

Washington State Judicial Branch

2023-25 Biennial Budget

Research Jury Race and Gender Bias

Agency: Administrative Office of the Courts

Decision Package Code/Title: D3 – Research Jury Race and Gender Bias

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests 1.0 FTE and \$403,200 in ongoing funding to continue current juror data collection efforts, expand research on juries, and provide technical assistance to courts in the process. Recent studies in Washington have shown that jury pools throughout Washington are not demographically reflective of their communities. There has been a push in the legislature and from the courts to address the issue of jury diversity. The first step to implementing change is data collection: tracking and identifying where issues are occurring, and then taking steps to address it. This effort will help Washington state track and make progress on increasing jury diversity across the state. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	1.00	1.00	1.00	1.00	1.00	1.00
Operating Expenditures						
Fund 001-1	\$204,000	\$199,200	\$403,200	\$199,200	\$199,200	\$398,400
Total Expenditures						
	\$204,000	\$199,200	\$403,200	\$199,200	\$199,200	\$398,400

Package Description:

Juries are a foundational part of the justice system and every trial court in our state has a practice of summoning members of their community for jury duty. Every person charged with a crime has a constitutional right to be tried by a “jury of their peers”. However, research has shown that courts in Washington state struggle with summoning jurors who are representative of the demographics of their population.

Throughout the past couple of years there have been efforts to address the lack of juror diversity. In 2016, the Minority and Justice Commission produced first-of-its-kind research looking at the composition of jury pools across various courts in the state and found that people of color are underrepresented in most jurisdictions. The Minority and Justice Commission went on to convene a Jury Diversity Task Force that produced a preliminary report of findings and recommendations. In 2018, the Washington State Supreme Court passed GR 37, which was the first court rule of its kind in the nation aimed at eliminating racial bias in jury selection. Additionally, the Gender and Justice Commission recently published its report 2021: How Gender and Race Affect Justice Now, which included an analysis of previously collected jury demographic data by race and gender and a supplemental report analyzing court demographic data collection and juror accommodations.

During 2021 session, the legislature provided proviso funding to the AOC to support the implementation of a statewide electronic juror demographic survey, with plans to make juror demographic reporting a mandate for all courts in Washington State.

The AOC does not have internal staff capacity to continue to oversee and manage the activity related to juror studies: to oversee the ongoing collection of juror demographic data, to track and measure effectiveness of pilot projects aimed at improving juror diversity and participation, and provide technical assistance to courts looking to improve jury practice. This body of work is something that would fit within the AOC's Office of Court Innovation, Washington State Center for Court Research (WSCCR). Staff support from WSCCR can help us with continuity and building of current efforts addressing juror diversity and other jury related issues that come up in the courts.

The AOC's Office of Court Innovation, through the Washington State Center for Court Research, requests one research associate position to oversee the work related to jury studies in Washington State. As explained above, there are current projects related to jury studies, and potential projects that would require support from someone who is able to review and analyze data, advise courts on best practices and research findings relevant to practitioners, and design studies or surveys that will help us better understand and better track changes to jury practices. The research position would be responsible for:

- Continuing to work with courts to collect juror demographic data using the statewide juror demographics survey.
- Analyzing the juror demographic data and providing an annual report to the courts and to the legislature.
- Conducting further process evaluations into areas of the jury process (i.e. expanded source lists, summoning, juror pay, etc.) that could have a positive impact on juror responsiveness and juror diversity.
- Designing metrics for understanding the impact of GR 37.
- Taking inventory and creating an assessment of the different juror management systems courts currently use and researching different systems to provide courts with different options.
- Working with courts to improve areas of their jury practice they are most interested in, such as improved outreach to under-represented communities.
- Periodically reporting to courts on developments in jury-related research and innovations.

Fully describe and quantify expected impacts on state residents and specific populations served:

If we are able to continue the research and data collection component of the jury diversity work, our efforts may be able to affect any litigant who wants their case heard by a jury "of their peers," ensuring that our state courts are making their best effort to recruit a diverse jury pool. These efforts also have the potential of impacting the many people in our communities who are summonsed for jury duty.

Explain what alternatives were explored by the agency and why they were rejected as solutions:

AOC has been contracting with Seattle University on the current and past jury demographic surveys, as a short-term measure. We believe that our courts would be better served in the long term if the AOC had staff dedicated to providing this research and assistance.

What are the consequences of not funding this request?

If this request is not funded, we will not be able to track progress on whether efforts to improve jury diversity are working, or whether jury diversity gets worse over time.

