

# OFFICE OF THE STATE AUDITOR

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# DIANA DIZOGLIO

Official Audit Report – Issued September 20, 2024

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## Office of Jury Commissioner

For the period July 1, 2020 through June 30, 2022



OFFICE OF THE STATE AUDITOR

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**DIANA DIZOGLIO**

September 20, 2024

Pamela J. Wood, Commissioner  
Office of Jury Commissioner  
560 Harrison Avenue, Suite 600  
Boston, MA 02118

Dear Commissioner Wood:

I am pleased to provide to you the results of the enclosed performance audit of the Office of Jury Commissioner. As is typically the case, this report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2020 through June 30, 2022. As you know, my audit team discussed the contents of this report with agency managers. This report reflects those comments.

I appreciate you and all your efforts at the Office of Jury Commissioner. The cooperation and assistance provided to my staff during the audit went a long way toward a smooth process. Thank you for encouraging and making available your team. I am available to discuss this audit if you or your team have any questions.

Best regards,



Diana DiZoglio  
Auditor of the Commonwealth

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## EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Office of Jury Commissioner (OJC) for the period July 1, 2020 through June 30, 2022.

The purpose of our audit was to determine the following:

- whether OJC collected feedback from jurors to provide for the reasonable comfort and convenience of jurors to comply with Section 45 of Chapter 234A of the General Laws and
- whether OJC provided juror demographic data in its annual reports issued as required by Section 79 of Chapter 234A of the General Laws.

Our audit revealed no significant issues that must be reported under generally accepted government auditing standards.

## OVERVIEW OF AUDITED ENTITY

The Office of Jury Commissioner (OJC) was established by Section 5 of Chapter 234A of the Massachusetts General Laws to manage the random selection, summoning, and participation of prospective jurors in serving the needs of the divisions of the Commonwealth's Trial Court.

OJC was originally created in 1977 as part of a pilot program in Middlesex County to administer the One Day or One Trial jury system, under which prospective and/or selected jurors complete their service in one day or, if selected, serve on one trial.

Chapter 298 of the Acts of 1982 expanded the Middlesex County pilot program. Currently, OJC oversees the statewide One Day or One Trial jury system and provides the Commonwealth's 76 jury trial courts with prospective jurors. OJC is part of the Massachusetts judicial branch and is under the supervision of the Massachusetts Supreme Judicial Court.

According to OJC's mission statement,

*The core mission of the Office of Jury Commissioner is to provide randomly-selected pools of eligible jurors, representative of the community from which they are drawn, to each of the jury courts of the Commonwealth of Massachusetts, in accordance with the needs of those courts and the direction of the Trial Court. The OJC is committed to educating the public on the value and responsibility of serving as a juror, and to providing courteous, professional service to the public and the courts.*

The Massachusetts Supreme Judicial Court appoints OJC's executive leader, the commissioner, who serves for a five-year term. The commissioner sets operational priorities for OJC's employees, of which there were 30 as of June 30, 2022. OJC is located at 560 Harrison Avenue in Boston. OJC had budgets of \$3,097,943, \$3,138,517, and \$3,141,449 for fiscal years, 2020, 2021, and 2022, respectively.

The Jury Management Advisory Committee, which is a standing committee of the Supreme Judicial Court, is authorized to assist and counsel OJC. Section 6 of Chapter 234A of the General Laws states,

*The jury management advisory committee, hereinafter referred to as the committee, shall be authorized to assist and counsel the chief justice and the supreme judicial court in supervising the office of jury commissioner, to perform direct supervision of the office of jury commissioner. . . . The committee is authorized to assist and counsel the office of jury commissioner . . . to foster continuing study, research, and improvement of all aspects of the jury system [and] to encourage increased public interest and education in this field.*

OJC is organized into the following departments: Legal, Administration, Operations, and Network and Information Services.

