
Potential Black Jurors in U.S. Face High Rejection Rate

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The new report based on almost 10 years of monitoring hundreds of criminal trials confirms the existence of a racial bias when selecting juries.

Prosecutors chose to strike out Black prospective jurors at three times the rate of non-Blacks in Louisiana, revealed a report issued in August by Reprieve Australia – a finding confirmed at the larger national scale by the New York Times on Sunday.

Selecting juries in criminal trials allows the prosecutor to use a limited number of discretionary “peremptory challenges” to strike prospective jurors from the panel. In the case of Caddo Parish District Attorney’s Office, in the 332 trials analyzed between 2003-2012, this power was exercised 46 percent of the time against a Black juror, while three times less – 15 percent – against a white juror.

What Reprieve Australia found in the state of Alabama is witnessed across the country: in Alabama or North Carolina, the New York Times explains that prosecutors struck Black jurors at double or triple the rates of others.

This kind of discrimination bears a significant impact on the sentence of the trial, said Ursula Noye, a researcher quoted in the New York Times report.

"Not one defendant was acquitted in a trial where there were two or fewer Black jurors," Noye writes. "The acquittal rate in the 49 trials where the number of Black jurors was three or more, was 12 [percent]. In trials with five or more Black jurors, defendants are acquitted 19 [percent] of the time."

The U.S. Supreme Court will hear in the fall this year the case of a 1987 death penalty sentence ruled against a 19-year-old Black man in Georgia, as prosecutors excluded every Black prospective juror.

