



2019 Annual Jury Program Report

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Waukesha County Circuit Court 2019 Jury Program Report

The right to a trial by jury is the cornerstone of American democracy, guaranteed by both the state and federal constitutions. The decisions made by juries affect people's rights and freedom. The willingness of all who are summoned to serve is essential to ensure representative, impartial juries. Even those who do not eventually serve on a jury help maintain the system by reporting for jury service.

Jury service is a duty of citizenship similar to paying taxes and voting. By employing effective techniques and best practices, Waukesha County strives to administer a fiscally responsible and efficient jury system while continuously working to improve the nature and quality of the services asked for and provided for our citizens. We also strive to ensure that our judges, the lawyers, the litigants, and the public have confidence in the fairness and impartiality of the impaneled juries, and that jurors have appropriate tools during trials and deliberations with which to render informed and fair judgments.

Wisconsin Supreme Court Rules require each judicial circuit to analyze the performance of the jury system annually to determine the following:

1. If the department list or master list is representative and inclusive of the population of the circuit;
2. The effectiveness of the summoning and qualification procedures;
3. The responsiveness of prospective jurors to their summonses for jury duty;
4. If jurors and prospective jurors are used efficiently; and
5. The cost-effectiveness of the jury system.

The following report includes specific information related to this criterion. It also provides details related to the Jury Program operations and highlights many improvements that have been made to the Waukesha County Jury Program over the past several years.

Waukesha County Circuit Courts is dedicated to administering a Jury Program that is efficient and fiscally responsible. We continually look for ways to improve the quality, efficiency and cost-effectiveness of our jury system and this report highlights these efforts.



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Development of a Prospective Jury List

Every resident in Waukesha County who is at least 18 years of age, a U.S. citizen, and able to understand the English language is qualified to serve as a juror unless that resident has been convicted of a felony and has not had his or her civil rights restored. The annual selection of Waukesha County jurors begins with a request for a specific number of records from the Wisconsin Department of Transportation (DOT). The DOT provides a source list of valid licensed drivers and identification card holders. The table below represents three years of data involved in developing a list of Waukesha County citizens available to serve as a juror:

	2019	2018	2017
# of records on Waukesha County DOT listing	316,377	313,549	311,351
# of Waukesha County records requested from DOT	11,500	12,500	14,500
# of DOT records not loaded into the CCAP database for the following reasons: deceased, previous permanent excusal, four year disqualification, under the age of 18	1,003 (9%)	916 (7%)	1,393 (10%)
# of prospective jurors	10,497	11,584	13,107

Balance and Inclusiveness

The Wisconsin Supreme Court Rules require that this source list be representative and inclusive of the population of the county. Data from the U.S. census for the county for persons 18 years of age and older by race and gender are compared to the master list to ensure fair representation and inclusiveness exists. The following comparison data confirms the master list and prospective jury list are representative and inclusive of the population of Waukesha County for persons 18 years or older in all areas measured.

Persons 18+ Years Old		Census Year		Jury Year Master List		Prospective Jury List	
		#	%	#	%	#	%
<u>Gender</u>	Male	153,731	48.59 %	151,506	49.17%	*5,178	49.33%
	Female	162,646	51.41 %	156,645	50.83%	*5,318	50.67%
		316,377		308,151		*10,496	
<u>Age</u>	18-24	31,369	9.92%	32,194	10.45%	1,140	10.86%
	25-44	91,934	29.06%	93,266	30.27%	3,221	30.68%
	45-64	117,884	37.26%	113,688	36.89%	3,778	35.99%
	65+	75,190	23.77%	69,003	22.39%	2,357	22.45%
	Unknown	<u>0</u>	0.00%	<u>0</u>	0.00%	<u>1</u>	0.01%
			316,377		308,151		10,497
<u>Race</u>	Hispanic	12,403	3.92%	6,445	2.09%	278	2.65%
	Amer Indian/Alaska Native	795	0.25%	720	0.23%	23	0.22%
	Asian/Pacific Islander	11,912	3.77%	8,743	2.84%	296	2.82%
	Black/African American	4,975	1.57%	4,699	1.52%	156	1.49%
	White/Caucasian	286,292	90.49%	285,965	92.80%	9,608	91.53%
	Other/Unknown	<u>0</u>	0.00%	<u>1,579</u>	0.51%	<u>136</u>	1.30%
			316,377		308,151		10,497

*The number of prospective jurors in the "Gender" section above is not accurate. This is a result of individuals not identifying a gender, or if they did, the information did not import properly into CCAP. The total number of prospective jurors in 2019 was 10,497.

