

Jury Duty

Jury Duty Introduction

Last Reviewed: April 2022

Reviewed by: JES



This guidebook provides guidance to those who are participating in a criminal law jury trial in BC Supreme Court. It provides general information about the jury's role, the jury summoning process, how jurors are selected, the role of juries at trial, how employers should treat jury duty, and what jurors can do when the trial is complete.

Terminology



Key Terms

Accused – The person charged with a criminal offence who is on trial.

Crown Counsel – The prosecutor in a criminal trial who represents the public interest (the government) and seeks to ensure that justice is done in a fair, impartial, efficient, and respectful manner.

Defendant - An individual, company, or institution who, in a criminal law case, is charged with a crime.

Deliberate – The terms used to describe the process when a jury meets to discuss and make a decision on the case.

Jury Panel – the group of people selected to serve on the jury during a trial.

Sequestered – an isolation of the jury during their deliberations that avoids accidental or deliberate tainting of the jury by exposing them to outside influence or information.

Sheriff – Court officials responsible for security, prisoner transfer, and other processes at a courthouse. Sheriffs are responsible for summoning the jury for a jury trial.

Summons – An order to appear in court.

Testimony – Oral or written evidence given by a witness under oath.

Witness – A person who comes to court to answer questions about a case.

Role of a Jury

A jury serves an important role in the Canadian justice system. During a trial, the jury listens to the evidence presented in court. The jury then makes their own unbiased decision about the truth or honesty of the testimony given by the witnesses to come to a decision. In a criminal trial, the jury will deliver a verdict on the guilt or innocence of the accused on trial.

For many years juries have played an important role in deciding the outcome of legal cases. Juries continue to decide legal cases that affect the future of Canadian society.

Criminal Trials with a Jury

Juries in criminal cases decide whether an accused is guilty or not guilty of a criminal offence. Not all accused will have a jury trial. Only an accused charged with an offence that has a potential jail sentence of five years or more can choose to have a jury trial.

In a criminal jury trial, there are 12 jurors. There will be a prosecutor referred to as “the Crown” and an accused referred to as the defence. There may be more than one accused in some cases. The job of the jury in a criminal trial is to decide whether they believe that the accused committed the criminal offence beyond a reasonable doubt.

To decide that something is “beyond a reasonable doubt”, the jury must believe, beyond a reasonable doubt in their mind, that the accused committed the offence. This decision must be unanimous. A reasonable doubt is based on reason and common sense. The jury’s decisions should be logically connected to the evidence presented. A jury should not base their decision on sympathy or prejudice. At the

end of the trial, the judge will explain what a reasonable doubt means in the context of the case. As a juror, you are not expected to know the law.

Summons for Jury Duty

How is Someone Selected for Jury Duty?

Juries are selected through a process called “Jury Summoning”. A summons is a court order to appear in court. Individuals summoned for jury selection are randomly selected from the provincial voters list. From this list, a certain number of individuals are summoned for jury duty and will be potentially selected as jurors. If you are not registered as a provincial voter, you can self-register for the **Juror Database** if you wish to be selected to be on a jury.

French-speaking accused in criminal trials have the right to a jury who speaks French. Some criminal jury trials will need a French-speaking jury (although very few in BC). British Columbians who are fluent in French can self-register on the **French Juror Database** as individuals who can serve as potential jurors in French-speaking criminal jury trials

What to Do if You Receive a Jury Summons

The document that informs a person that they have been selected for jury duty is called the “jury summons”. Jury summons can be received by mail, e-mail, or personal delivery by the sheriff. The jury summons will say what date and time a potential juror is required to appear at the courthouse. When a potential juror is first summoned, this does not mean they are a juror. Rather it means that they will be a part of the pool from which the jury panel will be selected.

It is mandatory to respond to a jury summons. Even if a juror thinks they are not qualified or that they need to seek an exemption from jury duty, they have a legal obligation to respond to the summons. Jury summons can be responded to by mail, or online using the **Court Services eResponse website**.

Disqualifications, Exemptions and Accommodation

Can an Individual be Disqualified From Serving as a Juror?

Not all people summoned can serve as jurors. The ***Jury Act*** states British Columbia's laws specific to selecting juries. The ***Criminal Code*** also states the requirements for selecting criminal juries. Jurors must be Canadian citizens, residents of British Columbia, the age of majority (at least 19 years old), and they must be able to speak, understand, and read the language that the trial is being conducted in.

