

TEMPLE AMERICAN INN OF COURT
APRIL 13, 2011
LITTLE JURY ROOM OF HORRORS – PTSD
MATERIALS

1. “Post-Verdict Information for Jurors”, United States Probation Office, Eastern District of Pennsylvania
2. “Probation Officers Debrief Jurors After Child Pornography Trials”, Chief Probation Officer Daniel W. Blahusch (August 3, 2009)
3. “Courts Offer Jurors Help After Traumatic Cases”, The Third Branch (October 2009)
4. “Juror Stress Through the Eyes of The Juror – A Manual for Addressing Juror Stress”, National Center for State Courts (March 12, 2002)
5. “Reaching Out to Juries Rocked by Evidence”, Law.com (October 14, 2004)
6. “Putting Jurors on the Couch”, *TIME* by Hillary Hylton (April 10, 2007)
7. “Courts are increasingly recognizing juror trauma and offering help”, *The Journal Record* by Nora Lockwood Tooher (June 7, 2007)
8. “Victim’s mom pushes counseling for jurors”, *USA Today* by Ben Schmitt (November 25, 2007)
9. “Cheshire Case Jurors Speak on Death Verdict”, *The New York Times* by William Glaberson (November 8, 2010)
10. “Jurors: Serving in deadly home invasion case was life-changing”, CNN.com (November 09, 2010)
11. “Cheshire Home Invasion Jurors Get Counseling”, CBSNewsNewYork.com (November 17, 2010)
12. “Harrowing Cheshire Case Still Haunts Jurors”, *The New York Times* by William Glaberson (December 31, 2010)
13. “Juror: CT Triple Murder was “So Heinous, So Over the Top””
14. “Should there be the ability to re-try a capital murder sentence if the jury hangs”
15. “Jurors in Philadelphia cop killer trial say they were deadlocked from the start”

**POST-VERDICT INFORMATION
FOR JURORS**



**UNITED STATES PROBATION OFFICE
EASTERN DISTRICT OF PENNSYLVANIA
LESLIE E. MAXWELL
UNITED STATES PROBATION OFFICER
(267) 299-4591**

POSSIBLE SIGNS AND SYMPTOMS OF STRESS AFTER A NEGATIVE OR TRAUMATIC EVENT

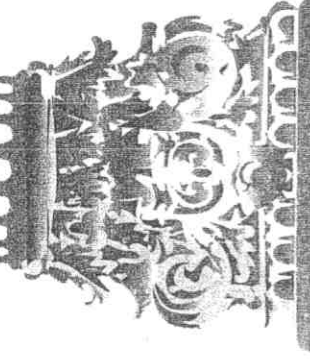
- The event is persistently reexperienced in at least one of the following ways:
 - Recurrent images, thoughts, dreams, flashback episodes, or distress on exposure to reminders of the traumatic event.
- Marked avoidance of stimuli that arouse recollections of the trauma (thoughts, feelings, conversations, activities, places, people).
- Marked symptoms of anxiety or increased arousal (problems sleeping, irritability, poor concentration, hypervigilance, restlessness).
- A subjective sense of numbing, detachment, absence of emotional responsiveness, being "in a daze", dissociation from normal range of emotional experience.
- Depressed mood, tearfulness, feelings of hopelessness, nervousness.
- Disturbances in conduct such as negative changes in activity or relationships, withdrawal, reckless behavior, increased alcohol or drug use.
- The symptoms persist and cause clinically significant distress or impairment in social, occupational, or other important areas of functioning or impair the ability to pursue necessary tasks, such as obtaining necessary assistance or mobilizing personal resources by telling family members about the traumatic experience.

Stress and Critical Incidents

Any sudden, intense, or life threatening event over which a person seemingly has no control may cause them to experience a critical incident. This can be one or more dimensions - physical, emotional, and psychological. This stressful condition can also be reflected in close family members and friends. Recognizing and understanding the possible reactions, and having coping strategies at hand to employ can lessen the intensity and time needed to recover from a critical incident.

Feelings and Thoughts

All of these . . . feelings and reactions . . . are normal and natural even though they may seem very different and unusual from others. As individuals we respond in our own way. The memory will always be a part of your life. The incident cannot be erased. Everyone moves at their own pace through the stages of crisis and healing. For some people, there may be on-going problems.



Reactions

Change in appetite/weight
Excessive use of sick time
Low resistance to illness
Work/Family problems
Feeling overwhelmed
Loss of concentration
Sleep disturbances
Accident prone
Helplessness
Withdrawal
Frustration
Regression
Flashbacks
Numbness
Depression
Irritability
Outrage
Despair
Crying
Fatigue
Anger
Grief
Fear

Post Trauma "Do's and Don'ts"

People who have experienced a traumatic event often demonstrate changes in behavior. These suggestions help reduce the probability of long term stress reactions.

Do's

- Do get enough rest.
- Do maintain a good diet and exercise program.
- Do follow a familiar routine.
- Do talk to supportive peers and family about the incident.
- Do take one thing at a time.
- Do attend meetings regarding this traumatic event.
- Do spend time with family and friends.
- Do create a serene place where you can escape, either in your imagination or in reality.
- Do expect the experience to bother you.
- Do seek professional help if your symptoms persist.

Don'ts

- Don't drink alcohol excessively.
- Don't use drugs or alcohol to numb feelings.
- Don't withdraw from significant others.
- Don't reduce leisure activities.
- Don't stay away from work.
- Don't increase caffeine intake.
- Don't have unrealistic expectations for Recovery.
- Don't look for easy answers.
- Don't take on new major projects.
- Don't pretend everything is okay.
- Don't make major changes if you don't need to.

Assess Your Stress



Not all stress is bad. Stress is your body's response to any change in its inner or outer environment. We expect things such as getting fired from a job or a death in the family to produce stress. But even good things, such as a promotion or a new baby, can create stress.

Stress is as much a part of life as eating and breathing. The key to living well with life's stressors is making sure there are enough periods of relaxation to balance out the periods of stress. When we're faced with one stress period after another, with no time to relax in between, it can affect our physical and mental well-being.

Here are some common symptoms of too much stress and not enough relaxation. Put a check by any that have troubled you in the past month:

- Fatigue
- Sleeplessness
- Irritability, anxiety or depression
- A change in appetite
- Headache, backache or chest pain
- A noticeably negative attitude
- Numbness
- Feeling overwhelmed or out of control
- Poor concentration
- Little things bothering you
- Frequent crying
- Muscle spasms
- Constipation or diarrhea
- Shortness of breath
- Difficulty controlling your temper

If you're experiencing any of these symptoms, try some simple stress reduction techniques, such as meditation, deep breathing, relaxation or exercise.

If you checked many boxes, you may require more than simple relaxation techniques. Consider asking a professional counselor to help you identify and deal with the stressors in your life.

© 1995 PARLAY INTERNATIONAL 1600.033

030
J. C. S. M.
J. C. S. M.

IDENTIFYING YOUR MOST COMMON SYMPTOMS OF DISTRESS

Most people know when they are experiencing excessive levels of stress arousal. The manner in which we are alerted to such a condition of distress may be through the development of symptoms of excessive stress. Listed below are numerous potentially stress-related symptoms that people experience. Read through the list and check your most common symptoms of distress putting a check in the column indicating how often you experience each.

"When I am under a great deal of stress, I experience:"			
	Seldom	Sometimes	Often
1. Headaches			
2. Irregular heart beat			
3. Muscle spasms			
4. Gastrointestinal problems			
5. Vertigo			
6. High blood pressure			
7. Low blood pressure			
8. Fatigue			
9. Difficulty concentrating			
10. Feeling overwhelmed			
11. Anger, irritability			
12. Difficulty falling asleep or staying asleep			
13. Sadness/depression			
14. Increased appetite			
15. Decreased appetite			
16. Rashes or hives			
17. Feelings of helplessness or hopelessness			
18. Apathy			
19. Increased use of alcohol and/or tobacco			
20. Cynicism, negativism			

COUNTY MENTAL HEALTH PHONE NUMBERS/RESOURCES

Berks County

Mental Health/Mental Retardation

Berks County Services Center
633 Court Street, 15th Floor
Reading, PA 19601
Mon-Fri, 8 a.m. to 5 p.m.
610.478.3271
610.478.4980

Bucks County

To obtain Mental Health or Early Intervention services, contact the agency closest to you; For Mental Retardation information and intake contact the Department of Mental Health-Mental Retardation at 215-442-0760.

Penn Foundation

Mental Health, Mental Retardation and Early Intervention
807 Lawn Avenue
P.O. Box 32
Sellersville, PA 18960
Tel: (215) 257-6551 (MH)
Tel: (215) 257-1183 (MR)

Lenape Valley Foundation

Mental Health and Mental Retardation
500 North West Street
Doylestown, PA 18901
Tel: (215) 345-5300

Early Intervention
Tel: (267) 893-5400

Penndel Mental Health

Mental Health
1517 Durham Road
Penndel, PA 19047
Tel: (215) 752-1541

Mental Retardation
3000 Cabot Blvd West
Suite 100
Langhorne, PA 19047
Tel: (215) 750-9898

Northwestern Human Services of Bucks County

Early Intervention
450 Lincoln Hwy
Fairless Hills, PA 19030
Tel: (215) 949-3230

If you are on Medical Assistance, some Mental Health, Alcohol and other Drug Services are authorized and paid for by:

Magellan Behavioral Health of PA, Inc.
Call 1-877-769-9785

Chester County

Department of Mental Health 1-800-692-1100 ext 6265

Creative Health Services

Spring City, PA 610-948-6490

Fellowship Health Resources

Phoenixville, PA 610-415-9301.

Human Services, Inc.

Downingtown, PA 610-873-1005

Toll free at 1-888-873-1001

Oxford, PA 610-873-1005

West Chester, PA 610-430-6141

Delaware County

Office of Adult Services at 610-713-2115. The office is located at 20 South 69th Street, Upper Darby, PA 19082.