Qualification and Summoning

Waukesha County uses a one-step qualification and summoning system. Upon receipt of the qualification questionnaire and jury summons, prospective jurors are instructed to complete an online qualification questionnaire or complete a paper questionnaire and return it to the court by mail. Based on the results of the questionnaires, some citizens may be disqualified, excused, or permanently excused and will be notified by court staff. If a citizen does qualify for jury service, they follow the instruction they receive with the summons.

On a weekly basis, court staff determines the number of jurors needed to appear for jury selection based upon a variety of factors. Generally the type of case or the charges and the anticipated length of a jury trial will determine the number of jurors summoned and brought in for jury selection in addition to other factors such as the number of jurors who may not be qualified. For example, a specified number of jurors are required to appear for a criminal misdemeanor trial, but a different number of jurors are summoned for a termination of parental rights or a criminal felony sexual assault trial. While there are general guidelines applied, each case is also examined carefully for its own unique needs such as the nature of the crime(s), the complexity of the dispute, whether it is a high profile case and many other factors to ensure the proper number of jurors are available for the jury selection process. The table below depicts the number of individuals who received a qualification questionnaire and jury summons and our juror usage in the past three years:

	2019 Jury Year		2018 Jury Year		2017 Jury Year	
	#	%	#	%	#	%
# of Qualification Questionnaire & Summons Sent	8,946	-	10,218	-	*11,562	-
Questionnaires Returned	8,413	94%	9,449	92%	10,607	*92%
Returned Online	6,209	74%	6,858	73%	7,488	71%
Returned Via USPS	2,204	26%	2,591	27%	3,119	29%
Jurors Ineligible/Unavailable	2,263	27%	2,806	30%	*3,060	*29%
Qualified Jurors	6,150	73%	6,643	70%	*7,547	*71%
# of Qualified Citizens Postponed	2,371	39%	2,749	41%	*3,011	*40%
Online Postponement	1,835	77%	2,162	79%	*2,205	*73%
Postponement Via USPS	536	23%	587	21%	*806	*27%
Text Reminders Sent	15,215		17,302		16,160	
Email Reminders Sent	16,377		17,419		16,158	
Jurors Required To Report	1,819	30%	2,649	40%	2,662	*35%
Jurors Sent to Voir Dire	1,730	95%	2,077	78%	2,177	82%
Jurors Questioned in Voir Dire	1,271	73%	1,385	67%	1,593	73%
Jurors Not Questioned in Voir Dire	459	27%	692	33%	584	27%
Jurors Sworn	682	37%	731	28%	742	28%
Jurors Who Reported and Not Used	89	5%	572	22%	485	18%

*Previous year data in the table has been revised. The revisions are a result of discovering a more accurate data query.

Jury Trial Information

In 2019, there were 59 jury trials in which jurors were called to report in for service. Status conferences are held before each jury trial for the purpose of determining whether the case is “trial ready.” Occasionally, cases settle, are dismissed, or are adjourned on trial day despite our best attempts to take care of matters at the status conference. While the judicial system is designed to avoid this once jurors appear, there are many factors that result in cases not proceeding to jury trials. In 2019, three cases did not proceed to a jury trial as follows: one trial did not begin because the court dismissed the case; one trial was adjourned; and one trial did not begin because a plea was entered by the defendant. Additionally, one trial began and ended with a hung jury. The following is a breakdown of the trial activity for the past three years:

	<u>2019</u>			<u>2018</u>			<u>2017</u>		
	# of Jury Trials Tried To Verdict	# of Jury Trials that did not begin, or began but ended with a dismissal, a plea, or a hung jury	Total Trial Days	# of Jury Trials Tried To Verdict	# of Jury Trials that did not begin, or began but ended with a dismissal, a plea, or a hung jury	Total Trial Days	# of Jury Trials Tried To Verdict	# of Jury Trials that did not begin, or began but ended with a dismissal, a plea, or a hung jury	Total Trial Days
<u>CRIMINAL/TRAFFIC</u>									
Felony	26	3	54	25	10	73	25	10	67
Crim Misd	5	0	7	5	6	12	5	3	8
Crim Traffic	5	1	8	8	4	15	9	0	14
Traffic	1	0	1	4	0	4	4	1	5
Forfeiture	0	0	0	0	0	0	0	0	0
SUBTOTAL	37	4	70	42	20	104	43	14	94
<u>CIVIL</u>									
Large Claim	15	0	38	17	1	43	17	3	50
Small Claim	0	0	0	0	0	0	0	1	1
SUBTOTAL	15	0	38	17	1	43	17	4	51
<u>PROBATE</u>									
Guardianship	0	0	0	0	0	0	0	0	0
Probate	0	0	0	0	0	0	0	0	0
SUBTOTAL	0	0	0	0	0	0	0	0	0
<u>JUVENILE</u>									
Commitment	2	0	2	3	1	4	2	0	2
Juvenile	0	0	0	0	0	0	0	1	2
TermParRght	1	0	4	0	0	0	0	0	0
SUBTOTAL	3	0	6	3	1	4	2	1	4
TOTAL	55	4	114	62	22	151	62	19	149

