



# BE THE JURY

## Preliminary Findings from First Six Months of Pilot Program



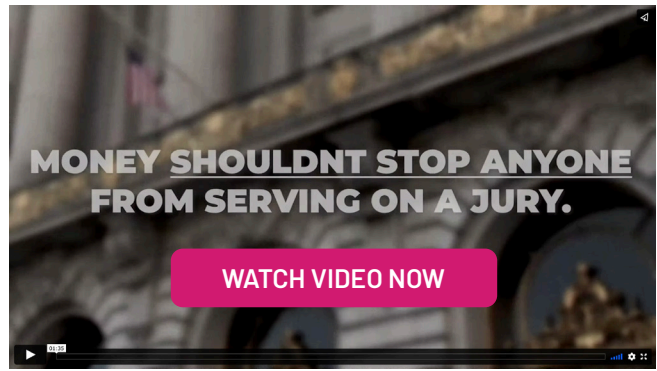
THE FINANCIAL  
JUSTICE PROJECT  
SAN FRANCISCO

Ensuring San Francisco  
Juries Reflect the Economic  
Diversity of Our City

# Introduction

In March 2022, the San Francisco Treasurer’s Financial Justice Project, in partnership with the San Francisco Superior Court, Public Defender’s Office, District Attorney’s Office, and Bar Association, launched “Be The Jury.” This first-of-its-kind pilot program in San Francisco increases the daily juror stipend from \$15 per day to \$100 per day for low- to moderate-income San Franciscans who are summoned to serve on juries but cannot serve because they would face a financial hardship.

Jury duty is perhaps the most meaningful opportunity for true civic engagement that our system provides. However, due to financial constraints, many prospective jurors, often those from the neighborhoods most impacted by the criminal legal system, are deprived of this opportunity for engagement due to



**Video** about the Be The Jury Program that plays for all potential jurors in the Jury Assembly Room.

economic hardship. In San Francisco, a survey by the Administrative Office of the Courts of California found that 35 percent of jurors report that jury service imposed a financial hardship.

**We launched the Be The Jury Pilot Program to help ensure that San Francisco juries are made up of a balanced cross section of San Francisco residents, enabling jurors to better administer justice that reflects the values of diverse San Francisco communities.**

Through the pilot program, we want to learn if people who would have claimed a financial hardship would now be able to serve because of this program. We also want to learn if increased compensation for people with low incomes impacts the diversity of juries in a meaningful way.



In our country’s history, laws barred certain communities from serving on juries. Be The Jury is groundbreaking because even when those discriminatory laws changed, low-income jurors—many being Black, Asian, Latino—struggled to be able to serve because they couldn’t give up their wages. Be The Jury is the kind of smart, innovative change that will create a more equitable and fair criminal justice system.”

– SAN FRANCISCO MAYOR LONDON BREED

## Preliminary Findings

After six months of the pilot program, we are excited to share preliminary data and impacts from the program in this report:

 The vast majority of Be The Jury participants could not have served without the \$100 per day stipend.

**81%** of participants said that this program made it possible for them to serve as a juror.

 Program participants reflect the racial demographics of the broader San Francisco population.

**63%** of participants self-identified as people of color.



Feedback from program participants has been overwhelmingly positive. People report having learned about the importance of jury service and encourage the continuation of the program to support other jurors.

**95%** of participants completed a voluntary survey.



Program participants have low incomes. Program participants have a household income of just under \$40,000, on average. As a point of comparison, the area median income in San Francisco for a single household is \$97,000.

**\$40,000** average household income of participants.

# Why Did San Francisco Start the Be The Jury Pilot Program?

The right to a jury of peers is at the core of our system of justice.<sup>1</sup> The right to a trial by jury is the only right that appears in both the Constitution and the Bill of Rights. A jury of peers means a jury of equals comprising of jurors from different backgrounds. Yet our justice partners began to notice a troubling phenomenon: that only jurors who could afford to serve were serving. Juries appeared to be trending whiter and wealthier, a trend not reflective of the economic or racial diversity of San Francisco's overall population. **Many San Franciscans would like to serve on a jury, but cannot, because they are self-employed, unemployed, or their employer does not provide compensation for jury service.**



No one should be priced out of jury service. These results make it clear that the Be The Jury program allows residents to serve on a jury without concern about lost wages or ability to pay for child or elder care. This program brings us an important step closer to a more accessible, diverse, and just legal system.”

– SAN FRANCISCO TREASURER JOSÉ CISNEROS

California, like many states, requires employers to provide time off for employees who are summoned to jury duty. While time off work is guaranteed, California law does not require employers to pay employees who serve on a jury. If a juror's employer does not cover their salary, jurors earn nothing on their first day of service and \$15 per day after that.