There are also some employment positions and other positions that will disqualify someone from serving as a juror. Members of Parliament or the Legislature, Judges, lawyers, court officials, sheriffs, peace officers, and prison employees cannot serve as jurors. Employees of the Department of Justice or the Solicitor General of Canada, the Ministry of the Attorney General (excluding Liquor Distribution employees), or the Ministry of Public Safety and Solicitor General are also disqualified from serving as jurors.

If an individual has been convicted of a criminal offence or is currently charged with a criminal offence, they cannot serve as a juror unless they have been pardoned of this offence.

A potential juror may also be disqualified from serving as a juror if they have a mental or physical illness that is incompatible with serving as a juror.

If a potential juror believes they are disqualified from serving as a juror, they must indicate this in their response to the jury summons. The sheriffs, who are in charge of summoning and organizing the jury, will respond to inform whether the potential juror is disqualified from jury duty. If the sheriff does not respond, the potential juror is still expected to attend jury selection.

Can Someone be Exempt From Serving as a Juror?

Potential jurors can apply to be exempt from serving as a juror for several reasons. Exemptions are not the same as being disqualified as a juror. Exemption applications must be made to the sheriff. They may not be granted, so even if a potential juror applies for an exemption, they should be prepared to attend jury selection until the sheriff informs them that they are exempt from jury duty.

Exemptions can be for many reasons, such as:

- For religious reasons that are incompatible with serving as a juror
- If serving as a juror would cause serious hardship or loss to the potential juror or others
- If the potential juror is over 65 years old
- If the potential juror has health issues that would interfere with their role as a juror
- If the potential juror is a full-time student
- If the potential juror has already served as a juror within the last two years (criminal trials only)
- If the potential juror is limited in their ability to speak the language of the trial
- If the potential juror has firm travel or vacation plans that conflict with the jury selection or trial dates

Applications for an exemption can be made when a potential juror responds to their jury summons. Applicants can check the status of their application for exemption online if they use the **eResponse** website to respond to their jury summons. If they respond by mail, the sheriff will make a reasonable effort to contact them within ten (10) business days from the date the exemption request is received. If they do not receive a response to their exemption request, they must attend jury selection.

If the sheriff denies a request for an exemption, a potential juror can still apply to the judge to ask whether they can be exempt from acting as a juror. This can be done in-person at the jury selection.

Accommodations Potential Jurors with Disabilities

Potential jurors requiring accommodations for their disabilities can contact the sheriff to discuss accommodations. Accommodations can include technical, personal, interpretive, or other support services that would enable the individual to serve on the jury if they are selected as a juror.

Jury Selection Day

Attendance at Jury Selection

If you have received a jury summons, attendance at jury selection is mandatory. If you have not received a response from the sheriff that acknowledges that you are either disqualified or exempt from serving as a juror, you must attend jury selection. If you do not attend jury selection, you may receive a fine.

What Should I Bring to Jury Selection?

Bring your jury summons document, picture ID, water and snacks, and a book to read while you wait.

Note: In light of the ongoing COVID-19 pandemic, the British Columbia Supreme Court now requires jurors to be vaccinated against COVID-19. Jurors should be prepared to bring their proof of vaccination.

What Do I Do When I Get to the Courthouse?

When you get to the courthouse, there will be signs or directions indicating where you need to sign in with the sheriff. The sheriff will explain where you must go and what you must do. The sheriffs will guide you and take care of you throughout your time as a potential juror or juror.

How Long Does Jury Selection Take?

The length of jury selection varies. Jury selection can be anywhere from half a day to a full day. You may even be asked to return for a second jury selection at a later date. Be prepared to be at the courthouse for the entire day.

How Jurors are Selected

For criminal jury trials, it is up to the Crown and the defence to decide who will be selected to be on the jury panel from those summoned.

First, 15-20 potential jurors are drawn from the list of those summoned. Their jury ID number will be called, to which they should respond “here”. At this time, either the Crown or the defence will agree on selecting the potential juror called, or they will challenge the participation of that juror. Challenging a juror’s participation on a jury panel is a normal occurrence, and potential jurors should not take offence to this. Depending on the offence, there will be certain questions that may be asked to the potential juror, and their answers will decide whether both the Crown and the defence chose or reject certain jurors.

You are selected as a juror when you swear or affirm that you will try the accused based on only the evidence heard in court. Once the entire jury is selected, the jury will be excused and told to return for the trial date.

