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Jury Service: The Verdict An Exploratory Study of Public Attitudes to Jury Service

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Jury Service: The Verdict

An Exploratory Study of Public Attitudes to Jury Service

A thesis submitted to the Dublin Institute of Technology in part fulfilment of the requirements for award of Masters in Criminology

by

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September 2012

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Declaration

I hereby certify that the material which is submitted in this thesis towards the award of the **Masters in Criminology** is entirely my own work and has not been submitted for any academic assessment other than part-fulfilment of the award named above.

Signature of candidate:.....

Date:.....

Abstract

Jury service is seen as an integral institution within the Irish criminal justice system, and is dependent on public participation, as such, it should follow that research into public opinion of this institution is vital. The current research explores the public's attitude to jury service in Ireland. Specifically, the study concentrates on the public's support for jury service, their knowledge of jury service and their willingness to participate in jury service. Past experiences of jurors are also explored. The study was conducted through quantitative research utilising availability sampling through 74 on-line surveys. The on-line sample was sourced through the use of boards.ie. Research to date has focused predominately on jury service in relation to the function and experiences of jurors. There is a notable lack of research into public opinion of jury service in Ireland. This current study aims to highlight this void while also attempting to inform knowledge about how jury service is currently perceived by the public.

Findings indicate that there is considerable support for the institution of Jury Service. The majority of participants surveyed had a good knowledge of the basic elements of jury service and were willing to participate as a juror. Furthermore the majority of participants who had experience as a juror felt that this experience positively enhanced their perception of trial by jury and to a smaller extent the Irish criminal justice system. However two distinct areas are highlighted in the current research. Firstly, the majority of participants did not agree with the expansive category of excusals as of right in relation to jury service. Secondly, a distinct minority of participants showed concern in relation to employer's reaction to employees being called for jury service and fear or intimidation from defendants and/or their families both of which would influence their decision to participate in jury service. This study makes valuable recommendations for future avenues of research which subsequently could have implications for future policy makers.

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1. Introduction

1.1 Context of the Research

In Ireland, Article 38.5 of the Constitution (1937) guarantees a right to jury trial in relation to all non-minor offences save for those tried before military tribunals or special criminal courts. The function of a jury is to determine the guilt or innocence of a person charged with having committed a criminal offence. Jury service refers to the function that laypersons perform as representatives of the public.

From a theoretical perspective, jury service has been highlighted as an integral part of the criminal justice system in terms of providing a symbol of participatory democracy (Devlin, 1966; Saunders & Young, 2007; Thornton, 2004). Indeed as Devlin (1966) has observed 'each jury is a little parliament' and that 'trial by jury is more than an instrument of justice and more than one wheel of the constitution; it is that lamp that shows that freedom lives' (p. 164). In this context public participation has been identified as providing a measure of accountability (Lincoln & Lindner, 2004) and legitimacy (Sanders & Young, 2007) which are essential in terms of ensuring public support of and belief in the various agencies within our criminal justice system.

Since the Jurors Act 1976, jurors are randomly selected from the electoral roll and summoned to appear for jury service. In 2010, the Law Reform Commission published a Consultation Paper on Jury Service, proposing changes to the existing legislation informing practice in respect of increasing representation of juries and encouraging increased participation on the part of the public. However public opinion of the jury has been the subject of very little research particularly in Ireland, consequently little is known in terms of how the public perceive jury service. Indeed it has been recently noted that 'major reviews of the jury around the world have ignored the question of public reaction to the institution' (Roberts & Hough, 2009, p. 3).

Within this context the current research is an exploratory study of the public's attitudes to jury service in Ireland. The study draws on international research from the United Kingdom (UK), America (US) and New Zealand in an attempt to further explore public attitudes to jury service and provide a reference from which the current research may be developed.

1.2 Rationale

The rationale for the study is reflected in the aims and objectives of the research as outlined below. Of paramount importance is to address a lack of research in this area, to encourage informed debate and thereby improve knowledge of the subject area. As Roberts and Hough (2009) highlight;

the important symbolic role that the jury plays within an adversarial system of criminal justice itself justifies research that contributes to a better understanding of the nature of public attitudes (2009, p. 6).

This study also makes specific recommendations for other avenues of research which subsequently could have implications for future policy.

1.3 Aims and Objectives

1.3.1 Aims

To explore the public's attitudes towards jury service focusing on the public's support of this institution, their knowledge of and willingness to participate in jury service and to gain some insight into the experiences of jurors.

1.3.2 Objectives

- To address a research void in Ireland in respect of the public's attitudes to jury service.
- To give the public an opportunity to voice their opinions on jury service.
- To present accurate findings based on a sound methodology approach.
- To make future recommendations based on this research which aims to further contribute to the field of knowledge.
- To identify implications for consideration in respect of future policy and practice within Ireland's jury system.

1.4 Research Questions

- What is the public's attitude to jury service in Ireland?
- Do the public support jury service?
- What do the public know about the function and role of jury service?
- What factors influence the public's willingness to participate in jury service?
- How has experience as a juror affected their perception of jury service?

1.5 Research Design

This is a quantitative piece of research conducted through the use of on-line surveys through non-probability sampling in the form of convenience sampling. An Irish based discussion website provided the sample population. Data analysis was assisted by Microsoft Excel.

1.6 Summary of Chapters

This study is divided into five chapters so as to facilitate a clear and logical flow to the research.

Chapter 2; the literature review chapter will give an account of jury service in relation to three main perspectives. Firstly it will concentrate on the theoretical perspectives in regards to jury service. Secondly, it will explore the empirical research that has been conducted in relation to jury service. Finally, the literature on jury service from a policy context will be reviewed focusing on Ireland's current legislation informing practice and dealing with current proposals for legislative changes.

Chapter 3; the methodology chapter will give a detailed account of the methodology employed in the current research. It will provide the justification for the chosen research design and give information on the quantitative approach utilised and its philosophical underpinning. The procedures for the sampling method, data collection and analysis are explained in addition to the ethical considerations and contributions of the study. This chapter concludes with an acknowledgement of the limitations identified within the study.

Chapter 4; the presentation of findings chapter, will employ charts and tables to present the main findings of the research which will include descriptive statistics and attitudinal data. This chapter is divided into four sections in order to facilitate a logical and fluid presentation of the findings.

Chapter 5; the discussion, conclusions and recommendations chapter will discuss the main findings from the research. This discussion will draw on the literature reviewed in chapter two and the aims and objectives as outlined in chapter one. This chapter will conclude the study by providing a summary of the main findings, and identifying recommendations for future avenues of research and policy considerations in relation to jury service.

1.7 Summary

The above chapter provides an introduction to the research study. The rationale, aims and objectives of the research are clearly outlined, in addition to the research questions. The research design of the study is introduced and a summary of chapters is also given in order to assist the reader.

The following chapter commences this research with a literature review of the subject area.

2. Literature Review

2.1 Introduction

Jury service both as a concept and as a practical part of a criminal justice system has led to a wealth of literature. This chapter will attempt to review three main perspectives through which jury service may be explored and in doing so will identify some of the key aspects that have emerged from this literature. Firstly it will concentrate on the theoretical perspectives of accountability and legitimacy in regards to jury service incorporating a critical analysis of this institution. Secondly, it will explore the empirical research that has been conducted in relation to jury service specifically focusing on public opinion of the jury. As mentioned in the introduction there is a notable lack of Irish research in this area, so this review will predominately focus on research from the United Kingdom (UK) and some international research in order to place a firm footing under which the current study can be developed. Finally, the literature on jury service from a policy context will be reviewed focusing on Ireland's current legislation informing practice and dealing with proposals for legislative changes as outlined in the Consultation Paper on Jury Service published in 2010 by the Law Reform Commission.

2.2 Juries, Accountability and Legitimacy

2.2.1 Accountability

Within the criminal justice system there are many agencies prescribed with the function of providing protection and security for the public. These agencies include, An Garda Síochána and other enforcement agencies, the Director of Public Prosecutions (DPP), the Courts Service comprising the Judiciary and Jury, Probation and Welfare Services and the Prison Service. Each of these agencies is given considerable powers through legislative and policy avenues in order to perform their functions. In respect of this, the concept of accountability within the criminal justice system has been put forward as essential to democracy and fair procedures, while this has been highlighted in respect of An Garda Síochána (Vaughan, 2005), the Judiciary (Irish Council for Civil Liberties, 2007), and the Prison Service (O'Mahony, 1994), this concept appears less pronounced in relation to jury service. Accountability has been identified as ensuring that those who retain the power to make decisions that affect the lives of others should be made answerable for those decisions and for the possible outcomes of these decisions (Cavadino & Dignan, 2007).

As mentioned in the introduction, jury service can be seen as providing a symbol of participatory democracy where lay involvement in the legal system promotes confidence in its fairness and acceptance of its procedures (Lincoln & Lindner, 20004). Public participation can be seen as an accountability mechanism for the criminal justice system without which justice would be entirely under the control of professional players. In support of lay participation within the criminal justice system, Sanders and Young (2007) have highlighted its significance;

from a freedom perspective, there are good reasons why professional expertise should be challenged and laid bare before the community as represented by the twelve individuals on the jury (2007, p. 544).

In Ireland, the Law Reform Commission appears to have supported this view stating that ‘the presence of a jury not only involves citizens in the system of justice but imposes a discipline on a judge and advocates to present cases in an orderly and understandable fashion’ (2003, p. 27). Furthermore, for many members of the public this may be the only contact that they will have with the criminal justice system and can play an important role in promoting confidence in the trial process.

2.2.2 Legitimacy

It has also been noted that processes of accountability can give these agencies legitimacy within the public arena and can enhance the public’s relationship with these agencies. Legitimacy first posited by the German sociologist Max Weber, has been defined as ‘the belief in the rightfulness of a given authority’ (Beetham, 1991, p. 35). The work of Tyler (1990) has been cited in this regard, where legitimacy is seen as;

a powerful factor in citizens’ obedience to laws and rules, and that this in turn is intimately connected with the realisation of shared expectations and criteria of justice (Sparks & Bottoms, 1995, p. 54).

More recently, Sanders and Young (2007) refer to the work of Harlow and Rawlings (1997) who have developed this concept of legitimacy within criminal justice agencies identifying five possible sources of legitimacy. These include a legislative mandate, expertise, efficiency and effectiveness, oversight and finally due process. Indeed the aforementioned authors argue that legitimacy cannot be achieved by one source alone but require all five elements to be fulfilled.

Furthermore, it is also necessary to highlight the fluid nature of legitimacy for two reasons. Firstly once a degree of legitimacy is achieved, its fluid nature necessitates that policies and procedures are constantly reviewed to ensure its continuation. Secondly, legitimacy which is lost and often linked to a sudden crisis can have a dramatic effect on public confidence in relation to criminal justice agencies. Such crisis may also be indicative of far deeper systematic issues within criminal justice agencies which have led to the erosion of legitimacy over time. Evidence of such a crisis of legitimacy was apparent in Ireland in the aftermath of the Morris Tribunal (2005), a Tribunal of Inquiry into Gardai corruption in Co. Donegal. As Conway (2010) notes, the tribunal findings of corruption, negligence, and misconduct on the part of the Gardai served as a final catalyst for reform, indicative that both ‘internal and external controls had failed or had been manipulated or evaded by the institution’ (2010, p. 125).

Where jury service is dependent on public participation, it is essential that the public view the criminal justice system and more specifically jury service as having a legitimate basis both conceptually and practically in order to fulfil a shared criterion for justice. The following section will provide a critical analysis of the jury system within which accountability and legitimacy will be further explored.

2.3 Critical Analysis of the Jury System

There is a wealth of literature concerned with evaluating the worth of jury trial, which contributes to the research in providing a platform from which the public’s opinion of jury service may be understood (Darbyshire, 1991, Thornton, 2004, O’Hanlon, 2004, Sanders & Young, 2007). The Constitution of Ireland (1937), under article 38.5 guarantees a right to jury trial ‘no person should be tried on any criminal charge without a jury’. While this gives trial by jury a legislative mandate there are three distinct exceptions to this provision, relating to summary trial for minor offences, trial by special courts and trials by military tribunals. Indeed in serious criminal cases such as rape and murder, trial by jury is the only mode of trial available within this jurisdiction. The ultimate aim of trial by jury is to swear in twelve jurors selected from a representative pool of potential jurors whose function is it to decide based on the facts of a case whether a person is guilty or not guilty of an offence for which he/she has been charged.

2.3.1 Representativeness

A strength of jury trial is the belief that being tried by your peers whereby randomly selected jurors are representative of a cross-section of the population and who reflect the views of the community at large is more advantages and impartial than trial by judge alone. However as Darbyshire (1991) has noted;

random selection from the community is unlikely to produce a cross-section, unless some form of stratified sampling is used, which is not the case in summoning a jury. Random selection may throw up juries which are all male, all conservative, all white (1991, p.744).

While this can be seen as a valid argument, its validity is dependent upon the interpretation of jury representativeness. In Ireland, for example, the Law Reform Commission (2010) has stated that ‘jury representation refers not to the actual jury selected from a jury panel but rather to the pool of persons from which juries are selected’ and further note that ‘representativeness is assured through the process of random selection from a pool broadly representative of the community’ (2010, p. 27).

2.3.2 Trial by Judge or Jury

Evaluating the jury system raises issues as to what an alternative system or systems may hold. While research to date has shown public support for the jury system, (Bar Council Survey 2002, British Social Attitudes Survey 2008), in contrast, there are others who question the validity of the jury, specifically the worth in general of unqualified laypersons to conduct a function that in other trials is the responsibility of the judiciary (O’Hanlon, 2004). Furthermore, jury service has been accused of directing attention away from the real issues that require further research within the criminal justice system in relation to summary trials (Darbyshire, 2001).

Jury systems have predominately been evaluated by comparison with trial by judge alone or judges, which appears legitimate when considering the constitutional exceptions to the right of trial by jury in respect of minor offences and those cases tried by special courts. Within this comparison, jury trial holds the obvious advantage of approaching a case fresh with no existing preconceptions of the accused. Conversely it has been argued that a judge sitting alone may find it difficult to remain uninfluenced having dealt with the accused previously and with knowledge of previous convictions (Greer & White, 1986). Similarly, a judge may become “case hardened” or accustomed to hearing the same prosecution evidence over time

rendering it difficult for them to treat each case on its own merits (Gillespie, 2007). Furthermore it has been noted that juries can bring with them a collective experience and knowledge of varying social backgrounds and an obvious democratic approach specifically where up to twelve people decide a verdict as opposed to possibly one judge (Sanders & Young, 2007). In addition, consideration must be given to the concept of culture. While random jury selection negates the possibility of developing a common culture, the same has been questioned in relation to the judiciary (Zedner, 2004). Indeed many judges share certain demographic characteristics, in terms of their education, class and shared values which can be strengthened through shared regular social interests which may lead to bias in relation to how they approach their role. As Zedner (2004) notes;

how far these demographic characteristics inhibit judges from understanding the socio-economic disadvantages of many of those appearing before them; how far these lead judges to revere certain values,... or to identify more sympathetically with middle-class, middle-aged white offenders than with the poor, young or members of ethnic minorities requires further systematic research (2004, p. 189).