Office of Behavioral Health

20 S.69th Street

Upper Darby, PA 19082

(610) 713-2365

Lehigh County

Outpatient services may include psychiatric evaluation, medication monitoring, and counseling or therapy. Again, individual needs for each of these services and the availability of the services will vary. For people who have no insurance coverage and are eligible, both Counties provide outpatient services and/or contracted with outpatient providers to do so. You can reach these services through the counties' intake unit listed here, as well as the other service providers:

LEHIGH COUNTY MH/MR CENTRALIZED INTAKE: 17 S. Seventh St., Allentown, PA 18102
(610)782-3500

NORTHAMPTON COUNTY CENTRALIZED INTAKE: 45 N. Second St., Easton, PA 18042 (610)559-3270, and 520 E. Broad Street, Bethlehem, PA 18018-6395

Montgomery County

Montgomery County - **Montgomery County Mental Health**
(Human Services Center)
1430 DeKalb Street
Norristown, PA 19401

Office Hours Monday - Friday
7:30AM - 4:30PM Contact **Montgomery County Mental Health**
Phone: 610-278-3642
Fax: 610-278-3683

Philadelphia County

Mental health services are available to Philadelphia residents who receive Medical Assistance, have private fee-for-services health insurance or HealthPass, and the uninsured. Residents who belong to a managed care organization (HMO) should contact their primary care physician and/or company representative concerning the specifics of that organization's mental health programs.

The Acute Service Unit provides suicide and crisis intervention through a hotline that operates 7 days a week, 24 hours a day. The unit also provides a 24-hour, 7 day a week mental Health Delegate hotline to provide authorization for involuntary psychiatric commitments and serve as a mental health court liaison.

If you are in crisis call:
Suicide / Crisis Intervention Hotline:

(215) 686-4420
7 days a week
24 hours per day

Administrative Office:
1101 Market Street
7th Floor
Philadelphia, PA 19107

General Information:
(215) 685-5400

Michael J. Covone,
Deputy Health Commissioner:
(215) 685-5460
FAX: (215) 685-5567

HOTLINE AND INFORMATION PHONE NUMBERS

National Center for Victims of Crime (NCVC)

Phone: (202) 467-8700

<http://www.ncvc.org/>

PTSD Information Hotline

Phone: 1-802-296-6300

PTSD Sanctuary

Phone: 1-800-THERAPIST

National Institute of Mental Health

E-mail: nimhinfo@nih.gov

Web site: www.nimh.nih.gov

866-615-6464

National Center for Post Traumatic Stress Disorder

802-296-5132

<http://www.ncptsd.org>

International Society for Traumatic Stress Studies

847-480-9028

<http://www.istss.org>

CHILD CORNER

**Probation Officers Debrief Jurors
After Child Pornography Trials***by Chief Probation Officer**Daniel W. Blahusch (Pennsylvania Eastern)*

This past spring U.S. District Judge Lawrence F. Stengel (Pennsylvania Eastern) presided over a trial that involved the production of child pornography, including the victimization of infants. Concerned about the impact of the evidence on his jurors and court staff during the trial, Judge Stengel contacted Supervising Probation Officer *Robert Weinberger* for guidance. Robert and Senior Probation Officer *Leslie Maxwell*, who specializes in child pornography prosecutions, met with Judge Stengel.

Leslie created a handout for the jurors that contained information about various community resources that assist in stress management and related information. She also arranged for one of our contracted psychologists to be present (pro bono) for a postverdict debriefing in the jury room. Following the guilty verdict, Judge Stengel, Leslie, and the psychologist spoke to the jurors about the case and provided the handout to the jurors. Judge Stengel provides this description of the emotional session:

"The discussion lasted nearly two hours. Dr. Summerton, Ms. Maxwell, and I each spoke briefly; then the jurors asked questions and offered comments. I believe the session was extremely valuable, and I will consider this option in future cases where the jury is exposed to very troubling evidence.

"Our probation office, in my view, performed a valuable service to the court and to the people serving on this jury. Through the efforts of Leslie Maxwell and her colleagues, we were able to pay attention to the important emotional and psychological side of jury service in this difficult case. I am very grateful to our probation office for their thoughtful and effective response to these concerns.

"The debriefing/discussion was a great help to my staff—clerks and deputies—individually and as a group. Our staff lived with that case for a long time

and helped me in many ways with the trial. They felt much the same as the jury and were very glad they participated in the discussion with you, the jury, and the psychologist."

Shortly thereafter, U.S. District Judge Juan R. Sanchez presided over a child pornography jury trial. Judge Sanchez sought out Leslie, who also involved Senior Probation Officer *Stephen Carmichael*. Steve supervises many of our sex offenders and manages the computer monitoring program. Both officers met with the jury after the verdict was rendered. Judge Sanchez stated:

"In a child pornography case, jurors are vulnerable to negative emotions which may persist after the trial is over. Jurors may experience strong emotional reactions when they are exposed to child pornography evidence. For example, in a recent child pornography case, I had to excuse one juror who experienced an uncontrollable crying spell.

"At the conclusion of that trial, two highly experienced probation officers spoke with the jurors to ensure they recognized common symptoms of distress, which may be caused by exposure to child pornography, and knew where to go for help if they experienced such distress.

"The probation officers distributed a handout designed to help jurors assess their stress levels and understand their feelings and reactions. The probation officers spent an hour answering the jurors' questions and offering them guidance. The jurors appreciated the handout materials, the time spent answering questions, and the court's sensitivity to their needs. Trial judges may find it useful to adopt a similar type of protocol to deal with this difficult situation."

18 U.S.C. § 3603(10) states that the duties of a probation officer include any other duty that the court may designate. While our officers are usually preoccupied by supervision and sentencing tasks, contributions such as these leave an indelible mark on the court and community.

Courts Offer Jurors Help After Traumatic Cases

Chief Judge Joseph Bataillon, of the U.S. District Court for the District of Nebraska, did more than just thank jurors after their verdict in a gruesome child pornography trial earlier this year. He extended their jury service long enough so that any one of them who wanted to could receive professional counseling.

"Judges and lawyers must be sensitive to just how stressful being exposed to troubling evidence or testimony, especially in child pornography and death penalty cases, can be for jurors," Bataillon said. "Jurors are performing a civic duty for only \$40 a day, and the material they are exposed to in such cases is fundamentally known to be traumatic."

The federal trial court in Nebraska is one of several around the nation that have made counseling services available for grand and trial jurors.

After a six-month capital punishment murder trial, Judge Maxine Chesney (N.D. Cal.) likewise extended the jury's term of service so that counseling could be made available.

"Because such counseling is confidential, I don't know if any juror actually opted for one or more sessions, but I can tell you that there were looks of appreciation on the jurors' faces when they were told about its availability," said David Weir, the district's courtroom services supervisor.

"A court doesn't have to jump through a lot of hoops before it can offer counseling in such cases," Weir said. "In fact, it's actually a very simple process involving nothing more than a couple of phone calls and an administrative order from the judge. We called the Administrative

Office, and Attorney Advisor David Williams in the District Court Administration Division got the ball rolling."

Current occupational health literature says it is common for jurors to experience some emotional or physical reactions after concluding



their service in emotional cases. Coping tips include talking to family members, friends, or neighbors, and getting lots of exercise.

The U.S. District Court for the Northern District of New York has produced its own pamphlet, "Tips for Coping After Jury Duty," that includes the telephone numbers of the New York Psychological

Association, the state government's Office of Mental Health, and the American Psychiatric Society.

"After an emotionally difficult case, we make the brochure available to jurors," said Clerk of Court Larry Baerman.

District of Nebraska Clerk of Court Denise Lucks said her court formalized its process for helping jurors cope about a month after the child pornography trial presided over by Bataillon. "Discovering what resources are out there is half the battle," she said. "We first talked to David Williams. Then, Cam Burke, the former clerk of court for the District of Idaho, shared his court's letters to jurors and administrative orders so we could take them and make them our own."

Her court's written materials tell employees to "pay extra attention to the little things," such as making sure water and tissues are available for jurors in the courtroom, and watching jurors for signs of distress during the trial and recesses.


Earlier this year in the Eastern District of Pennsylvania, Judge Lawrence Stengel presided over a trial involving child pornography that included the victimization of very

See Help on page 9

Judiciary Operating Under CR

As the 2010 fiscal year began on October 1, 2009, the federal Judiciary kept operating under a Continuing Resolution (CR) passed by Congress. The CR continues through October 31. Congress has not yet passed the 2010 Financial Services and General Government Appropriations bill, under which the Judiciary receives its annual appropriations, and the CR allows court operations to continue in the new fiscal year. While courts should not start new projects or activities while operating

under a CR, they can continue to obligate funds at the same rate as they did in FY 2009.

Both the House and the Senate Appropriations Committees have reported their versions of the Judiciary's FY 2010 appropriations bill. As of October 1, none of the 12 appropriations bills funding operations in government departments and agencies had been enacted, and it is uncertain when Congress will act on them. 

New Committee Chairs Named

Four current committee members have been named by Chief Justice John Roberts, Jr., to chair their respective Judicial Conference committees. Their appointments began October 1, 2009.

Judge Julie A. Robinson (D. Kan.) succeeds Judge John R. Tunheim (D. Minn.) as chair of the Committee on Court Administration and Case Management.

Judge George H. King (C.D. Cal.) succeeds Judge Dennis M. Cavanaugh (D. NJ) as chair of the Committee on the Administration of the Magistrate Judges System.

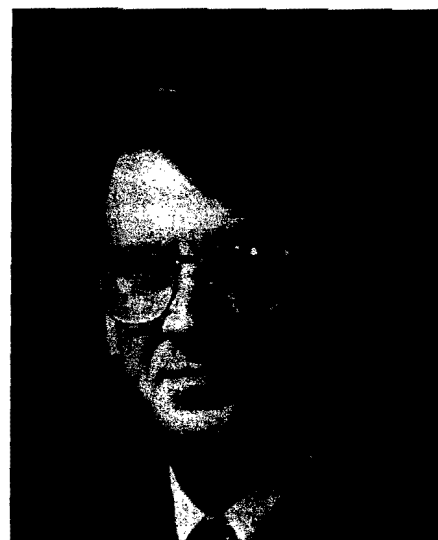
Judge Jeffrey S. Sutton (6th Cir.) succeeds Judge Carl E. Stewart (5th Cir.) as chair of the Advisory Committee on Appellate Rules.

Judge Michael A. Ponsor (D. Mass.) succeeds Chief Judge Joseph F. Bataillon (D. Neb.) as chair of the Committee on Space and Facilities.

With the exception of the Executive, Judicial Branch, and Budget Committees, committee chairs usually serve for a term of three years. Six years of cumulative committee service usually is considered the maximum a member may serve. The Judicial Conference operates through a network of committees created to address and advise on a wide variety of subjects. ⚡



Judge Julie A. Robinson (D. Kan.)



Judge Michael A. Ponsor (D. Mass.)



Judge Jeffrey S. Sutton (6th Cir.)



