conditions. The building can be described as a labyrinth of long, narrow corridors and visible as well as hidden staircases in which orientation is difficult. (Grunwald, 2006) In the court rooms the acoustics and ventilation is very poor. (Junker, 2006, p. 163) Generally, people spent a lot of time in a courthouse, however, the lack of public areas and very small waiting rooms of the Criminal Court provide little comfort to relieve stress and regain concentration. Moreover, the se-

curity concept is not appropriate for the present time, there are no alarm buttons and locks with bullet-proof glass cannot be installed due to heritage preservation restrictions. (Knispel & Gronemeier, 2021, pp. 123-124) Even though the building features an architecturally sophisticated system leading directly from the pre-trial detention facilities to the courtrooms, (Hauner, 2021) the holding cells are of very small size. (Joeken, 2021)

Furthermore, the areas of the basement are too small and unsuitable for the storage of evidence, as this function was not required in 1906, when the building was constructed. (Wilmes, 2006, pp. 97-98)

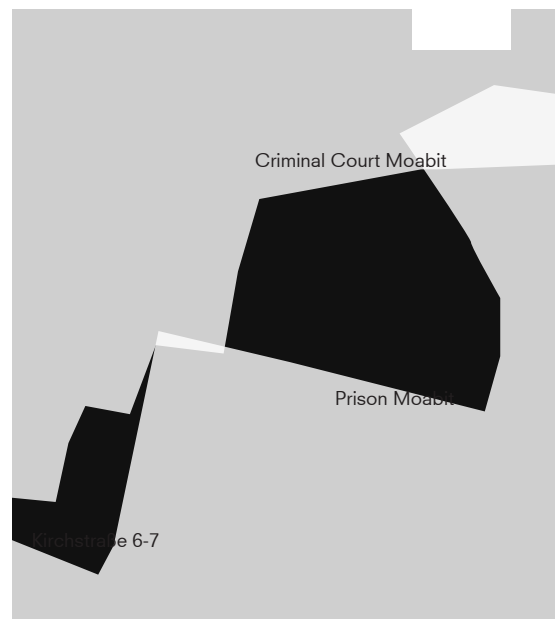


Figure 6: Locations of the criminal division in Berlin

RESEARCH QUESTION

A court building can be described as a machine, whose architecture must facilitate fluid, efficient operations to ensure the correct, fair execution of justice. These two key elements are strongly impacted by the compositions and characteristics of spaces and their perception by the occupants. A decisive factor is stress, which is either alleviated or intensified by the conditions of the rooms and in turn greatly affects the procedures. It is essential that the spaces enable the participants to focus on their duties with full composure and concentration over a long period of time. Otherwise the conduct of the court hearings might be disturbed, and legal errors might occur. (Tait, et al., 2014)

Therefore, the question arises: what spatial qualities influence the user's experience in a manner that improves the efficiency of processes in a courthouse?