By their very nature, trial by jury is costly and time consuming yet this can be seen as providing a more thorough approach, indeed, ‘somewhere the balance has to be struck between fairness and thoroughness without sacrificing justice to expediency or cost considerations’ (Thornton, 2004, p. 126). The jury trial also offers the accused the benefit of full disclosure with the prosecution furnishing the accused with a book of evidence. The accused also has the benefit of both solicitor and counsel as well as a full record of the case. All trials by jury also benefit from the procedure of ‘voir dire’, whereby the judge alone considers the admissibility of evidence before it is presented or not to the jury thereby strengthening the impartiality of the jury. In the case of a judge sitting alone, it has been asked, can the judge remain uninfluenced by what he has heard and ruled inadmissible in his role? (Greer & White, 1986).

2.3.3 Jury Equity

A further aspect cited in support of jury trial is the concept of jury equity, whereby a jury may not convict in cases where they have no doubt as to the legal guilt of the accused, but consider the law to be unfair or the prosecution to be oppressive (Thornton, 2004). Advocates for this approach strongly link jury equity to representativeness of our society, through which society can put the brakes on the powerful state and challenge its laws. The

case of Clive Ponting in the UK is often cited to illustrate this point.¹ Clive Ponting was acquitted of offences against the Official Secrets Act in a trial in which ‘the trial judge tried to deny him a defence’ (Thornton, 2004, p. 136). However, Darbyshire has argued that this concept of jury equity is a double edged sword which can acquit the guilty and convict the innocent. In support of this Darbyshire (1991) cites cases of miscarriages of justice, the Maguires, the Guildford Four and the Birmingham Six. In these cases, despite the over-zealousness of the police to secure convictions and the disregard for safeguards of due process at the pre-trial stage;

the juries were not to be blamed for these wrongful convictions but they failed to remedy the lack of due process at the pre-trial stage and thus did not provide the brake on oppressive state activity claimed by the jury by its defenders (Darbyshire, 1991, p. 747).

It is worth noting however that drawing on Packer’s (1968) models of due process and crime control, there is empirical support that juries do conform to due process values rather than crime control ideology (Sanders & Young, 2007).

2.4 Research on Juries

Academics and policy makers have critically analysed the worth of the jury for decades. For the most part empirical research into the jury has predominately focused on the effectiveness of the jury at performing its function. As there is no remit for direct observational research due to the closed process of deliberations, other avenues have been explored. The use of shadow juries where twelve individuals simulate the jury process of deliberations at a trial while observed by researchers have been utilised to gain a deeper understanding of the processes involved (McCabe & Purves 1974, McConville 1991). Surveys have been conducted of individual juror’s accounts and experiences, and professional opinions of judges and lawyers have been sought (Tinsley, 2001). This research gives a useful overview of how jury duty is performed in respect of deliberation processes and the validity of verdicts, and gives an insight into the experiences of real jurors, it is vital to the development of policies and procedures that are advanced in order to ensure best practice in relation to jury service.

Research into the experiences of jurors has been highlighted in respect of stress levels and coping mechanisms of jurors who have been affected by both the process and content of

¹ In *R v Ponting* [1985], a jury acquitted a civil servant Clive Ponting against all the evidence for revealing official state secrets about the sinking of the navy warship “Belgrano” in the Falklands War of 1982.

trials. Bornstein, Miller, Nemeth, Page and Musil, (2005) have conducted research in America in relation to stress levels of jurors at the pre-trial stage and post-trial stage where jurors had received post-trial de-briefing. Their research concluded that while the debriefing intervention was perceived as helpful, jurors' stress levels remained similar to the pre-trial stage despite this intervention. The researchers recommend further research and further note that 'understanding the possible sources of juror dissatisfaction or concern provides opportunities to enhance the performance of future juries' (Bornstein et al, 2005). More recently in the UK, Robertson, Davies and Nettleingham, (2009) have concluded from their study that a distinct minority of jurors are affected by both short and long term trauma and call for greater provision of information and supports to minimise these negative consequences of what is deemed a civic duty.

Public opinion in support of jury service was evidenced in the UK in 2000, where proposals to curb the accused's right for jury trial in England and Wales under the Criminal Justice (Mode of Trial) Bill 2000 led to a storm of controversy resulting in the Government eventually abandoning this Bill. However, empirical research into public opinion of jury service is less well researched, particularly in Ireland. In 1999 the Community Attitudes Survey in Northern Ireland explored attitudes to the criminal justice system which included attitudes towards jury service. Findings showed that 70% of those surveyed had confidence in the criminal justice system of Northern Ireland and 75% had confidence in the jury (Amelin, Willis & Donnelly, 2000). More recently, research has been located in the UK, where in 2009 the Ministry of Justice conducted a large scale international literature review of public opinion and the jury (Roberts & Hough, 2009). This research included five major studies from England and Wales and Northern Ireland². This review also drew on studies from America, Canada, New Zealand, Russia, Japan and Spain. While internationally jury service may differ significantly between some countries, and methodologies employed within the studies may also differ, this UK research acknowledges this. It is noteworthy to acknowledge that this review contains no research from the Republic of Ireland. The main findings from this research include a consistent and compelling support for jury service within the various studies included in the research. Above all the right to jury trial is seen as 'one of the most important rights in a democratic society' (Roberts & Hough, 2009, p. 12). The public was also shown not to be in favour of any proposal to restrict the right to jury trial

² These studies included; MORI poll (2003), Bar Council Survey (2002), British Social Attitudes Surveys (1994-1998), State of the Nation Surveys (2000 & 2006) and Community Attitudes Surveys, Northern Ireland (1992-1999).

even when taking into account cost considerations. In relation to representative nature of juries, the general finding was that most people agreed that juries are representative of the community. The findings also show that when asked about preferences of juries over judges in trial situations, almost two thirds of the sample in one major study chose trial by jury (Bar Council Survey 2002). The public's attitude to participating in jury service remains positive with more than three quarters of participants expressing the intention of performing jury duty out of a sense of civic duty (Bar Council Survey, 2002). Despite this the research highlights some key areas that are central to the current research. Specifically, it questions the abstract symbolism of jury service versus the reality of the public's willingness to participate in jury service. This is perhaps key to the current study as public support for jury service has historically been interpreted to mean that the public are willing to participate as jurors. Furthermore the study concludes that research in respect of public knowledge of the jury system is necessary to determine if knowledge predicts opinions and the impact that this may hold for public perception (Roberts & Hough, 2009). However in respect of Ireland, little is known about public opinion in relation to jury service. Furthermore the statistical data acquired in relation to Ireland's jury service throws up serious questions in this regard. Figures released under the Freedom of Information Act in 2008 showed that of all those summoned for jury service in Dublin alone, over half did not serve (Byrne, 2009).

2.5 Policy Perspective

2.5.1 Constitution of Ireland

From a policy perspective, as mentioned earlier, jury trial in Ireland is provided for within the Constitution of 1937, Article 38.5 provides specific guarantees in relation to a person's right to trial by jury. However the very wording of the article has been recognised as not implying a power of waiver on the part of the accused (Ryan, 2001). This has led to the Law Reform Commission suggesting that it may be more accurately described as a 'constitutional imperative' rather than a right (2003, p.22). While jury trials are used for civil claims in a limited number of cases, for example in defamation cases, most trials by jury are used in serious criminal cases.

2.5.2 Jurors Act 1976

The main legislation informing practice is the Jurors Act 1976. This was enacted following concerns about the representativeness of juries owing to the limited pool from which numbers

were drawn. The previous Juries Act 1927 restricted jury service to specific categories of property owners and in effect excluded women. While a Commission on Court Practices and Procedures was established in 1965 to address these concerns, in 1971 a challenge as to the constitutionality of the provisions of this Act was taken in the *De Burca and Anderson v Attorney General* case. Although the High Court dismissed their claims, in 1975 on appeal the Supreme Court held that the Jurors Act 1927 was in breach of the Constitution.³ The Juries Act of 1976 was enacted and significantly enhanced the representativeness of juries as potential jurors were now drawn from the electoral role selected at random by the county registrar.

The Juries Act 1976 covers qualification and liability of service as a juror, selection and service of jurors, incorporates a section on general information relating to jury service and deals with offences in relation to jurors. In relation to representativeness of potential jurors, it contains five categories of exemption from jury service, prescribes the method of summoning potential jurors and the process of empanelling a jury. The five categories of exemption include ineligibility, non-qualified, disqualified, excusal for individual reasons such as illness, and finally excusals as of right. Ineligibility includes those persons working within the criminal justice system and members of the defence forces. Non-qualified under the Act covers those persons over the age of seventy. Disqualified refers to persons who have received a sentence of five years or more in their lifetime or those who have served a term of three months or more in the past ten years. The fourth category excusal as of right is expansive and requires further probing. This category includes full time students and also covers many professions including teachers, doctors, dentists, nurses, pilots, priests, ministers and members of the House of the Oireachtas. Finally, the last category provides that potential jurors can receive excusal from service from the county registrar owing to illness or personal commitments. Further to this an excusal may be received where a person has served on a jury within the last three years or where a judge has excused a person from jury service for a period that has not yet terminated.

Since 1976 there have been some amendments to the basic principles of jury trial by virtue of the Criminal Justice Act 1984, which states that the verdict need not be unanimous in criminal cases where there are not fewer than eleven jurors if ten agree on a verdict after deliberating for a minimum of two hours, (Ryan 2001). Subsequent changes also include the

³ *De Burca and Anderson v Attorney General* [1976] IR 38.

Civil Law (Miscellaneous Provisions) Act 2008 which reforms eligibility for jury service in relation to age and disability, with no upper age limit now applying and with specific provisions in relation to accessibility for those with specified disabilities. These changes although welcomed by many interested parties are rather limited and perhaps do not reflect the changes in societal structure over the past thirty five years. In the UK, such concerns about the representativeness of juries led Lord Justice Auld (2001) to affirm that juries were being deprived ‘of the experience and skills of a wide range of professional and otherwise successful and busy people’ (2001, p. 513). This along with other concerns that juries were becoming unrepresentative have led to major changes in legislation in the UK with the Criminal Justice Act 2003 now permitting all persons to be considered eligible for jury service, inclusive of those persons who work within the criminal justice system and excusals as of right have now been abolished.

2.5.3 Consultation Paper on Jury Service 2010

In Ireland, the Law Reform Commission published a Consultation Paper on Jury Service in March of 2010, which is perhaps the most robust review of the current system in the past four decades. The three key reforms identified for this study centre around the representativeness of potential jurors. Firstly it is proposed that jurors may be randomly selected from the European and Dail electoral registrar. Secondly, it proposes to replace excusals as of right with excusal for good cause shown. Finally, the paper proposes a deferral mechanism be introduced whereby potential jurors may be called back to attend for jury service within a fixed period of one year. This paper although far from legislation provides a useful guide for the current study as it is indicative of what changes could be likely to occur within our jury system. At the very least this publication shows the direction that policy has taken in relation to future changes to our jury system in respect of representativeness of juries and in respect of endorsing the institution of jury service.

2.6 Summary

While the literature reviewed in this chapter is merely a snapshot covering the past four decades, it nevertheless provides a platform and sound grounding under which the current research can be placed in terms of theoretical framework, research and policy context. The current research questions become more pertinent in light of what has been revealed within

the above literature review in terms of exploring the symbolic perception of jury service in relation to the practical reality and its implications for the public.

The following chapter deals with the methodology employed for this research.

3. Methodology

3.1 Introduction

The following chapter will provide a detailed account as to what methods of research were employed within the study. It will commence with an overview of the research approach and method applied. Following on from this further detail will be given in relation to sampling, data collection and data analysis. Ethical considerations will then be discussed and this section will provide a framework of principles upon which the researcher endeavours to ensure best practice in addition to addressing current restrictions on jury research. The two final sections of this chapter will focus on contributions and limitations of the study.

3.2 Research Approach and Method

The study was approached from an epistemological position of positivism which ‘advocates the application of the methods of the natural sciences to the study of social reality’ (Bryman, 2008, p.13). Furthermore, the study will be conducted from the ontological perspective of objectivism, a perspective which holds that all social entities are objective and therefore exist independently of social actors (Bryman, 2008). The use of a quantitative methodology is conducive to both these perspectives and has also been determined to a large extent by the research questions. As an exploratory study of public attitudes to jury service, it was deemed necessary to choose a quantitative method that could enable the researcher to collect numerous responses and thereby provide a snapshot as to how the public view jury service.

Quantitative research holds many advantages. It is renowned for producing facts, allows for replication of the research and generalisation of findings (Bryman, 2004). It is also associated as an efficient method of research which can be conducted on a large scale (Denscombe, 2005). A distinct disadvantage of quantitative research is that it fails to provide the researcher with an in-depth reasoning for findings, an element most often associated with qualitative research, yet quantitative research provides rich statistical data which can often illuminate the road for further research.

3.3 Sampling

The study involved non-probability sampling in the form of availability sampling also referred to as convenient sampling. Non-probability sampling refers to a method of sampling

where elements of the population will not have a known probability of being selected into the sample population. Availability sampling involves selecting individuals as potential participants as they are readily accessible to the researcher (Burton, 2000). The justification for this form of sampling lies in the level and exploratory nature of the research in addition to resource constraints in the form of timeframe and budget restrictions.

Access to the public had posed a challenge for this study and it was therefore envisioned that this form of sampling where potential participants are located through an Irish discussion based website would facilitate this piece of research while also meeting the criteria for the research. It was estimated that the researcher would require a minimum of 50 participants for this research. Potential participants were located through an Irish discussion based website, namely, www.boards.ie and asked to participate in an on-line survey. Established in 2000, this website is one of the largest indigenous Irish websites on-line. As of July 2010, it held 365,000 registered account users in addition to non-registered users or guests to the website (www.boards.ie). Registration is free and allows users to create and/or make a contribution to various forums. Guests may also contribute to forums but hold limited access to other features of the site. Forums are set up in relation to specific topics such as health, politics, education and so forth. Each forum has specific moderator/s whose responsibility it is to ensure that the rules of the site are adhered to. For the purposes of this study these moderator/s reflect the gatekeeper status for the researcher. The researcher registered on the site in April 2012, in order to become familiar with the rules of the site and to research the feasibility of utilising the site for the purposes of the study. As the World Wide Web is subject to viruses and hacking, it was essential that this study took every precaution to provide potential participants with honest advice in relation to anonymity. Further ethical considerations will be discussed in section 3.6 (Ethical Considerations).

