

ADVANCED POLICY ANALYSIS

Increasing Diversity and Civic Engagement in Juries

An Evaluation of the "Be the Jury" Pilot Program in San Francisco

A Study Conducted for the Office of the Treasurer and Tax Collector of the City and County of San Francisco

by

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Executive Summary

In the American democratic system, one of the most direct and consequential ways of civic engagement is jury duty. However, low compensation to jurors acts as a barrier for low-income people who are summoned and creates incentives to avoid jury selection. In 2022, the Financial Justice Project in San Francisco launched the Be the Jury pilot program in order to provide income-eligible participants a \$100 per day compensation for jury duty. This report aims to provide an evaluation of the program in terms of effectiveness, equity, and civic engagement.

The problem is defined as the lack of participation of low-income and racially diverse citizens in jury duty as a problem of democracy, with significant implications for the fairness and legitimacy of the justice system. The Be the Jury pilot program aims to remove financial barriers preventing these populations from serving as jurors, thus increasing their participation in the justice system. The report analyzes the evidence, barriers, and determinants to reduced jury diversity and presents possible alternatives to remove the obstacles to participation and increase diversity in juries.

The evaluation of the program has two components: one quantitative component, with descriptive statistics and statistical tests, and one qualitative component, which uses in-depth interviews with participants, court staff, and key stakeholders. In terms of effectiveness, while the lack of a baseline does not allow us to compare and determine changes in jury composition, the evaluation suggests that the program has successfully removed financial barriers to participation in jury duty, increasing participation among low-income citizens and people of color. Regarding racial composition, the group of participants closely resembles the population of San Francisco and appears to correct the lack of racial diversity in juries when compared with registered voters.

In terms of equity, evidence shows that the program has the potential to increase equity in jury duty by removing financial barriers and hardships that disproportionately impact low-income households and communities of color. Finally, this report demonstrates that the program has created a more positive perception of the criminal justice system among participants and has increased civic engagement by changing attitudes toward the system.

The report recommends continuing and expanding the "Be the Jury" pilot program, as it has demonstrated promising results in promoting diversity and inclusivity in the jury selection process for criminal cases. The program's success can serve as a pioneering example and encourage other cities and the state of California to implement similar programs, leading to a more equitable and inclusive justice system. According to these

results, expanding the pilot program to the whole State of California, as proposed in Assembly Bill 881, seems desirable.

Furthermore, two main recommendations for improving the program are suggested based on data and interviews. The first recommendation is to increase advertising to reach a wider audience, mainly targeting areas of the city where racial minorities are concentrated. The messaging should emphasize two key aspects: the increase in compensation and the opportunity to contribute to the justice system. The second recommendation is to standardize the enrollment process and messaging across all courts to ensure fairness and equity in the program's implementation. By continuing and expanding the program, San Francisco can improve its jury selection process, increase civic engagement, and ensure a fairer trial system for all its citizens.

Problem Definition

The Financial Justice Project is an initiative from the City of San Francisco to evaluate how fees and fines can be reformed to obtain better outcomes in terms of equity and inclusion. These instruments of public policy have been shown to impact low-income households and communities of color, deepening structural conditions of inequality and further sinking them into poverty. Hence, the FJP has been able to reduce fees for low-income families (making Museums free for people with benefits cards, reducing prices in city jails) and to create mechanisms for them to get reductions in fines (parking citations, quality of life citations, other traffic fines).

In the American democratic system, jury duty is one of the most direct and consequential ways of civic engagement. Juries make part of the core of the American justice system and express the spirit of collective deliberation present both in the Constitution and the Bill of Rights. However, because serving jury duty is time-consuming, the low \$15 per day stipend (less than what a minimum-wage worker would make in one hour) acts as a barrier for low-income people who are summoned. Furthermore, because many low and middle-income people in San Francisco belong to communities of color, this circumstance has created conditions for juries to be composed mainly of middle to high-income and white citizens.

The “Be the Jury” pilot program, created by the Financial Justice Project, attempts to remove barriers that prevent low-income people from serving as jurors and thus from engaging in the mechanisms of democracy by increasing the daily juror stipend to \$100 per day. The problem can be framed as a lack of participation of low-income and racially diverse citizens in jury duty. The assumed consequence is a lack of representation of the whole community, leading to a skewed composition of juries. The proposed solution, which this report will assess to determine if it is superior to the status quo, is providing a

higher compensation, therefore offering more incentives and removing barriers for low-income citizens to participate as jurors.