



ARCS: 292-30
File: AGT-2011-00086

April 26, 2011

Sent via email: info@bccla.org

David Eby, Executive Director
BC Civil Liberties Association
550-1188 West Georgia Street
Vancouver BC V6E 4A2

Dear David Eby:

Re: Request for Access to Records
Freedom of Information and Protection of Privacy Act (FOIPPA)

I am writing further to your request received by the Ministry of Attorney General. You requested

"...any policy and procedure documents and/or training materials on how jury rolls are compiled by and/or delivered to the BC Sheriff Services, including, but not limited to, documents related to ensuring proportionate representation on juries of first nations groups, ethnic minorities, linguistic minorities and ages, in particular formal policy and procedure documents that set out how jury candidates are identified, and how they are selected for notice of jury duty, including what databases names and contact information are taken from."

Please find enclosed a copy of the records in response to your request. These records are provided to you in their entirety. Your file is now closed.

If you have any questions regarding your request, please contact Rob Gordon, the analyst assigned to your request, at 250-356-7869. This number can be reached toll-free by calling from Vancouver, 604-660-7867, or from elsewhere in BC, 1-800-663-7867 and asking to be transferred to 250-356-7869.

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You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,

for Am = Cartney
Vicki Hudson, Manager
Justice / Social Team
Information Access Operations

Enclosures

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
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If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:

Information and Privacy Commissioner
PO Box 9038 Stn Prov Govt
4th Floor, 947 Fort Street
Victoria BC V8W 9A4
Telephone 250-387-5629 Fax 250-387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.

SHERIFF POLICY MANUAL

10 Jury Administration

10.1 Sheriffs' Role

- a. Sheriffs' involvement in the jury system is as follows:
 - o empanelment - Create summonses and process prospective jurors;
 - o selection - procedure when the jury is selected from the panel for a trial(s);
 - o sequestration - supervision of the jury during the course of a trial; and their deliberations.
 - o ensuring payment of the appropriate fees and expenses for those persons serving jury duty in a timely manner.
- b. The authority for Sheriffs' responsibilities for jury administration can be found in the *Jury Act* (RSBC) and in Part XX of the *Criminal Code*.

10.2 Empanelling - General

- a. The Sheriff's office will commence the process to empanel a jury upon request by the Registrar.
- b. The following conditions will influence the number of persons to be summoned:
 - o offence;
 - o the number of accused persons;
 - o the number of challenges allowed;
 - o the number of trials listed;
 - o a challenge for cause;
 - o whether the judge orders that alternate juror(s) be selected;
 - o whether or not the Judge chooses to excuse a panellist from further duty;
 - o it may be necessary to excuse panel members during the assize sitting; and
 - o an estimate of those summoned for jury duty that may be excused for various reasons. (minimum 60% - 80%)

10.3 Creating a Jury Panel

- a. The method of selection must be entirely random and unbiased.
- b. The Jury Management System (JMS) has been programmed to randomly select names by Alga rhythm..
- c. Panellists are normally selected from persons who live within one-hour, one-way travelling distance by land via public transportation or private vehicle from the courthouse.
- d. The Sheriff shall seek direction from the trial Judge or the administrative Judge where it is deemed necessary to expand the one-hour radius.
- e. Persons summoned for jury duty and who serve as jurors will be exempt from jury service for a period of two years. (Jurors only not alternates)
- f. The Sheriff shall seek direction from the trial Judge or the administrative Judge where it is deemed necessary to create a First Nations Panel.

- g. Sheriffs' Offices are responsible for determining, if First Nations reserves within the one-hour radius have been enumerated.
- h. If a reserve was not enumerated, the Sheriff's Office should ask the band, in writing, for a list of names and addresses to use for jury selection.
- i. If the request is refused, no further action is to be taken.
- j. If the request is accepted, the band's list of eligible jurors can be manually added to the panel list through the JMS program.
- k. The names and addresses (personal information) of persons forming jury panels and juries, including Coroners' Inquests, is protected by Privacy legislation (*FOI&PPA*) and cannot be shared with the media or members of the public. See section 10.7 for information regarding Nominal lists.

10.4 Preparation of the Jury Summons

- a. The Sheriff shall utilize the JMS program to print the summons for people selected as panellists.
- b. The pre-printed *Jury Summons* has a *Certification Form* attached for the prospective juror to complete and return.

10.5 Service of the Jury Summons

- a. The *Jury Act* requires that panellists be summoned at least 15 days before the day they are required to attend.
- b. Methods of service include:
 - o personal service;
 - o leaving the summons at the juror's (juror panellists) usual residence or workplace with someone who appears to be at least 16 years of age; and
 - o mailing via ordinary post to the last known address of the panellist.
- c. The *Jury Act* also provides the Sheriff with the authority to summons additional persons to replace those that:
 - o are deceased;
 - o have moved out of the country;
 - o are disqualified;
 - o are absent; or
 - o cannot be served with at least 15 days' notice.
- d. The Sheriff may apply to the Judge for an order to return any additional panellists.