# Who is Eligible for the Be The Jury Pilot Program?

The [Be The Jury Pilot Program](#) compensates low- to moderate-income jurors \$100 per day for jury service in criminal trials in San Francisco. **Jurors are eligible if their household income is less than 80% Area Median Income**, which is \$74,600 for a single person and \$106,550 for a household of four, and they meet one of the following criteria:

1. Their employer does not compensate for jury service; or

Because many low-income families cannot afford to forfeit days, weeks, or months of their salary, many low-income workers, self-employed workers, or unemployed individuals file a claim of financial hardship and are excused from service. As a result, jury pools tend to be composed of people who can afford to serve unpaid or who have employers who will pay them while they are serving.

**Diverse juries are critical to the fair delivery of justice in San Francisco. In a city with increasing income inequality and wide racial and economic disparities in our criminal legal system, it is more important than ever to ensure all San Franciscans can have a jury of their peers.**

Be The Jury is funded through philanthropic funds raised by the San Francisco Financial Justice Project in the Treasurer's Office and is authorized by [Assembly Bill 1452](#) (2021).



Be The Jury is an innovative way to enable all people, regardless of their economic status, to serve on a jury and have their voice heard in the justice system. BASF is proud to have supported this effort and hopes that this pilot will serve as a model for criminal and civil juries throughout California.”

– YOLANDA JACKSON, EXECUTIVE DIRECTOR AND GENERAL COUNSEL, THE BAR ASSOCIATION OF SAN FRANCISCO

2. Their employer does not compensate for the estimated duration of jury service; or
3. They are self-employed; or
4. They are unemployed.

<sup>1</sup> Taylor v. Louisiana, 419 U.S. 522, 533 (1975). The 6th Amendment guarantees the right to trial by an impartial jury drawn from a representative cross-section of the community.



Poster advertising the Be The Jury Program to potential jurors.

# Who is Participating in the Be The Jury Pilot Program?

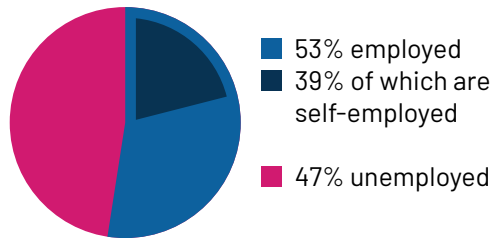
In the six months since the pilot program launched, over 200 San Franciscans have participated in Be The Jury. Below is a snapshot of the participants:

## Average Household Size



## Employment Status

**53% employed, of which 39% are self-employed. 47% unemployed.**

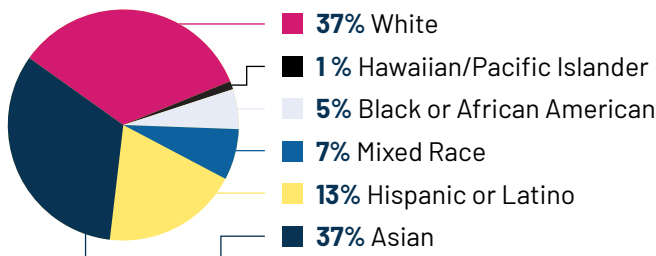


## Household Income

The average household income of participants over the last 12 months was \$39,858. **The vast majority (93%) of participants have a household income below \$75,000.** As a point of comparison, the area median income in San Francisco for a single household is \$97,000.

## Race/Ethnicity

Participants are reflective of San Francisco's diverse population; the self-reported race/ethnicity of participants reflect almost identically the racial demographics of the general population of San Francisco. **63 percent of participants self-identified as people of color.**



## Feedback from Be The Jury Participants



"I think this program is invaluable for those whose economic situation is a serious barrier for them to be able to serve without hardship. Thank you for this new program."

- BE THE JURY PARTICIPANT



"This program allows for all people, no matter their socioeconomic status the ability to serve. Not just retired, rich people will be able to make up the jury. A true representation of the people."