The use of on-line surveys/questionnaires is increasingly recognised as a valid quantitative research method. As Benfield and Szlemko (2006) have noted, the use of on-line surveys is gaining popularity as a legitimate form of data collection. For the purposes of the study, “public” is defined as all persons over the age of 18 residing in Ireland at the time of the research.

3.4 Survey Design and Data Collection

The method of data collection involved an on-line survey (Appendix A). Advantages of this method include efficiency and anonymity while ensuring that completion of surveys is

entirely voluntary for participants. The survey was designed around the research questions and formatted through Google Documents. As self-completed surveys were being employed, the wording, structuring and ordering of questions was given due consideration at the planning stage. The on-line survey was divided into five sections. Firstly, a section comprising of background/demographic information, secondly, a section relating to general attitudes to jury service, thirdly, a section dealing with knowledge of jury service, fourthly, a section relating to the participants' willingness to participate in jury service and finally a section on participants' experiences of performing jury service. The design of the questions in the survey was driven by two vital factors, the first being the ability of the questions to meet the aims of the research and the second factor involved having due regard for participants. The formatting of the survey was also given consideration in respect of a clear layout and the use of section headings thereby providing a consistent approach which aimed to maintain interest and motivation from participants.

The researcher used previous research studies from the UK (Bar Council, 2002) and New Zealand (Mayhew & Reilly, 2007) as a guide to forming the questions in the current research. Some questions located within these studies were used directly within the survey while others were adjusted by the researcher where deemed appropriate. Questions included in the survey involved a combination of factual questions, open-ended questions and Likert scale questions adapted for the current research.⁴

3.4.1 Pilot

A pilot survey was then distributed among peers and supervisor to receive feedback in relation to overall design, appropriateness of questions and estimated completion time. Overall this feedback was good with minor adjustments made to some areas. Completion of the on-line survey was estimated to take no longer than 10 minutes as evidenced from the pilot surveys. This time schedule is consistent with current literature which seeks to obtain optimum response levels from on-line surveys (Crawford, Couper & Lamias 2001).

The first step in data collection involved contacting one of the moderators/gatekeepers, informing them of the intention to utilise their website for the purposes of the study and requesting permission for same (Appendix B). On approval an advertisement was set up within the website in the Survey and Non-Media Research Forum which sought participants

⁴ Rensis Likert (1932) invented a 5 point scale of responses ranging from strongly agree to strongly disagree. The current survey employed a variation of responses ranging from very confident to not at all confident.

aged 18 and above to take part in the study (Appendix C). The survey advertisement was designed to introduce the researcher and provide an outline of the research. A link to the survey document was also provided within this advertisement. Potential participants were encouraged to look over the survey prior to deciding if they wished to take part. The survey document contained guidelines on completing the survey and covered issues of consent and anonymity. The data collection was carried out between July and August of 2012. The survey advertisement yielded 200 views and resulted in 74 completed surveys.

3.5 Data Analysis

In order to facilitate effective and reliable data analysis, the majority of questions on the survey were pre-coded with the exception of any open-ended questions which were post-coded. This involves attributing a number to a piece of data or group of data, with the aim of enabling such data to be analysed in quantitative terms (Denscombe, 2005). A coding log journal was commenced to record all questions and their corresponding codes together with the numerical values that have been allocated to every answer category. Each answer category was then given a value label attributed to it in order to facilitate analysis. On completion of data collection, the second phase of analysis was preparation of the data. All surveys were checked for errors, omissions or incomplete responses and recorded appropriately. Data analysis was assisted by Microsoft Excel 2007. This facilitated data entry by allowing for every variable or concept to be defined and all possible value labels to be assigned a value which then produced a dataset that was utilised to provide statistical results. This enabled the researcher to present findings in a coherent and graphical manner with the use of bar charts, pie charts and frequency tables. Further justification in utilising Excel included, its ability to produce results quickly, enabling the researcher to have an overview of the findings at any time and its ability for safe storage of data, with the construction of back up files as appropriate.

Employing the use of predominately descriptive statistics the researcher was enabled to present findings accurately and concisely. As open-ended questions were utilised in some sections of the survey, this provided the researcher with some qualitative data, it was acknowledged that this data would require a different type of analysis. Thematic analysis was employed to ascertain common themes and results are reflected in the research as appropriate.

3.6 Ethical Considerations

The study was conducted employing the British Society of Criminology Ethical Code which aims to ‘value and promote the highest possible standards in criminological research’ (Code of Ethics, 2006, p.1). This code provides a framework of principles which guide the practice of the researcher and can be divided into five key areas. These comprise of firstly, a general responsibility to advance knowledge within the field of criminology, secondly, to promote free and independent enquiry into criminological matters and thirdly, researchers’ responsibility to colleagues. These principles were applied throughout the research as are evidenced through the aims and objectives of the research, the methodological approach applied and the supervision process undertaken by the researcher. The fourth principle covers researchers’ responsibility to participants dealing with participant protection in terms of well-being, anonymity, confidentiality, consent and secure storage of data. The survey advertisement document covered areas of anonymity, confidentiality and informed consent. In addition all completed surveys were stored in password protected files. The relationship between the researcher and sponsor is the fifth area covered in the Code of Ethics. While the current research had no specific sponsor, it was conducted as part fulfilment of work assigned for the Masters in Criminology at the Dublin Institute of Technology (DIT) and aimed to meet the criteria as set down in their research methods handbook (2011).

It is acknowledged by the researcher that restrictions do apply to jury research in respect of the closed process of deliberations, what Coen (2010) refers to as the ‘secrecy rule’.⁵ Indeed in respect of UK research, Thomas (2010) notes how a lack of knowledge about jury decision-making is usually incorrectly attributed to section 8 of the Contempt of Court Act 1981 which makes it a criminal offence to ‘obtain, disclose or solicit any particulars of statements made, opinions expressed, arguments advanced, or votes cast by members of a jury in the course of their deliberations’ and further asserts that ‘this does not, in fact, prevent almost all research about and with juries’ (Thomas, 2010, p.1).

However the current research is conducted as exploratory research into public attitudes of jury service generally. While past experiences of jurors are explored, this is in the context of how their experiences reflect on their overall attitudes towards jury service. No questions

⁵ ‘The secrecy rule seeks to limit discussion of the case to the 12 jury members when all of them are present’ (Coen, 2010, p.2).

pertaining to specific cases or deliberations on proceedings were sought within the research survey.

3.7 Contributions of the study

The contributions of the study reflect the rationale of the current piece of research. This study is a small piece of research which has endeavoured to inform knowledge of the subject area by providing an insight into the public's attitude towards jury service. Furthermore it is hoped that it will encourage future informed debate about jury service in general within the participant population and academic peers. This study also contributes to methodological approaches within research as it employs and advocates the use of the internet as a legitimate form of data collection. It is also proposed that this study addresses a lack of Irish research in this area and thereby opens up the possibility for a larger study to be conducted employing the same quantitative method. Qualitative research methods may also be employed in the future to gain in-depth insights as to what individual factors influence the public's attitudes towards jury service. Indeed, both methods utilised in future research could have implications for policy and practice within the Irish criminal justice system.

3.8 Limitations of the study

As with all research, the current study has its limitations. The first and perhaps most obvious limitation is the sample size of 74 participants for the study. While this has been justified within the piece of research, this factor will have a dramatic effect on how results and findings can be generalised to the general population. In effect, this research will provide a snapshot into the opinions of 74 participants in relation to their views on jury service. This is reflected in the analysis of the findings and acknowledged accordingly. Secondly, the forum through which the sample is located minimises the representativeness of participants to those who visit or are registered on the website www.boards.ie. In addition, the minimum age criteria for the research of 18 years cannot be verified, however as with all self-completed questionnaires the researcher has to rely on the honesty and integrity of participants. While these factors may skew the representative nature of the study, the findings will nonetheless be beneficial as they will give a valuable preliminary glimpse into public attitudes to jury service in Ireland, an area which is most notably lacking in research to date.

3.9 Summary

This chapter gives the reader an account of what research methods are employed within the current study. As an exploratory piece of research, it is envisioned that the quantitative method of research chosen will make a valuable contribution to this research topic. The use of non-probability sampling with carefully constructed on-line surveys and computer assisted data analysis has been outlined in order to give an enlightened and justifiable account in relation to the current research. Ethical considerations have been carefully considered to ensure best practice on the part of the researcher. Proposed contributions of the study have been explored in a realistic manner which takes into account the limitations of the research. The following chapter provides a detailed presentation of the findings from the research.

4. Presentation of Findings

4.1 Introduction

The following chapter will provide an accurate and detailed presentation of the main findings from the research in relation to the public's attitudes to jury service. This chapter is divided into four sections. The first section will present findings which deal with participant's general attitudes towards the criminal justice system and specifically the jury system. The second section will present findings in relation to participant's knowledge about jury service. Following on from this, section three will present findings on the willingness of participants to participate in jury service and explore what factors if any would influence this decision. Finally, the results concerning participant's experience of being a juror will be presented in the fourth section. Considering the predominately quantitative nature of the research, the discussion from these findings will be provided in chapter 5.

Presentations of the main findings are displayed using a combination of bar charts and pie charts labelled as figures for ease of reference in addition to tables and basic reporting. Where possible all percentages are rounded to the nearest whole. As the survey included some open questions, some qualitative data will be presented where appropriate in relation to those sections.

As the survey was on-line, there was an open amount of surveys available for potential participants. A total of 74 surveys were completed over a three-week period. Fifty one percent of participants were female with 49% being male. A complete demographic profile of participants is available in Appendix D.

Table 2 Summary profile of participants

Profile	Number of Participants	% of participants
Gender		
Male	36	49%
Female	38	51%
Age Range		
18-24	9	12%
25-34	17	23%
35-44	34	46%
45-54	9	12%
54-64	3	4%

65+	2	3%
Employment Status		
Student	7	9.5%
Full- time Employed	49	66%
Part time Employed	7	9.5%
Self Employed	4	5.5%
Unemployed	1	1%
Retired	2	3%
Other (homemaker)	4	5.5%

4.2 Main Findings

4.2.1 General Perceptions of Jury Service

This section provides detailed information in relation to the findings concerning participant’s general perceptions of Jury Service. To commence the survey participants were asked about their confidence in the criminal justice system generally.

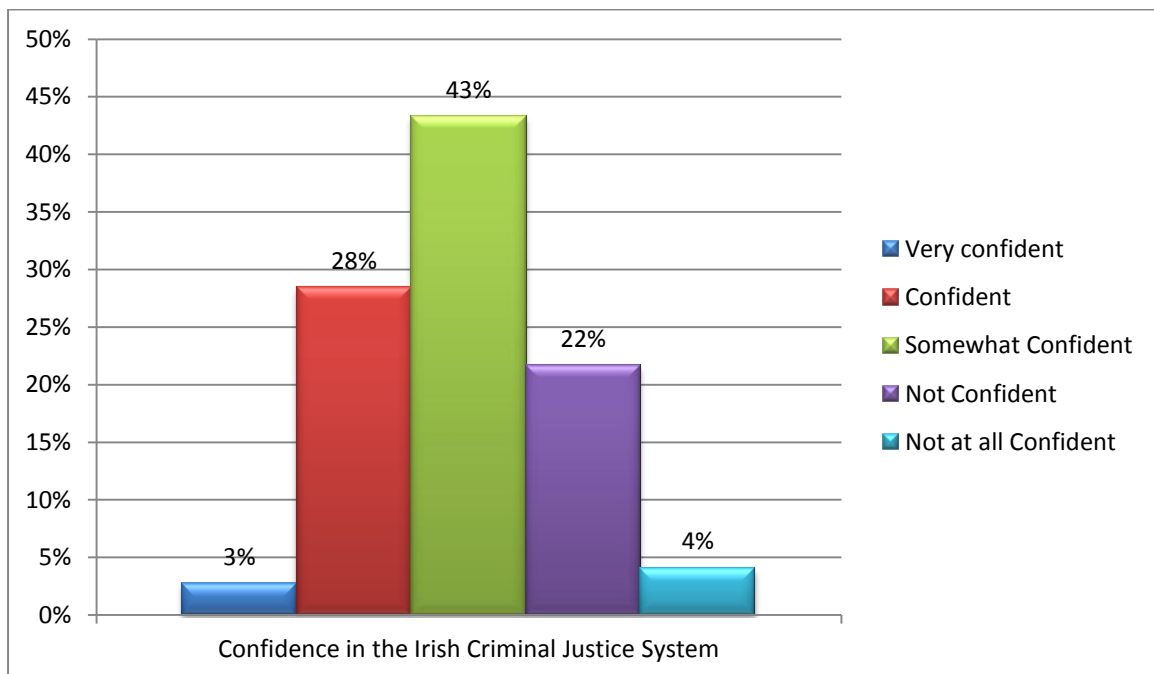


Figure 1: Confidence levels in the Irish criminal justice system

As figure 1 shows, 31% of participants felt that they were very confident or confident in the Criminal Justice System. A further 43% felt that they were somewhat confident. A total of

22% of participants felt that they were not confident in the criminal justice system, and when combined with those who felt not at all confident shows that just over a quarter of participants (26%) have no confidence in the Irish Criminal Justice System.

Following on from this information was sought in relation to confidence levels in some criminal justice agencies. This also included some agencies not always directly involved in criminal justice including Government Ministers and Politicians generally. However these are seen as public agencies that have prominence within the public arena. Participants were asked how confident they were in the following agencies, An Garda Siochana, Judges, Juries, Barristers/Lawyers, Government Ministers and Politicians generally.