Judge George H. King (C.D. Cal.)

Judgeships continued from page 2

of magistrate judges, the size of the district or circuit, the complexity of caseload, temporary or prolonged caseload increases or decreases, and the use of visiting judges.

For a list of the circuits and districts where new judgeships are recommended by the Judicial Conference, visit www.uscourts.gov/Press_Releases/2009/recommendations.pdf. ⚡

Help continued from page 3

young children. Concerned about the case's impact on jurors and court staff, he and Senior Probation Officer Leslie Maxwell, who specializes in child pornography prosecutions, met with jurors—along with a psychologist—after the trial verdict.

"The discussion lasted nearly two hours. [The psychologist], Ms. Maxwell and I spoke briefly, then the jurors asked questions and offered

comments. I believe the session was extremely valuable, and I will consider this option in future cases where the jury is exposed to very troubling evidence," Stengel said.

Bataillon noted that counseling and other help also is available to court staff who are exposed to troubling evidence and testimony. "We have an obligation to our employees to provide a safe work environment, so it is appropriate to offer employee assistance in these instances," he said. ⚡



Juror Stress

Through The Eyes Of The Juror

Research Services

Through the Eyes of the Juror A Manual for Addressing Juror Stress

Through the Eyes of the Juror is now available in PDF format. It has been divided into two sections for your convenience. The first is the main body of the publication. The other is the appendices.

- *Through the Eyes of the Juror*
 - *Through the Eyes of the Juror: Appendices*
-

Inquiries regarding **Juries** or to obtain copies of any of these resources may be directed to the Research Division Office
research@ncsc.dni.us
1-800-616-6164

Last Modified: March 12, 2002
Copyright 2002 – The National Center for State Courts. All rights reserved.

Chapter 6

Post-trial Proceedings

Lessons Learned

- Jurors have questions about procedures and decisions made during the trial that they do not understand.
- Jurors worry about the accuracy of their verdict.
- Jurors may fear retribution by the defendant or family and friends of the defendant.
- Jurors are anxious about meeting the press after the trial.
- Jurors are concerned about their privacy after the trial and worry that their conversations during deliberations will be discussed publicly.
- Jurors may not understand stress symptoms they are experiencing or may not be prepared for symptoms that occur following the trial.
- In addition to providing feedback for improving the jury system process, exit questionnaires allow jurors to release pent-up feelings about their jury experience.

The trial is over, the verdict has been given, and the court has officially dismissed the jury from service. This time holds mixed emotions for many jurors. They may feel a sense of relief that their term of service is over and enjoy feelings of accomplishment for completing the job. Jurors also may experience a flood of difficult emotions, particularly following long trials, trials with high levels of stress, and/or complex trials. These emotions stem from several sources, and each emotion is a normal reaction to the unusual experience of serving on a jury. Judges in the survey recognized the importance of this period: They ranked judicial post-trial debriefing of jurors as fourth among 42 strategies for effectively addressing juror stress. The

"There needs to be a debriefing process after deliberations! This would help greatly in reducing stress or adverse after effects."

—Juror

"Judge . . . debriefed for one hour after trial and that made the whole thing worthwhile; now willing to do again."

—Juror

nature of post-trial communications to alleviate juror stress is the subject of this chapter.

CONSIDER WHAT TYPE OF DEBRIEFING IS NEEDED

Three main techniques are used to address the jury after the trial: discharge instructions, post-trial debriefings by a judge, and post-trial debriefings by a mental health professional.⁸² Jurisdictions, as well as judges within jurisdictions, vary with regard to the method or combination of methods they use to address jurors after the trial.⁸³

For trials that involve relatively low levels of stress, jurors may need only general discharge instructions from the trial judge prior to being dismissed. Discharge instructions can help jurors in relatively low-stress trials by providing information on what to expect once the trial is finished.⁸⁴ This includes instructions regarding what they can say to whom and tips for dealing with and/or avoiding the media. For criminal trials with a separate sentencing date, jurors should also be informed when to return if they wish to hear the sentence. During discharge instructions the judge should thank jurors for their service and reinforce the court's appreciation of their time investment. In general, informal meetings with the trial judge provide a sense of closure for the jurors.⁸⁵

In other cases where moderate or more severe levels of stress occur during the trial, judges may choose to hold a more lengthy discussion with the jurors (a judicial debriefing) or bring in a mental health professional to conduct a debriefing.

A debriefing session is often needed when the trial provokes a great deal of media attention, the testimony is especially gruesome, or the trial is exceptionally long. The

"No one else understands as well as other jurors; helps being able to talk to other jurors after its over."

—Juror

⁸² For some trials, it may be helpful to have the debriefing done by a judge *and* a mental health professional or have a mental health professional easily available, if needed, for consultation with the judge and/or the jury.

⁸³ This chapter presents options for material that can be presented during debriefing sessions. The various techniques and the kinds of topics covered can be combined to address the individual needs of each case within the procedural and statutory guidelines of each jurisdiction.

⁸⁴ See ABA JURY STANDARDS, *supra* note 4, at 151-52.

⁸⁵ See generally the Honorable James E. Kelley, *Addressing Juror Stress: A Trial Judge's Perspective*, 43 DRAKE L. REV. 97, 116 (1994) [hereinafter *Addressing Juror Stress*] (suggesting that "even a brief intervention, such as short conversation with the trial judge" may help avoid a serious stress reaction).

primary advantage of a mental health debriefing is the presence of someone with professional expertise who can immediately address any serious or severe reactions to stress, such as depression, nightmares, and insomnia. A debriefing by a neutral party also avoids any question of the appropriateness of judicial involvement in a debriefing.

Only 15 percent of the 118 judges responding to the second judge survey reported the use of a mental health expert in conducting a post-trial debriefing. In comparison, 74 percent reported conducting judicial debriefings. The infrequent use of mental health experts may be explained, in part, by the relatively few reports of severe stress among jurors. Based on the jurors' reports of stress, a distinct minority of high-stress cases warrant a professional mental health debriefing. Judges, however, should be aware of the alternative and know where to access a qualified professional (i.e., psychologist, psychiatrist, or social worker with expertise in post-traumatic stress disorder) to conduct a jury debriefing when necessary. If the court has a victims' assistance program (or other component of the court that deals with mental health issues, such as a court clinic), the staff may be familiar with local mental health professionals experienced in helping individuals deal with post-traumatic stress. Although these mental health professionals may not have conducted juror debriefings per se, they probably will have a better sense of what a debriefing should cover.⁸⁶ If a jurisdiction does not have a victim assistance program or other in-house or contractual source of mental health services, court officials can seek references from mental health centers, nearby medical schools, university departments of psychology and social work, professional associations with referral services,⁸⁷ or other sources of mental health services.

Some judges use the judicial debriefing as an opportunity to "screen" the jury to determine if an additional mental health debriefing is necessary for the full jury or if additional assistance may be necessary for some jury members. Some judges follow up with jurors who seem particularly disturbed by the trial or ask the

⁸⁶ The court can increase the effectiveness of the mental health professional by providing information on the jury process, the specific stressors or issues involved in the trial, and the most frequent problems experienced by jurors.

⁸⁷ Some professional associations have referral services that can provide the names of mental health professionals with knowledge of the court process and juror stress.

jurors to call the judge or someone else within a set period of time.⁸⁸

In general, good debriefing sessions reduce stress and offer information on mental health services for those who might need it, provide closure, promote confidence in the judicial system, and enhance satisfaction. The next section offers suggestions for optimizing the debriefing process.

OPTIMIZE THE DEBRIEFING SESSION

- *Consider the best time to debrief.* Timing the debriefing is important. If the verdict is returned early in the day, remaining for the debriefing can provide jurors an excellent opportunity to decompress before meeting the press. However, if it is late in the day, jurors may be tired or burned out from their deliberations and thus should be directed to return the following day for debriefing. The latter is typically easier to arrange when a professional from outside the court conducts the debriefing, as the exact time a jury will bring the verdict in is uncertain. In addition, some jurors reported being numb and emotionally exhausted immediately after the trial and thus could not take full advantage of what was being said.⁸⁹
- *Make the juror feel comfortable.* The judge should set the stage for the debriefing process. Debriefings may be held in the courtroom, the judge's chambers, or in the deliberation room. There are advantages and disadvantages to each choice—judges can determine the best location considering available space and the individual experiences of each jury.⁹⁰ In any location, the judge should take steps to diminish the psychological distance between judge and juror—removing the judicial

⁸⁸ Judges may find it helpful to speak with a mental health professional about the likely symptoms of stress that would warrant a referral to a mental health professional.

⁸⁹ One juror suggested that the court provide exiting jurors with written information about what they can expect so that they can take this information with them and read it later. She also suggested providing a number they can call for assistance. "All coping skills are not equal, and if the state can ask people to make the sacrifices we must make to serve, then it seems appropriate that they have something in place to assist those who don't carry the burden as well as others."

⁹⁰ For more information, see *Appendix 12: Suggested Procedures for Judges Conducting Juror Debriefings*, in *JURY TRIAL INNOVATIONS*, *supra* note 15, at 297–302.

robe or coming down off the bench to speak to jurors on the same level.

Many judges may feel uncomfortable conducting jury debriefings. Judge James Kelley suggests several strategies judges can use to increase the judge's effectiveness: listen with an empathetic attitude, do not interrupt jurors, occasionally repeat back what was said by a juror to show you are listening, and censor any "put down" statements.⁹¹ While study participants generally agreed that the presiding judge should conduct the debriefing, they did acknowledge that some judges "don't have the personality for it," in which case the debriefing should be conducted by another court official or mental health professional.

The judge or mental health professional should make it clear that participation in a debriefing is voluntary and no one should be singled out or questioned if he or she does not choose to participate actively in the discussion. Some jurors, although quiet, may be relieved to hear their concerns expressed by other jurors. One judge indicated that jurors may "need to understand that this conversation is not on the record and that the trial is over now." To help jurors feel comfortable and encourage conversation, some judges clear the courtroom entirely; others indicated that they allow attorneys to remain for the purpose of education, dismissing them only if the jurors seem nervous or request that the attorneys not be present.

- *Encourage productive communication.* Jurors may need some encouragement to begin the post-trial debriefing. One judge suggested asking a direct question to "prime the pump." Get the conversation started using open-ended questions – ask jurors if they have any questions about the trial process or comments about their experience. The jurors should drive the content of the debriefing, and any appropriate questions should be answered.⁹²

Though the object is to encourage open communication, the judge and/or mental health professional conducting the debriefing needs to maintain control over the discussion. Judges suggested introducing the debriefing process by stating the purpose of the meeting and setting any ground rules for the discussion

⁹¹ See *Addressing Juror Stress*, *supra* note 85, at 120.

