2021 Annual Jury Program Report

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Waukesha County Circuit Court 2021 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 judicial 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 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 criteria. It also provides the 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:

	2021	2020	2019
# of records on Waukesha County DOT listing	318,146	318,146	316,377
# of Waukesha County records requested from DOT	13,500	11,500	11,500
# 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	1,352 (10%)	1,635 (14%)	1,003 (9%)
# of prospective jurors	12,148	9,865	10,497

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.

		Census	Year	Jury Year Master List		Prospecti	ve Jury List
Persons 18+ Years Old		#	%	#	%	#	%
Gender	Male	154,725	48.63%	153,106	49.16%	5,929	48.81%
	Female	163,421	51.37%	158,330	50.84%	6,218	51.19%
		318,146		311,436		*12,147	
<u>Age</u>	18-24	31,022	9.75%	31,634	10.16%	1,258	10.36%
	25-44	93,418	29.36%	93,865	30.14%	3,646	30.01%
	45-64	116,155	36.51%	111,271	35.73%	4,345	35.77%
	65+	77,551	24.38%	74,666	23.97%	2,899	23.86%
	Unknown	<u>0</u>	0.00%	<u>0</u>	0.00%	<u>0</u>	0.00%
		318,146		311,436		12,148	
Race	Hispanic	12,996	4.08%	6,734	2.16%	330	2.72%
Am	er Indian/Alaska Native	797	0.25%	678	0.22%	30	0.25%
Asian/Pacific Islander		11,893	3.74%	8,956	2.88%	344	2.83%
Black/African American		5,160	1.62%	4,876	1.57%	194	1.60%
	White/Caucasian		90.30%	274,386	88.10%	10,807	88.96%
	Other/Unknown	<u>0</u>	0.00%	<u>15,806</u>	5.08%	<u>443</u>	3.65%
		318,146	-	311,436		12,148	

^{*}The number of prospective jurors in the "Gender" section above is not accurate. This is a result of an individual not identifying a gender, or if they did, the information did not import properly into CCAP. The total number of prospective jurors in 2021 was 12,148.

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 or paper qualification questionnaire and return it to the court. Based on the results of the questionnaires, some citizens may be disqualified, excused, or permanently excused and are 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:

	2021 Ju	ry Year	2020 Ju	2020 Jury Year		ry Year
	#	%	#	%	#	%
# of Qualification Questionnaire & Summons Sent	10,473		8,906	-	8,946	-
Questionnaires Returned	9,879	94%	8,377	94%	8,413	94%
Returned Online	6,512	66%	5,758	69%	6,209	74%
Returned Via USPS	3,367	34%	2,619	31%	2,204	26%
Jurors Ineligible/Unavailable	2,845	29%	*2,523	30%	2,263	27%
Qualified Jurors	7,034	71%	*5,854	70%	6,150	73%
# of Qualified Citizens Postponed	2,903	41%	1,817	31%	2,371	39%
Online Postponement	2,003	69%	1,269	70%	1,835	77%
Postponement Via USPS	900	31%	548	30%	536	23%
Text Reminders Sent	20,373		12,371		15,215	
Email Reminders Sent	20,816		10,790		16,377	
Jurors Required To Report	3,011	43%	1,235	21%	1,819	30%
Jurors Sent to Voir Dire	2,544	84%	1,100	89%	1,730	95%
Jurors Questioned in Voir Dire	1,900	75%	689	63%	1,271	73%
Jurors Not Questioned in Voir Dire	644	25%	411	37%	459	27%
Jurors Sworn	964	32%	354	29%	682	37%
Jurors Who Reported and Not Used	467	16%	135	11%	89	5%

^{*} Previous year data in the table has been revised

Jury Trial Information

In 2021, there were 97 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 2021, eighteen cases did not proceed to a jury trial as follows: Eight trials were adjourned; six trials did not begin because a plea was entered by the defendant; and four trials did not proceed because the cases were dismissed. Additionally, seven trials began, ending in a mistrial. Of those seven, three mistrials were COVID related. Finally, three trials resolved after the jury was sworn; one being dismissed and two pleas were entered by the defendant. The following is a breakdown of the trial activity for the past three years:

		<u>2021</u>	<u>2020</u>				2019			
	# 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	
CRIMINAL/ TRAFFIC Felony Crim Misd Crim Traffic Traffic Forfeiture SUBTOTAL	37 3 7 1 <u>0</u> 48	18 2 3 1 0 24	116 5 13 3 <u>0</u> 137	13 2 4 1 <u>0</u> 20	4 2 0 0 0 0 0 6	59 4 5 2 0 70	26 5 5 1 <u>0</u> 37	3 0 1 0 0 0 4	54 7 8 1 <u>0</u> 70	
CIVIL Large Claim Small Claim SUBTOTAL	18 <u>0</u> 18	3 <u>0</u> 3	53 <u>0</u> 53	2 <u>0</u> 2	0 <u>0</u> 0	5 <u>0</u> 5	15 <u>0</u> 15	0 <u>0</u> 0	38 <u>0</u> 38	
PROBATE Guardianship Probate SUBTOTAL	0 <u>0</u> 0	$\frac{0}{0}$	0 <u>0</u> 0	0 <u>0</u> 0	0 <u>0</u> 0	0 <u>0</u> 0	0 <u>0</u> 0	$\frac{0}{0}$	0 <u>0</u> 0	
JUVENILE Commitment Juvenile TermParRght SUBTOTAL	2 0 <u>1</u> 3	1 0 <u>0</u> 1	3 0 3 6	$ \begin{array}{c} 1 \\ 0 \\ \hline 1 \\ \hline 2 \end{array} $	0 0 <u>0</u> 0	1 0 <u>4</u> 5	2 0 <u>1</u> 3	0 0 <u>0</u> 0	2 0 4 6	
TOTAL	69	28	196	24	6	80	55	4	114	

Jury Program Costs

Over the years, Waukesha County has 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.

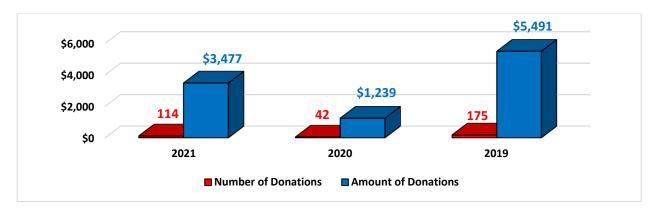
Year-to-year expenses for the Jury Program are impacted by the number of trials and number of trial days each year. The most significant expenses in the program are the daily juror per diem and travel fee. Juror supplies such as beverages and mints are provided in the Jury Assembly Room and all jury 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>202</u>	<u>21</u>	<u>20</u>	<u>20</u>	<u>2019</u>		
Miscellaneous*	\$4,922 (3%)		**\$3,443	**(4%)	\$4,306	(4%)	
Postage	\$10,165	(6%)	\$8,128	(10%)	\$6,995	(7%)	
Civilian Jury Bailiffs	\$24,286	(14%)	\$11,697	(14%)	\$15,997	(16%)	
Food	\$4,804	(3%)	\$1,802	(2%)	\$3,468	(3%)	
Travel Fee	\$30,107	(17%)	\$12,985	(15%)	\$17,710	(17%)	
Juror Per Diem	\$98,147	(57%)	\$47,031	**(55%)	\$53,278	(52%)	
Annual Cost	\$172,431		**\$85,086		\$101,754		
Total Jury Days	196		8	0	114		
Trial Day Cost	\$880		**\$1	,064	\$893		

^{*}Miscellaneous cost includes beverages, periodicals, printing, and office supplies. Court security expenses provided by the Waukesha Sheriff's Department are <u>not</u> 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 1,209 donations have been made and \$35,289 has been received.

^{**}Previous year data in the table has been revised.

