

Gus J. Solomon Inn of Court, Group 4 (February, 2008) Jury Pool Diversity: Fact or Fiction

# **Results of Multnomah County Jury Survey- Farmer Trial (March 8, 2002)**

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## Results of Multnomah County Jury Survey – Farmer Trial

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**Summary:** I have completed my examination of the master list of jurors for the year 2002, the summons list for this trial, and the results of the survey completed by the jurors that showed up for duty. Due to the nature of this case, I examined cognizable groups in relation to the death penalty. These groups include: race, age, and education. In addition, the lists were examined for geographical representation.

**Race:** The attached table contains the expected and actual racial composition of the jury. According to the 2000 census, the racial composition of Multnomah county (based on those who reported only one race) is 5.3% Black, 5.7% Asian, 1% Native American, 76.5% white, 7.5% Hispanic, and 4% other (includes Pacific Islanders, Hawaiians). The composition of the individuals who reported for duty are 5.4% Black, 2.5% Asian, 2.9% Native American, 83.9% white, 3.3% Hispanic, and 1.7% other. The overrepresentation of whites and Native Americans, along with the under representation of Asians and Hispanics is statistically significant at a .05 level.

This may be of concern because minority citizens tend to have a different view of the criminal justice system than white citizens. Analysis of the honesty scales included in the survey with based on the race of the respondent, showed statistically significant differences in the perceived honesty of police, criminal defense lawyers, criminal defendants, prosecutors, and teenagers. In general defendants and teens were viewed as more honest, while police officers and prosecutors were seen as less honest by minority individuals.

One reason for under representation of the Asian and Hispanic groups is the possibility that a percentage of these individuals are non-citizens. In this jury, 2.9% were excused because they were not citizens. In addition, 28.4% of those summoned did not respond. Language may be a contributor to this, as the 2000 census reports that 23.2% of the Hispanic population and 17% of the Asian population consider themselves to speak English less than 'very well'.

**Age:** The attached table contains the expected and actual age of Multnomah County residents/ people who reported for jury duty. While it appears that the younger age groups (18-29) and older age groups (65-79) are under represented (combined – 6% and 5.7%, respectively), this difference was **not** statistically significant at a .05 or .10 level. Additionally, the under representation of those over 70 is to be expected, since one can be excused from service for being over the age of 70 (in this trial, 6.4% of those summoned were excused for this reason).

**Education:** I have attached a table that shows the expected and actual distribution of the educational attainment of Multnomah county citizens. Individuals with less than a high school education are under represented by 8.6%; while individuals with a college degree, specifically at the post baccalaureate level are over represented (7.9%). This difference is statistically significant at the .05 level.

**Gender:** Gender composition of the list was examined and found to be consistent with the gender ratio of Multnomah county.

**Geographic Area & Income:** An analysis of what part of the county those who reported for duty resided in showed that the areas of NE, Gresham, and outer East county are under represented, while SW, N, and SE are over represented. This difference is statistically significant at the .05 level. This may be due to income differences (financial hardship) in different areas of the county. Data at the county level was unavailable for income. A comparison was done of income reported at the state level and income reported by the potential jurors. Those in the lower income brackets are under represented, while those in the middle bracket are over represented. This difference is probably due to those with lower incomes being less able to afford taking time off from work. The percentage of individuals who asked to be excused for business and financial hardship reasons were 6.9% and 4.1% respectively.

**Master List:** A concern in the master list is the apparent staleness of the data contained within it. For example, the DMV source list contains 570,421 names, while the adult population of Multnomah county between the ages of 18-79 is 490,417. An examination of the master list showed that 6.4% of the jurors contained in the master list are not Multnomah county residents. Consistent with this finding is that 5.1% of individuals summoned were excused because they did not live within Multnomah county and 9.8% of the summons mailed out were undeliverable. While duplicate names were mentioned as a concern (due to the same person being listed with different variations of their name in DMV and voter records), only 1% of the sampled data contained duplicate names.

**Conclusions:** The system employed by the county to construct the juror lists appears to appropriately sample/contain a representative population of the residents of Multnomah county. As mentioned above, the only noticeable concern with the process is the staleness of the source data utilized. The differences that appear in terms of race, education, age, geographic area and income appear to be due to "self-selection" bias. Those with less education (who tend to have less income) are more likely to be asked to be excused and possibly not report for duty because of the hardship that missing two-three weeks of work would cause them. In addition, minorities tend to be distrustful of the criminal justice system and certain groups may be excluded due to citizenship and language. Youth tend to be slightly under represented due to their lower level of voter participation. Youth are also more likely to be asked to be excused because of student status (2.6%). The fact that 48.4% of the jurors were excused with a simple phone call to the court may be of concern.