⁹² Subject to ground rules, some questions and comments can be put into writing. This approach may increase juror participation in the process, as well as facilitate more open and honest comments.

(e.g., only one person speaks at a time, be sensitive to the confidentiality of others' remarks, talking about the deliberation process is "off-limits"). Do allow jurors to vent some feelings about the process, but do not allow them to start discussing other jurors' behavior or allow the debriefing to degenerate into a conflict between two jurors or a continuation of arguments from the deliberation room. Judges may watch for signs that jurors are uncomfortable—facial expressions or avoiding eye contact with the jurors who are talking. Judges reported that by controlling the process carefully, they rarely hear about possible juror misconduct or information that may lead to a new trial.

ENSURE DEBRIEFING ADDRESSES JUROR NEEDS

- *Cover "lingering" questions.* A debriefing session is an excellent time to answer questions that were not appropriate for discussion during the trial. Many jurors in the study described their frustration over delays and frequently felt that their time was wasted waiting for the judge or attorneys. Judges may take this opportunity to explain the reasons for the delays. Jurors also may be curious about conversations conducted outside of their presence or may wonder why certain evidence was not presented. The debriefing is an opportunity to explain trial procedures or rules of evidence that jurors may not have understood.

Some judges are comfortable discussing their opinions about jurors' specific questions; for example, the reasons why a certain witness did not testify. In criminal trials, jurors often want to know what will happen to the defendant next; some judges use the debriefing to tell jurors about the defendant's prior record or explain how the sentencing process works.⁹³

- *Reassure jurors.* Some jurors have questions about their verdict. Concerns about having made the wrong decision can haunt jurors long after the trial is over. A debriefing enables the judge to assure jurors that they did a good job, without commenting on the verdict.⁹⁴ Judges may take this opportunity to empathize with jurors about how hard it is

"Jurors appreciate the concern for their well-being and comfort; jurors like the attention given to questions they have about the process."

—Judge

"Whether you agree or not, you can't comment. . . . Their job is tough enough as it is."

—Judge

⁹³ See *Addressing Juror Stress*, *supra* note 85, at 118.

⁹⁴ See *id.* at 117.

to be a juror and to note that most cases that go to trial are sharply contested and difficult to decide. One judge tells his jurors that “juries make the best decision 99% of the time, and if they didn’t it’s because they got bad evidence or testimony and that’s not their fault, but the fault of the attorneys or the judge.” Judges can emphasize that jurors fulfilled their duties to the court and can encourage them to take pride in the process, de-emphasizing the verdict. In the study, several jurors reported that the debriefing process made them feel better about the verdict.

Jurors also may have concerns about retribution, either by the defendant or the defendant’s family and friends. These fears are especially prevalent in trials involving violent or gang-related crimes. One juror described “concerns that the attorney was passing names on to the defendant—worried about the defendant coming back and getting me.”⁹⁵ After the verdict, jurors should be informed of precautions to protect their privacy and any additional security precautions that are being taken. Judges can reassure jurors that incidents of retribution are extremely rare but provide them with information about contacting the court if a threat does occur.

- *Help jurors deal with media and attorneys.* After the trial, jurors are sometimes anxious about meeting the parties involved in the trial or with reporters. They worry that their discussions in the deliberation room will not remain private. Some express confusion about whether they are required to speak to the media. ABA Standard 16(d)(i) and (ii) recommend that judges “release the jurors from their duty of confidentiality” and also “explain their rights regarding inquiries from counsel or the press.”⁹⁶ Several of the judges in the study also take this opportunity to remind jurors to respect the privacy of the other jurors when discussing the case with the media or attorneys.

To protect jurors from harassment, some courts inform jurors of constraints on the parties and their attorneys regarding future contact with jurors and provide instructions on how to invoke the protection of the court, if needed.⁹⁷ Some courts also provide alternate exits for jurors who want to avoid the press.

“Stressed from deliberation and verdict, didn’t want to have to explain to reporters.”

—Juror

“I still have nightmares about what I heard. It was after the trial that I was bothered the most—no nightmares during the trial.”

—Juror

⁹⁵ See discussion *infra* Chapter 3, “Address Security Issues.”

⁹⁶ ABA JURY STANDARDS, *supra* note 4, at 141.

⁹⁷ For more information, see § VII-1 *Advice Regarding Post-Verdict Conversations*, in JURY TRIAL INNOVATIONS *supra* note 15, at 197–99.

"The night we stayed in the motel, I dreamed [the defendant] had gotten loose and was there in the room with us while we were deliberating on the verdict. I was terrified."
—Juror

- *Normalize juror stress.* Many jurors experience similar symptoms of juror stress. These may include insomnia, anxiety, guilt, intrusive thoughts, nightmares, or depression. Talking to jurors about these symptoms validates their feelings and helps them understand that what they are experiencing is normal. It is also important to warn jurors that even though they haven't experienced these signs of stress during the trial, they may in the future. People react differently to stressful situations. Some may continue to have symptoms for a while after the trial.⁹⁸ Some may have a reoccurrence of symptoms at specific times, such as the anniversary of the trial or sentencing. In a mental health debriefing, the facilitator may go beyond simply discussing stress symptoms to help jurors reflect on and express feelings to relieve them of the efforts needed to suppress them. Reassuring jurors that stress symptoms are a normal reaction to an abnormal experience can in itself bring considerable relief of stress.

SEEK POST-TRIAL JUROR FEEDBACK

A variety of post-verdict procedures allow the court to identify areas in which the court can improve services to jurors. Communicating with jurors through debriefings, individual meetings, or exit questionnaires can reveal areas in which the court can help jurors now and in the future.

Although once the trial is over it may be too late to respond to some juror concerns, juror feedback about the process may be helpful for improving the experience of future jurors. Some courts use exit questionnaires to track jurors' feelings about jury duty and to identify areas of juror dissatisfaction. Although questionnaires are not necessary for every trial, they provide another forum for jurors to release pent-up feelings about their experience of juror duty. *Jury Trial Innovations* suggests that to be useful to the court, questionnaires should be distributed often enough to monitor juror attitudes about jury service during periods of high and low juror usage. Questionnaires should be administered to people at all stages of the juror selection and trial process, including alternate jurors, excused jurors, and individuals who were not selected for jury service.⁹⁹

⁹⁸ Judges may find it appropriate to inform jurors of additional mental health resources.

⁹⁹ For more information, see § VII-5 *Juror Exit Questionnaires*, in *JURY TRIAL INNOVATIONS*, *supra* note 15, at 209-10.

LAW.COM

Select 'Print' in your browser menu to print this document.

Copyright 2011. ALM Media Properties, LLC. All rights reserved.

Page printed from: <http://www.law.com>

[Back to Article](#)

Reaching Out to Juries Rocked by Evidence

By Dee McAree

10-14-2004

About one year ago, York County, S.C., Clerk of Court David Hamilton received a letter that he never forgot. It was from a young woman who wrote that her mother had been a juror in a grisly murder trial and needed counseling to deal with the images that still haunted her.

"It hit home," said Hamilton. "I made a commitment in my own mind to offer counseling to the jurors the next time we had a trial with a lot of exhibits and pictures that the average person would not want to look at."

Hamilton got his opportunity several weeks ago.

It came at the close of a trial for the murder of Amanda Cope, a 12-year-old victim who was raped and sodomized by two men, one of whom was her father. The jury of six men and six women, as well as two alternates, ranged in age from their early 20s to senior citizens. They were shown autopsy and crime scene images that depicted injuries to the young girl's genitals. *State v. Cope*, No. 2002 GS 4603232; 33; 34 (York Co. Ct., S.C.).

"The jurors are now victims of the trial," said Hamilton who has made an offer to make counseling available to the *Cope* jurors. Although several expressed interest, none as yet has accepted, said Hamilton. If they do, it will be a first for York County, and the clerk's office is trying to determine how to proceed.

"Right now I'm winging it," Hamilton admits.

JURY 'DEBRIEFING' GROWS

It may be a first for Hamilton, but providing psychological counseling to jurors started in earnest in the early 1990s, after several highly publicized trials highlighted the sadistic material that jurors are sometimes exposed to.

The service, commonly referred to as "debriefing," has become more common in recent trials, like the Oklahoma City bombing, that require the presentation of graphic evidence to jurors.

Voluntary mental health experts are being called on by a growing number of judges who recognize the need to debrief juries after a traumatic trial.

Janiver Slick, an Oregon-based debriefing expert and director of the state's division of child protective services, has been called on to work with juries after murder or sexual abuse trials. But Oregon, like most states, has not created a formal debriefing service within its court system.

"It's an issue of funding," Slick noted.

Kings County Court in Washington State is the only court that has an ongoing contract with a local mental health center to provide free debriefing services, according to Paula Hannaford-Agor, the principal court research consultant at the Center for Jury Studies at the National Center for State Courts in Arlington, Va.

No other states have implemented programs, although some, like the Ohio Supreme Court, are considering it.

The emphasis on jury debriefing increased with the 1992 trial of serial killer Jeffrey Dahmer for the sexual abuse and murder of at least 15 young boys, whose body parts he later devoured. *State v. Dahmer*, No. 1991CF912542 (Milwaukee Co. Ct., Wis.).

Another trial that added to the momentum was the 1992 carjacking and murder trial for the death of Pam Basu, a Maryland woman who was dragged to her death after her car was hijacked by two men and her arm became entangled in the seatbelt. (*Solomon v. State*, 646 A.2d 1064, 1065 (1994)).

If ever there was a jury that needed to be debriefed, it was the *Basu* jury, asserted Joseph Murtha, a co-prosecutor in the *Basu* trial. Murtha of Miller Murtha & Psoras in Lutherville, Md., is now more well-known as the defense attorney for Linda Tripp, a prime player in the Monica Lewinsky scandal. But he called the *Basu* trial the "most gruesome" of his career.

Jurors in the *Basu* trial saw images of a woman whose unrecognizable body was dragged until her skull was exposed and body dislodged in a fence pole.

"Those of us involved in the criminal justice system become numb to trauma ... you have to set aside emotions to be effective in your job," said Murtha. "Jurors do not get prepared to do that."

Slick, the mental health expert, noted that "[w]hat we know about post traumatic stress disorder fits with being on a jury and having to visualize extraordinary problematic material."