The Operations Department oversees most aspects of providing pools<sup>1</sup> of jurors to each of the jury courts, including sending prospective jurors the following by mail: summonses, notices about modifications to service (postponement, disqualification, transfer, etc.), and reminder notices. The Operations and Network and Information Services Departments also ask for juror feedback through electronic communications and the website. This department also processes and administers the service payments for selected jurors. Jurors who are selected to serve on trials lasting more than three days and grand jurors<sup>2</sup> are entitled to receive \$50 per day after the third day if their employers do not compensate employees for juror services.

The Network and Information Services Department collects resident lists (which are submitted by municipalities and are used for selecting eligible jurors), juror demographic data, and juror feedback surveys (which are described below).

## **Juror Comfort and Convenience**

### **Juror Feedback Survey**

OJC asks that all prospective and/or selected jurors complete voluntary juror feedback surveys, which OJC uses to enhance jurors' comfort and convenience on an ongoing basis. While there is no hardcopy version of the juror feedback survey available, OJC posts the [survey](#) on its website. OJC also emails the survey to jurors who provided it with an email address.

The juror feedback survey includes the following questions:

- *Please indicate the day on which you started your jury service*
- *Has your opinion of jury service improved, diminished, or stayed the same as a result of your service?*
- *Please indicate at which court, if any, you served as a juror (required)*
- *Was your summons for jury service clear and easy to understand?*
- *Was the website easy to use?*

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1. A pool of jurors refers to prospective jurors who appear on an assigned day at an assigned courthouse.

2. A grand juror hears evidence to determine whether sufficient evidence exists to return an indictment against a defendant.

- *Were you able to get to the courthouse easily (car, parking, public transportation)?*
- *When you arrived in the jury pool, was your check-in processed quickly?*
- *Did the Jury Pool Officer give information about the courthouse and amenities in the jury pool (i.e. location of bathrooms, water, vending machines, local lunch spots, etc?)*
- *Were you welcomed by a judge?*
- *Was the jury pool clean and comfortable?*
- *Were you kept informed by the Jury Pool Officer throughout the day?*
- *Were you selected to serve on a jury?*
- *Please provide any additional comments or feedback in regard to your experience serving as a juror.*

### **Deaf and Hard of Hearing Prospective and/or Selected Jurors**

If an individual receives a summons for juror service and they are deaf or hard of hearing, they can choose either to request a disqualification<sup>3</sup> or to notify OJC that they will serve but that they require accommodations protected by the Americans with Disabilities Act to do so.

Required accommodations can include the need for a frequency modulation system (which is a wireless tool that helps people hear better in loud and busy areas, such as a courtroom) to perform their services. The juror can request a frequency modulation system by notifying OJC.

If required accommodations include the need for interpreters, OJC then contacts the Massachusetts Commission for the Deaf and Hard of Hearing to request interpreters. If any interpretation services are needed, then OJC needs to arrange for at least two interpreters per trial day because interpreters need to take a break approximately every 20 or 30 minutes because of the physical demands of their job.

OJC maintains a Microsoft Excel spreadsheet that contains a list of all deaf and hard of hearing summoned prospective jurors who have let OJC know that they will serve but that they require accommodations to do so.

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3. In order to be disqualified, the person must submit a letter with supporting documentation from a registered physician to verify that the disability would prevent the person from serving on a jury according to Section 4(4) of Chapter 234A of the General Laws.

## **Juror Demographic Data**

Individuals who receive summonses for juror service are required to provide their demographic information. The prospective juror must provide the race(s)/ethnicity(ies) with which they identify (i.e., Black / African American, White, Native Hawaiian / Pacific Islander, American Indian / Alaskan Native, Asian, and other) and whether or not they identify as Hispanic/Latinx.

The prospective juror can provide their demographic information either through OJC's website or by completing a hardcopy juror's card, which is included with the summons, and sending it back to OJC through the mail. Alternatively, the juror may provide the demographic information by calling OJC or by completing a hardcopy juror's card at the courthouse when they appear for juror duty. For each response received through the mail, OJC scans the hardcopy juror's card into its juror data management application.

In an effort to ensure that the juror system is representative of the state's population and based on demographic data, OJC compares the juror demographic data that prospective jurors self-report to Massachusetts demographic data published by the US Census Bureau.