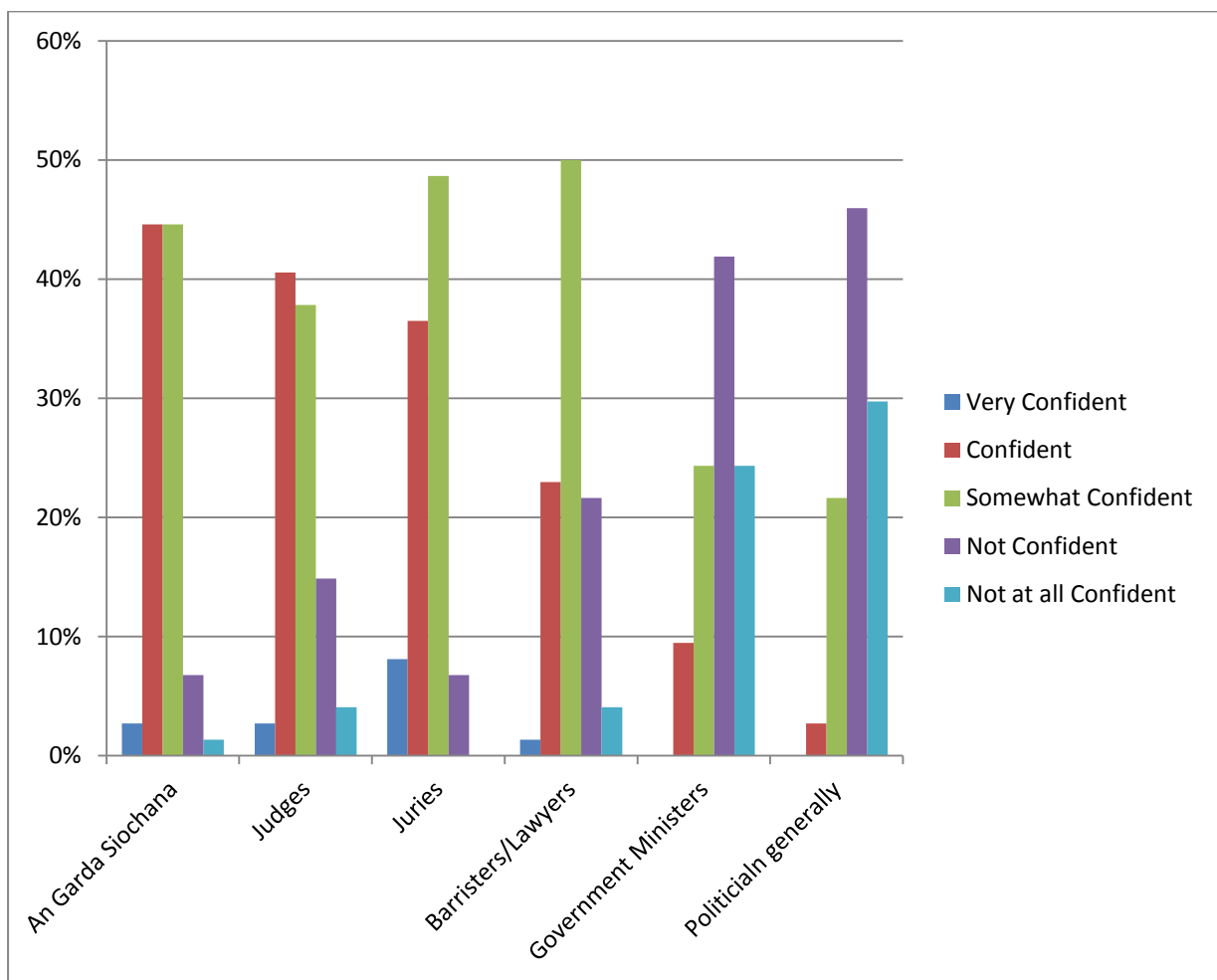


Figure 2: Confidence levels in criminal justice agencies

Highest levels of confidence were found with An Garda Siochana, Judges and Juries. When combining those who are very confident or confident, results show that these levels of 48%, 44% and 44% apply respectively to each group. Confidence in Barristers and Lawyers fell to

24% and fell dramatically in respect of Government Ministers and Politicians generally with 66% and 76% being not confident or not at all confident in these groups.

Participants were asked to rate how important they viewed their right of trial by jury.⁶ This was a solitary question to gain a full insight into this area as participants did not have to equate this right with other constitutional rights.

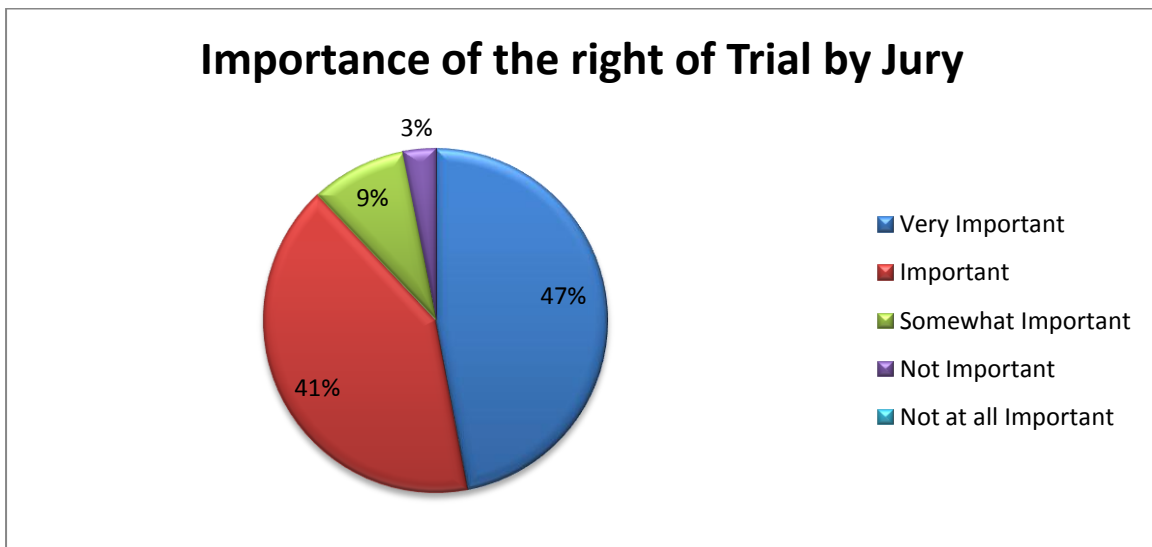


Figure 3: Importance of the right of trial by jury

As figure 3 demonstrates, the right of trial by jury is considered very important by 47% of participants, similarly, 41% of people felt that this right was important. A further 9% felt it was somewhat important, with only 3% of participants feeling that this right was not important.

The next question in this section asked participants about their preference of type of trial. Participants were provided with three possible choices, trial by jury, trial by judge alone and finally trial by more than one judge.

⁶ Important may be interpreted as 'of valuable purpose' to the participant.

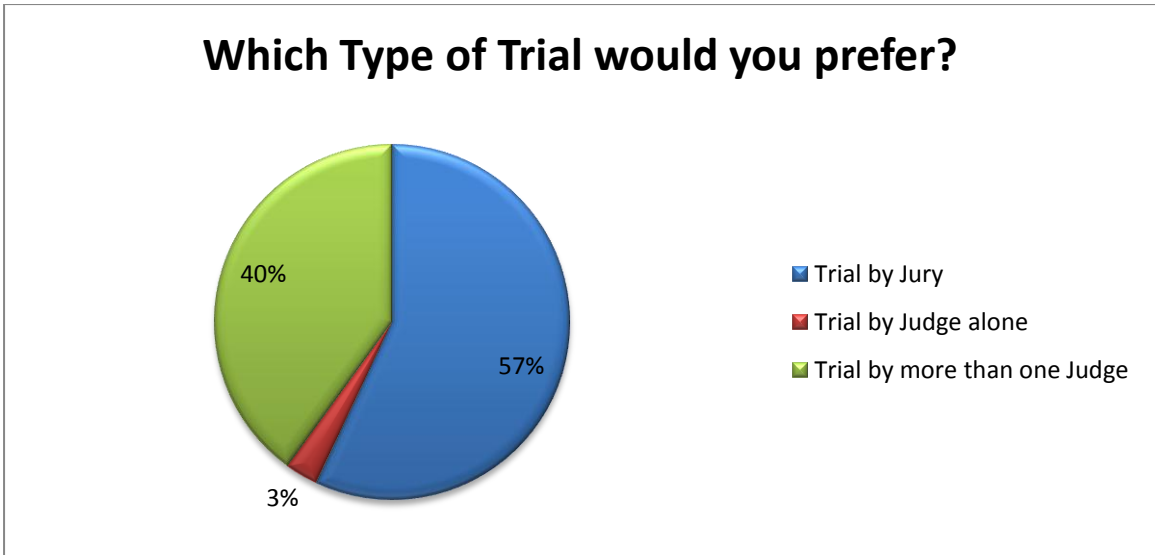


Figure 4: Preferences for type of trial

Highest preference for type of trial was for trial by jury at 57%. This was followed by trial by more than one judge at 40%. Trial by judge alone only drew 3% of participants' preference.

Participants were asked to comment on whether they believed that juries were representative of the community.

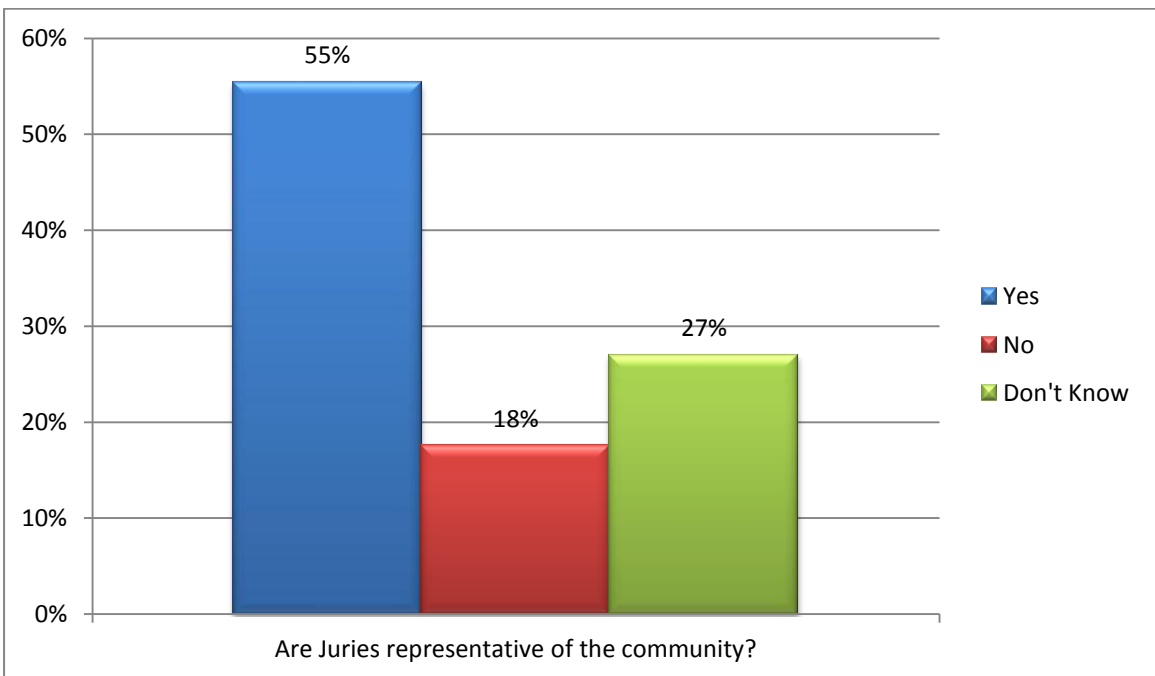


Figure 5: Representativeness of juries

Figure 5 shows that over half of participants or 55% felt that juries were representative of the community. While 18% of participants felt that juries were not representative of the community, 27% of people surveyed felt that they did not know if juries were actually representative of the community. It is worth noting at this stage that of the 55% of participants who felt that juries were representative of the community, 90% of participants who had experience as a juror fell into this category, with the remaining 10% responding “Don’t Know”.

Participants were then asked about their views on specific professions or categories of people that have excusals as of right from performing jury service. Specifically, participants were asked if they agreed with the following persons having excusal as of right from jury service, teachers, pilots, dentists, doctors, nurses, judges, gardai, priests, nuns, full-time students, government ministers and officials who work in the criminal justice system.

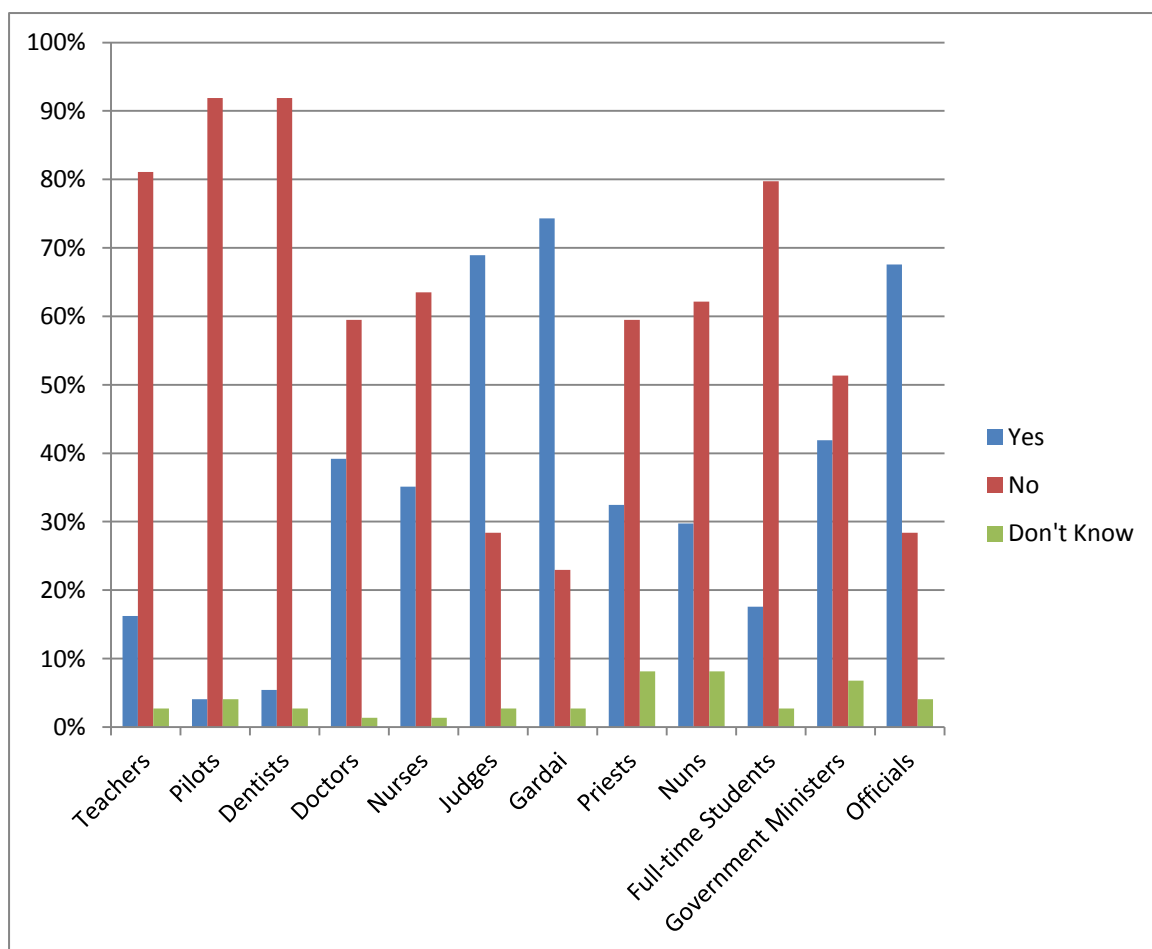


Figure 6: Professions having the right of excusal from jury service

As demonstrated in figure 6, 92% of people did not agree with pilots and dentists having excusal as of right, this was followed by teachers at 81% and full time students at 80%. On average 56% of people did not agree with nuns, nurses, priests and doctors having excusal from jury service. This table also shows that 71%, 66% and 64% of people felt that members of An Garda Siochana, Judges and Officials who work in the Criminal Justice System respectively were in agreement that these agencies should have excusal as of right from jury service. This table further demonstrates the decisiveness of views in relation to excusals as of right with very few participants unsure or responding “Don’t Know”.