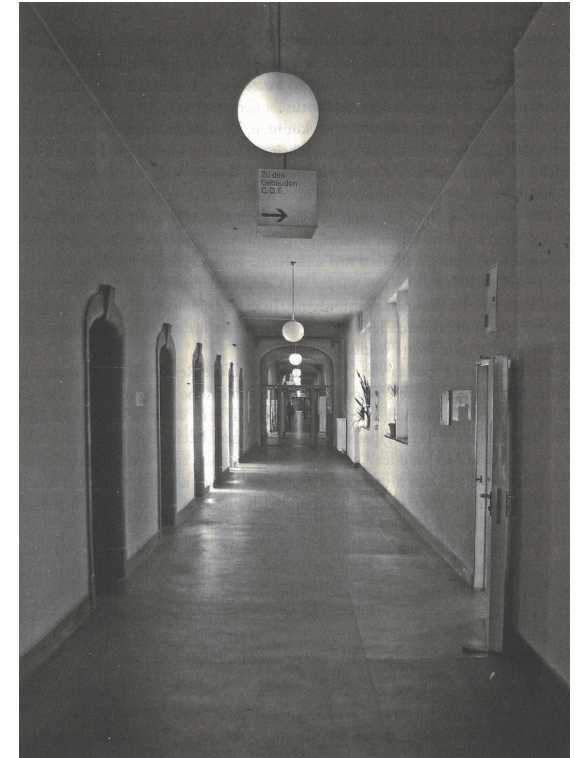


Figure 7: Corridor of the Criminal Court



Figure 8: Evidence storage of the Criminal Court

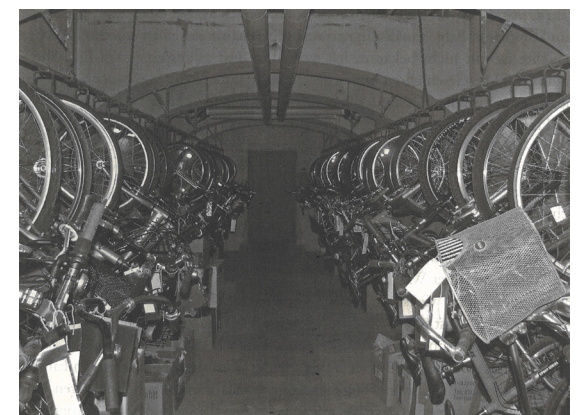


Figure 9: Evidence storage spaces of the Criminal Court

RESEARCH FRAMEWORK

THEORETICAL FRAMEWORK

A large body of literature and research has addressed the relationship between the human experience of space and efficient judicial processes. Some studies extend into the field of neuroscience, such as *Extraneous Factors in Judicial Decisions*, which explored the effect of external influences on the outcome of trials. (Danziger, Levav, & Avnaim-Pesso, 2011) Other researchers have investigated design techniques that promote the emotional well-being of users, as demonstrated in the paper *Natural Light in Civic Spaces: A study of the Law Court of Antwerp, Belgium*. (Soleimani, 2015) The essence of the research question not only concerns the relationship between space and the individual but is primarily a social-psychological issue. When investigating spatial experience and the smoothness of procedures, social dynamics and interactions are particularly significant. The Australian Research Council, for instance, has

funded several studies on managing people and processes in a courthouse through architectural interventions. In *Fortress or Sanctuary?*, the positive effect of incorporating nature into the design is repeatedly emphasized as a measure to recover and restore the concentration of court participants. (Tait, et al., 2014) This approach is related to the group theme "Environment", which aims to integrate green space in the design and provide for the occupied natural area another equally valuable public space.

RELEVANCE

Usually, in Germany, either both, the civil and criminal jurisdictions of the Regional Court are housed in one building, or all criminal matters of multiple instances are accommodated in one courthouse. Thus, the spatial separation of the criminal jurisdiction of the Regional Court in this project is very atypical. However, this approach opens up the opportunity to concentrate entirely on its specific characteristics and space requirements. This type of courthouse

differs from others because of the size of its courtrooms, which are connected to holding cells. Since particularly serious, socially relevant cases are tried in such a building, the public and media interests are very high to which the architecture must respond. (Jani, 2020)

The brief not only offers the possibility to explore an innovative approach to human and court room interaction that results in efficient procedures, but also the opportunity to incorporate valuable, contemporary technical advances. From 2026 onwards, the German judiciary is supposed to operate exclusively with digital files. (Knispel & Gronemeier, 2021, pp. 83-112) This changes the nature of traditional file storage, requiring the design of new types of space. Instead of conventional, manual evidence storage, new storage units may be automated. The courthouse of the future demands a transformation in thinking, as it poses completely new requirements. (Susskind, 2019, pp. 3-15)

RESEARCH METHODS

PROGRAM

The framing of the spatial program can be accomplished through a variety of different approaches, such as case studies, theoretical literature, and interviews with stakeholders. With these methods, it will become apparent, how demands have shifted over time and what the requirements of a state-of-the-art courthouse are. Based on these conclusions, the program, size, and dimensions of spaces can be defined.

A critical step is the examination and the visit of the building of the Criminal Court in Moabit and the analysis of the present demands of the Regional Court of Berlin. The findings of the research will be compared with case studies of contemporary courthouses and competition design briefs, such as the Düsseldorf Regional Court (completed 2010) and the competition entries of the New Criminal Justice Center Munich (submission 2013). These methodologies will be supplemented by theoretical

literature, which further addresses the characteristics of the courthouse of the future, like *Online Courts and the Future of Justice*. (Susskind, 2019)

CLIENT

As a courthouse is a state institution, it is necessary to understand the structuring of the German authorities involved in the development of a new courthouse and the internal organization and division of responsibilities. It is useful to clarify the various constraints and limitations as well as the possibilities of such a project and to distinguish the interests of the "Senate Administration for Justice, Diversity and Anti-Discrimination" as the client and the "BIM Berliner Immobilienmanagement GmbH" as the operator and maintenance company. The methodological approach to achieve this is to contact employees of the senate administration and "Bim Berlin" via e-mails and telephone calls.

For a well-functioning courthouse design, it is vital to identify the ultimate users in order to understand their needs and requirements for spaces. The personal

exchange with judges, other workers in the judiciary, defense attorneys and law graduate students as well as internet and literature research will shed light on this.

