Minutes
Connecticut Judicial Branch Juror Data Analysis Committee
March 28, 2024
3:00 p.m.

The meeting was also available for live streaming on the Judicial Branch YouTube Channel.

Members in attendance: Hon. Peter L. Brown (Co-Chair), Hon. Kimberly A. Knox (Co-Chair), Atty. John E. Barney, Jr., Director Joseph P. Greelish, Atty. Daniel J. Horgan, Mr. Patrick Lakha, and Hon. Robin L. Wilson

Also in attendance: Ms. Nichole DiBenedetto

I. **Review Minutes of February 26, 2024 meeting:** A motion was made by Judge Knox to approve the minutes of the February 26, 2024 meeting. The motion was seconded by Attorney Barney. The motion was approved unanimously.

II. **Discussion Regarding what Specific Demographics the Committee wants to Focus Upon:** The Juror Data in CT Preliminary report was distributed to the committee in advance of the meeting. After a review of the report, the charge from Chief Justice Robinson referring to *State vs. Holmes*, and discussion, the committee agreed to focus on race and ethnicity.

III. **Discussion Regarding the Development of Criteria to be Used for the Prioritization of Data to be Analyzed:** Judge Wilson reported on the Memo from the Data, Statues, and Rules Subcommittee, noting that three primary recommendations of the subcommittee have already started:

- Collecting data on the characteristics of the perspective jurors such as race, ethnicity, age, and gender.
- Retaining demographic non-personally identifiable data.
- Collecting records of for cause preemptory challenges that reflect the identity of first chair trial counsel as the party asserting the challenge.

Judge Wilson also recommended the following in order of priority:

1. That data from criminal and civil cases be separated.
2. When the voir dire panel is initially seated, demographics on their race and ethnicity should be collected.
3. Consider data on the total number of stricken jurors by the judge for cause and delineate by race and ethnicity of the jurors.
4. Consider race and ethnicity of jurors for which peremptory challenges were exercised as well as who exercised the preemptory challenges.
5. Collect the strike decision of the judge after the peremptory challenge is exercised, e.g., was the juror retained or removed and the race and ethnicity of the retained or removed juror.
6. Consider geographical differences in juror removal, urban vs rural/suburban judicial districts.

Judge Wilson reported on how data collection information is being used in other states. She reported that North Carolina passed the North Carolina Racial Justice Act in 2009 due to racial disparity in death penalty cases. This statute shows that the collection of statistical data can be used to show intentional discrimination so that a party may substantiate a claim of intentional discrimination in the exercise of peremptory challenges, to effectuate sentences modification or vacating. The North Carolina statute was distributed to the committee.

Mr. Greelish informed the committee that the data already being collected allows for looking at the racial and ethnic composition of individual jury pools as well as what charges were brought on the case. Information of the racial and ethnic composition of venirepersons and jurors was previously provided to the committee. In addition, the zip codes of individuals are also collected which might be useful for looking at geographic demographics. Discussion followed on the accessibility of data by geographic areas.

Mr. Greelish reported that there is accessible information on the number of jury summons and where they went (no shows, canceled, excused, selected, etc.), which can show by geographic areas where the numbers of undeliverable summons. In the course of the discussion, Mr. Greelish was able to show the committee an example of the available data using a chart for Bridgeport, which showed a high number of undeliverables. He reported that the jury unit can provide this data for different periods of time and areas as the data goes back to 2014.

IV. **Updates Regarding Potential Additional Demographic Data Sources**: Mr. Greelish reported on potential demographic sources. The US Census is considered to be the gold standard, noting the census is taken every ten years and may not be contemporaneous enough for the committee's purposes.

Mr. Lakha reported on alternate population sources. The Department of Public Health is a secondary source. DPH is statutorily mandated to produce an annual town and county population estimate for the Office of Policy and Management. However, they base their annual estimates on the US Census. The US Census is defensible and how the data is collected is well documented. The US Census Population Estimate Program releases annual adjustments to account for immigration births and deaths. However, the annual adjustments do not collect race and ethnicity at a town level. He reported that potential alternate demographic sources are based on the US Census data.

V. **Reports/Input from Committee Members:** Judge Knox notified the committee of an article published February 2024 titled "Guess Who's Coming to Jury Duty," which will be distributed to the committee prior to the next meeting. The article provides a state-by-state analysis of state data collection practices.

VI. **Adjourn**: Meeting adjourned at 3:42 pm.

The next meeting will be April 25, 2024 at 3:00 pm.