Following on from this the area of increasing a person’s right to trial by jury in less serious criminal cases was explored. While 45% of participants were in favour of increasing a person’s right to trial by jury in less serious criminal cases, 36% were not in favour and the remaining 19% were undecided.

4.2.2 Knowledge of Jury Service

This section deals with participant’s knowledge in relation to jury service. A total of seven statements were provided whereby participants could reply true, false or don’t know. A table of these statements with the correct answers is provided below followed by the findings in figure 8.

Table 2: Table of statements and correct responses

Question number	Statement	Correct answer
Q.1	Typically a Jury consists of twelve people	True
Q.2	Potential jurors are drawn from the Electoral Role	True
Q.3	Anybody over 18 can sit on a Jury	False
Q.4	Jurors get paid for their services	False
Q.5	Anybody can decline Jury service if it is inconvenient	False
Q.6	If you serve on a jury, you will never be called again for Jury Service	False
Q.7	You can be fined 500Euro for failing to reply to a summons for Jury Service	True

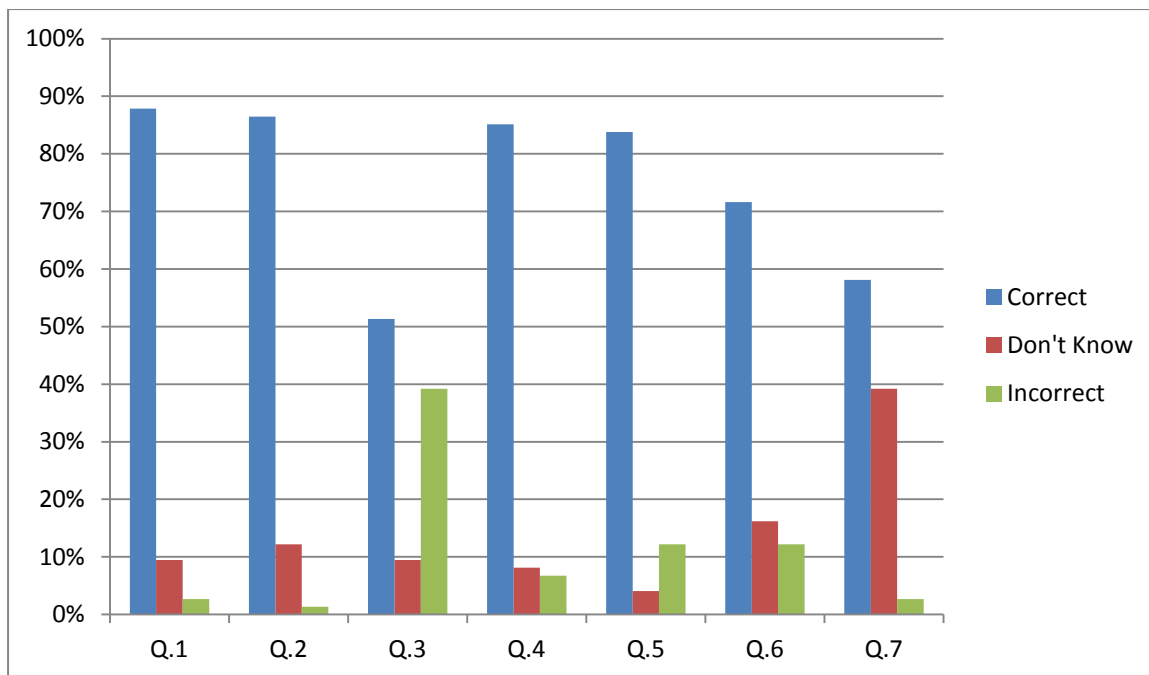


Figure 7: Responses regarding knowledge of jury service

As the above figure shows, there is a good level of knowledge concerning some basic elements of jury service. The two questions that clearly stand out are in relation to who can sit on a jury and what penalty/fines are applicable to those who fail to reply to a summons. Thirty nine percent of participants believed that anybody over the age of 18 can sit on a jury,⁷ while the same percentage did not know if there was a penalty or fine of 500 Euro for failing to reply to a summons to attend for jury service.

4.2.3 Willingness to Participate as a Juror

In this section, participants were asked about their willingness to participate as a juror and factors which influenced this decision were explored. Some qualitative findings are also presented in this section in relation to these factors. Finally a deferral mechanism in relation to jury service is also examined.

⁷ The Juries Act 1976, prohibits persons from jury service in terms of ineligibility and disqualification under sections 7 and 8 respectively.



Figure 8: Willingness to participate as a juror

As figure 8 demonstrates, the vast majority of people surveyed (85%) were willing to participate as a juror. While 7% felt that they would not be willing to participate as a juror, only 8% of participants were undecided.

Participants were then asked to what extent the following factors would influence their decision to participate as a juror.

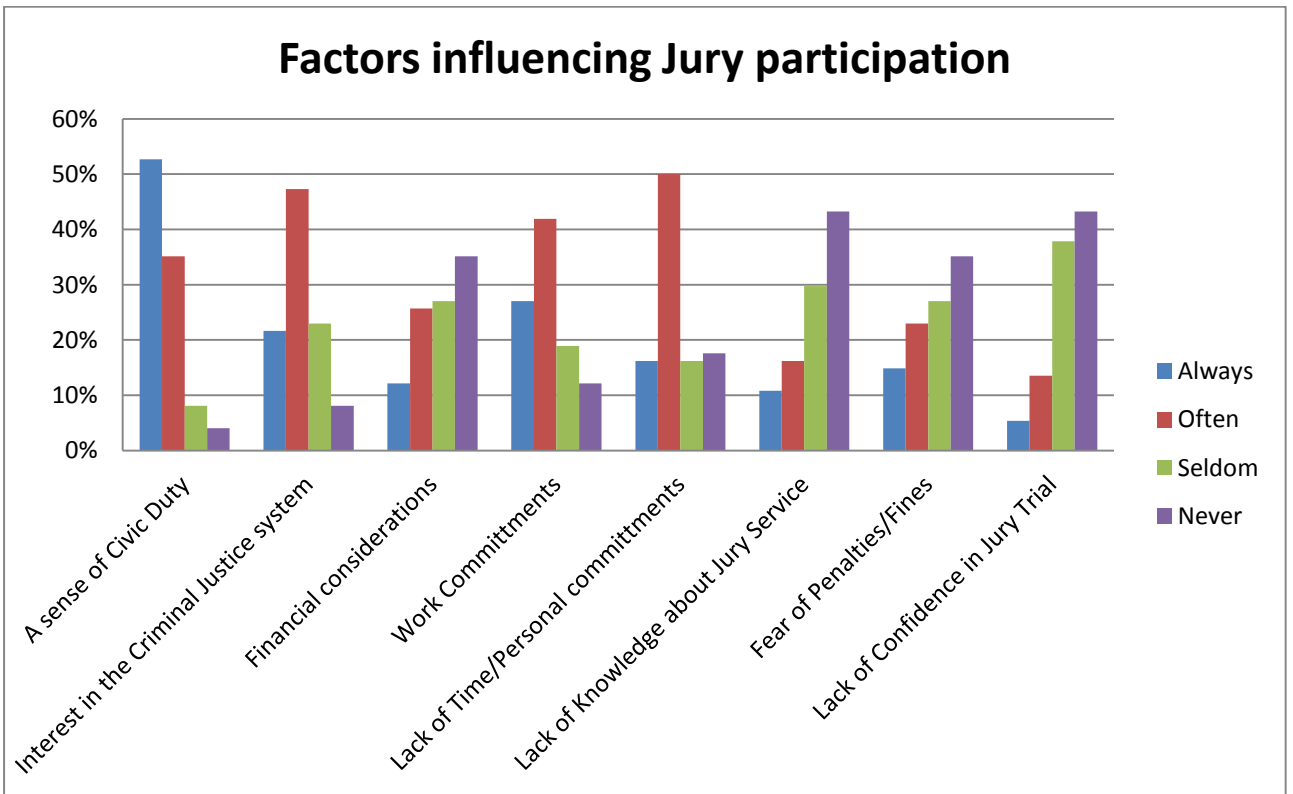


Figure 9: Factors influencing a participant’s decision to participate as a juror

As is shown in figure 9, factors that “always” influenced a person’s decision to participate in jury service involve a sense of civic duty at 53%, followed by work commitments at 27% and interest in the criminal justice system at 22%. Factors which “often” influenced a person’s decision involved lack of time and personal commitments at 49%, followed by interest in the criminal justice system at 45% and work commitments at 42%.

Factors which “never” influence the decision to participate in jury service involved, lack of knowledge about jury service at 44%, closely followed by a lack of confidence in jury trial at 42%. Financial considerations and fear of penalties/fines would “never” influence the participant’s decision to participate in jury service in 36% of cases.

In addition, this section concluded by asking participants if there were any other factors which they would like to comment upon in relation to their decision to participate as a juror. Fifteen participants (20%) added comments in this section. Employing thematic analysis the following main findings were formulated as presented in table 3.

Table 3: Additional factors influencing participant’s decision to participate in jury service

Additional factors	Responses	Percentage of total participants
Fear of retribution/intimidation	<p><i>“I would be fearful of being selected on a jury in a case involving feuding families for instance as I would be fearful that I would be targeted by them in the course of, or after the trial”</i></p> <p><i>“I fear it would leave me open to intimidation from people who are on trial”</i></p> <p><i>“Feeling in personal danger or under threat from parties involved in trial”</i></p> <p><i>“Fear of retribution from criminal elements if one was to form part of the jury in a case against one of the Limerick or Dublin’s ruthless criminal families/gangs”</i></p> <p><i>“Fear of the defendant or their connections”</i></p>	8%

	<i>“If it was a gangland trial I would be worried doing jury service for fear of intimidation and the safety of my family”</i>	
Employers seeking exemption for employees	<p><i>“Working in a HSE- funded organisation, although I am not in one of the professions specified as exempt, employers sought exemption for me due to lack of replacement, so I was not allowed to attend, although I would have liked to”</i></p> <p><i>“I would be willing to participate in jury service but have never been called. Managers at work have provided other employees with letters in order for them to be excused from jury service, but I would regard it as my decision to take part in jury service, not sure how my managers would feel about this”</i></p> <p><i>“Employer would expect me to try to avoid and would provide anything required to avoid service. People in my profession almost never serve. The employer cannot usually cope with unplanned absence”</i></p>	4%
Lack of information as to what is expected from a jury member	<p><i>“Not knowing what to expect when called for jury duty”</i></p> <p><i>“The responsibility of sending someone to prison or dealing with a difficult case, for example, murder would prove very challenging, especially to someone who perhaps has never been in a courtroom”</i></p> <p><i>“Lack of information as to what is expected from a jury member”</i></p>	4%
Fear if ability to be impartial	<i>“As one has to be totally impartial and only make decisions based on evidence, I’m not sure that I could keep my natural judgements influencing my decisions, therefore not sure I’d be impartial”</i>	1%
Travel arrangements to	<i>“I would have a problem travelling as I am not on a</i>	1%

court	<i>bus route to the new court and there is no parking for drivers”</i>	
Already having served as a juror	<i>“Because I have done it already for a lengthy trial”</i>	1%

Finally in this section, participants were asked if they would be in favour of a deferring mechanism whereby they could be called back for jury service within a year of receiving a summons.

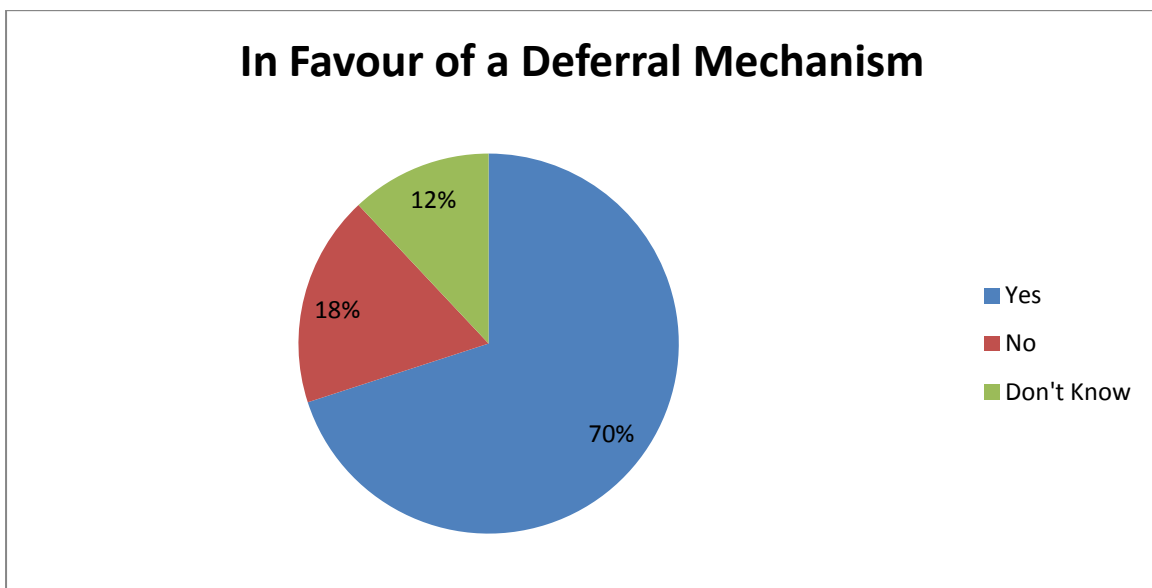


Figure 10: In favour of a deferral mechanism

Seventy percent of people were in favour of a deferral mechanism, while 18% were not in favour, 12% were undecided about a deferral mechanism.

