



## Be The Jury Pilot Program

*Ensuring San Francisco Juries Reflect the Economic Diversity of Our City*

Updated January 2022

**Overview:** The San Francisco Treasurer's Financial Justice Project, the San Francisco District Attorney's Office, the San Francisco Bar Association, and the San Francisco Public Defender are launching "Be The Jury," a pilot program to provide compensation to low-income San Franciscans who are summoned to serve on juries, but cannot 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, often those from the neighborhoods most affected, are deprived of this opportunity for engagement. We believe this effort would help us ensure that San Francisco juries are economically and racially diverse, and therefore better able to administer justice that reflects the values of diverse San Francisco communities. Be The Jury is authorized by Assembly Bill 1452 (2021).

**Background:** The right to a jury of peers is at the core of our system of justice. 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, to draw jurors from different races, genders, and socioeconomic classes. Yet we have begun to notice a troubling phenomenon: juries are whiter and wealthier, and 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 cannot afford to take time off work that is required.

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. Because many low-income families cannot afford to forfeit days, weeks, or months of their salary, many minimum wage, low-income workers or workers 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'll pay them while they're serving. Diverse juries are critical to the fair delivery of justice in San Francisco. In a city with increasing income inequality, it is more important than ever to ensure all San Franciscans can have a jury of their peers.

**Pilot Program:** The Be The Jury Pilot Program will compensate low- to moderate-income jurors \$100 per day for jury service. Jurors are eligible if their household income is less than 80% Area Median Income (\$74,600 for a single person; \$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
2. Their employer does not compensate for the estimated duration of jury service; or
3. They are self-employed; or
4. They are unemployed.

We want to test out if doing so create juries that are more economically and racially diverse. Through the pilot program, we will learn whether people who would have claimed a financial hardship be able to serve because of this program, whether this program impacts the economic and racial diversity of juries in a meaningful way. This pilot program will be funded through philanthropic funds raised by the San Francisco Financial Justice Project in the Treasurer's Office.