Jury Program Costs

Over the years, Waukesha County has continuously implemented several significant changes to the Jury Program. Best practices are developed from national trends, research in jury program operations and internally to create efficiencies in program management through the use of technology. These program enhancements can have a beneficial impact on program expenses.

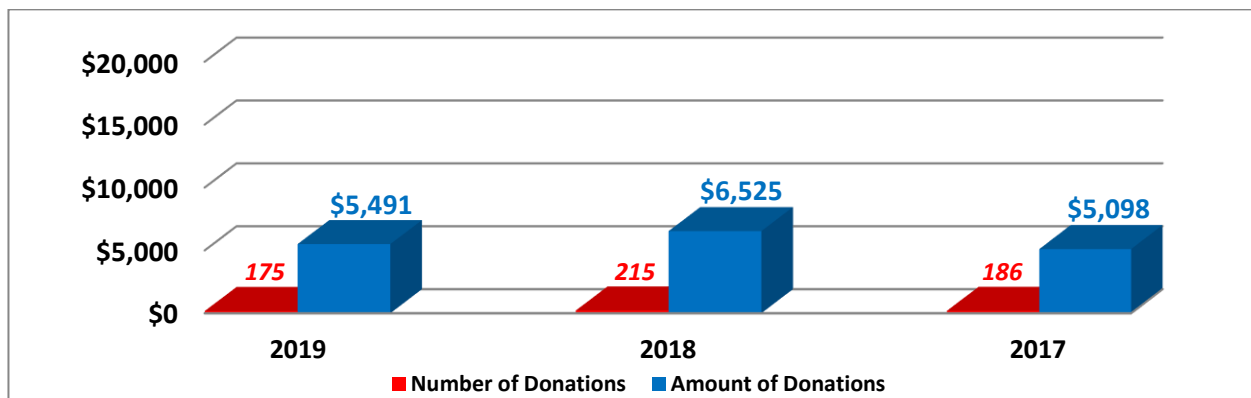
Year-to-year expenses for the Jury Program are impacted by the number of trials and number of trial days each year. The most significant expenses in the program are the daily juror per diem and travel fee. Juror supplies such as beverages and reading materials are provided in the Jury Assembly Room and all jury deliberation rooms. Meals are provided to jurors during trial deliberations. Other program expenses include printing, postage and Civilian Jury Bailiffs. The cost of sworn officers providing security in the courtrooms is not included in the Jury Program expenses. Below is the three year history of program expenses:

	<u>2019</u>	<u>2018</u>	<u>2017</u>
Miscellaneous*	\$4,306 (4%)	\$5,672 (4%)	\$7,994 (5%)
Postage	\$6,995 (7%)	\$8,071 (6%)	\$11,429 (8%)
Civilian Jury Bailiffs	\$15,997 (16%)	\$19,881 (15%)	\$21,421 (14%)
Food	\$3,468 (4%)	\$3,187 (2%)	\$10,333 (7%)
Travel Fee	\$16,436 (17%)	\$24,831 (18%)	\$23,919 (16%)
Juror Per Diem	\$50,006 (51%)	\$72,699 (54%)	\$73,689 (50%)
Annual Cost	\$97,208	\$134,341	\$148,785
Total Jury Days	114	151	149
Trial Day Cost	\$853	\$890	\$999

*Miscellaneous cost includes beverages, periodicals, printing, and office supplies. Court security expenses provided by the Waukesha Sheriff's Department are not included in this summary of jury expenses.