The debriefing session is voluntary for jurors, said Slick. It is sometimes offered immediately following the trial, or the jury is invited to come back on another day. The session might be with individual jurors or with the whole jury together. The goal is to help jurors talk about their experience and access more resources, if necessary, in future, according to Slick.



PROGRESS

When the construction of a new arena can be a game changer.

▶ CLICK TO EXPAND



◀ Back to Article

🖨 Click to Print



Tuesday, Apr. 10, 2007

Putting Jurors on the Couch

By Hillary Hylton/Austin

They were fourteen average Texas citizens, a mix of young and middle-aged, eight men and six women, but as the days went by Sharon Cave watched this Austin jury leave behind the mundane to confront the unthinkable. Over and over again, they viewed photographs of her 21-year-old daughter, her body mutilated and dismembered, and listened to hours of gruesome testimony, only to be told at the end of each day to go home to their families and friends and keep what they had seen and heard to themselves. Watching their struggle, Cave was convinced these jurors — and others like them across the country — deserved more than a thank-you and a token check for their public service.

They deserved some help. Like the overwhelming majority of American jurors in murder and abuse cases, the 14 Austin jurors had to face unspeakable horrors without the benefit of the psychological assistance afforded to both policemen and victims. Cave has turned to State Rep. Juan Garcia to sponsor a bill funding a jury counseling program in Texas state courts for those cases where graphic, disturbing evidence is often featured — homicide cases, sexual offenses, family-relations crimes such as child abuse. The bill, which would give additional funds to victims' assistance programs, is gaining support in the legislature. While victims' advocates and some members of the legal community, including judges and prosecutors, have pushed for counseling on an ad hoc basis, there has been little formal, funded support for post-trial jury counseling in most federal and state courts.

"We have come to take jurors for granted," Cave says. "They saw the pictures over and over again, pictures I have never seen. I asked 14 people to take my pain and the hell that doctors and psychologists and friends have begged me not to look at. I watched as the days went on and I began to see people who had not slept, people with dark circles and pallor people with nervous twitching."

Cave knows those kinds of symptoms all too well. In August of 2005, her 21-year-old daughter Jennifer was killed by Colton Pitonyak, 22, a University of Texas finance major with a drug habit. Jennifer had dropped out of college, but was trying to get her own life back on track after some problems with drugs and had begun work as a legal assistant. After Jennifer failed to return home from a dinner out with Pitonyak, Sharon, a Corpus Christi small business owner, and her boyfriend, Jim Sedwick, drove to Austin and began the search. When a tip led them to Pitonyak's apartment,

police declined to enter the locked door with no evidence of a crime. Instead, Sedwick broke in and soon came out to tell Cave he had found Jennifer, recognizing the freckles on her daughter's feet. At first Cave said she did not understand — "Why her feet?" — that Sedwick was simply trying to cushion her from the horrible truth.

Two years later, after Pitonyak was given a life sentence for the murder, Austin firemen and policemen who followed Sedwick into the apartment are still undergoing counseling, Cave says. Sedwick and her family are also being counseled by therapists and the family priest. But all that help still can't prevent daily, commonplace events from triggering the horrible memories. "We don't eat anything in our house that is carved and there is a certain type of garbage bag with a red cinch that we don't use," Cave says.

As agonizing as the recounting of her daughter's murder during the trial was to bear for Cave herself, she also worried about the jurors, four of whom weren't yet 30 years old. At one point during the trial a young juror cried softly all day. Soon after the verdict Cave began researching the issue of juror counseling, and what she found was not much comfort. Jury counseling, or debriefing as it is sometimes called, has been used in several high-profile cases including the trial of Jeffrey Dahmer and the Oklahoma City bombing case, according to the National Center for State Courts in Arlington, Va. But there is no institutionalized system at either the state or federal court level and only one formal, funded debriefing program in the country — Seattle, Washington's King County court system, which has an ongoing contract with a local mental health center.

"The first instinct we have when we see or hear something disturbing is to talk about it with someone, but jurors are told not to do that," says Sue Covey, an employee assistance manager with APS Healthcare, who helped King County set up its debriefing system. Jurors who have suffered through the silence often have post-traumatic stress symptoms, nightmares and dreams, spontaneous crying and depression, even thoughts of suicide. Recognizing those symptoms and being told where to seek help is vital, Covey said.

After the proposed legislation was announced, Cave says she was overwhelmed with e-mails and phone calls from jurors across the state who had been haunted by what they saw and heard during their service. "My heart goes out to them. These are people who are trying to do their job — people like me, people with a couple of kids who have to go home from this each day and cook supper, do homework," Cave says. "The more they are told not to talk about something, the harder it becomes to ever talk about it."

Cave is celebrating her daughter's 23rd birthday by lobbying Texas legislators and hoping that by the time an alleged accomplice goes on trial this summer, the counseling program will be in place. "Jennifer is gone, but the life she had remains," Cave says. "I tried to give everything in my heart to those jurors, and it would be a travesty if we don't take care of them. But as they say, tragedy is often the catalyst for change."

 Click to Print

Find this article at:

<http://www.time.com/time/nation/article/0,8599,1608660,00.html>

Find Articles in:

All
Business
Reference
Technology
Lifestyle
Newspaper Collection

Business Publications

o Comments

Courts are increasingly recognizing juror trauma and offering help

Journal Record, The (Oklahoma City), Jun 7, 2007 by Nora Lockwood Tooher

BOSTON, MA - A woman who served as a juror in the trial of a Kentucky doctor who decapitated his wife said that whenever she looked out her kitchen window she saw the head being picked out of the ground.

Roger Bell, a retired professor of psychiatry at the University of Louisville in Kentucky, reassured the woman that her reaction was a normal response to the trauma of serving on a jury in a trial about a gruesome murder.

Bell, who has counseled jurors in several trials, including the Jeffrey Dahmer case, said simply explaining to jurors that their reactions are normal can alleviate a lot of their stress.

"The traditional method is we give jurors a pat on the back and a thank you and let them go without ascertaining whether or not the events of that trial have had any impact," Bell said. "It makes a lot of sense just to take a little time and debrief the jurors, especially in high-profile, high-graphic cases."

Increasingly, courts are recognizing juror trauma as a concern and offering debriefing and counseling sessions to jurors who serve on trials involving horrific crimes.

The Texas legislature is considering a measure that would fund up to 10 hours of post-trial psychological counseling for a juror in a trial involving graphic evidence or testimony.

Sharon Cave, a Corpus Christi, Texas mother whose 21-year-old daughter was brutally murdered and dismembered, called for the legislation after she watched the anguished reaction of jurors during the trial of her daughter's killer.

Texas state Rep. Juan Garcia, who sponsored the bill, said jurors told Mrs. Cave after the trial about their own mental pain and the trouble they were having going back to work and focusing

on their daily lives.

"We ask citizens to step away from their normal everyday work, to go and mete out justice and be exposed to this unimaginable horror and suddenly step into their world the next day," Garcia said. "Hopefully, this will help."

'Horrible, grisly evidence'

About 70 percent of jurors report experiencing some stress, according to Paula Hannaford-Agor, principal court research consultant at the National Center for State Courts in Williamsburg, Va.

Usually, it's just low-level stress from the disruption of their daily lives. When jury duty ends, the stress goes away.

But certain criminal trials can generate serious levels of stress among jurors that can last weeks or months after the trial is over, according to researchers. Capital felony trials, for example, "always generate high levels of stress," Hannaford-Agor said.

Other trials likely to trigger serious juror stress include homicides, sexual assaults and crimes against children.

"It really is those sensationalized cases where the victim is particularly vulnerable, or the person is someone they can find a parallel with in their lives," she explained.

Traumatizing evidence can include crime scene photos, autopsy photos and bloody clothing. Graphic descriptions of homicides, forensic testimony and emotional testimony from family members of victims can also be highly stressful for jurors.

Copyright 2007 Dolan Media Newswires
Provided by ProQuest Information and Learning Company. All rights Reserved.

[Advanced Search](#) Find Articles

in free and premium articles

Victim's mom pushes counseling for jurors

Updated 11/25/2007 10:37 PM

By Ben Schmitt, USA TODAY



was brutally murdered in Jan. 2007. After the trial, Cave's mother felt badly that jurors had to look at crime scene pictures and sit through the horrible narrative of the case. So, she asked Texas state Rep. Juan Garcia III to push legislation that would offer post-trial counseling to the jury for jurors in cases like her daughter's.

Sharon Cave couldn't bring herself to view the crime scene photos from her daughter's murder.

And with good reason. The body of 21-year-old Jennifer Cave was found in the bathtub of her friend's Austin apartment in August 2005, partially dismembered and pierced with stab wounds.

Her friend, 24-year-old University of Texas at Austin student Colton Pitonyak, was convicted of murder in the case.

"The medical examiner told me that nobody ever should have seen those pictures," says Sharon Cave, 47. "The jurors looked like they had seen something horrific."

Cave was distraught after the trial, but she couldn't get something out of her head: the jurors who sat through the horrible narrative. So she decided to do something about it.

She asked Texas state Rep. Juan Garcia to push legislation that would offer post-trial counseling to jurors in cases like her daughter's.

Garcia's bill, offering up to 10 hours of counseling for jurors, was approved by the Legislature and signed into law Sept. 1.

"We ask jurors, from businessmen to soccer moms, to ... step aside from their everyday duties and go mete out justice in sometimes gruesome cases," says Garcia, a Democrat from Corpus Christi. "Then we ask them to make a transparent transition back to normal life overnight."

Jurisdictions in Arizona, Florida, Michigan, Minnesota, New York, Oregon and Washington and

designed to help jurors confront feelings of anxiety, grief, anger and depression.

A juror-counseling program in King County Superior Court in Seattle has provided stress debriefing to jurors since 1998. Court operations manager Paul Manolopoulos estimates that the program is used six to eight times a year.

"Generally, we like to do it immediately following a verdict," Manolopoulos says. "We can't force it on the jurors, but we offer it when we see jurors showing signs of stress."

Funding comes from the county's self-insured risk-management pool. After a verdict, counselors provide therapy in a group setting with interested jurors.

"It's preferred that the entire group stick around," Manolopoulos says. "But some may choose not to do it."

In a pilot program, Michigan's Oakland County, a Detroit suburb, plans to use a psychiatric facility called Common Ground Sanctuary to provide post-trial counseling for jurors.

County officials are seeking a test case to implement the program.