4.2.4 Experience as a Juror

In this section, findings are presented in relation to the experiences of those who have been summoned and those who have actually attended for jury service. The table below gives a summary of those who have been summoned, replied to the summons, attended for jury service and figures for those who actually performed jury service.

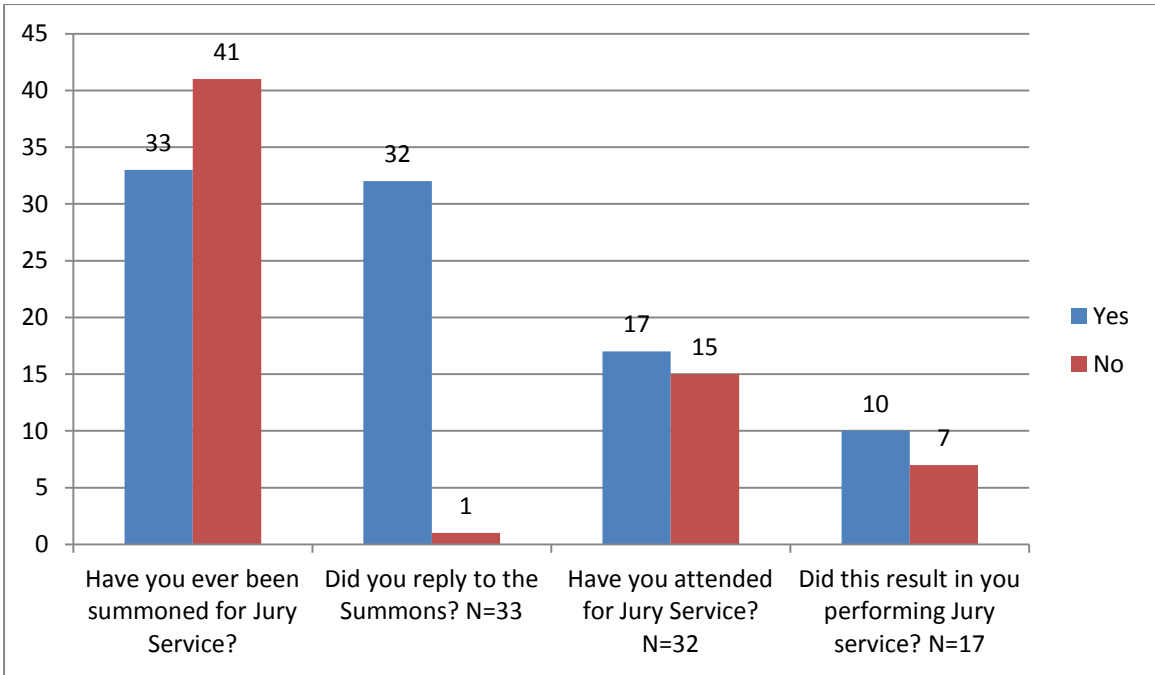


Figure 11: Summary of figures

As figure 11 shows, 33 or 45% of participants have been summoned to appear for jury service. From this figure 32 or 97% of people replied to the summons. This resulted in 17 people or 53% of participants attending for jury service with 10 people or 59% of this figure actually performing jury duty. The length of time served as a juror was then examined.

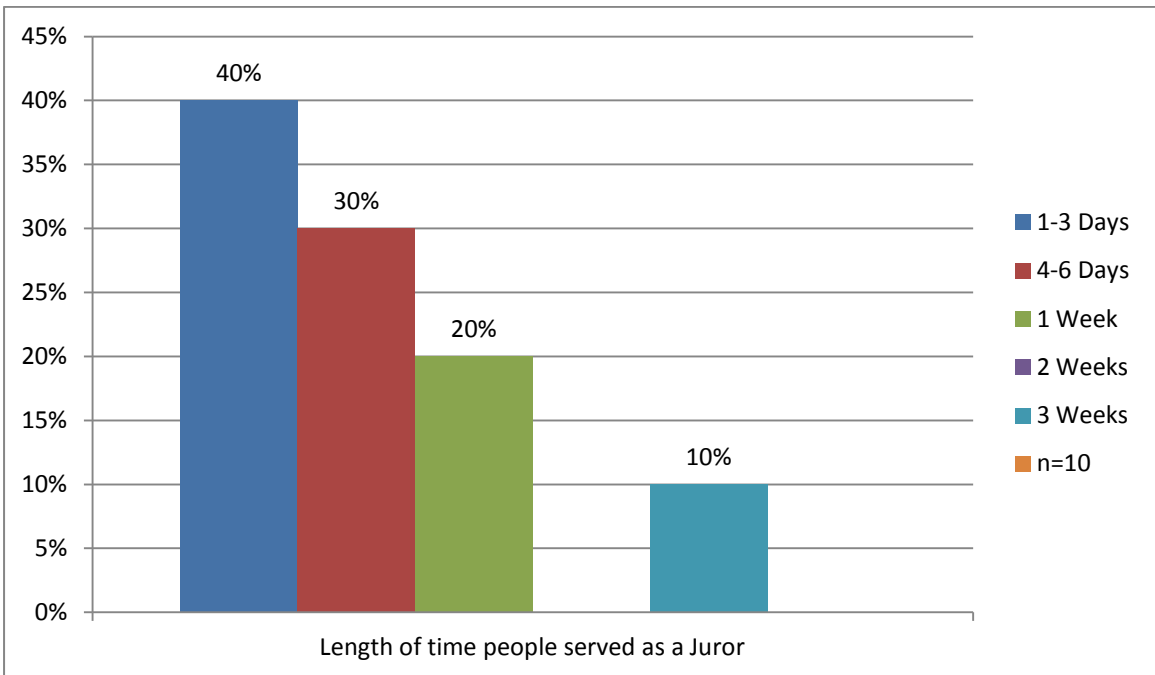


Figure 12: Length of time served as a juror

Forty percent of participants had served as juror for 1-3 days, with 30% serving for 4-6 days. While 30% had served for 1 week, only 10% has served for a period of three weeks or more.

Participants were then asked to rate their experience in relation to; information received about their role and function as a juror, understandable instructions given by the judge, ability to follow proceedings, the conscientious approach of other jurors, confidentiality within proceedings, belief in the verdict achieved and finally their overall experience.

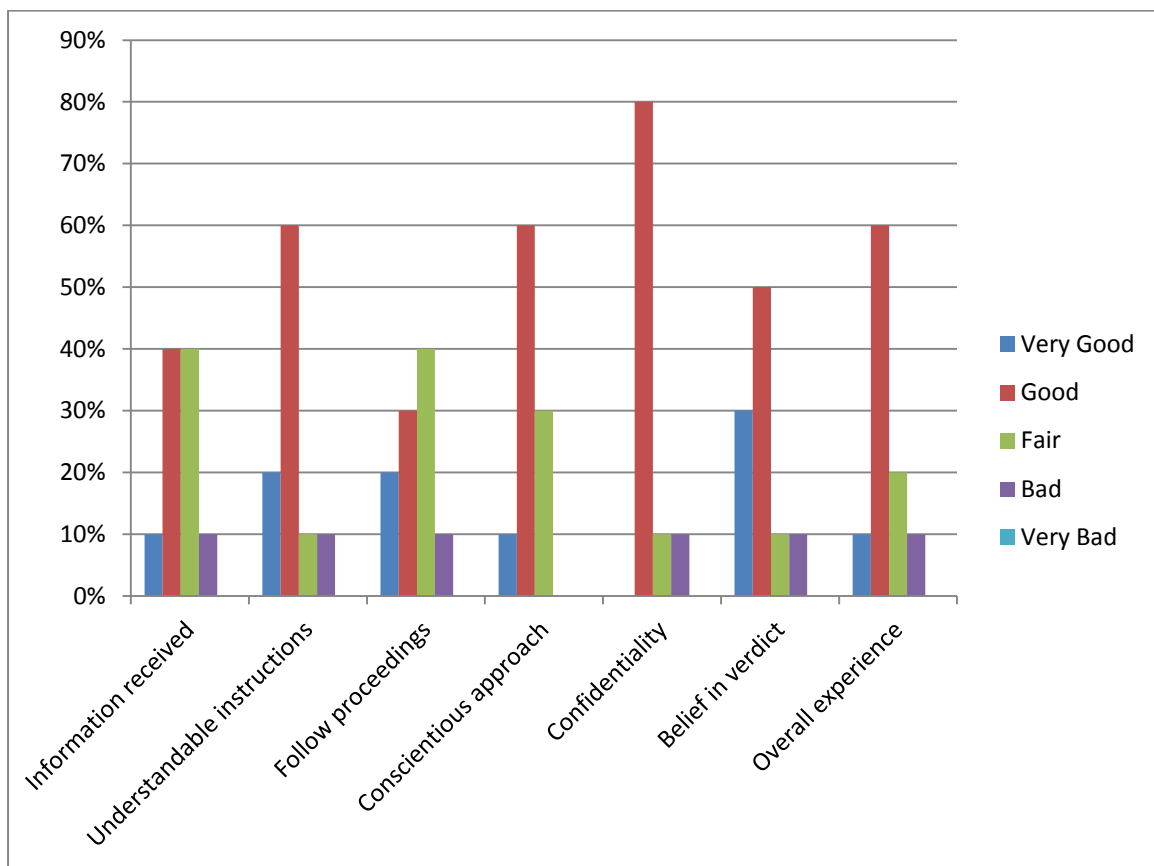


Figure 13: Experiences as a juror

As figure 13 demonstrates, 80% of participants who served on a jury felt that their ability to understand instructions by the judge was either very good or good. A further 70% felt that the ability of other jurors to approach their task conscientiously and their overall experience as a juror was very good or good. In addition 80% of past jurors rated as very good or good the belief that the correct verdict had been achieved. A further 80% felt that confidentiality within proceedings was good. No participants rated their experience under the headings as very bad and just 10% rating their experience a bad.

Following on from this, participants were asked about their feelings towards the fairness of the judge in each case in relation to the defence team, the prosecution team, the accused person and the jury.

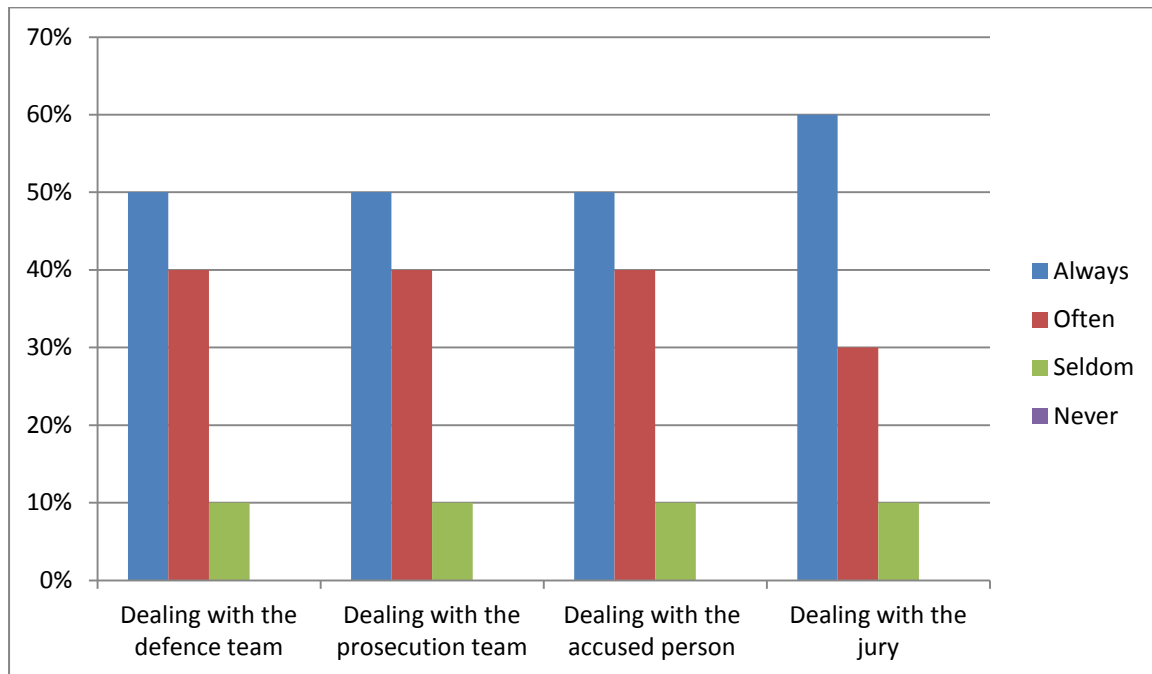


Figure 14: Jurors perception of fairness in respect of the judge

These findings showed that 60% of people surveyed felt that the judge was always fair and 30% felt the judge was often fair in dealing with the jury, 90% felt that the judge was always or often fair in dealing with the defence, the prosecution and the accused. While 10% felt that the judge was seldom fair in respect of these four categories.

The survey then asked participants if their experience as a juror had positively enhanced their perception of trial by jury and the criminal justice system.