OJC is required to issue an annual report that contains the demographic data that prospective and/or selected jurors self-report. Because OJC submits this juror demographic data to the Executive Office of the Trial Court, which assists OJC with certain administrative duties, it meets its reporting requirements when the Executive Office of the Trial Court submits its Annual Diversity Report.



## AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Office of Jury Commissioner (OJC) for the period July 1, 2020 through June 30, 2022.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Did OJC collect feedback from jurors to provide for the reasonable comfort and convenience of jurors to comply with Section 45 of Chapter 234A of the General Laws?	Yes
2. Did OJC provide juror demographic data in its annual reports issued as required by Section 79 of Chapter 234A of the General Laws?	Yes

To accomplish our audit objectives, we gained an understanding of the aspects of OJC's internal control environment relevant to our objectives by reviewing applicable agency policies and procedures and by interviewing OJC staff members and management. We evaluated the design of controls over the collection of feedback from prospective and/or selected jurors, the accommodation of deaf and hard of hearing prospective and/or selected jurors, and the inclusion of juror demographic data in annual reports.

To obtain sufficient, appropriate evidence to address our audit objectives, we performed the procedures described below.

### Juror Comfort and Convenience

To determine whether OJC collected feedback from jurors to provide for the reasonable comfort and convenience of jurors to comply with Section 45 of Chapter 234A of the General Laws, we took the actions described below.

## **Juror Feedback Survey**

We requested, and OJC provided us with, juror feedback survey data. OJC uses an electronic data repository to store this data. We reviewed this data and found that, during the audit period, there were 13,275 prospective and/or selected juror responses that included completed responses to all close-ended questions (e.g., questions restricted to yes/no or drop-down options) in the juror feedback survey. We also noted that, of these 13,275 responses, 6,599 also included open-ended comments regarding the respondents' overall juror service experience. We completed no further analysis of those open-ended comments.

## **Deaf and Hard of Hearing Prospective and/or Selected Jurors**

We requested, and OJC provided us with, a list of prospective jurors who, during the audit period, notified OJC that they will serve but that they require accommodations protected by the Americans with Disabilities Act to do so. We reviewed this list and identified prospective jurors who specifically requested accommodations that are typical for people who are deaf or hard of hearing. We then compared this list to juror service check-in documentation that OJC provided to us to determine whether OJC fulfilled their requests. We noted that all deaf or hard of hearing prospective jurors from this list requested frequency modulation systems. Of these requests, all but one prospective juror had their juror service canceled by OJC the day before their service was to take place (because all prospective jurors were not necessary on that date of service). The one remaining prospective juror received a frequency modulation system on their appointed juror service date.

We noted no exceptions in our testing; therefore, we concluded that, during the audit period, OJC collected feedback from jurors to provide for the reasonable comfort and convenience of jurors.

## **Juror Demographic Data**

To determine whether OJC provided juror demographic data in its annual reports issued as required by Section 79 of Chapter 234A of the General Laws, we reviewed each of the Executive Office of the Trial Court's Annual Diversity Reports that covered the audit period. Due to time constraints, we did not perform an analysis on the US Census Bureau data that OJC compares to its prospective juror's self-reported demographic data or the data disclosed in OJC's annual reports.

We noted no exceptions in our testing; therefore, we concluded that, during the audit period, OJC provided juror demographic data in its annual reports.

### **Data Reliability Assessment**

To determine the reliability of the juror feedback survey data, we tested the data to ensure that it did not contain any duplicate records, missing data fields, or data that was outside of the audit period.

Based on the results of the data reliability assessment procedures described above, we determined that the information we obtained was sufficiently reliable for the purposes of our audit.

### **Conclusion**

Our audit revealed no significant issues that must be reported under generally accepted government auditing standards. We noted no exceptions in our testing; therefore, we concluded that, during the audit period, OJC collected feedback from jurors to provide for the reasonable comfort and convenience of jurors and provided juror demographic data in its annual reports.