



Legislative Testimony
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**Written Testimony Supporting
House Bill 5414, An Act Concerning the Jury Administrator's
Retention of Demographic Data Relating to Jurors**

Senator Doyle, Senator Kissel, Representative Tong, and distinguished members of the Judiciary Committee:

My name is Kaley Lentini, and I am legislative counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 5414, An Act Concerning the Jury Administrator's Retention of Demographic Data Relating to Jurors.

Our democracy depends on equal protection under the law. People facing criminal charges should face a jury of their peers, but jury pools often do not represent our communities. Nationwide, there is a severe lack of representation of people of color on juries. Though discriminating against a member of a jury pool based on their race is against the law, prosecutors have the ability to strike a certain number of jurors without stating a reason as part of jury selection.

Studies have shown that prosecutors tend to strike jurors of color more often. A 2015 study of prosecutor strikes in a Louisiana city "found that prosecutors struck Black jurors at two to three times the rates of other jurors."¹ Another study in Philadelphia, Pennsylvania, of capital cases found that "prosecutors struck Black jurors at twice the rates as other jurors." Unfortunately, this kind of discrimination happens across the country and in Connecticut. The United States Supreme Court found in *Foster v. Chatman*,² a 2016 case about a Black man who served 29 years on Georgia's death row after being sentenced to death for murdering a white woman by an all-white jury, that the prosecutors in his case eliminated Black jurors based on their race. The Court found that this was unconstitutional and struck down Timothy Foster's conviction and death sentence and ordered a new trial.

¹ Stubbs, Cassandra. "Prosecutors Still Using Race to Choose Juries in Death Penalty Cases, Despite Century of Supreme Court Rulings." American Civil Liberties Union, <https://www.aclu.org/blog/capital-punishment/prosecutorial-misconduct-and-capital-punishment/prosecutors-still-using-race> (May 25, 2016).

² *Foster v. Chatman*, 136 S. Ct. 1737 (2016).

To ensure equal treatment under the law, it is important to require accurate data about the race and ethnicity of jurors in Connecticut courts and to allow a person who has been accused of a crime to inspect and copy those records to ensure that they truly faced a jury of their peers, as required by the Constitution.

The ACLU-CT encourages the committee to support this bill in an effort to encourage transparency and accountability and to help end and prevent the discriminatory practices that happen in the juror selection process.