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Jurors' privacy must have protection

BY GREG HARTMANN | GUEST COLUMNIST

In an age where high-profile criminal cases are tried in the courts and in the media, it is wrong for the media to exploit our justice system's most basic public servants - jurors.

The Enquirer printed the list of jurors for Liz Carroll's trial this week. When it did so, it included personal information about the jurors, including name, age, occupation, employer and marital status.

The death of Marcus Fiesel is a tragedy, and those responsible should receive the maximum punishment. But what if that jury, or any other jury, rendered a verdict that was unpopular with the media or the public?

Armed with the knowledge of the jurors' basic information, an enraged public could easily harass, intimidate and compromise jurors, preventing them from doing their duty.

The Ohio Supreme Court's Task Force on Jury Service reviewed the issue of juror privacy and issued its report and recommendations in February 2004. In that report, the task force used disclosure of family and employment information as the instructive example where juror privacy should be protected.

While noting that juror intimidation is uncommon, the "perception that such a threat could exist" can have a chilling effect on the entire jury system, the task force found.

In addition to the inconvenience and frustrations already associated with jury duty (for example, jury duty's compulsory nature, time off from work, token pay and potentially long hours), must jurors now consider the threat to their privacy?

The Enquirer was reckless to publish the names and personal information of jurors in the Liz Carroll case and should never do so again.

Juries are the hallmark of our justice system. It is the duty of the 12 chosen jurors to decide important and difficult cases, not the media or the public at large. The media have an ethical responsibility to protect juror privacy, especially in a high-profile criminal case like the Liz Carroll case.

If you knew your private information would be published for strangers to peruse in the local newspaper - where you live, how old you are, what you do for a living, and whether or not you are married - wouldn't you be intimidated? Wouldn't you be hesitant to participate in the judicial process? The Enquirer's publication of this personal information will discourage citizens from participating.

Hamilton County courts have a long-standing practice of protecting juror privacy. The American Bar Association publishes "Principles for Juries and Jury Trials." Principle 7's title sums up what should be the general rule regarding jury privacy: "Courts should protect juror privacy insofar as consistent with the requirements of justice and the public interest."

Principle 7(A)(4) recommends that courts have a basic privacy statement detailing how juror information will "be used, how long it will be retained, and who will have access." Principle 7(A)(8) recommends that after jury selection, all jurors' home and business contact information should be kept out of the public domain.

The Enquirer should permanently cease the publication of jurors' names and personal information.

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