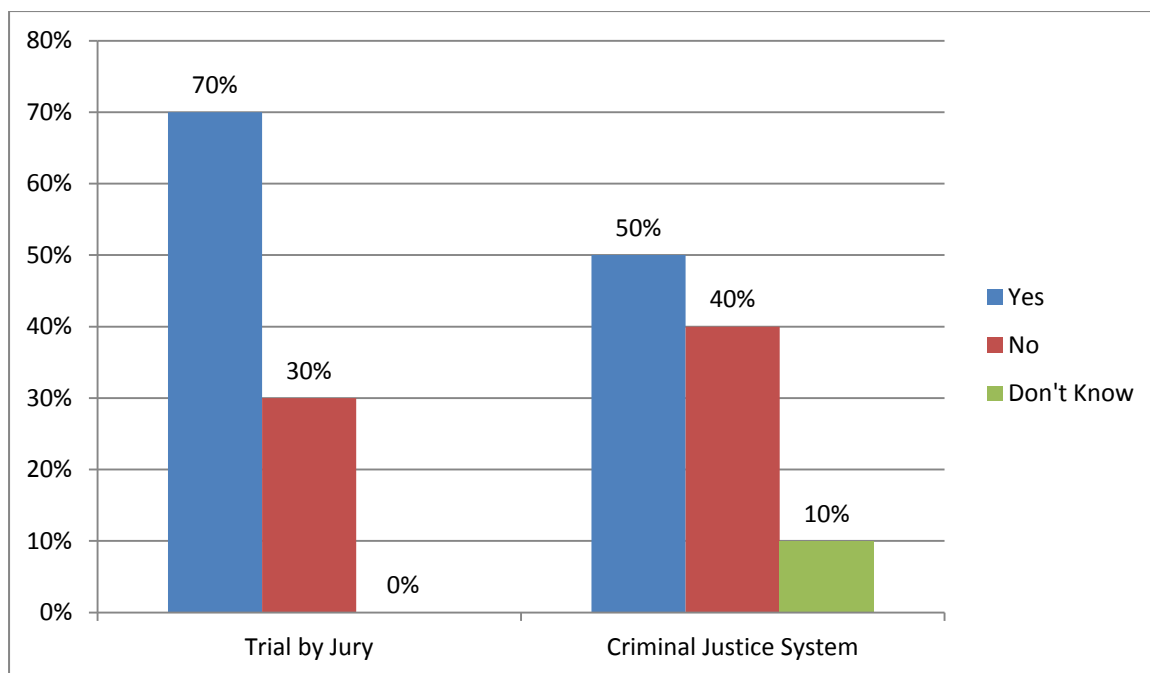


Figure 15: Experience as a juror positively enhancing perception of trial by jury and the criminal justice system

The above figure clearly shows that 70% of past jurors felt that their experience had positively enhanced their perception of trial by jury, while 30% felt that their experience did not positively enhance their perception.

In relation to positively enhancing their perception of the criminal justice system in Ireland, 50% felt that it had positively enhanced their perception, 40% felt that it had not positively enhanced their perception, while 10% were undecided as to whether it had a positive impact on their perception of the Irish criminal justice system.

Participants were finally asked if they would like to add further comments as to their experience as a juror. Additional comments included;

“The procedure was a bit of a farce; the behaviour of the barristers was ridiculous. The judge didn’t seem to be fully aware of what was going on. It was not a process that reflected a modern republic; it looked like a scene from Rumpole of the Bailey. I found the wigs and gowns offensive. Completely unprofessional”

“In my experience both parties were guilty but only one was on trial”

“We never found out the sentence. It wasn’t reported in the papers as there were reporting restrictions imposed I think”

“For certain types of cases, counselling should be offered to jurors. It is not within everyone’s grasp to be one day doing their normal day to day job, and the next to be listening to the most excruciating detail of cruelty or whatever”

4.3 Summary

This chapter has presented the findings from the surveys completed by 74 participants. The findings are presented using graphs, tables and basic reporting of findings.

The following chapter, chapter five will provide a detailed discussion of the findings.

5. Discussion, Conclusion and Recommendations

5.1 Introduction

The following chapter will provide a discussion on and interpretation of the main findings from the research. It will link in these findings with the relevant literature from chapter two in addition to meeting the overall aim and objectives of the current study as laid out in the introduction chapter. This chapter will also conclude the study by providing a summary of the main findings, and identifying recommendations for future avenues of research and policy considerations in relation to jury service.

Discussion of the findings is divided into four main sections. The first section will provide a discussion in relation to participant's general perception of jury service and their levels of support for this institution. The second section will focus on the participant's knowledge of jury service. The third section will examine the participant's willingness to participate in jury service and what factors may influence this decision. The final section will examine the experiences of those participants who have preformed jury service. Specifically it will focus on elements within the trial process and perceptions of fairness in relation to the judge. It will also explore how this experience has positively enhanced or not their attitude towards the jury system and Ireland's criminal justice system in general.

While comparisons are drawn with other research, it is acknowledged that the methodology employed, the sample size and level of research differ significantly in relation to research included for discussion purposes and the current research study.

5.2 Discussion

5.2.1 General Perceptions of Jury Service

Much research has been conducted into public attitudes of the criminal justice system across numerous jurisdictions. According to the European Values Survey (2001), confidence in Ireland's criminal justice system was at 55%, with levels in Northern Ireland at 48% and the United Kingdom at 49%. In the current research as a way to introduce the topic of jury service, participants were asked about their levels of confidence in the criminal justice system. The results showed that 31% of participants were either very confident or confident with this multi-agency system with 43% of people feeling somewhat confident. Combining these figures 74% of participants showed confidence in the criminal justice system. A further

26% of participants were not confident in the criminal justice system. These results are also somewhat consistent with findings relating to Northern Ireland in 2001, where Hough and Roberts (2004), sourced research from the Northern Ireland; Community Attitudes Surveys of between 1999 and 2003, where on average 65% of participants were very confident or fairly confident in the criminal justice system.

Past research has shown that when various branches of the criminal justice system are looked at individually, confidence seems to grow in respect of specific agencies. The current study has shown consistency in this regard in relation to An Garda Síochána, the jury and judges. Findings have shown that 48%, 44% and 44% of participants were very confident or confident in each agency respectively as compared to 32% in relation to the overall criminal justice system. When these findings are amended to include “somewhat confident” statistics, these figures rise to 98% for the Gardai, 92% for the jury and 81% in respect of judges. This is relatively consistent with much larger studies carried out in England and Wales with participants expressing a “great deal” or “some” confidence at 81%, 80% and 71% in relation to the police, the jury and judges respectively (Bar Council, 2002).

As a way of gauging support for the jury, participants were asked to rate the importance of the right of trial by jury. Roberts and Hough (2009) have highlighted how this approach has been employed in the past by the British Social Attitudes Surveys where participants were asked to rate the importance of six specific legal rights. Results show that 87% of participants viewed this legal right as very important or important. Furthermore ‘the right to trial by jury in this context was rated as more important than any of the other rights, including the right to protest against the government, the right not to be detained for longer than a week before being charged and the right to privacy’ (Roberts & Hough, 2009, p. 12). While the current study did not explore other legal rights, results show that 88% of participants in the current research felt that the right to trial by jury was very important or important. This finding is also in keeping with the England and Wales, State of the Nation Survey conducted in 2006 which has shown 89% of participants endorsing the right for a fair trial before a jury.

A further aspect cited as a measure of the level of public support for trial by jury is to explore increasing the right to jury trial for less serious criminal cases. In past research, this has shown not to be favoured by the public (Roberts & Hough, 2009). In the current research while 45% of participants were in favour of increasing a person’s right in to trial by jury in less serious criminal cases, 36% were not in favour and the remaining 19% were undecided.

While direct comparisons cannot be drawn in relation to this finding, results from the British Social Attitudes Survey (1994), show that when participants were given three statements to consider 56% choose (1) all accused persons should always have the right to trial by jury, followed by 35% choosing (2) only a person accused of a serious offence should have the right, with 9% choosing (3) no accused person should always have the right to trial by jury.

Representativeness of juries has long been equated with injecting democracy into a criminal justice system through which legitimacy and accountability can be obtained. As mentioned in chapter 2, the Law Reform Commission in Ireland has defended the representativeness of juries in interpreting this representativeness as referring to the actual pool of potential jurors from which a jury is selected and not the actual jury. However the Consultation Paper on Jury Service (2010) proposes to remove the ‘excusals as of right’ category within the Juries Act 1976 and replace it with excusals for ‘good cause shown’. Furthermore, this paper proposes that jurors may be randomly selected not only from the Dail electoral register but also from local and European electoral register and that non-Irish citizens should satisfy a five year residency requirement for Irish citizenship in order to qualify for jury service. Such proposals at the very least imply that there are concerns regarding the representative nature of the “pool of potential jurors”.

The current research shares this concern with just over half of participants (55%), believing that juries are representative of the community, and a further 18% believing that juries were not representative while 27% responded “Don’t Know”. This is an important finding as Roberts and Hough (2009) have noted ‘the extent to which people perceive the jury as representative of the community may be taken as an alternate index of public confidence in the institution’ (2009, p. 25). Further to this, UK research has shown that when asked if they would be concerned about the racial makeup of a jury if they found themselves on trial, 49% of black participants had concerns in contrast 25% of white participants (BBC Race Survey, 2002). With Ireland’s changing population and an increase in ethnic minorities, representativeness must be assured if the public are to believe jurors will hold views and endorse values held by society in general.

The current research also shows that there are concerns in relation to representativeness as many participants felt that the excusals as of right were perhaps in need of reform. This was evident in relation to dentists, pilots, teachers and students where the vast majority of participants (on average 84%) were not in agreement that these groups should have excusals

as of right. This was followed by nuns, nurses, priests and doctors at an average of 60%. These findings have direct implications for essential services specifically at a time where budgets have been significantly reduced in relation to health and education services. Consistent with the Consultation Papers proposal, high levels of participants felt that it was acceptable for Judges, and officials who work in the criminal justice system to have excusal from jury service as of right.

Finally in this section, some surprising results from the research involved preference for type of trial. Previous research in the UK has shown that almost two-thirds (64%) of the sample surveyed preferred trial by jury. One-quarter of participants expressed a preference for the judge/magistrate option and 4% responded “don’t know” (Bar Council, 2002). In the current research, participants were given three options to choose from, (1) Trial by Jury, (2) Trial by Judge alone and (3) Trial by more than one Judge. While the majority of participants (56%) opted for trial by jury, a substantial percentage, 44% opted for trial by more than one judge. This is perhaps surprising given that the option for trial by more than one judge is not common in this jurisdiction. Tentatively this could be interpreted as a belief in the democracy and accountability factors involved when legally trained professionals are charged with the responsibility of deciding on facts and evidence in criminal cases.

In summary there is strong support for jury service within this study which is consistent with research from other jurisdictions. Despite this or indeed due to this there is some concern in relation to the representativeness of juries with participants showing clear preferences for specific excusals as of right to be amended. This factor has policy relevance in relation to the Consultation Paper on Jury Service (2010) as it gives a glimpse into how replacing excusals as of right with excusal for good cause shown may be perceived by the public.

5.2.2 Knowledge of Jury Service

This section will look at the participant’s knowledge in relation to jury service. Empirical research is extremely limited on this research area, with no research located in Ireland or the UK. As a consequence very little is known in relation to levels of public knowledge of jury service generally, or more specifically the role and function of jurors, the empanelling processes involved and the legislation informing practice.

The questions set out this section of the survey were of a general nature in an attempt to ascertain some insight into this area. As shown in the previous chapter, most participants

have a good knowledge of the basic principals as they apply to jury service in Ireland. On average 75% of participants answered most questions correctly demonstrating a good level of knowledge in respect of the areas covered. Such areas included, the number of jurors who typically make up a jury, through which forum potential jurors were selected, whether jurors got paid for their services and whether jury service could be declined if it was inconvenient. The two statements that clearly stand out are in relation to a), who can sit on a jury, with 39% believing that anybody over 18 years can and b), what penalty/fine is applicable to those who fail to reply to a summons with 39% not knowing that a 500 Euro fine applies. However both these areas are perhaps not commonly discuss in the wider public arena. In relation to the fine applicable for not replying to a summons for jury service, how this is enforced may have implications for public awareness. Furthermore as shall be seen below, fear of penalties/fines “never” or “seldom” factor into their decision to participate in jury service in 62% of cases. As expected the majority of participants who served as a juror showed a very good knowledge of the areas covered in this section.

In summary there is a good knowledge of the basic elements explored relating to jury service within the sample participants yet further research is required to explore knowledge of the role and functions of the jury.

5.2.3 Willingness to Participate as a Juror

As shown in the previous chapter, 85% of participant’s would be willing to participate as a juror. Such results can be seen as an endorsement of our jury system and are consistent with other UK research conducted by the MORI (Market and Opinion Research International) organisation for the Ministry of Justice where more than three-quarters of the public expressed an intention to perform jury duty (Thomas, 2007). A key area highlighted in research by Roberts and Hough (2009) was to query the abstract symbolism of jury service versus the reality of the publics’ willingness to participate in jury service. In order to explore this concept further, participants were asked about specific factors that may influence their decision to participate in jury service.

The top three factors that would “always” influence a decision to participate in jury service were, firstly, a sense of civic duty, secondly, work commitments and finally interest in the criminal justice system. In respect of factors that would “often” influence this decision, lack of time/personal commitments, interest in the criminal justice system and work commitment were identified as the top three. At the other end of the spectrum, participants indicated the

top three factors which would never influence their decision to participate in jury service were, firstly, a lack of confidence in jury trial, secondly, a lack of knowledge about jury service and finally, fear of penalties or fines. A sense of civic duty and interest in the criminal justice system positively reflect on jury service. Similarly, where a lack of confidence in or knowledge of jury service never factor into the decision to participate in jury service also positively reflects on this institution.

Further insight into these findings is provided in the qualitative data produced in the comments section of the survey, specifically concerning work commitments and fear of intimidation. A common theme emerged in relation to employers providing employees with letters for excusal, expecting employees to “avoid” jury service and concern that employers would not support employees to attend for jury service. As one participant commented;

“I would be willing to participate in jury service but have never been called. Managers at work have provided other employees with letters in order for them to be excused from jury service, but I would regard it as my decision to take part in jury service, not sure how my managers would feel about this”.

This area could have particular relevance, particularly as noted above in times of resource and budget constraints whereby employers releasing employees to undertake their civic duty may impact negatively on service provision. To what extent this impacts on the representativeness of juries or indeed on the public’s attitudes towards jury service requires further research.

A relatively under researched theme emerged from the current research in relation to participants fear of intimidation. Comments included;

“I fear it would leave me open to intimidation from people who are on trial”

“Feeling in personal danger or under threat from parties involved in trial”

“Fear of retribution from criminal elements if one was to form part of the jury in a case against one of the Limerick or Dublin’s ruthless criminal families/gangs”

In regard to the latter theme, it is perhaps unfortunate that the Consultation Paper on Jury Service (2010) deals with this issue in chapter 8 under the combined heading ‘Juror Misconduct and Jury Tampering’ (p. 181). Cases of jury intimidation are dealt with as general offences relating to perverting or obstructing the course of justice (O’Malley, 2009).

While the paper acknowledges that jurors may become fearful for their personal safety resulting in apprehension or reluctance to participate in jury service, the commission concludes that ‘there is no evidence to suggest that this is a widespread problem in this jurisdiction’ (Consultation Paper on Jury Service, 2010, p. 208). This again raises the issue of a lack of research in this area, without empirical evidence, it is assumed that “fear of intimidation” is not a widespread issue requiring in-depth analysis.

These findings from this section potentially highlight two distinct areas that require further investigation. Both themes although on very different spectrums can have an effect on the representativeness of juries in addition to undermining the legitimacy and confidence in the criminal justice system as a whole.

