



The Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness

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January 27, 2022

Re: Results of Interbranch Commission Survey on Judicial Districts' Collection of Juror Demographic Data

Dear Court Administrators:

On behalf of the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness, we are pleased to share with you the results of the survey on juror demographics our Commission distributed to you several months ago. We thank you for your participation in this effort and trust that the information will be useful to you in your efforts to ensure broad representation of all community members in the jury selection process.

By way of background, the Commission was established in 2005 by the three branches of Pennsylvania government as a means of implementing the recommendations of the Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Justice System. Among other findings, the study determined that juries throughout Pennsylvania were rarely comprised of a fair cross-section of the community. One of the recommendations directed to the AOPC and court administrators in the Jury Selection chapter of the Final Report was to collect data about the composition of juries to use as an aid in increasing jury diversity across the Commonwealth.¹

The Interbranch Commission has worked to implement this recommendation by, among other things, facilitating the passage of legislation that established a Statewide Juror List that includes broader source lists to use in summoning potential jurors. The survey to which you responded was sent to you in furtherance of this jury diversity initiative and was designed specifically to determine (1) the extent of judicial districts' use of the Statewide Juror List, (2) whether judicial districts collect racial, ethnic, or other juror-based demographic data, and (3) whether use of the Statewide Juror List has resulted in an increase in diversity on juries throughout the Commonwealth.

As we indicated in the survey introduction, the Commission has kept your individual responses to the survey confidential. We wish to share with you several aggregate findings, however, which are set forth below and are also summarized in the attached one-page graphic sheet. Collectively, we received responses from 37 of the 60 Pennsylvania court administrators, or 62%. In sum, these responses indicate that while most of PA's judicial districts are now using the Statewide Juror List, the majority are *not* collecting or analyzing juror demographic data. Among those districts that *are* collecting the data, it is limited to the initial stage of the jury selection process, that is, when summonses are sent to

¹ A copy of the report is available at <https://pa-interbranchcommission.com/wp-content/uploads/2022/01/FinalReport.pdf>.

randomly selected individuals from the source lists. Generally, districts are not collecting juror demographic data from the later stages in the process, specifically when individuals appear in court following receipt of their summons or when individuals are chosen to serve as jurors.

- **Judicial Districts’ Use of the Statewide Juror List**

32 of 37 (or 87%) of responding court administrators indicated that they rely on the Statewide Juror List as the source from which they summon their prospective jurors. As referenced above, the Statewide Juror List was intended to reach a more racially and socioeconomically diverse group of citizens by combining the lists of four state agencies that collect the names of individuals who (1) receive welfare assistance, (2) have been issued a driver’s license, (3) have filed a state tax return, or (4) have been listed as a registered voter.

The five responding court administrators who indicated they do not use the Statewide Juror List each specified that they generally pull names from either their district’s per-capita master tax list, PennDOT’s list of individuals who have been issued automobile licenses, or the state voter registration list.

- **Districts’ Collection of Demographic Data at Three Stages of the Jury Selection Process**

Our survey aimed to determine whether judicial districts are collecting demographic data on the jurors and/or potential jurors at the three main stages of the jury selection process: Stage 1 - individuals to whom summonses are sent; Stage 2 - individuals who appear in the courthouse following receipt of their summons; and Stage 3 – individuals who are actually selected to serve as jurors.

Stage 1 (Data on the individuals to whom summonses are sent)

- 38%, or 14 of the survey’s 37 respondents, indicated that they collect juror data at Stage 1.
- Of these 14 respondents, the majority specified that they collect data via a juror questionnaire and/or summons. This is typically the standardized Juror Information Questionnaire set forth in PA Rule of Criminal Procedure 632 that is mailed to potential jurors or completed by them online.
- The most common data points collected at Stage 1 are the potential juror’s marital status (10 of 14 respondents), their occupation (10 of 14), and their race (10 of 14). Only three districts reported that they collect information on potential jurors’ gender.

Stage 2 (Data on the individuals who appear in court following receipt of their summons)

- 27%, or 10 of the survey’s 37 respondents, indicated that they collect data at Stage 2.
- Seven respondents collect demographic data at Stage 1 but *not* at Stage 2, while seven districts reported they collect the data at *both* Stage 1 and Stage 2.²

² Although numerous demographic data points, such as marital status and race, were collected at similar rates at Stages 1 and 2, some districts appeared to be unsure about the distinction between the two stages. One court administrator stated that, for both stages, “[they] collect the data from the juror filling out his or her on-line questionnaire.”

Stage 3 (Data on the individuals who are actually selected to serve as jurors)

- 19%, or seven of the survey's 37 respondents, indicated that they collect data at Stage 3.³

• Demographic Data Collection: Responses to Open-Ended Questions on Survey

Question 1: Has data collection yielded any information about districts' juror diversity? (10 Responses)

- Six districts indicated that they are currently able and willing to share their discoveries, or will be able to share them, once they generate a data report.
- In particular, one district indicated that it can run reports analyzing the age, gender, and race of summonsed and selected jurors, while another district stated that it is working with its software company to be able to produce such reports.

Question 2: If districts do not collect the data, is there a reason(s) for that decision? (20 responses)

- Several districts indicated a belief that such data collection is unnecessary because their county is largely elderly, Caucasian, or homogeneous in some other way.
- A few districts indicated that because Pa.R.Crim.P. 632 requires juror forms to be destroyed after jury selection or trial, the data requested in the survey cannot be collected or reported.⁴
- Another group of respondents indicated that there is not enough guidance on data collection, either statutorily or from the AOPC. One district expressed that "[they] need direction from AOPC that collecting this information is a priority and specifically what information should be collected," while another district stated more simply, "No rule or statutory guidance." Similarly, other districts stated that they lack the resources, staff, and funds to assemble such data.
- Several districts do not compile the data but *do* want to learn how other districts collect it.

• Conclusion & Next Steps

The next phase of this initiative will involve following up with the judicial districts to:

- Determine whether the data they have collected thus far has revealed an impact on the diversity of their juries and, if so, whether they would be willing to share that data with the Commission; and
- Determine whether those districts who do not collect demographic data might be interested in working with the Commission on designing a system or policy to compile that information.

The Commission will also share this survey's findings and collaborate with the AOPC to provide guidance to judicial districts on how they can best collect and respond to juror demographic data in a manner that ensures their juries reflect a fair cross-section of the community.

³ Some districts may have been unsure about this question as well, as every district that indicated it collects data at Stage 3 stated that it compiles the information in the exact same manner as it described for Stage 1 and Stage 2. One court administrator stated, "Same as above, we have them fill out the questionnaire prior to . . . coming into the courthouse."

⁴ The Commission was not seeking the confidential information that individuals report on their questionnaires. Rather, we sought to learn whether and how districts collect demographic data and the broad, aggregate trends that data has revealed.

If you have any questions regarding the results of this survey, or if you would like to clarify any of your responses, please do not hesitate to contact me by phone, at (412) 697-1311 or (412-298-9148), or by email, at lisette.mccormick@pacourts.us. The Commission thanks you for your participation in our survey, and we look forward to continuing a partnership committed to fairness in the Pennsylvania court system.

Sincerely,

A handwritten signature in black ink that reads "Lisette McCormick". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lisette McCormick, Esq.

Executive Director

cc: Hon. Max Baer, Chief Justice, Supreme Court of Pennsylvania
Hon. Kevin Dougherty, Justice, Supreme Court of Pennsylvania
Geoff Moulton, Pennsylvania State Court Administrator
Mary Vilter, AOPC
Interbranch Commission Members
Jury Service Committee Members