Race	County census	jury panel	difference
black	5.3%	5.4%	0.1%
asian	5.7%	2.5%	-3.2%
native american	1.0%	2.9%	1.9%
white	76.5%	83.9%	7.4%
hispanic	7.5%	3.3%	-4.2%
other	4.0%	1.7%	-2.3%
	100.0%	99.7%	
Note -- one juror did not respond.			
Sex			
male	49.8%	50.0%	0.2%
female	50.2%	50.0%	-0.2%
Age			
18-19	3.7%	3.7%	0.0%
20	1.9%	0.8%	-1.1%
21	1.8%	1.2%	-0.6%
22-24	6.4%	5.0%	-1.4%
25-29	12.1%	9.1%	-3.0%
30-34	11.5%	13.3%	1.8%
35-39	11.0%	12.9%	1.9%
40-44	11.0%	11.6%	0.6%
45-49	11.0%	13.2%	2.2%
50-54	9.1%	9.1%	0.0%
55-59	6.0%	9.1%	3.1%
60-61	1.8%	2.5%	0.7%
62-64	2.4%	4.1%	1.7%
65-66	1.4%	1.2%	-0.2%
67-69	2.1%	1.6%	-0.5%
70-79	6.8%	1.6%	-5.20%
	100.0%	100.0%	

Education	County census	Jury panel		
8th grade & less	4.9%	0.8%	8th grade & less	
9th-12th, nd	8.2%	0.8%	9th	
		1.2%	10th	
		1.7%	11th	
	13.1%	4.5%		-8.6%
12th	23.7%	26.0%		2.3%
total	36.8%	30.5%		-6.3%
some college, nd	25.7%	12.9%	college -1	
associates degree	6.4%	14.5%	college -2	
		6.4%	college -3	
total	32.1%	33.8%		1.7%
bachelors degree	20.3%	17.0%		-3.3%
masters/ph.d/prof	10.8%	18.7%		7.9%
	100.0%	100.0%		
<b>Marital Status*</b>				
Men-single, nm	37.3%	24.0%	single, nm	
		8.3%	partnered, nm	
	37.3%	32.3%		-5.0%
married	47.8%	53.6%	married	5.8%
separated	1.7%	1.7%	separated	0.0%
widowed	2.2%	1.7%	widowed	-0.5%
divorced	11.0%	10.7%	divorced	-0.3%
	100.0%	100.0%		
Women - single, nm	30.0%	24.8%	single, nm	
		13.2%	partnered, nm	
	30.0%	38.0%		8.0%
married	43.4%	41.3%	married	-2.1%
separated	2.6%	2.5%	separated	-0.1%
widowed	9.0%	1.7%	widowed	-7.3%
divorced	15.0%	15.7%	divorced	0.7%
	100.0%	99.2%		

	Oregon	Jury panel	
<b>Income</b>			
less than 10,0	9.5%	1.7%	less 5,000
		6.6%	5-10,000
	9.5%	8.3%	
10-14,999	6.8%		
15-19,999	7.3%	17.8%	10001-25,000
20-24,999	7.6%	18.6%	25001-40,000
25-29,999	6.6%		
30-34,999	7.4%		
35-39,999	5.7%		
	41.4%	36.4%	
40-44,999	6.3%	25.6%	40001-60,000
45-49,999	5.5%		
50-59,999	8.6%		
	20.4%	25.6%	
60-74,999	10.2%	19.0%	60001-100,000
75-99,999	9.0%		
	19.2%	19.0%	
over 100,000	9.5%	9.9%	over 100,000
	100.0%	99.2%	

\* note - 2 jurors did not respond.

	Census Pop	Jury Panel	
Corbett	0.5%	0.4%	-0.1%
Troudale/Bridal Veil	3.0%	1.7%	-1.3%
Fairview/Wood Village	1.0%	0.4%	-0.6%
Gresham	13.0%	10.3%	-2.7%
SE	31.0%	33.5%	2.5%
SW	11.5%	16.1%	4.6%
NW	4.0%	2.9%	-1.1%
NE	25.0%	20.7%	-4.3%
N	10.0%	13.6%	3.6%
Lake Oswego*	1.0%	0.4%	-0.6%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	
*According to the Census Bureau, there is one tract of Lake Oswego within Multnomah County.			

