



OFFICE OF THE COMPTROLLER
CITY OF ST. LOUIS



DARLENE GREEN
Comptroller

Internal Audit Section
1520 Market St., Suite 3005
St. Louis, Missouri 63103-2630
(314) 657-3490
Fax: (314) 552-7670

December 21, 2015

Joanne Martin, Jury Supervisor
Jury Supervisor's Office
Civil Courts Building
10 N. Tucker Boulevard, 3rd Floor
St. Louis, MO 63101-2049

RE: Review of the Jury Selection Process (Project #2016-SP01)

Dear Ms. Martin:

The Comptroller's Internal Audit Section has completed a special review of the Jury Selection process. The purpose of this review was to identify best practices that could improve the Jury Selection process. Based on this review, the opportunity does exist for the Jury Supervisor's Office to improve the Jury Selection process as follows:

1. The court releases about 64 people (54%) of the 119 summoned for its Wednesday pool. Paying \$12 a day per juror to those summoned but not sworn, the court spends about \$768 a week on Wednesday jurors that it releases. Annually, the Court spends about \$35,328 (\$768 X 46 weeks where jurors are summoned) on people released from its Wednesday juror pool. **We suggest the Office of the Jury Supervisor reassess the juror needs of its Wednesday pool to limit over summoning of prospective jurors.**

Management's Response:

The court requires that we summon enough jurors on Wednesdays to provide sufficient jurors for two jury trials, which is approximately 120 hours. As your analysis indicates, 54% of the citizens summoned for Wednesday never leave the Jury assembly Room. I have spoken with several Presiding Judges in the past about the perception jurors may have when this occurs feeling they have wasted their time, and about the cost to the City. The staff or I presently make announcements during

the day which allows the jurors to be aware that cases are being resolved because of their presence and availability. I have also mentioned to the Presiding Judges about a possible "Call In" procedures for Wednesday jury services; however, I have been waiting to gather enough information to make a formal suggestion. I do plan on discussing with Presiding Judge Hettenbach a "Call in" procedure or possibly an interactive Voice Response system regarding our Wednesday jury pools.

2. The National Center for State Courts' Center for Jury Studies notes that "day-of-trial cancellations" contribute to poor juror utilization. Based on data gathered from the Jury Supervisor's Office from September to November 2015, the court had 49 day-of-trial cancellations. **We suggest the Office of the Jury Supervisor consider establishing policy and procedures for discouraging "day-of-trial cancellations", as specified by the Center for Jury Studies, by assessing the cost of a cancelled jury against the litigants.**

Management's Response:

The court en banc would have to make a decision regarding any costs of cancelled juries being assessed against the litigants. I will discuss this suggestion with the Presiding Judge Hettenbach

3. "One day/one trial" is a policy in which a court commits to limiting the time a juror serves to either one day or the length of one trial depending on if they are sworn or not. This is policy widely used in courts around the country. **We suggest the Office of Jury Supervisor consider implementing a "one day/one trial" policy.**

Management's Response:

If our court utilized an individual docketing system, this suggestion would be effective and more palatable to our citizens. However, determining when attorneys on a particular case would be available as well as when a division would be ready is impossible utilizing a central docketing system, which is our docketing system in the city of St. Louis. Cases are shuffled out of the Central Docketing Office when attorney and divisions become available to take the next ready case. I will speak with presiding Judge Hettenbach, but feel this suggestion is not practical with the system of docketing that we now utilize.

4. There are no systems currently in place at the 22nd Circuit Court to notify jurors that they do not need to report in the event that a trial is cancelled before a scheduled trial date. **We suggest the Office of Jury Supervisor establish a mechanism that lets jurors know if they are not needed, such as:**
- A listing on the court's website (updated daily) containing information specifying jurors that need to report.
 - A formal web portal such as IJuror (used by many other courts) as a way to check jury summons, fill out juror questionnaires and in limited circumstances fill out exclusion or deferral forms.
 - Interactive Voice Response (IVR) technology, which uses automated responses based on voice tone and keypad tone inputs.

Management's Response:

Unfortunately, rarely do we know how many, or if any, jurors are needed the day before. Also, our yield is approximately 20% of jurors that arrive from the number of jury summons that are mailed and we do not know if that 20% is equally divided among our jury pool. However, I would like to investigate the cost of an IVP. Using the website or a web portal are great options if the court allows us the option of calling off all or some jurors. This suggestion will be discussed with the Presiding Judge Hettenbach

5. The National Center for State Courts estimates that 70% of jurors report some level of stress from jury service. Stress can affect a juror's performance in multiple ways including their desire to find solutions without hearing all the options. In other words, stress can affect a juror's ability to objectively listen to and judge a case. **We suggest that the Office of Jury Supervisor create a list of tips for managing stress to be posted on the court's website.**

Management's Response

This suggestion will be discussed with the Presiding Judge Hettenbach. We realize that many jurors who arrive for jury services are negatively affected by serving as a juror, which is further amplified if they are chosen to sit on a criminal case. As you mentioned, just showing the jurors that we recognize they may be going through some amount of stress would be appreciated, in and of itself. I would encourage and like to see this suggestion approved by the court

Again, thank you and please express my appreciation to Nate for doing the Internal Audit and providing us with your findings.

The court has formed a Jury Supervision Ad Hoc Committee of Judges, chaired by the honorable Robin Vannoy. I will also speak with Judge Vannoy regarding your suggestions

This review was made under authorization contained in Section 2, Article XV of the Charter, City of St. Louis, as revised, and has been conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing*.

If you have any questions, please contact the Internal Audit Section at (314) 657-3490.

Respectfully,

A handwritten signature in black ink, appearing to read "Ishmael Ikpeama". The signature is stylized with a large initial "I" and a long horizontal stroke.

Dr. Ishmael Ikpeama
Internal Audit Supervisor

Enclosure

Cc: Darlene Green, Comptroller, City of St. Louis