Voluntary Juror Donation Program

Waukesha County's Voluntary Juror Donation Program allows jurors to voluntarily donate their jury pay and/or travel fee back to the Jury Program. The donated funds cannot be used to offset Jury Program operating expenses, but instead are to be used for improvements to the Jury Program. Below is a three year summary of voluntary juror donations:



*Since the inception of the Voluntary Juror Donation Program in 2010, a total of **1,053** donations have been made and **\$30,573** has been received.*

Online Juror Exit Survey

A Voluntary Juror Exit Survey is available on the court’s website and all jurors are encouraged to provide feedback regarding their jury service experience. Jury Program staff hands out Jury Program business cards when jurors assemble for jury trials. The business cards include the link to our website and a quick response (QR code) which quickly takes jurors to our Juror Exit Survey. Four hundred twenty five jurors voluntarily completed the online survey in 2019 and provided numerous comments about their experience. The results of the 2019, 2018 and 2017 surveys are shown below:

Please rate the following by selecting the word that best describes your opinion:									
	2019			2018			2017		
	Excellent	Good/ Average	Below Average/ Poor	Excellent	Good/ Average	Below Average/ Poor	Excellent	Good/ Average	Below Average/ Poor
Summons, Brochure or Materials Provided	60%	40%	0%	61%	39%	0%	67%	33%	0%
Telephone Call-in System	76%	24%	0%	75%	25%	0%	78%	21%	1%
Jury Website	46%	52%	2%	45%	54%	1%	52%	46%	2%
Juror Orientation	81%	19%	0%	78%	22%	0%	87%	13%	0%
Jury Video	48%	49%	3%	50%	48%	2%	61%	37%	2%
Physical Safety	71%	28%	1%	71%	28%	1%	76%	23%	1%
Treatment by Jury Staff	88%	12%	0%	87%	13%	0%	92%	8%	0%
Treatment by Courtroom Staff	81%	16%	3%	80%	20%	0%	85%	14%	1%
Physical Comforts	33%	63%	4%	38%	61%	1%	37%	61%	2%
Your opinion of jury service <i>before</i> serving?	33%	63%	4%	35%	54%	11%	21%	71%	8%
Your opinion of jury service <i>after</i> serving?	66%	33%	1%	65%	34%	1%	64%	35%	1%

One of the most relevant pieces of data we capture each year through this survey is the opinion of jurors before they serve versus after they serve. Of the 425 jurors who completed a survey in 2019, just 33% had an excellent opinion of jury service before they served. After service, 66% had an excellent opinion of jury service, an increase of 33%. This shift is most likely a result of the thorough juror orientation and the overall positive treatment jurors experience by program and courtroom staff, reflected by the very high ratings in the survey. This data is consistent year-after-year.

The feedback from the Voluntary Juror Exit Survey is very helpful to program management as we are continuously looking for ways to improve the program. Responses are reviewed carefully and changes that can be made to address issues are being made. Samples of some comments we have received follow:

Juror Summons, Juror Brochure or Materials Provided

- The QR code to scan onto the website was helpful.
- The process was explained well. I like the FAQs, the information about parking, where to go, etc.
- The different colored sheets of paper was helpful to me. The clarity of directions, locations, expectations, etc.
- Emergency number to speak with actual person if trial goes into the evening.
- Streamline content some to make it less content heavy.

Telephone Call-in System

- I really liked the call, text, email communication. Could not possibly be confused about what to do.
- The woman spoke very clearly and she repeated the message so I was very clear on the instructions and whether or not I needed to report.
- Thank you for phone updates during inclement weather.
- Detailed and no busy signal with amount of people calling in.
- Talk about parking instructions.

Jury Website

- It provided a lot of information and had answers to frequently asked questions.
- Questionnaire easy to access and fill out.
- I used the postponement feature and it was very easy, I like that everything is online.
- Easy to navigate.
- Layout, speed, organization.

Juror Orientation in Jury Assembly Room

- Laura Haight was great. She was very good at explaining the process and exactly what would happen. It was a nice touch having Judge Aprahamian stop in and talk to us too.
- Very friendly greeting when I arrived. The positive attitudes by all the workers. A judge stopped in and spoke with us about our freedom and the honor to be selected in a fair legal system. He was great!
- With the number of people, room was rather small and stuffy.
- Closed caption system would be helpful.

Jury Service in Wisconsin Video

- It was current and answered questions I didn't even realize I had yet.
- The short video was very informative and helpful.
- Can we get the video sent to us ahead of time? It was very informative.
- Closed captioning.
- Video looked dated.

Physical Safety

- I liked the feeling of security with officers present and escorting us. When I went through the metal detector area.
- I felt safe that there was scanning of every individual entering the building, the security staff was very watchful of what was going on.
- Having a deputy in the courtroom the entire time and being escorted by a retired police officer.

- More separation from defendants in hallway areas.

