

# Jury News

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## COURT SECURITY DISCUSSIONS SHOULD INCLUDE JUROR SECURITY

Recent events in the news and the Court Security Summit held by the National Center for State Courts in April rekindled my thoughts about juror security. As courts examine the 10-point blueprint for improving court security, I hope they will include concerns for jurors. Just as citizens reporting for jury service have an expectation of privacy, don't they also have an expectation of security? I view this not only as security for jurors when in the courthouse, but also as security prior to and after serving, including the security of the juror's personal information.

I recall that in Reno, Nevada, a few years ago, a defendant sent the jurors who had convicted him a letter asking them to contact the trial judge concerning his sentence. The letter also requested that they let the defendant know whether or not they would contact the judge on his behalf. Perhaps less threatening but still unnerving was the Pennsylvania defendant who sent the jurors who convicted

him Christmas cards each year postmarked from the penitentiary. In both cases, the courts were prompted to consider how much information about jurors should be made available to the defendant. The NCSC Web site ([www.ncsconline.org](http://www.ncsconline.org)) has several papers on juror privacy that examine this question.

## JUROR IDENTITY SCAMS

Shorter terms of jury service require courts to summons many more people to serve. In fact, the primary reason for reducing the term of service is to spread jury service across the largest population base, reducing the individual burden and securing the most representative cross-section of the community. The result is that many, if not all, eligible citizens will have been called sometime in the recent past — a fact that has not escaped the attention of inventive scam artists.

Several years ago, Los Angeles citizens received telephone calls from people claiming to work in the jury office. The callers told citizens that the jury office needed additional information, including a social security number, to process their jury fee check. More recently, jurors in Vancouver, Washington, were called and told that records indicated they had failed to appear as summoned and if they did not cooperate they could be fined. Cooperation meant giving their social security number, birth date, and other personal information. The caller even identified herself as "Jennifer," which is the jury clerk's name. The first two people who reported the call were not on the jury list, so the calls appear to have been random. The third person who received a call was actually on jury duty at the time and so was obviously suspicious. In response, Jeff Amram, court administrator of Clark County Superior Court, alerted the local press, which ran an article in the local paper to alert citizens. The court also informs jurors during orientation that the court never requests personal information by telephone and, in fact, never requests their social security number or birth date.

To better protect jurors from scam artists, some courts routinely include a notice on qualification questionnaires and jury summons that the court will not call them to request personal information. This information should also go on the court's jury Web site and other juror information forms as well. Courts should also make sure that any forms to be mailed back to the court do not contain information visible from the outside. For instance, some return questionnaires are portions of the original mailer that do not conceal the juror's information. Post cards are obviously a problem in this regard.

## IN THE COURTHOUSE

Should jurors be required to show positive identification when reporting for service? Generally court administrators are so happy to see jurors report that the last thing they want to do is discourage them. But is security screening discouraging? If the court has a policy of "jurors only" in the assembly room, which should be

assuring, then requiring positive identification is consistent with that policy. Maybe it is enough to ask for the juror's name after their barcode is read, which is the practice in the District of Columbia Superior Court. The first time I saw jurors being required to show a photo ID was the first day of the O.J. Simpson civil trial. While this may be a very good idea in notorious trials, which can attract some strange characters, perhaps the policy should be expanded to all trials.

Can jurors be identified in the courthouse? And, if so, is this still a good idea? Many courts give jurors badges to wear to identify them as jurors. The purpose is to alert others that a juror is present, thus preventing unauthorized contact or exposing the juror to ex parte information. In the past, these badges could get jurors through the security line, but no longer. In restaurants located near courthouses, it is still common to see people wearing their badges at lunch hour.

During the District of Columbia Jury Project, one member of the committee noted that jurors were dismissed from a special side door to continue this isolation. She said she understood the reason but reported that most jurors wanted to mingle with others in the court as soon as possible rather than be identified by the special treatment. On the other hand, many courts provide escorts for jurors as they go to their cars, especially when jurors work beyond normal court business hours. Yet providing escorts when there is increased risk due to the nature of the case or intense media or public interest is a good idea.

How would you handle this gun scare, which happened recently in an urban court? A prospective juror leaves the assembly room and goes to the cafeteria. She then calls 911 and reports seeing a prospective juror with a gun. The prospective jurors in the assembly room had all gone through the metal detectors when they entered the courthouse. In this case, the emergency dispatcher contacted court security, which then cleared and searched the assembly room and hand-scanned all of the jurors before permitting them back into the assembly room. No weapon was found. Unsurprisingly, the caller had not given her name, but she was easily identified through her cell phone number.

While all this was transpiring, jury staff members were told to remain in their offices, which they found very frustrating because they felt responsible for the jurors, who were noticeably upset. Fortunately, a second venire was due to report at 10:30 a.m., so the astute jury supervisor dismissed the first venire on her own initiative when she could not find someone who might have authorized this action. The later venire reported and was able to fill all the needed panels for the day. Imagine if there had not been another venire reporting. This is an interesting case that I suggest might make for a valuable security training exercise or a procedures audit.

One of the most striking features of a certain new federal courthouse was the juror assembly room, which was conveniently located on the ground floor near food facilities. Its many windows gave jurors a bright and cheerful place to assemble. After September 11, 2001, however, the windows were blocked with jersey barriers and jurors tend to stay away from the windows. In contrast, the new federal courthouse in Las Vegas located the jury facilities in a building apart from the main courthouse. Halls that connect the buildings form a natural courtyard with the juror building and courthouse, providing jurors with a nice place to sit outside and smoke and yet still be within the security perimeter.

## IN THE COURTROOM

During a seminar on jury management in a very new hotel, the fire alarm sounded and we were told to evacuate the building. A welding torch in the unfinished portion had set off the alarms. When we were allowed to return, we had an interesting discussion about what a court would do to evacuate the assembly room and the courtrooms. How would we know that everyone was out of the building and then that all had returned? The situation for jurors already sworn is probably easier, because the court should have a list of jurors and their contact information; one assumes the bailiff or courtroom staff would help the jurors. But what if it happened during selection or if the assembly room needed to be evacuated? Would you be able to verify that all had left the building and that all had returned? If the jury computer remained operational during the evacuation, jury staff should be able to access information about which prospective jurors were in the assembly room. But if the computer system was down, what would happen?

The moral of these stories is this: please don't forget the jurors when planning and reviewing your court security plans and procedures. As always, I look forward to your comments and other examples to share with courts. I am at [tmunsterman@ncsc.dni.us](mailto:tmunsterman@ncsc.dni.us).