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. 714 jurors voluntarily completed the online survey in 2021 and provided numerous comments about their experience. The results of the 2021, 2020 and 2019 surveys are shown below:

Please rate the fo	llowing by	selecting tl	he word tha	at best desci	ibes your	opinion:			
	2021			2020			2019		
	Excellent	Good/ Average	Below Average/ Poor	Excellent	Good/ Average	Below Average/ Poor	Excellent	Good/ Average	Below Average/ Poor
Summons, Brochure or Materials Provided	55%	44%	0%	57%	43%	0%	60%	40%	0%
Telephone Call-in System	69%	28%	1%	74%	26%	0%	76%	24%	0%
Jury Website	38%	47%	2%	44%	56%	0%	46%	52%	2%
Juror Orientation	69%	30%	1%	69%	29%	2%	81%	19%	0%
Jury Video	41%	51%	2%	44%	54%	2%	48%	49%	3%
Physical Safety	61%	33%	4%	69%	29%	2%	71%	28%	1%
Treatment by Jury Staff	84%	14%	0%	89%	11%	0%	88%	12%	0%
Treatment by Courtroom Staff	79%	17%	0%	81%	18%	1%	81%	16%	3%
Physical Comforts	30%	65%	3%	35%	61%	4%	33%	63%	4%
Your opinion of jury service <u>before</u> serving?	35%	56%	3%	41%	59%	0%	33%	63%	4%
Your opinion of jury service <u>after</u> serving?	46%	44%	3%	70%	29%	1%	66%	33%	1%

One of the most relevant pieces of data captured each year through this survey is the opinion of jurors before they serve versus after they serve. Of the 714 jurors who completed a survey in 2021, just 35% had an excellent opinion of jury service before they served. After service, 46% had an excellent opinion of jury service, an increase of 11%. 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. In 2020, 70% of jurors had an excellent opinion of jury service after service while in 2021 only 46% of jurors had an excellent opinion. We attribute this decrease due to personal opinions of jurors related to our COVID mitigation efforts.

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 are often made to address the expressed concerns. Samples of some comments we have received follow:

Juror Summons, Juror Brochure or Materials Provided

- The layout was straight forward and reasonable. The information was easy to find and consume.
- It was helpful to have the amount of information available. I could find answers to all of my questions if I looked in the various areas, either in the info sheets mailed to me or online.
- The front page with the jury summons dates, location of the courthouse etc. was very beneficial and included all the information we needed right on one page.
- The items on the summons and the brochure were explained clearly and succinctly. It was clear what I had to do next for the process.

Telephone Call-In System

- The system was prompt and there was no unnecessary information that we were forced to listen to like many automated systems require.
- The fact I didn't have to wait to talk to an actual human. It just cycled through and I could listen to it as many times as needed.

Jury Website

- It covers every topic that a prospective juror may need and/or want to explore; very informative
- All information needed was easy to find; what to wear, where to park, what to bring, etc.
- It is not as straight-forward as it could be. I'd like to find the information I'm looking for easily and quickly without digging too much

Juror Orientation in Jury Assembly Room

- Good communication as to how the day was going and how it would proceed. 2 judges actually came to the waiting area and thanked the group for our service. That kind of stuff goes a long way when dealing with people out of their element.
- The orientation included all the information we needed to know about the process and what we needed to do if we were selected.
- Great attitude by staff! I was surprised how grateful the staff was that we were there. Very thankful and sincere. Very courteous.
- Kindness, graciousness and sense of humor exhibited by Susan & Lauren!

Jury Service in Wisconsin video

- The video was very detailed and laid out everything that we would potentially be going through if selected.
- For those who have never served on a jury before, the video was very helpful in providing a good overview of what to expect and in general, how the process works.
- Having judges speak was good. Might consider having actual citizens speak about their positive experiences.
- The video seemed a little outdated.
- Recommend redoing your video. The people shown are 99% Caucasian and there is very little representation of people of color and different abilities

Physical Safety

- Felt safe w/bailiff's; appreciated covid plexiglass shields juror box; appreciated initial safe distancing set up while waiting to see if selected for potential jury selection; kept distance in hallway for initial line up
- Air purifier in court.
- Presence of armed Sheriff's deputy provided feeling of safety and security.
- Ease of entering with scanning to enter and presence of law enforcement.

Treatment by Jury Staff

- Everyone was friendly, upbeat and more than willing to be accommodating and helpful if/when needed
- The jury staff understood the sacrifices we were making to be at the trial and repeatedly thanked us for our service. We were treated with respect and kindness by all staff.
- Everyone was just amazingly courteous and respectful. I guess I didn't realize jurors were so respected!
- Can you really improve on Ken? I don't think so

Treatment by Courtroom Staff

- Definitely felt like the most important people in the room as a jury member it made something I didn't want to do something I would gladly do again as service.
- Courtroom staff treated the jury with the same respect and kindness that the jury staff portrayed. We were thanked repeatedly for our service.