Paula Hannaford-Agor, director of the Center for Jury Studies for the National Center for State Courts in Williamsburg, Va., says about 70% of jurors report stress in any type of jury trial.

Not surprisingly, the most stressful involve murder and children's deaths, Hannaford-Agor says, "trials that have horrible, grisly evidence."

Alan Stuber, 53, the jury foreman in the Jennifer Cave case, says he would have considered counseling if it had been available after the verdict. He says the case took a toll on the jury.

"The whole mood of the jury changed after we saw the photos," he says.

Schmitt reports for the Detroit Free Press.



November 8, 2010

Cheshire Case Jurors Speak on Death Verdict

By **WILLIAM GLABERSON**

NEW HAVEN — Day after day since Sept. 13, they sat in the jury box. They had to look at photographs of children who were burned while tied to their beds. They sat feet from grieving family members.

On Monday, the jurors had their verdict for the defendant, Steven J. Hayes, who had wreaked havoc at the Petit house in Cheshire, Conn. It had almost been expected from the start of the home-invasion trial: Death by lethal injection.

As the jurors began to talk publicly about their verdict on Monday night, they said they were certain of it and unified. They said there had never been a deep division on the panel and that the three and a half days of deliberation were to solemnly consider when capital punishment was warranted and then to work through the complexities of the pages of legal questions they had to answer.

But several of them said in interviews that sitting in the Cheshire home-invasion case had been a harrowing experience, thinking for weeks about the two parolees who broke into a suburban home in the middle of the night and killed a mother and her two daughters, beat and tied up the girls' father and committed countless other offenses.

"It was a challenge to me to see if I have the courage and the strength of character," said Diane N. Keim, 59, a special-education teacher from Madison. "Other than what you see in movies, I have not seen children burned."

Herbert R. Gram, 77, also of Madison, said it was the hard-to-hear facts of the home invasion by two intruders with disturbing criminal pasts and the horrifying crime-scene photographs that made the case for capital punishment.

"I've seen a lot, and been a lot of places," Mr. Gram said. "I've certainly seen death before." Then he paused. "This was not easy. There was nothing easy about it."

Some jurors mentioned that it was impossible to be in the courtroom day after day and not wonder, as they looked at Mr. Hayes, how many more people like him were out there willing to break all the rules and ruin people.

Elizabeth Burbank, 45, an interior designer from New Haven, said she could not help wondering how safe she and the people she loved truly were. "The idea of being invaded while you're asleep, when you're vulnerable — we can't help but worry about it now," she said.

She used to work in a prison, Ms. Burbank said, and she thought she had a thick enough skin to handle this case. But, she said, “Nothing can ever prepare you for this kind of thing.”

The daily inundation in topics most people do not have to think about took a toll, said Delores A. Carter, a retired health care worker from Hamden. “It was life changing,” she said. “You see everything in a whole new light after you’ve been through something like this.”

As the weeks of testimony went on, the toll on the jurors grew. “The weight just got heavier and heavier,” said Ian Cassell, 35, of New Haven, who was the jury foreman in the penalty phase of the trial.

By the time they had agreed on the death verdict, “all the jurors were really emotional,” Mr. Cassell said. It was a verdict based on the law, he said. “No one is happy. Nothing is better. Nothing is solved.”

The jurors said that reporters had completely misinterpreted the notes they handed court officials during deliberations on Friday and Saturday that seemed to suggest some of them were leaning toward accepting a defense argument that Mr. Hayes should be spared because of a defense claim that he was mentally impaired at the time of the crime.

They said those notes had been purely hypothetical, as they tried to work through confusing legal instructions about the many questions they were required to answer.

They said the jurors worked agreeably, and that three or four seemed particularly upset early in the deliberations at the prospect of voting for an execution. But they said they spent some of Friday and much of Saturday talking philosophically about when capital punishment was warranted.

Mr. Gram said the conversation veered broadly and included discussion of whether society had the right to take a life. In the end, he said, all the jurors agreed that if there was ever a case in which the death penalty was appropriate, the Cheshire case was it.

The sentiment was unanimous, he said. “It was just so heinous and just so over the top and depraved. Here is a case where somebody doesn’t deserve to remain on the face of the earth.”

After the verdict, most of the jurors met with Dr. [William A. Petit Jr.](#), who was beaten by the intruders and tied up while his wife and daughters were tormented and killed. After some of the jurors asked for the meeting after the verdict Monday, court officials quietly arranged for it in an out-of-the-way spot in the court building where the jurors and [Petit family](#) members had crossed paths for weeks.

Ms. Keim said the meeting was emotional, with jurors hugging members of the family, and Dr. Petit and members of the extended family thanking the jurors for the grueling task they had undertaken.

Ms. Keim said that on the worst days of the trial she had often had a sensation that she would never be able to do what she wanted to do for the Petits and their daughters, Hayley, 17, and Michaela, 11, who were killed after the worst night of their lives.

In the jury box, Ms. Keim said: “I just wanted to hold the girls. I wanted to take whatever they experienced before they died and take it away. But it wasn’t in my power.”

Ms. Keim said she would not forget something one of the girls' grandmothers had said in the jurors' meeting with the family members. The elderly woman told the jurors, "We're so sorry we had to put you through this."

Robert Davey and Elizabeth Maker contributed reporting.



DR. DREW IS NOW ON



CNN.com

 **PRINT THIS**
Powered by 

Jurors: Serving in deadly home invasion case was life-changing

By **the CNN Wire Staff**/div>

i/div>

v

Cindy Hawke-Renn, Hawke-Petit's sister, said Tuesday she does not believe closure can ever exist in a case like this.

"I think justice has been served, but I don't know that there truly is anything just, when something like this happens," she said.

The brutality of the case sent shock waves through Connecticut and beyond. Calzetta and juror Maico Cardona said they were haunted by pictures they viewed -- especially pictures of the Petit daughters.

"I have a 10-year-old daughter at home," Cardona said. "... Michaela was the one factor, for me, that I could not get over." He said he was plagued by a recurring nightmare in which an 11-year-old girl was "screaming for my help, and I'm not able to help her."

"That is burned in my memory, those pictures of those girls," Calzetta said.

She said during the trial, "I thought I was doing really well. And we gave our guilty verdict, and I went home and just collapsed. I was sick for a week and a half." She said she focused on taking care of herself during the penalty phase. "It takes a toll on your body you don't even realize," she said.

Both jurors said it was hard not being able to talk about the case with their families or even each other during the trial. And they said they were struck by the fact that Hayes remained stoic and showed no remorse.

"He's an empty shell ... hollow eyes and an empty shell," Calzetta said. But she said she was able to view Hayes more as a human being after his defense attorneys moved him closer to the jury. "That really affected me," she said. "I had never seen him that close."

Both said the jury took the case and their responsibility very seriously. But both maintained that Hayes should never again walk free.

Cardona said it was important to him that Hayes receive the death penalty because "I knew that he would be in a cell by himself, secluded ... that's what he hated." If jurors had recommended Hayes be sentenced to life without the possibility of parole, "he would have been in general population," Cardona said. "That's what he liked. That's what he was used to."

A third juror, Diane Keim, said: "If he had life in prison, that would be going home for him."

Hayes has been in and out of the criminal justice system since he was 17 years old for a laundry-list of offenses.

Cardona said he had difficulty viewing Hayes as a person and not just a perpetrator, but maintained that everyone deserves a fair trial -- and that Hayes got one.

Those outside the jury room wondered why jurors took their time to decide on the death penalty, Calzetta and Cardona said -- their verdict came on the fourth day of deliberation. But "we wanted to make sure everybody was comfortable with the decision," Cardona said.

"This is a huge deal," Calzetta said. "Everybody needed their own time."

"I have a very spiritual background, and I thought that this would be the only opportunity for this man to ever make peace with his Supreme Being, if he even has one," or to accept responsibility, Calzetta said. She felt the death penalty was necessary for Hayes to accept responsibility or experience remorse.

Keim said the jurors had some trouble sorting out the paperwork and procedures, but likewise stressed the significance of their decision.

"All 12 of us tried to keep our emotions in check because we knew that we had to make a decision here on a man's life. And it was very very

difficult for us," she said.

Both Calzetta and Cardona said they did not buy the defense's claim that Hayes was merely a follower and Komisarjevsky. Calzetta said, "He's a man, and he made his choices. Unfortunately, they were the wrong ones. ... He needs to be accountable." the ringleader of the crime, saying that Hayes had plenty of opportunities to make different choices, to stop or to leave, and did not. "Calling him a follower is just too easy,"

Cardona said he did not believe testimony that Komisarjevsky triggered Hayes' rage by telling him, when he returned from the bank with Hawke-Petit, that the girls were dead. A police officer who interviewed Hayes just after his arrest testified that Hayes told him he saw Michaela upon his return and saw that she had changed clothes, Cardona pointed out.

Asked about whether they were overcome by emotion at times, Calzetta said, "Oh, several times. I don't think any of us expected it when it did overcome us."

Looking at the bank video of Hawke-Petit was particularly hard, she said, as jurors knew the woman was being brave and doing what she felt she had to do to save her family. "She had no idea what she was walking into," Calzetta said. "No one could have known. And all three of those girls were, I think, very brave in their final moments. They didn't deserve this."

"It was a very emotional case and a very emotional two months," Cardona said.

But he praised the other jurors for following the letter of the law and conducting civilized deliberations. "There was never a shouting match," he said. "There was never insults."

Both Calzetta and Cardona said they felt privileged to have served alongside the others. "We worked extremely hard," Cardona said.

Jurors also praised the Petit family, saying they spoke to William Petit and others after the trial. "It was so wonderful to hug these people," Calzetta said, "and they treated us like family, and we feel almost like family because we've seen such intimate things of their life and lived some things with them, and they are the most wonderful people that I think I've come across in a long time."

Cardona said he was struck by the Petit family telling jurors they were sorry the panel had to go through such an experience. "This family is so dignified, gracious, classy," he said. William Petit "held his head high throughout this entire case," he said. "... He was an inspiration to all of us."

The Petit family had said they were praying for the jurors. "It's amazing to me that in the midst of their horror and grief they are so generous to think about praying for us, there in the midst of this horror. It's heartwarming," Calzetta said. "... I can't even put it to words."

Calzetta said she plans to attend Komisarjevsky's trial because she wants to support the Petit family.

Jurors acknowledged that it is likely their lives will never be the same. Cardona said he thought he would be all right because he's seen movies and television, but he found it's different when something actually took place.

"You want to feel safe in your home," he said, but "... there's more people like this out there."

