

Legislation Text

File #: 210641, **Version:** 0

Authorizing the Committee on Law and Government to hold public hearings to examine the benefits of providing childcare in courtrooms for jurors and others involved in court business, and to evaluate the feasibility of instituting such a childcare system in Philadelphia.

WHEREAS, Jury service has long been an important aspect of American civil life. Thomas Jefferson referred to jury service as “the only anchor, ever yet imagined by man, by which government can be held to the principles of its constitution”. Public participation in the jury system is a key avenue by which citizens are able to engage with the political process. Without it, the vitality of American democracy is endangered; and

WHEREAS, A further hallmark of American constitutional democracy is the right to an impartial jury. The courts have largely interpreted this to mean that defendants are entitled to a jury of their peers, or to a jury that generally represents a cross-section of the community; and

WHEREAS, Jury diversity is a necessary component to a fair trial. American history is replete with examples of predominately white and male juries withholding justice for minorities, from Jim Crow era show trials to contemporary failures to indict or convict police officers for the killing of unarmed Black and Brown men; and

WHEREAS, In its 2016 report entitled Best Practices for Jury Selection and Service in Pennsylvania, the Pennsylvania Interbranch Commission for Gender, Racial and Ethnic Fairness found systemic challenges that prevent juries from being inclusive. It stated that many women are often unable to serve on juries due to childcare or eldercare responsibilities. Instead of excusing this section of the population from jury duty, the Commission recommended that each judicial district in the Commonwealth provide childcare for jurors; and

WHEREAS, To facilitate the creation of childcare centers for jurors, the Pennsylvania Legislature enacted Act 105 in 2000. The legislation provides for the start-up and daily operating costs of childcare facilities through the collection of a \$5 filing fee for civil or criminal proceedings in jurisdictions across the Commonwealth. The statute enables a county judicial center or courthouse to provide “a childcare facility for use by children whose parents or guardians are present at the county judicial center or courthouse, for a court appearance or other matter related to any civil or criminal action where the person’s presence has been requested or is necessary.” The facility must be located within or readily accessible to the county judicial center or courthouse. It must also be licensed and operated pursuant to the regulations of the Pennsylvania Department of Public Welfare; and

WHEREAS, A number of court childcare programs already exist in Pennsylvania. The Montgomery County Court Care Program was started in 1996. It serves approximately 10 children per day while their parents or guardians conduct court business. There is no charge for the service and it is available to all families who are engaged in court. According to the staff, one factor behind the creation of the center was a recognition of the disproportionate number of women who are unable to participate in the jury system due to a lack of available childcare; and

WHEREAS, Allegheny County first opened a “Children’s Waiting Room” in 1980. The program has expanded in the intervening years, with three Children’s Rooms existing in the Family Division Facility and in the

Criminal and Municipal Courthouses respectively. The Children’s Rooms in the courts serve hundreds of children each month, both from families with court business and jurors, at no cost to parents. Since 2001, the program has provided children with a haven removed from the stress and difficulties of the courtroom. Cambria County also implemented free childcare services for people who are chosen for jury duty; and

WHEREAS, Understanding the problem of sparse and homogenous jury participation, the First Judicial District leadership and Mayor Jim Kenney announced the formation of the Juror Participation Initiative Committee, requesting that it craft recommendations for strategies to increase the number and diversity of Philadelphians who respond to jury summonses. In its 2018 report, the Committee wrote: “From the standpoint of a fair and equal judicial system, it is critically important that Philadelphia has, on an ongoing basis, a sufficient pool of jurors from all segments of the City’s population”; and

WHEREAS, To address this issue of promoting diversity, fairness, and efficiencies in the jury system, the Committee focused in part on alleviating the hardship and inconvenience of jury service. It recommended that, to enable jurors who are primary caretakers of children to serve on juries, Philadelphia should provide for a court-sponsored childcare program; and

WHEREAS, In response to the Committee’s report, Councilwoman Blondell Reynolds Brown introduced Resolution 180755, which authorized the Committee on Law and Government to hold a hearing to examine the benefits of childcare for jurors. At the March 4, 2019 Committee on Law and Government hearing, Rhonda Hill Wilson, Esq., Co-chairperson of the Interbranch Commission on Gender, Race and Ethnic Fairness stated, “We must become a leader on this issue of fairness and equal justice under the law and establish free juror day care in Philadelphia so that all members of our communities may serve as jurors”; and

WHEREAS, The COVID-19 pandemic has demonstrated how vital childcare is to a functioning economy and civil society, and we must act now to ensure equity in our criminal justice system; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we hereby authorize the Committee on Law and Government to hold public hearings to examine the benefits of providing childcare in courtrooms for jurors and others involved in court business, and to evaluate the feasibility of instituting such a childcare system in Philadelphia.