Is this an expansion or alteration of a current program or service?

This funding request is for a new position that does not exist. However, there is some background in receiving a legislative proviso and dedicating current staff time to jury diversity related efforts.

The 2021 legislature passed a proviso of \$300,000 to the AOC to implement a jury demographic survey for all courts, and to report the findings of that survey to the legislature in 2023. The funding was used to contract with Seattle University to conduct the study.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Senior Research Associate. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE to:

- Work with courts to collect juror demographic data using the existing statewide survey.
- Analyze juror demographic data and provide an annual report to the courts and Legislature.
- Conduct additional process evaluations of the jury process that may have a positive impact on juror responsiveness and jury diversity (i.e., expanded source lists, summoning, juror pay, etc.).
- Design metrics for understanding the impact of GR 37.
- Take an inventory and create an assessment of juror management systems courts use and research alternative systems to provide courts with options.
- Work with courts to improve areas of their jury practice, such as improved outreach to under-represented communities.
- Report periodically to courts on developments in jury- related research and innovation.

Other Non-Standard Costs

Goods and Services (Object E)

In addition to standard costs per FTE, there are needs for:

- Ongoing, annual \$1,300 software subscription for Remark OMR used to scan paper surveys.
- Ongoing, annual \$5,000 for printing, shipping, and other costs associated with administering juror demographic surveys.

Travel (Object G)

This position will travel to courts for in-person consultation and observation. The estimated, annual travel costs for the staff are \$4,000 per year, rather than the standard cost per FTE.

Expenditures by Object	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
A Salaries and Wages	111,500	111,500	111,500	111,500	111,500	111,500
B Employee Benefits	35,600	35,600	35,600	35,600	35,600	35,600
E Goods and Services	10,100	10,100	10,100	10,100	10,100	10,100
G Travel	4,000	4,000	4,000	4,000	4,000	4,000
J Capital Outlays	6,400	1,600	1,600	1,600	1,600	1,600
T Intra-Agency Reimbursements	36,400	36,400	36,400	36,400	36,400	36,400
Total Objects	204,000	199,200	199,200	199,200	199,200	199,200

Staffing

Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
SENIOR RESEARCH ASSOCIATE	111,500	1.00	1.00	1.00	1.00	1.00	1.00
Total FTEs		1.00	1.00	1.00	1.00	1.00	1.00

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice – This package will help in ensuring that juries are truly representative of their communities.

Commitment to Effective Court Management – This package will help courts understand the demographic makeup of their juries and whether efforts to change practices have an impact on jury diversity.

Sufficient Staffing and Support - Current AOC staff are unable to absorb the workload necessary to continue to track and report juror demographics statewide.

Are there impacts to other governmental entities?

Trial Courts – Anticipating support from trial courts in having a researcher that can assist them with jury-related questions.

County or City Governments – Anticipating support from local governments that appreciate the concept of having juries reflect the demographics of their communities.

Stakeholder response:

Members of the public who are litigants and/or their attorneys – Supportive because having a jury of one's peers is a constitutional right that all litigants are afforded.

Members of the public who are called to jury duty – May be supportive because a "jury of one's peers" is a constitutional right that all are entitled to.

Are there legal or administrative mandates that require this package to be funded?

This is a proposal that was part of the Minority and Justice Commission's [Jury Diversity Task Force Preliminary Report](#), Data Collection recommendations.

Does current law need to be changed to successfully implement this package?

Not necessarily. Data collection efforts could continue in courts that "opt-in" to collecting juror demographic data. However, the program would be most successful if all courts were implementing the survey. In order to make data collection mandatory there would need to be a law or court rule mandating it.

Are there impacts to state facilities?

No

Are there other supporting materials that strengthen the case for this request?

The following reports that help identify why continued data collection is important and is needed:

- [MJC's Jury Diversity Task Force Preliminary Report](#) – Identifies continued data collection, research, and reporting as a recommendation of the Task Force
- [MJC's Jury Diversity Symposium](#) – Presentation from speakers about the importance of jury diversity

- [Answering the Call: An Analysis of Jury Pool Representation in Washington State](#) – Article by Prof. Pete Collins and Prof. Brooke Gialopsos – Data from the first jury demographic survey that shows how juries in Washington are not reflective of their communities.
- [An Exploration of Barriers to Responding to Juror Summons](#) – Research by Prof. Pete Collins and Prof. Brooke Gialopsos – Research and analysis of 3 courts and the impact of COVID and virtual jury service on juror demographics. Also an analysis of the barriers to jury duty.

Are there information technology impacts?

No

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