Although a jury panel is made up of 12 jurors, it is likely that a few extra jurors will be selected as alternate jurors. You will not know whether you are an alternate juror or not until the end of the trial. Extra jurors ensure that there is still the required number of jurors for the trial if a juror must be excused for personal reasons or other reasons. At the end of the trial, the juror’s numbers will be drawn from a box, and a juror will be called and discharged as a juror until the panel reaches 12 jurors.

If a replacement juror is required before the jury has begun hearing evidence, an additional juror can be called from the original panel or elsewhere.

If You are not Selected

If you are not selected as a juror, you will be dismissed. It is possible that you will be asked to return for an additional jury selection date, but the judge will let you know before you leave. Sometimes you can be contacted at a later date for an additional jury selection without the judge letting you know at the initial jury selection, but this rarely occurs.

Can I be Excused After I Have Been Selected?

In criminal trials, jurors can be excused from serving on the jury before the trial for several reasons. Reasons include:

- A personal interest in the matter at trial

- A relationship with the judge holding the jury selection process or the judge that is presiding over the trial, the prosecutor, the accused, counsel for the accused, or a witness in the trial
- For personal hardship or any other reasonable cause

A judge can also direct a juror to stand by for personal reasons of personal hardship, to maintain public confidence in the administration of justice, or other reasonable causes.

Making a Decision

After hearing all the evidence and the witnesses, the jury begins their important job of deliberating. To deliberate means to carefully consider. This is the important work of making a decision in the case. Once all the evidence and closing arguments have been heard, the trial judge will give the jurors instructions on the law in the form of a jury charge.

From there, jurors will deliberate in a room designated by the sheriffs, and will stay together until a verdict is reached. If the jurors cannot come to a decision by the evening, accommodation and meals will be provided for the jurors.

The jury can ask the trial judge questions if required during their deliberations. Any questions will be asked in the courtroom in front of the Crown and the defence.

If the jury cannot come to a decision, they may inform the trial judge. The trial judge may ask them to try again. If the jury still cannot come to a decision, the trial judge will order a new trial and the case will start over at a later date with a new jury.

Juries and Employment

What Do I Tell my Employer?

Your employer must provide you with unpaid leave or time off to participate in the jury selection process and to serve as a juror. You cannot be terminated for serving as a juror. An employer must have your written consent to make any changes to your conditions of employment while you are serving as a juror. During your time away from work for jury selection or to serve as a juror, you must continue to

receive standard calculations for vacation, salary increases, pensions, medical, and other benefit plan entitlements.

If you are on employment insurance, you will continue to receive these benefits while you are attending jury selection or serving as a juror.

Do I Get Paid to be a Juror?

Jurors are entitled to be paid for each day they are required to attend a trial. These reimbursements apply only to those who have been selected to serve on the jury, not those who were summoned for jury selection but were not selected as jurors.

Jurors are entitled to \$20/day for the first ten (10) days of trial, \$60/day for the 11th to 49th days of trial, and \$100/day for the 50th day of trial until completion of the trial.

Jurors are also entitled to an allowance for certain expenses if they provide a receipt. Parking costs can be reimbursed up to \$20/day. If a juror must travel more than 32 kilometres to the courthouse in their own vehicle, they are entitled to mileage at the government rate. If a juror must take a taxi to the courthouse, they are entitled to up to \$15/day for travel or \$10/day for public transportation. Jurors can receive up to \$50/day in childcare costs as long as it is proven that the childcare was required to attend the trial and would not have been otherwise provided.

During the trial, jurors must bring their own meals. When the jury is sequestered to decide their verdict, the sheriff will provide meals and accommodations if needed.

After the Trial

Can I Discuss the Case When the Trial is Over?

Jurors are only able to discuss information related to the case that is public information. Jurors are not permitted to discuss the deliberations of the jury or any discussion that occurred between the jury members behind closed doors. Doing so could result in the juror being charged with a criminal offence.

Are There Supports for Jurors After the Trial?

Jury trials can include materials that may be traumatic for the jurors to view. In British Columbia, the **Juror Support Program** is available to jurors on completion of jury duty. The Juror Support Program is a free counselling service available to all types of jurors, and allows for four free one-hour counselling sessions. A juror cannot discuss the details of the jury deliberations during these sessions, but they can discuss their feelings about the experience and receive advice.