Physical Comforts

- Breaks were given for an appropriate duration and often enough as may be needed
- I appreciated the beverages that were consistently offered to us and the freedom we were given during the lunch period.
- Was fortunate to have a comfortable chair to sit in and the headphones to hear with.
- Snacks for a long day would be appreciated
- Cushions on the pew seats would be good

General Comments

- Very educational and informative despite difficult criminal charges. Gained significant respect and appreciation for public servants related law enforcement and legal departments
- Jury service was extremely interesting. I had a great overall experience!
- Prior to serving, I felt quite anxious and nervous. After serving, I realized how fascinating I found it to be, though sometimes the wait times between court sessions was a bit too lengthy for me, and I began to feel antsy.
- I was dreading jury duty. The staff I had contact with today completely changed my mind. I have a very positive attitude with jury duty after today. Well done Waukesha county.
- I was impressed by how well organized the entire process was. Everyone in the courthouse was professional and courteous. They did an excellent job of managing a fairly complex process with a very diverse group of people with a minimum of fuss
- As first time juror, my experience was very positive on all points. Well done by staff and coordinators of this topic.
- This is the third different state I've been called in and this experience was by far the best.

2022/2023 Jury Program Updates & Initiatives

SECURE ADDITION: The Secure Courts Addition construction completed in the Fall of 2021 and operations began in January of 2022. The courts continue to modify logistics for transitioning jurors from the existing courthouse to the proper jury trial courtroom in the new secure addition, while ensuring a consistent high level of customer service to everyone we serve.

COURTHOUSE RENOVATION: 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 33% 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.

CASELOAD BACKLOG: In March of 2020, local and federal officials declared a public health emergency in Waukesha County in connection with the Coronavirus (COVID-19) pandemic. Waukesha County suspended in-person proceedings including jury trials and courthouse offices were closed to the public. Jury trials resumed in 2020, however, the pandemic and this suspension had a significant impact on jury trials which created a backlog of pending cases. With approval from the County and through utilization of American Rescue Plan Act (ARPA) funding, the Chief Judge created a calendar for a sixth criminal judge to address the criminal backlog. Court officials are aggressively settling matters for resolution, prioritizing cases ready for jury trial and evening doing spin off trials for other court officials to get the matters resolved.

CIVILIAN BAILIFFS: In the Fall of 2021 we brought on two new civilian jury bailiffs. With the increase in the number of trials, due to the caseload backlog, the hiring of these new civilian bailiffs will help with the coverage of each trial.

PEREMPTORY CHALLENGES SHEET: In October of 2021 a peremptory challenges WORD document was created to reduce the time the civilian bailiffs spent filling it out after the jurors were called to court. This allows us to move the jurors from the Jury Assembly Room to the courtroom in a timely manner.

JUROR BROCHURE: To continuously improve jury services to our citizens and with feedback supplied by our juror exit survey, in December of 2021 our "Jury Information" brochure was updated to add information for those that are 75 and older in addition to breaking up requests for postponement and excusals. This redesign reduced the need for jurors to contact the Clerk of Court's office to obtain the necessary information related to jury service.

JUROR EXIT SURVEY: In February of 2022 the online Juror Exit Survey was redesigned to solicit feedback and process improvement from jurors. In addition, a paper copy of the Juror Exit Survey was also created and is now placed in the Jury Assembly Room and jury deliberation rooms. The data is analyzed to identify what improvements can be made to the Jury Program.

JUROR DONATION FORM: In July of 2021 the jury donation form was updated. The form was made fillable online and a section was added for donation suggestions. These suggestions are then used to improve the comforts of jurors. Most recently we have added purchasing of single serving snacks for jurors along with cushions for jurors when sitting on the benches during the voir dire process, both of which were from feedback provided by the Juror Exit Survey.

HIGH PROFILE TRIAL: In preparation for a high-profile criminal jury trial tentatively scheduled for Fall of 2022, the Clerk, the District Court Administrator, jury and court staff, Sheriff personnel and the presiding

Judge will plan the details of the trial in depth to cover jury needs, security, media and other details in order to ensure the trial runs smoothly. The case has received worldwide attention; therefore, security and media accommodations must be well-planned.