Find this article at:

<http://www.cnn.com/2010/CRIME/11/09/connecticut.home.invasion.jurors/index.html>

Check the box to include the list of links referenced in the article.

NEWS

Cheshire Home Invasion Jurors Get Counseling

November 17, 2010 2:29 PM

Print Share 1 Recommend 2



Screen Grab

HARTFORD, Conn. (AP) – In his sleep, Maico Cardona sees a little girl tied to a bed, burning up in a house fire. She cries out for help, but he can't reach her.

So graphic was the testimony he heard as a juror in the case of a Connecticut home invasion, a shocking crime that left two girls and their mother dead, that the nightmares haunt him a week later.

Out of concern for the shell-shocked jury, Connecticut's Judicial Branch took the rare step of offering counseling services. Cardona, who was part of a jury that convicted and sentenced Steven Hayes to die by lethal injection, said he is grateful for the help.

"I wasn't prepared mentally for what I was going to see," Cardona said.

Only a handful of states provide counseling services for jurors, and for now Connecticut is offering it only through a pilot program for those involved in the

FILED UNDER

[CT News](#)

[Local](#)

[News](#)

RELATED TAGS

[Cheshire Home Invasion](#)

[Jennifer Hawke-Petit](#)

[Joshua Komisarjevsky](#)

[Maico Cardona](#)

[steven hayes](#)

[Criminal Records Online?](#)



Did you know your criminal history may be public for anyone to see? You surprised by what people find out about you.

LOCAL OFFICIALS

Get New York Daily De

Please enter you

[See more](#)

TOP TEN TALKERS

[Cops: Mom Went To Jail For Week \(99\)](#)

[Cathie Black Out As N](#)

[Lauren Ayala Of State Slips Out Of House Ar](#)

[Bronx Woman Punche Regains Consciousne](#)

home invasion trial. But legal experts say such assistance can be invaluable for those picked at random and thrust into emotionally trying murder cases.

The trial in New Haven had several factors that can aggravate jurors' stress: multiple victims including children, sexual assault, graphic evidence and – as a capital case — the responsibility of deciding whether a defendant should live or die, jury scholar Valerie Hans said.

"This is just such an exceptional case," said Hans, a professor at Cornell Law School.

The family was tormented for hours inside their home in the New Haven suburb of Cheshire one night in 2007 before the girls – ages 11 and 17 – were tied to their beds with pillowcases over their heads, doused with gasoline and left to die in a fire. Hayes, a paroled burglar, also forced their mother, Jennifer Hawke-Petit, to withdraw money from a bank before Hayes sexually assaulted and strangled her.

A co-defendant, Joshua Komisarjevsky, allegedly spotted the three at a supermarket, followed them home and returned later with Hayes. The girls' father, Dr. William Petit, was beaten but survived. Komisarjevsky, also charged with sexually assaulting 11-year-old Michaela, is to be tried next year before another jury.

Jurors were shown autopsy pictures of the victims, as well as photos of the girls' charred beds, rope, ripped clothing and ransacked rooms. It was one of several recent trials to test the psyche of jurors.

In New Jersey, a jury endured more than three weeks of graphic, sexually explicit testimony before convicting a man of assaulting his own daughter. The woman testified that he regularly raped her from childhood until she bore a child at age 15. Upon exiting the courtroom in Paterson last month after the verdict, one juror yelled out: "It's over! Finally we can breathe."

A jury in Nashua, N.H., this month convicted a teenager of killing a mother and wounding her daughter with a machete in the family home. The 11-year-old girl survived by pretending to be dead, then staggering, covered in blood, to call police from a kitchen phone.

"It's almost like we were a military unit that went through a battle. We survived it, and we all had that common traumatic incident to share," one of the jurors, Mark Langlois, said in comments reported by the New Hampshire Union Leader.

In Connecticut, jurors from the two-month-long Hayes trial were invited back to the courthouse for a debriefing by a therapist after the judge, prosecutors and defense attorneys suggested it could help them process the ordeal, according to Melissa Farley, a Judicial Branch spokeswoman.

Nine of the 12 jurors attended the session Nov. 10, two days after handing down the death sentence. The therapist offered suggestions on handling post-traumatic stress and provided the names of counselors willing to help them further.

Cardona, a 31-year-old trainer for Verizon Wireless from Hamden, said the therapist explained what to expect and encouraged them to discuss their emotions with loved ones.

[Watchdog: MTA Subw Not So Much \(33\)](#)

[Queens Native Pia To 'American Idol' \(23\)](#)

[Gov. Christie Calls Fo Tri-State Area Would : Government Shutdown](#)

[Queens Grandma Syl Years In Voodoo Ritua](#)

[Amtrak Removes Equ River Tunnel \(16\)](#)

HOT CBSNY SLI



[Conservative Stars](#)



[Sexy In Their 60s](#)



[Famous Siblings](#)

VIDEO NEWS





◀ PREVIOUS 1



"It's definitely not a situation where you want to go it alone," said Cardona, who has had the nightmare about the burning girl six or seven times.

Paula Calzetta, of Guilford, said the session was a welcome opportunity to discuss the experience with fellow jurors. Although the trial itself made her feel ill, she said, talking about the case has made her feel better.

"I think I'm past the point of it being intrusive, but it's something I'll never forget," she said.

The debriefing was apparently the first of its kind in Connecticut, Farley said. The state had already been considering such services and may expand them, depending on the response from jurors.

Jury counseling is available in a few other states including Minnesota, Ohio and Texas, according to Greg Hurley of the National Center for State Courts. Such services are worth the investment, he said.

"We know it's a relatively small amount of jurors that will have a strong reaction," Hurley said. "For those jurors that need them, these programs do seem to work and help."

Even jurors who skipped the debriefing said serving on the panel had a powerful effect.

Herbert Gram, of Madison, Conn., said he saw no need for counseling because he has no reservations about the jury's decisions. But he still thinks frequently of the case and of William Petit, the husband and father of the victims, who had an emotional meeting with the jurors after the trial.

"I'm well into my 70s and I haven't cried in a lot of years," Gram said. "But when the doctor put his arm around me and gave me a big hug, I make no bones about it; I came apart."

Hans, the Cornell professor, said jurors who serve on such difficult cases should be entitled to counseling, much like military veterans returning from service overseas.

"Jury duty isn't combat, but to the extent they are working on our behalf to resolve difficult issues, if they encounter problems, I would like to see them get the support they need," Hans said.

(Copyright 2010 by The Associated Press. All Rights Reserved.)

Print

Share

1

Recommend

2

1 COMMENT

Pingback: [Jury Selection Begins In Trial Of Second Defendant, Joshua Komisarjevy, In Cheshire Home Invasion Case](#)CBS New York

December 31, 2010

Harrowing Cheshire Case Still Haunts Jurors

By WILLIAM GLABERSON

THEY check and recheck the locks on their doors and windows. Tears can come from nowhere. Images of one of the dead girls pop into their heads. Some have nightmares about children who need their help.

“It reminds me of what men in war must go through,” said one of them, Paula A. Calzetta. “They bond in such a terrible experience, and no one else can understand.”

They are the 12 jurors who, for two months, heard the tale of [the Petit family home invasion in Cheshire, Conn.](#): middle-of-the-night intruders; a mother raped and strangled; her two girls, ages 11 and 17, killed in a scorching blaze after gasoline was poured on the girls. Day after day, the 12 saw pictures they cannot forget and dwelled on the harrowing night and morning when random terror came to the suburbs.

“During the trial, you think you are dealing with things, and you generally are,” said Joel L. Zemke, 62, of Guilford. “But after the trial, you have trouble falling asleep. It’s difficult to realize that’s part of humanity, that people have it in them to do things like that.”

The trial ended in early November with a [death penalty verdict for Steven J. Hayes](#), one of two men charged with the crime. In body, the jurors are back in the world they left when the trial started. Emotionally, however, it is a different matter.

One is a teacher. One is a warehouse supervisor. One is a corporate trainer. Like any jurors, they brought a haphazard collection of life experiences into the deliberation room. One cares for her aging father in a quiet neighborhood. Another was a mortuary worker who collected bodies during the Vietnam War.

Eight of the 12 panelists recently described being in a strange sort of emotional netherworld — a vague place — since the case ended. It is a feeling made oddly more intense by the time of year. “I am beginning to feel I am going to go to my grave with this,” said Herbert R. Gram, 77, of Madison.

In court, jurors are stand-ins for everyone else. The Cheshire case shows that their work is not always finished when the gavel falls for the last time.

The details come back unexpectedly: a random image of 11-year-old [Michaela](#), who was sexually assaulted before she died tied to her bed; or a fleeting thought about Dr. [William A. Petit Jr.](#), the father who was beaten and restrained but survived the night his family was destroyed, testified at the trial and sat in court a few feet from the jury box every day.

Night can be the hardest. Maico S. Cardona, 31, of Hamden, says it is then that he checks the doors and windows. But going to sleep can be worse than staying awake. He has had a recurring dream. "It's a little girl," he said. "She's tied up to a bed. She's crying for my help. I'm unable to get to her."

Delores A. Carter, 68, of Hamden, tunes into her television crime shows over and over again.

Ian Cassell, 35, of New Haven, takes his two little boys to tae kwon do lessons. Recovery from the trial, he said, is something of a "work in progress."

At the grocery or at work, people want to hear about the trial. But on some days the Cheshire jurors do not want to talk. Ms. Carter, a retired health care worker, said she sometimes just wanted to get the case out of her mind.

"You would have to go through it to actually understand what it is like," she said.

Diane N. Keim, of Madison, said she could be driving along and suddenly get a mental image of a fire, like the one they had heard so much about. It can be an instant, she said, "like a little stab."

Maybe, she said, it is because it is not simple to get back to life after months of the daily intensity of the trial. "It shuts off, and you feel caught in between," she said.

On Dec. 2, some of the jurors went to Superior Court in New Haven to see the judge impose the death sentence on Mr. Hayes, the habitual criminal who called himself "an angry monster." They said they were looking for closure.

Ms. Calzetta, 55, a retired probation officer, was out to dinner with friends the other night. It was a nice place with white tablecloths and good wine. A group at another table seemed to be in the middle of a holiday party. "We were not really talking about anything to do with the case," she said.

Then, out of nowhere, she thought of something Dr. Petit had said in court about how his daughter [Hayley](#), the 17-year-old, would not get the chance to love someone for a long time. Suddenly, Ms. Calzetta welled up and found herself telling her friends about Hayley. "I just felt compelled to have to say it," she said.