A further aspect explored was the proposed deferral mechanism contained within the Consultation Paper on Jury Service (2010). This mechanism would defer jury service for up to one year on receipt of a summons to attend for service. The majority of participants (70%) were in favour of a deferral mechanism. The utility of such a mechanism requires further exploration. While the Law Reform Commission (2010) acknowledges difficulties in providing information on the court sittings for the forthcoming year, they consider that a general timeframe could be provided which could facilitate potential jurors in organising their affairs thus minimising the inconvenience caused to them. The rationale driving this proposal is the belief that such a mechanism would be likely to encourage greater participation, in addition to reducing the number of persons seeking excusal from jury service.

Findings from the current research give a tentative insight into public reaction towards such a deferral mechanism. With the majority of participants (70%) in favour of deferring jury service, this proposal could influence people’s decision to participate, specifically in relation to those who cited work commitments and/or lack of time/personal commitments as key factors in this regard. Furthermore this mechanism could address issues as highlighted above in relation to excusals as of right where perhaps teachers, lecturers and students could utilise this deferral system enabling them to perform their civic duty while ensuring minimal disruption to their mandatory service and/or education.

In summary, these findings again demonstrate a willingness to participate in jury service and can also be seen as an endorsement of support and legitimacy in jury service. Factors were highlighted in respect of influencing a decision to participate as a juror, the majority of these factors reflected positively on jury service. A small minority of participants identified two

factors, employers reaction to employees serving on a jury and fear of intimidation and/or threats from either the accused, their family or connections that would influence their decision to participate as juror. Finally, the vast majority of participants are in favour of a deferral mechanism to assist them in meeting their civic duty as a juror.

5.2.4 Experience of being a Juror

This final section looks at the experiences of past jurors. From the 74 participants surveyed, 33 had received a summons to appear for jury service, resulting in 32 replying to the summons. It is worth noting at this juncture that this corresponds to almost 100% rate of reply to summons. This resulted in 17 people attending for jury service whereby 10 participants performed jury service. Although this constitutes a small sample size, it was deemed beneficial to include these findings considering the lack of Irish research in this area, thereby gaining some insight into experience as a juror.

In this section participants were asked to rate their experiences in regards to 7 different aspects of jury service. The vast majority of people surveyed (80%) held a belief in the verdict achieved. Similarly the ability to understand instructions by the judge and the ability for other jurors to approach their task consciously were positive. Most participants also were positive in relation to confidentiality within proceedings with 70% of people rating the overall experience as very good or good. Combined these three factors again are symptomatic of public legitimacy in relation to jury trial. However half of the jurors expressed some concern regarding the information they received about their role and function as a juror in addition to their ability to follow court proceedings. These findings are consistent with research from New Zealand where results showed that a significant number of jurors were critical of the inadequate factual and legal framework provided to them in respect of informing and preparing them for their role and function as a juror (Tinsley, 2001). Furthermore the ability to follow court proceedings particularly in lengthy and complex cases was not linked to the competence levels of jurors but was seen rather as a reflection of the inability of the system to provide jurors with the tools necessary to perform their task. Such tools involved the provision of a factual and legal framework in relation to the jurors' role and function, reviewing the processes of presentation of evidence and providing jurors with written instructions concerning the law and the judges summing up of the facts pertaining to the case (Tinsley, 2001). In context of the current research, it is difficult to explore the utility

of such provisions within Irish courts as further in-depth research is required to explore fully the extent of such concerns.

As a further way of exploring their experience as a juror, participants were asked to rate the judge in respect of fairness. Almost all jurors (90%) agreed that the judge was always or often fair in respect of dealing with the defence, prosecution and the accused person. Slightly higher scores were produced in respect of dealing with the jury. This finding contributes to the previous results showing public confidence in the judiciary as an agency of the criminal justice system. Worthy of note at this stage is the qualitative data received in the final part of the survey, despite a very small percentage of participants displaying negative attitudes towards their experience, one comment clearly has significance in relation to the support mechanisms and the impact that jury service can have on the public in respect of performing their civic duty to society, as commented,

“For certain types of cases, counselling should be offered to jurors. It is not within everyone’s grasp to be one day doing their normal day to day job, and the next to be listening to the most excruciating detail of cruelty or whatever”

The issue of stress in relation to the experiences of jurors is becoming increasingly acknowledged as empirical research has shown how short and long term stress had affected a minority of jurors (Robertson et al, 2009). This raises awareness as to the avenues that such support mechanisms should take in attempting to address this issue and minimise negative consequences for jurors. While the aforementioned research found that de-briefing had negligible impact on stress levels of jurors, alternative support systems such as counselling could be explored in an effort to minimise stress levels of jurors.

Finally the study revealed that the vast majority of jurors believe that their experience has positively enhanced their perception of jury service and to a lesser extent their perception of the criminal justice system.

5.3 Conclusion

The main findings from the research have shown that public support of jury service is good and consistent with research from other jurisdictions. The right to trial by jury is considered important for the vast majority of participants. There are some concerns regarding the

representative nature of juries specifically in relation to the excusals as of right. Consequently, this factor holds implications for service provision and perhaps more specifically for the ability of the justice system to operationalize proposals within the Consultation Paper on Jury Service, (2010).

Findings from this study show that there appears to be a good knowledge of the basic elements of jury service as outlined in the survey. Furthermore, there is a strong willingness within the survey population to undertake jury service thereby fulfilling their sense of civic duty. Despite this, the study highlights that there are some factors which require further research, specifically in relation to employer's reaction to relieving employees for jury service and in respect of investigating the extent that fear of intimidation influences the public's decision to participate in jury service.

Finally, while the experiences of juror's reflect positively on jury service, further research is required to ascertain levels of stress of jurors. This research could inform knowledge as to how this can be appropriately addressed thereby substantially enhancing the ability of jurors to perform their task.

5.4 Recommendations

There are a number of recommendations that can be drawn from the current study. As an exploratory study of public attitudes to jury service, some preliminary insights have been gained in respect of how the public view jury service. With the prospect of forthcoming changes to legislation informing practice on jury service, recommendations for future research remain of paramount importance for two specific reasons. Firstly, it is only through empirical research on a larger scale that further insights may be established which could be generalised to some extent to the general public. Secondly, without such research, implications and considerations for policy will fail to registrar with policy makers and as a consequence public perception of jury service and more generally our criminal justice system may diminish considerably.

5.4.1 Recommendations for Future Research

Firstly, it is recommended that a larger scale quantitative research study be carried out in the future so as to provide a clearer and accurate picture of how the public perceive jury service

in Ireland. The need for such research has been revealed both in terms of the literature reviewed within this study and of the preliminary insights that the current research provides. As tentatively highlighted from the current study, aspects of jury service in relation to concerns of representativeness and factors influencing public participation requires further exploration to ascertain their prominence within the wider public arena.

Secondly, such a large scale research study would also provide the direction that qualitative research could take in relation to examining further aspects that affect public perception of and participation in jury service. This research methodology could gain in-depth insights as to what individual factors influence the public's attitudes towards jury service.

Finally, the past experiences of jurors should be explored in an attempt to ascertain how their experiences influence their perception of jury service and indeed the criminal justice system. Such research would enrich the field of knowledge in this area and identify the avenues and levels of support mechanisms necessary to ensure that members of the public are provided with the tools to perform their civic duty.

5.4.2 Considerations for Policy Informing Practice

From the outset, this study had a clear objective of providing the public with an opportunity to voice their opinions on jury service. Although a difficult area to negotiate, the Law Reform Commission have also sought submissions from the public in respect of specific areas contained within the Consultation Paper on Jury Service 2010, in this regard it is also recommended that future research as outlined above would form an essential element for consideration in developing proposals for legislative reform in this area.

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Appendix A

Copy of on-line Survey

Survey of Public Attitudes to Jury Service

All surveys are anonymous and confidential. Please answer all questions. Completion is estimated to take 10 minutes.

Demographic Information

Gender

- Male
- Female

Age Range

- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+

Status

- Single
- Married
- Separated
- Divorced
- Widowed
- Living with partner
- Other:

Do you have children in your household?

- Yes

No

If Yes, how many children?

1

2

3

4+

Employment status

Student

Full-time employed

Part-time employed

Self-employed

Unemployed

Retired

Other:

Which of the following best describes the location where you live?

City

Town

Rural

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Survey of Public Attitudes to Jury Service

General Perceptions of Jury Service

How confident are you in the Irish Criminal Justice System?

- Very Confident
- Confident
- Somewhat Confident
- Not Confident
- Not at all Confident

Please state how confident you are in the following agencies

	Very Confident	Confident	Somewhat Confident	Not Confident	Not at all confident
An Garda Siochana	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Judges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Juries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Barristers/Lawyers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Government Ministers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Politicians generally	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How important do you view the right to trial by jury?

- Very Important
- Important
- Somewhat Important
- Not Important

Not at all important

In a serious criminal case, which mode of trial would you prefer?

Trial by Jury

Trial by Judge alone

Trial by more than one judge

Do you believe that juries are representative of the community?

Yes

No

Don't know

Do you agree with the following professions having the right of excusal from jury service?

	Yes	No	Don't know
Teachers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pilots	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dentists	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Doctors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nurses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Judges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gardai	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Priests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nuns	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Full-time students	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Yes	No	Don't know
Government Ministers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Officials who work in the criminal justice system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Would you be in favour of increasing a person's right to trial by jury in less serious criminal cases?

- Yes
- No
- Don't know

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Survey of Public Attitudes to Jury Service

Knowledge of Jury Service

Typically a jury consists of twelve people

- True
- False
- Don't know

Potential jurors are currently drawn from the Electoral Role

- True
- False
- Don't know

Anybody over 18 years can sit on a jury

- True
- False
- Don't know

Jurors get paid for their services

- True
- False
- Don't know

Anybody can decline jury service if it is inconvenient

- True
- False
- Don't know

If you serve on a jury, you will never be called again for jury service

- True
- False
- Don't know

You can be fined 500 Euro for failing to reply to a summons for jury service

- True
- False
- Don't know

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Survey of Public Attitudes to Jury Service

Willingness to Participate in Jury Service

Would you be willing to participate as a juror?

- Yes
- No
- Don't know

To what extent would these factors influence your decision to participate in jury service?

	Always	Often	Seldom	Never
A sense of civic duty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interest in the criminal justice system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial considerations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Work commitments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of time/personal commitments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of knowledge about jury duty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fear of penalties/fines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lack of confidence in jury trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are there other factors that may influence your decision to participate in jury service? Please state

Would you be in favour of a deferring mechanism whereby you could be called back for jury service at another time?

- Yes
- No
- Don't know

Have you ever been summoned to appear for jury service?

- Yes
- No

Did you reply to the summons?

- Yes
- No
- N/A

Have you attended for jury service?

- Yes
- No (Go to bottom of next page and submit)
- N/A (Go to bottom of next page and submit)

Did this result in you performing jury service?

- Yes (Complete final section)
- No (Go to bottom of next page and submit)

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Survey of Public Attitudes to Jury Service

Experience as a juror

How long did you serve as a juror?

- 1-3 days
- 4-6 days
- 1 week
- 2 weeks
- 3 weeks
- Other:

Please rate your experience as a juror under the following headings;

	Very Good	Good	Fair	Bad	Very Bad
Information received about your function as a juror	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ability to understand instructions by the judge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ability to follow court proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ability of other jurors to approach their task conscientiously	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Confidentiality within proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A belief in the correct verdict being taken	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Very Good Good Fair Bad Very Bad

Overall experience as a juror

Any other comments you would like to make about your experience as juror? Please state

Did you feel that the judge was fair in respect of the following areas?

Always Often Seldom Never

In dealing with the defence team

In dealing with the prosecution team

In dealing with the accused person

In dealing with the jury

Did the experience as a juror positively enhance your perception of trial by jury?

- Yes
- No
- Don't know

Did the overall experience positively enhance your perception of the Irish Criminal Justice System?

- Yes
- No
- Don't know

Are there any other comments you would like to make?

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Appendix B

E-mail to www.boards.ie (permission request)

Dear Stargal,

I am a mature student studying for a master in criminology at Dublin Institute of Technology. My supervisor is Claire Hamilton who can be contacted at claire.hamilton@dit.ie and who can verify my status as a current student at DIT.

I am currently undertaking an exploratory piece of research into the public's attitudes towards Jury Service in Ireland. This research will involve gaining on-line access to a diverse population of participants who will be asked by advertisement document to participate in an on-line survey.

As www.boards.ie is recognised as one of the largest indigenous Irish websites, I am contacting you to seek permission to post an advertisement document with a link to the on-line survey in the survey and non-media research forum in order to gain access to potential participants for my research.

Attached please find a copy of the proposed advertisement document containing the link to the on-line survey. If you have any queries please do not hesitate to contact me.

I would be grateful for your consideration of this request and look forward to hearing from you.

Kind Regards,

Brid Dempsey

(Part-time DIT student)

Appendix C

Advertisement Document

Hi there,

I am a mature student studying criminology in DIT (Dublin Institute of Technology). I am currently undertaking a piece of research into public attitudes to jury service in Ireland through www.boards.ie. I would like to invite anybody over the age of 18 to take part in this research as I would like to hear about your experiences, thoughts and feelings about jury service.

The survey is user friendly and should take no longer than 10 minutes to fill out. It is entirely confidential and anonymous. If you decide to take part in the study, please click on the survey link below. You can always click on the link and look over the survey before you make a decision to take part.

<https://docs.google.com/spreadsheet/...Z6WGc6MQ#gid=0>

Thank you

Giuire

(Researcher's Username)

Appendix D

Further Tables and Figures

Table 1: Demographic Profile of Participants

Profile	Number of Participants	% of participants
Gender		
Male	36	49%
Female	38	51%
Age Range		
18-24	9	12%
25-34	17	23%
35-44	34	46%
45-54	9	12%
54-64	3	4%
65+	2	3%
Status		
Single	27	37%
Married	30	41%
Separated	3	4%
Divorced	2	3%
Widowed	1	1%
Living with Partner	7	9%
Other (In a relationship)	4	5%
Children		
Yes	32	43%
No	42	57%
How many Children		(% of total participants)
1	13	18%
2	9	12%
3	5	7%
4+	5	7%
Employment Status		

Student	7	9.5%
Full- time Employed	49	66%
Part time Employed	7	9.5%
Self Employed	4	5.5%
Unemployed	1	1%
Retired	2	3%
Other (homemaker)	4	5.5%
Location		
City	28	38%
Town	26	35%
Rural	20	27%

Figure 1: Increasing a person’s right to trial by jury in less serious criminal cases