Treatment by Jury Staff

- Very respectful by all... clearly there is a lot of training and good hiring to keep the level of customer service high.
- I don't think I've ever been thanked more than I was while serving.
- Civilian Jury Bailiff was very professional and answered all of our questions. He really seems to enjoy his job and he interacts very positively with people.
- Very cordial, helpful in anticipation of what our questions might be.

Treatment by Courtroom Staff

- Judge Domina did a superb job at making us feel welcome and appreciated. He also explained very well what we needed to do.
- Judge Dorow was very good at explaining what was expected of us and how things were going to unfold as the process went along.
- Accommodated my special needs (breastfeeding mother) with private room and much consideration of my schedule to attend to this.
- Very well aware of the jurors needs and concerned in them having all the resources available to make jurors comfortable. Staff was very accommodating!
- I also very much appreciate being able to have the judge address us afterwards, and let us ask questions. Humanizing. Good closing exercise.

Physical Comforts

- Chairs were comfortable in the jury box and the separate jury room. Nice to have access to coffee and water provided.
- Having reading material available and having drinks available.
- The jury room is very tough to navigate with 12 people in the room, e.g. getting past everybody seated at table to get to restroom.
- Chairs in front of the jury box were not comfortable to sit in for more than a few minutes.
- Need handicap access.
- Poor HVAC control. First it was too cold, then it got warm, and then it got too cold.
- A little more leg room in jury box.

General Comments

- It was an honor to serve on this jury and I feel that the system in Waukesha is very well organized and tries to make every accommodation to make jurors feel comfortable and make their experience as positive as possible.
- Judge Lazar was so kind and personable, as was the Jury Bailiff. I went from being very nervous to being at total ease and excited to be there within just hours. Thank you!!
- This has been a great experience to serve as part of the jury. I was nervous at first. It's not an easy thing to do, but at the end it was an honor to be there. Thank you for the opportunity.
- I truly enjoyed Judge Lau coming into the deliberation room after the trial to answer our questions. It was overall a great experience.
- I was very impressed with how friendly, positive, and professional everyone was. It is a very well thought out process and system to make it as well as possible for a potentially long and uncomfortable day.
- I think the entire staff was very pleasant. I enjoyed the chief judge coming and talking also. It was a great learning experience. Thank you.
- The Waukesha team did a nice job, made me proud to live in Waukesha County!

2020-2021 Jury Program Updates & Initiatives

The construction of the eight courtroom secure addition is in progress and is scheduled for completion in 2021. The courts continue to plan the logistics for transitioning jurors from the existing courthouse to the proper jury trial courtroom in the new secure addition, while ensuring we consistently provide a very high level of customer service to everyone we serve. In 2022, planning for the renovation of the existing courthouse structure is expected to begin, updating aging mechanical systems, creating efficient floorplan layouts and increasing public accessibility. One piece of data captured yearly through the Voluntary Jury Exit Survey is the physical comforts of jurors. Over the past three years, an average of only 36% of jurors had an excellent opinion in this category. Therefore, in the design phases of both projects, space, seating and furniture are being examined in an effort to increase juror satisfaction. Additionally, careful planning and coordination is ongoing to modify existing facilities, making certain an appropriate number of secure courtrooms and jury deliberation rooms are available for jury trials during renovation.

Jury Program staff successfully completed Waukesha County's LEAN T-11 Continuous Improvement Program. To continuously improve jury services to our citizens, the Waukesha County "Summons to Serve as a Juror" and "Juror Information" brochure were redesigned so jurors can identify pertinent juror information quickly and in an easily digestible format. This reduced the need for jurors to contact the Clerk of Court's office to obtain necessary juror information. Additionally, the jury services website redesign is in progress to apply these changes to our online platform.

In March of 2020 local and federal officials declared a public health emergency in Waukesha County in connection with the Coronavirus 19 (COVID-19) pandemic. Jury trials are currently suspended and jurors have been asked not to report to the courthouse for jury service. Under the direction of the Chief Judge, a Resumption of Jury Trials Planning Committee was formed in late April to look at the myriad of issues surrounding the resumption of jury trials. This committee consists of representatives from a variety of County departments and organizations to best guarantee all facets of resumption are examined. Issues analyzed by this committee include when jury trials should recommence, prioritized trial placement, frequency of trials, and securing jurors for jury service, while providing additional measures to protect personal health and practice social distancing. The committee's primary objective will be to ensure jury trials safely resume in a meaningful way through policy implementation to prevent the risk of infection for jurors and other members of the court.

*The Waukesha County Circuit Court Judges, Clerk of Circuit Court,
and the court employees want to recognize and thank every prospective and sworn juror
and say "thank you" for your contributions to our justice system.*