The jurors described emotions provoked by different aspects of their shared experience. Several mentioned thinking of Dr. Petit. Others said they worried about the jurors, yet to be chosen, who will have to go through [another Cheshire trial: that of Mr. Hayes's co-defendant, Joshua Komisarjevsky](#), once called "a calculated, cold-blooded predator" by a judge. Jury selection is to begin in February.

Lenus Gibbs, 65, an accident investigator who had the Vietnam War experience, said he had coped well with the gruesome evidence but still could not seem to shake his preoccupation with the sober experience of the trial. He voted for the death penalty, he said, though the trial convinced him that he is opposed to capital punishment.

But Mr. Gibbs decided that being a holdout would only cause a mistrial and force Dr. Petit to endure another trial. He is sure of his decision, he said, but he keeps turning it over and over in his mind. "I think about it on a daily basis," he said. The death penalty, he said, "doesn't solve or correct anything."

Some of the Cheshire jurors are not sure what it is that keeps bothering them. Joan Gram, whose husband, Herbert, was on the panel, noticed that he had been sleeping a lot. "It took much more out of him than any of us realized," she said.

Mr. Gram said that he had not told his wife the worst details of the case and that he was not sure he was as tired as she thought. "There has been sort of a feeling of wanting to escape a little bit," he said.

Mr. Cassell, the juror who said recovery was a work in progress, said every week seemed a little better, though he still found himself distracted with painful memories from the trial at moments that ought to be joyful.

"I hope it goes away," he said.

Juror: CT Triple Murder Was "So Heinous, So Over The Top"

Yesterday, a jury sentenced Steven Hayes to death for his role in the brutal 2007 home invasion-turned-triple murder of a mother and two daughters in Cheshire, Connecticut. Jennifer Hawke-Petit was strangled to death while daughters Michaela, 11, and Hayley, 17, died when Hayes and partner in crime Joshua Komisarjevsky, burned down the home. Dr. William Petit, who was beaten nearly to death with a baseball bat and bound, managed to escape and survived the tragedy. He said yesterday, "This is a verdict for justice... was really thinking of the tremendous loss ... I was sad for the loss we have all suffered." He also said, while choking back tears, "Michaela was an 11-year-old little girl. She was tortured and killed in her own bedroom, surrounded by her stuffed animals," and thanked the jury, "I appreciate the fact that there was seven women on the jury. This was a case of sexual predation ... I liked to see women stand up for other women." (According to medical examiners, Hawke-Petit was raped while Michaela was sexually assaulted.) Some of the jurors have been talking to reporters. They say that they were unanimous in wanting to sentence Hayes to death. Diane Keim said to WCBS 2, "I do not feel he's been remorseful. In looking at the man who committed the crime, I looked at him as being a monster." Maico Cardona told truTV that the photographs of the victims haunted him, "I have a 10-year-old daughter at home. ... Michaela was the one factor, for me, that I could not get

over." (He also "said he was plagued by a recurring nightmare in which an 11-year-old girl was 'screaming for my help, and I'm not able to help her.'") And Paula Calzetta said that the two-month trial was exhausting, "I thought I was doing really well. And we gave our guilty verdict, and I went home and just collapsed. I was sick for a week and a half." She said she focused on taking care of herself during the penalty phase. "It takes a toll on your body you don't even realize." And 77-year-old juror, Herbert Gran, told the NY Times, "I've seen a lot, and been a lot of places. I've certainly seen death before. This was not easy. There was nothing easy about it... It was just so heinous and just so over the top and depraved. Here is a case where somebody doesn't deserve to remain on the face of the earth

Should there be the ability to re-try a capital murder sentencing if the jury hangs

One change McCann said he thought would withstand court review is letting prosecutors retry a death-penalty hearing before a new jury if the first jury deadlocks. Currently there is no provision for retrial or for appeals if a jury deadlocks. The idea already has an advocate in State Rep. Dennis M. O'Brien, a Northeast Philadelphia Republican who said at the widows' news conference that he would introduce a bill to amend the "remand statute" to enable prosecutors to conduct a new penalty hearing in such cases. O'Brien said he would also try to correct another complaint of the families of slain officers: police killers sentenced to life in prison spend it in the general prison population, not restricted housing.

Jurors in Philadelphia cop killer trial say they were deadlocked from the start

The nervous spectators in Courtroom 304 of the Philadelphia Criminal Justice Center could only presume that all was solemn deliberation behind the closed door leading from the jury box. There, the Common Pleas Court jury of eight women and four men, winnowed down over three weeks from about 500 prospective jurors, considered the fate of

Rasheed Scrugs, the admitted killer of Police Officer John Pawlowski. In that room, solemnity had little to do with what was going on. Juror Fred Kiehm, 49, described the atmosphere as "horrible." "It was extremely tense . . . screaming, yelling, at one point I thought someone might break furniture," Kiehm said. Another juror, who asked not to be named for fear of the public reaction, added: "There really wasn't any deliberation, because from the start people made their minds up and wouldn't discuss it." From that first hour the 12 met, about 5 p.m. on Nov. 2, said the two male jurors, there was never a chance for a verdict. The deadlock - seven for life in prison, five for death by lethal injection - was already set. The reason for the deadlock is still difficult to determine. One juror, for example, simply refused to take part in the deliberations, remaining silent or walking out to the lavatory. Others, Kiehm said, were swayed by one of Scrugs' "mitigating factors" for life in prison - four sons - whom the jurors did not want to grow up with a father on death row. To police, prosecutors, and many others around the region, the Scrugs case was what the death penalty was made for. Scrugs, 35, a paroled robber who last year killed Pawlowski, 25, announced before the slaying that he would kill a police officer, then pleaded guilty to first-degree murder. So more than a few people were shocked when Scrugs was sentenced Monday to life because the 12 Philadelphians picked to sit in judgment could not reach a decision. "It really, really was a tragedy. I'm just sorry that justice was not served," said Kiehm, who was Juror No. 12. He said that afterward, when the jurors met with Judge Renee Cardwell Hughes, "most of us said we were very sorry we couldn't finish the job we had to do. I feel frustrated. I feel very embarrassed." Kiehm said he wavered several times before ultimately voting for death. "But I think there were some people on the other side who really did not believe in the death penalty. Their minds were made up from the start." The other juror, who said he also favored death for Scrugs, agreed. He said that when he asked one juror to explain why she favored a life sentence, she replied, "None of your business." Other jurors did legal research at home, the juror said, and rebuffed him and others who warned they were violating their oaths. "It was pretty terrible," he added. Both jurors said they felt they

owed an apology to the Pawlowski family. The stalemate left Pawlowski's family outraged and prosecutors stunned. "I just never figured that it would break down the way that it broke down," said Deputy District Attorney Edward McCann, coprosecutor with Assistant District Attorney Jacqueline Juliano Coelho. "This is something that Jackie and I agonized over [Tuesday]," McCann added. "We went over all our jury-selection notes to see if we missed something. We spent a tremendous amount of time hoping that we could spot something." McCann said they interviewed several jurors afterward but did not hear about the improper legal research. He said they were told one juror simply refused to take part in deliberations. The prosecutors and defense attorneys David Rudenstein and Lee Mandell spent three weeks in October interviewing almost 500 prospective jurors before picking the 12 who swore to listen to the evidence and impartially decide between execution by lethal injection and life in prison without chance of parole. McCann said prospective jurors were asked several times how they felt about capital punishment. "Basically, you have to take people on their word," McCann added. Kimmy Pawlowski, the slain officer's wife, said in an interview this week she felt some jurors lied so they could get on the jury and prevent an execution. Kiehm said he felt one juror might have done that. Mostly, he said, he thought the others just found they could not deal with condemning another person when confronted with the decision. "It's an excellent point," McCann said. "It's a whole different ball game when you go into that room and it's your responsibility." Rudenstein said he did not find the deadlock unusual: "Jurors get much more entrenched on death cases than they get entrenched on the question of guilt or innocence. . . . It's a lot to ask of people." One development that might have thrown the jurors was that they never deliberated Scrugs' guilt or innocence. Scrugs pleaded guilty to first-degree murder the first day of trial, Oct. 21, and the 12 were suddenly faced with the death penalty. "We all looked at each other and we couldn't believe what we heard," Kiehm said. "We all thought we were going home that day." Instead, prosecutors immediately began putting on evidence in a penalty hearing. Still, the same thing happened last year when John Lewis pleaded guilty the first

day of his trial in the Oct. 31, 2007, shooting of Officer Chuck Cassidy. The jury sentenced Lewis to death. The outcome of the Pawlowski case left Kimmy Pawlowski and police - her father-in-law is a retired police lieutenant, her brother-in-law a police corporal - angrily calling for overhauling Pennsylvania's death penalty. On Tuesday, Kimmy Pawlowski, 26, joined Maureen Faulkner, widow of slain Officer Daniel Faulkner, and the widows or relatives of three other officers killed in the line of duty at a news conference after a federal appeals hearing in the 28-year-old death sentence of Faulkner's convicted killer, Mumia Abu-Jamal. "The death penalty needs to be used in Pennsylvania and it needs to be applied if a police officer is gunned down strictly because he is a police officer," Pawlowski said. Faulkner told reporters, "I married Danny 31 years ago yesterday. And yet here I sit in court today. What is wrong with this system?" McCann said he understood their frustration: "I was very disappointed with the result. But it's not for me to sit here, part of the system for 20 years, and condemn the system for something." Some things that Pawlowski, Faulkner, and police advocate - letting the judge impose a death sentence if the jury can't decide, for example - have already been rejected by the U.S. Supreme Court. One change McCann said he thought would withstand court review is letting prosecutors retry a death-penalty hearing before a new jury if the first jury deadlocks. Currently there is no provision for retrial or for appeals if a jury deadlocks. The idea already has an advocate in State Rep. Dennis M. O'Brien, a Northeast Philadelphia Republican who said at the widows' news conference that he would introduce a bill to amend the "remand statute" to enable prosecutors to conduct a new penalty hearing in such cases. O'Brien said he would also try to correct another complaint of the families of slain officers: police killers sentenced to life in prison spend it in the general prison population, not restrictive housing. Before trial, accused police killers are locked in a cell 23 hours a day with one hour out for exercise or phone calls. "There aren't that many cop killers serving life without parole in the Commonwealth of Pennsylvania," O'Brien said. "This individual should not be in the general population. He should be in restrictive housing just as if he were sentenced to the

death penalty . . . the next administration should make that the first order of business."