SITE

A courthouse is especially demanding in terms of the characteristics of the immediate surroundings. Therefore, in order to locate the ideal site for a courthouse, a number of requirements must be met. These can be defined with the help of theoretical publications and analyses of existing courthouses on how and where they are located. Moreover, the location must correspond to the group theme of "Environment". The hypotheses and research of *The Architecture of Law Courts* for example, provides a good base for analyses of different plots. (Wallsgröve, 2019) On these grounds, the suitable location can be determined by analyzing relevant maps of public transport, traffic, street network and master plans including street measurements. To confirm the suitability of the plot, its symbolic significance

is assessed by an investigation of the meaning and history of the surrounding area. Finally, it should be noted that particularly in Berlin special attention is paid to a minimization of the distance to the pre-trial detention, as the direct connection between the Criminal Court and Moabit Prison is a unique feature to which the city is especially attached. (Knispel & Gronemeier, 2021, pp. 118-120) After the selection of the plot, it will be studied through mapping and fieldwork.

DESIGN BRIEF

PROGRAM

The program is broadly formed by four components: the office spaces (39 percent), the court rooms (30 percent), other supporting functions (24 percent) and areas for the pre-trial holding of the defendants (seven percent).

Currently, the term “offices” includes all workspaces. This encompasses not only the rooms of the judges and the administration, but additional facilities, some of which are semi-public, such as the doctor’s office, interrogation rooms and witness care. In the further process, the different functions are to be precisely differentiated, and their requirements studied. Furthermore, the present and possible innovative judicial work practice is a relevant aspect to be examined, as it profoundly affects the spatial subdivision.

CLIENT

As a government facility, a courthouse must comply with the standards of the German judicial procedures and

regulations. The state as a client requires smooth court processes and a well-organized logistic system. Ultimately, the design concept must enable the correct exercise of justice. On the other hand, the users are of equal importance. They need spaces that allow them to participate in the processes and to properly fulfill their role in a trial. In the course of the project, the requirements imposed by the state and the demands of the users must be clearly defined and combined.

SITE

The section of the “Großer Tiergarten” was studied with respect to multiple components. The focuses of the analysis include the accessibility for the public by car and public transport. Since fluid processes are not only important within the courthouse, the site was examined for traffic congestion and the diversity of access routes. Also, the distance and time to the pre-trial detention center Moabit was analyzed. The findings will be supplemented by further mapping of the site and field work.