- BE THE JURY PARTICIPANT

## Survey Results



**95%** of participants completed a survey at the end of their experience, even though it was not required.



Feedback from participants has been overwhelmingly **POSITIVE.**



**81%** of people responded that this program made it possible for them to serve as a juror.

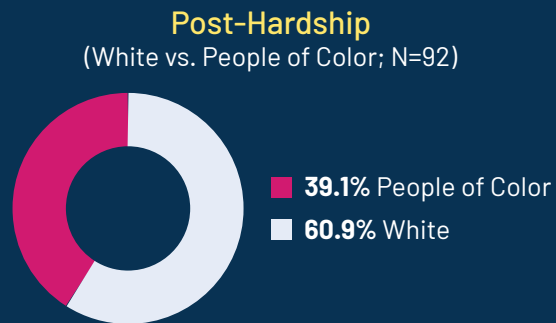
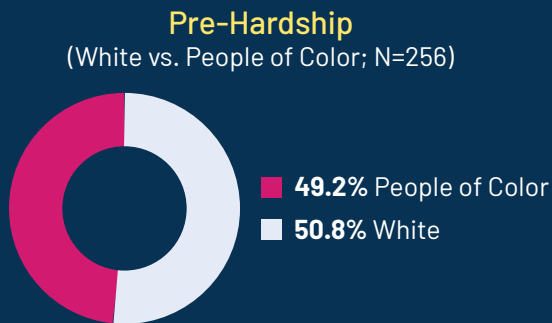


Participants reported being **proud to complete their civic duty** and many reported learning more about the criminal legal system and the importance of having a jury of one's peers.

**People with low incomes and people of color are most likely unable to serve on juries because they cannot afford it.** Because income inequality is strongly correlated with race, the people most likely to be unable to participate in jury service are disproportionately from low-income communities of color.

To better understand this phenomenon, the Public Defender's Office observed a felony trial in May 2022 and

estimated the number of jurors who claimed hardships and how this process impacted the diversity of the jury. They noted that before potential jurors could ask to be excused for a hardship, almost half of the jurors in the pool were people of color. However, after jurors had the opportunity to claim a hardship, financial or otherwise, this percentage of jurors of color dropped to just under 40 percent.<sup>2</sup> For reference, San Francisco's general population is comprised of 63 percent people of color.<sup>3</sup>



## BE THE JURY PARTICIPANT PROFILES



### Shelly

is one juror who received the \$100 per day stipend through Be The Jury. Shelly lives on Treasure Island and works as a non-profit property manager here in San Francisco, but her employer did not pay for the entire length of her service. In the past, she was reluctant to serve on a jury for this reason but the Be The Jury Program made it possible for her to serve: "This [stipend] makes a world of difference for me. I was able to keep paying bills and buying food while serving as a juror." Shelly was proud to complete her civic duty and looks forward to serving again as a juror in the future.



### Kiswendsida

has lived in San Francisco for over ten years, in the Bayview District and in Chinatown. He first learned about the Be The Jury Program through a postcard in the mail and was glad that he wouldn't have to "worry about being able to afford a dinner plate" while serving as a juror. He was grateful to receive the stipend and felt the program shows an investment from the City and County of San Francisco into a more inclusive criminal justice system. He is excited to raise awareness and tell others about the program.



"It is very good program and fair. Jury duty should not be a burden for anyone."

- BE THE JURY PARTICIPANT



"It made me feel a part of the community and proud to serve my civic duty."

- BE THE JURY PARTICIPANT

<sup>2</sup> Race/ethnicity data was collected through observation by the San Francisco Public Defender's Office.

<sup>3</sup> American Community Survey, 2021



The preliminary findings of the Be The Jury pilot clearly demonstrate that residents want to be active participants in the administration of justice. Our constitutional right to trial by jury hinges on the ability to have juries convened voluntarily that reflect our communities diversity and values. We must do all that we can to empower residents to always answer the call to service and do their part. Eliminating financial barriers to service is a common sense solution that will improve our criminal justice system.”

- SAN FRANCISCO DISTRICT ATTORNEY BROOKE JENKINS



Be The Jury is doing exactly what we predicted and hoped it would do, which is empower community members from diverse backgrounds to participate in jury service. This pilot program has shown that with increased compensation, we can engage many more people who otherwise could not afford to take the time to serve on a jury to carry out this crucial civic right and duty.”

- SAN FRANCISCO PUBLIC DEFENDER MANO RAJU

## What is Next?

We are excited about the preliminary results from the pilot program and have already learned a lot in the first six months about operationalizing such a program. We look forward to conducting a follow up evaluation once the program is one year old. We hope that this effort in San Francisco informs how other localities might think about increasing juror compensation as a way to increase juror diversity and ensure that everyone has the opportunity to

have a jury of their peers. We plan to seek public support to ensure the long-term viability of the program.

**Be The Jury is a truly collaborative effort among San Francisco’s justice partners. We are grateful to our partners at the San Francisco Superior Court, Public Defender’s Office, District Attorney’s Office, and San Francisco Bar Association.**



## Authors

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For more information, please visit The Financial Justice Project website at [sfgov.org/financialjustice](https://sfgov.org/financialjustice).

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