

Attachment B

Checklist Criteria: Juror Pool Selection Plans

The following checklist provides specific information that should be included with any Juror Pool Selection Plan (previously called Automated Local Rule for Jury Selection) that is being submitted for Office of the State Courts Administrator review and Supreme Court approval. As there are many paths to a viable and valid process, it is not practical, nor possible, to list all the information that should be provided to allow complete verification of a juror selection process. This checklist identifies the most common information that, in our experience, is necessary for full evaluation of a random juror selection process. As with any list of this type, it is also possible that some of the information mentioned is not applicable to your particular process. We have included specific statutory references and algorithmic requirements wherever possible. Please do not hesitate to contact the OSCA with specific questions and for additional clarification if needed.

I. Creation of the Initial Candidate Selection List

A. Source Lists

1. What are the sources of names used in generating jury selection lists?
2. In what format are they submitted? How are the source lists transmitted, compiled, or merged? If the lists contain more information than needed for jury candidate selection, what information is retained?
3. Chapter 40, Florida Statutes provides that a minimum of three name sources be used in the selection of juror candidates: (1) a licensed driver or identification holder list (section 40.011, F.S.); (2) an affidavit list (section 40.011, F.S.); and (3) an exclusion list containing those persons who are unable to serve, have already served, or those whose service is otherwise excused or postponed (sections 40.013, 40.022, and 40.023 F.S.).
4. Are supplemental name lists not specifically described by statute used to build the *Initial Jury Selection Candidate List*?

B. Source Data Adjustments

1. Are the source lists used as when received? Are the source lists sorted? If so, by what elements?
2. Are the source lists imported into a database or spreadsheet?
3. If more than one name list is used in the preparation of a final candidate list, are the multiple lists used separately or merged?
4. Are the names in this list numbered or indexed in any way?
5. Are any names excluded at this point? If so, by what criteria?

C. Time Frame

1. How often are the source lists updated?
2. If any adjustments are made, how often does this occur?
3. How often is the source data converted into an *Initial Jury Selection Candidate List*? For example, the licensed driver list must be drawn quarterly from the Department of Highway Safety and Motor Vehicles (DHSMV) (section 40.011, F.S.) and purged monthly (section 40.022, F.S.).

D. Initial Jury Selection Candidate List

The county should provide a brief description of the *Initial Jury Selection Candidate List* from which names will be drawn for candidate selection. For example, the *Initial Jury Selection Candidate List* contains all verified names and addresses from lists one and two with a valid zip code within the county. Each name is assigned a unique sequential identifier and is ordered alphabetically by zip code.

E. Exclusions

The county should provide a brief description of any exclusion principles that would remove a name from the *Initial Jury Selection Candidate List*. For example, each name from the source list could be matched to an outside address list and only those names/addresses with a valid zip code within the county are retained on the list. **Note:** the exclusion list does not need to be applied at this point.

II. Name Selection

A. Equipment/Software

The county should provide a brief description of the hardware and software used to complete the name selection process including the operating system and juror application name and version if purchased from a vendor.

Please note that minor version releases and updates by a vendor will not require a revision of the Juror Pool Selection Plan provided that the updates do not substantially change the name

selection algorithm. However, any major change to the random number generating algorithm will require a resubmission of the Juror Pool Selection Plan.

Changes in hardware or operating system can be harder to judge. The OSCA has seen algorithms that were highly dependent on hardware timings or used features available to a specific operating system. If you are unsure as to whether changes to hardware or operating systems may affect the process, you are encouraged to contact the OSCA to discuss the matter.

B. Security

The county should describe any measures taken to safeguard the process including mechanisms that ensure the process is verifiable after the fact. At a minimum, a mechanism should exist for securely storing the *Final Jury Candidate List* for a period of time as well a mechanism for recording the random number generator initialization (seed) values for each selection cycle so that the selection process can be recreated for audit purposes at a later date.

C. Process Overview for Name Selection

The county should provide a general discussion of the name selection process. If software is employed, the county should provide a brief summary of the steps the program goes through to select a name.

D. Name Selection Algorithm

1. The county should provide a detailed description of the algorithm used to select names **from** the *Initial Jury Selection Candidate List*.
2. If a pseudo-random number generator (RNG) is to be used, this section should contain a detailed description of the generator including the number of initialization (seed) values required and the range of those seed values.
3. If the county proposes to use a named generator, it should provide the name and author. For example, the *Universal Random Number Generator* by George Marsaglia or the *Mersienne Twister* by Takuji Nishimura and Makoto Matsumoto.

4. References such as URLs or copies of journal articles describing the algorithm are extremely helpful.
5. If the class of generator is known, the county should report that information such as whether it is a linear congruential generator or a lagged Fibonacci generator. The characteristics of many RNGs have been extensively studied and this information could help reduce the time necessary to evaluate the specific RNG used.
6. Since the algorithm is evaluated by the OSCA for suitability to this process, a complete copy of the code should be provided or referenced. If the code cannot be provided, the county should contact Court Services to arrange for a testing cycle.
7. The county should also describe how the results of the random number generator are used to select names from the *Initial Jury Selection Candidate List*.

Note: the more information that is provided in this section, the faster and more reliable the evaluation will be.

E. Initialization

1. The county should provide a detailed discussion of how the pseudo-Random Number Generator (RNG) is initialized (i.e., how the seed values are determined). **Note:** since these initial seed values uniquely determine the sequence of numbers produced by the RNG, it is critical that an accurate and reliable mechanism be established for selection and subsequent verification of these numbers.

F. Starting, Stopping, and Other Factors

1. The county should provide a discussion of any starting, stopping or other factors that influence the selection of a name from the *Initial Jury Selection Candidate List*. For example, the candidate selection program may start with a random name from the list and select every xth name thereafter. Thus, the county should describe how the x factor is selected.
2. Conversely, the program may select each name based on a previously assigned number associated with the name (see *Initial Jury Selection Candidate List*). At what point does the program stop? If duplicates are dealt with at this stage, how

are the names handled? Are other exclusions applied at this stage or are they delayed until the *Final Jury Selection Candidate List*?

III. **Production of the Final Jury Selection Candidate List**

1. In this section the county should describe any additional processing that may occur to the *Initial Jury Selection Candidate List* produced by the name selection stage of the process.
2. The county should state whether the Final Jury Selection Candidate List is sorted or arranged in any way.
3. The county should identify whether any additional exclusions may be applied such as the removal of duplicates, those with prior services, or those filing affidavits.
4. The county should identify which names are notified. The county should also state whether all names receive notification at once or whether subsets of the names notified occurs at different times.
5. If relevant, the county should identify how subsets are established. For example, 52,000 names are selected and assigned sequentially to 1000 name blocks for weekly summons.
6. Any additional information on how this final list is maintained should be included. For example, 40.022, F.S. requires that the list be purged monthly of deceased persons and newly identified felons.