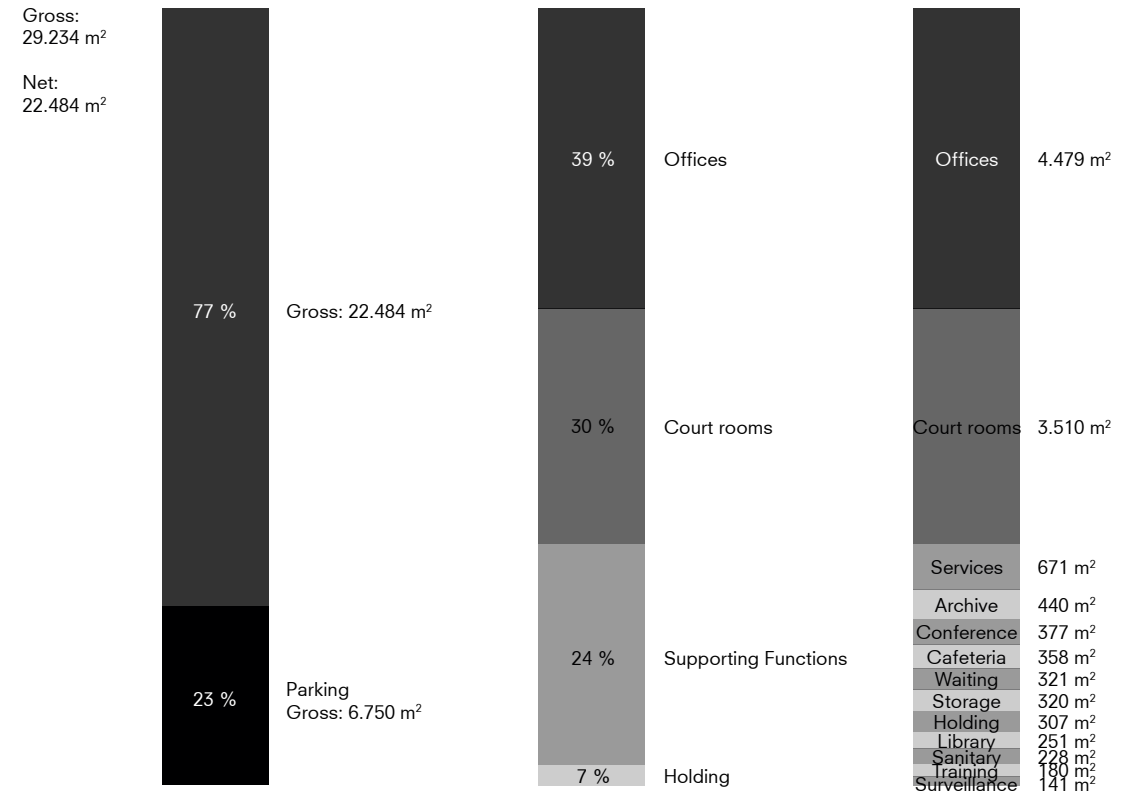


Figure 10: Parking ratio

Figure 11: Program ratio

Figure 12: Program

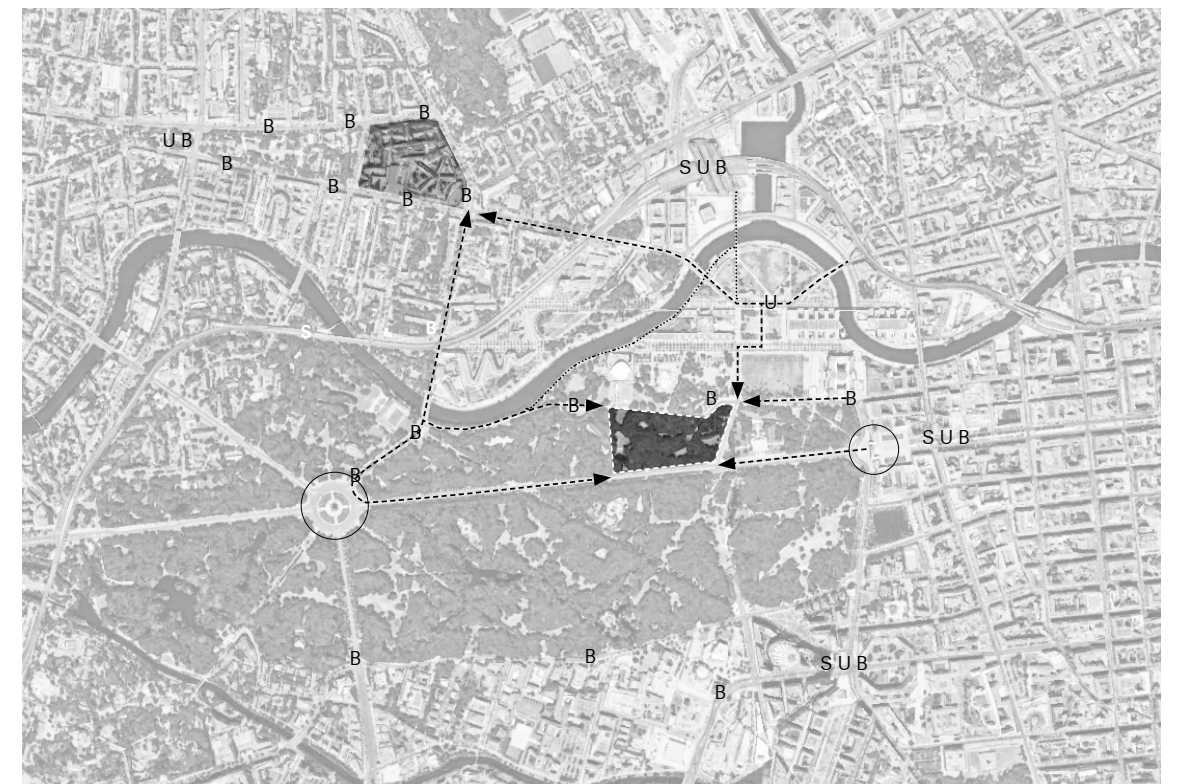


Figure 13: Initial site analysis

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FIGURES

Figure 1: Federal Court of Justice Karlsruhe.

Adopted from Bundesgerichtshof. Retrieved November 9, 2022, from https://www.bundesgerichtshof.de/DE/Home/Functions/HeadImage?__blob=normal&v=9

Figure 2: Higher Regional Court Berlin.

Adopted from Wikipedia. Retrieved November 9, 2022, from https://upload.wikimedia.org/wikipedia/commons/3/36/141019_Kammergericht_Berlin.jpg

Figure 3: Regional Court Berlin.

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Figure 4: Local Court Tiergarten.

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Figure 5: Trial participants in a procedure of the “Small Criminal Chamber” at the Regional Court.

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Figure 6: Locations of the criminal division in Berlin.

Created by author.

Figure 7: Corridor of the Criminal Court.

From Junker, V. (2006). Arbeiten im Kriminalgericht Moabit. In A. Wosnitzka (Ed.), *Das Neue Kriminalgericht in Moabit: Festschrift zum 100. Geburtstag am 17. April 2006* (pp. 159-167). Berlin: Berliner Wissenschafts-Verlag, p. 162.

Figure 8: Evidence storage of the Criminal Court.

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