

# **Analysis of Potential Village of Downers Grove Peer Jury Program**

**July 13, 2018**

**Prepared by  
Village of Downers Grove Staff**

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## Executive Summary

The Downers Grove Township operated a peer jury program serving municipalities within the township. In July 2017, the Township suspended operations of the program. The Village of Downers Grove sent approximately 24 cases per year to peer jury and staffed hearings with police officers at a cost of about \$3,400 per year. On February 20, 2018 the Village Council directed staff to prepare a report analyzing options for the Village to operate a peer jury program.

A peer jury is an alternative to court for first-time juvenile offenders of non-serious offenses. The sentences generally include some type of community service, an apology letter to victims, online coursework, counseling, or drug use assessments.

The recently amended Juvenile Records Act now requires that juvenile records be sealed and specifically prohibits municipalities from disclosing them. The Act does not provide for an exemption for peer jury programs. Legislation may be introduced in the Fall 2018 veto session to address this issue.

The Village currently uses a range of discipline options to address offenses committed by juveniles. Formal and Informal Station Adjustments, a process where a juvenile offender and the police department sign an agreement with terms and conditions which must be adhered to by the offender to avoid a court appearance and further discipline, are used in cases which would otherwise be assigned to peer jury. Since the suspension of the township peer jury program, no juvenile offenders who would have participated in peer jury have been sent to court.

### *Village of Downers Grove Handling of Juvenile Offenses, 2016-2017*

Range of Discipline	2017		2016	
	Number	Percent	Number	Percent
Station Adjustments	19	22%	19	15%
Peer Jury	9*	11%	28	22%
All Others Requiring Court Appearance	57	67%	78	63%
<b>Total</b>	<b>85</b>	<b>100%</b>	<b>125</b>	<b>100%</b>

\*Peer Jury was terminated July 2017

### Options for Village Council Consideration (See Page 17 for a Description of Each Option)

Staff has identified four options for Village Council consideration. The options are summarized in the following table.

#### Comparison of Options

	<b>Option 1 Continue Current System</b>	<b>Option 2 Expand Use of Station Adjustments</b>	<b>Option 3 Operate a Peer Jury for VoDG</b>	<b>Option 4 Operate a Regional Peer Jury</b>
Additional Annual Administration Staff Hours	--	48 to 60	120 to 130	400 to 500
Net VoDG Cost	--	\$1,500 - \$1,800	\$3,100 - \$4,100	\$2,500 - \$3,600
Avoids Court	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Requires Offender to Complete Assignments		<b>X</b>	<b>X</b>	<b>X</b>
Creates Accountability for Actions	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Opportunity for Positive Interaction with Police	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Allows for Offender Communication with Victims		<b>X</b>	<b>X</b>	<b>X</b>
Participation by Offender Parents	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Provides Jurors with Service, Leadership, Education & Development Opportunities			<b>X</b>	<b>X</b>
Community Service Organizations Benefit from Youth Participation		<b>X</b>	<b>X</b>	<b>X</b>
Results in Collaboration & Cooperation with Other Municipalities				<b>X</b>

*Estimated Expenses & Revenues for a Village Operated Peer Jury Program*

	<b>VoDG Only</b>	<b>Regional Program</b>
<b>Est. Cases Per Year</b>	24	96
<b>Meetings Per Year</b>	6	24
<b>Est. Total Cost</b>	\$5,500 to \$6,500	\$19,700 to \$24,000
<b>Est. Cost Per Case</b>	\$230 to \$270	\$205 to \$250
<b>Revenue from Offender Fees</b>	\$2,400	\$9,600
<b>Net Cost</b>	<b>\$3,100 to \$4,100</b>	<b>\$10,100 to \$14,400</b> <b>See Table Below</b>

*Projected Regional Partnership Model Case Load & Cost Allocation*

<b>Municipality</b>	<b>Cases</b>	<b>% of Total Cases</b>	<b>Cost Allocation</b>
<b>Downers Grove</b>	<b>24</b>	<b>25%</b>	<b>\$2,500 to \$3,600</b>
Municipality A	50	52%	\$5,200 to \$7,500
Municipality B	15	16%	\$1,600 to \$2,300
Municipality C	7	7%	\$700 to \$1,000
<b>Total</b>	<b>96</b>	<b>100%</b>	<b>\$10,100 to \$14,400</b>

Staff recommends action at the discretion of the Village Council. If the Council directs staff to operate a peer jury program, staff recommends the following:

- The peer jury program should begin operating in January 2019
- The peer jury program should be operated by Village staff
- The peer jury program should be subject to a 6 month performance review

## Introduction

The Downers Grove Township operated a peer jury program serving all municipalities within the township. In July, 2017, the Township suspended operations of the peer jury program. On February 20, 2018 the Village Council directed staff to prepare a report analyzing options for the Village to operate a peer jury program.

## Peer Jury Programs & the Balanced & Restorative Justice Model

A Peer Jury, youth jury or youth court is an alternative to court for first-time juvenile offenders of non-serious offenses, such as theft, vandalism, disorderly conduct, tobacco possession or underage drinking. Juveniles must agree to the peer jury process and provide an admission of guilt to participate in the program. Peer juries vary by program but often include collaboration between schools, police departments, non-profit agencies and the community.

Jurors, usually volunteer high school or junior high students, hear a summary of a case, have the opportunity to ask questions of the juvenile who committed the crime, and then deliberate to decide on an appropriate sentence. The sentences generally include some type of community service, an apology letter(s) to victims, online coursework, counseling, or drug use assessments.

Peer jury programs are one component of a Balanced and Restorative Justice (BARJ) model. The US Department of Justice, Office of Juvenile Justice and Delinquency Prevention describes the BARJ model, which the Downers Grove Police Department policy uses to guide its juveniles operations, as follows:

The Balanced and Restorative Justice (BARJ) Model outlines an alternative philosophy, restorative justice, and a new mission, "the balanced approach," which requires juvenile justice professionals to devote attention to:

- Enabling offenders to make amends to their victims and community.
- Increasing offender competencies.
- Protecting the public through processes in which individual victims, the community, and offenders are all active participants.

The BARJ Model responds to many issues raised by the victims' movement, including concerns that victims have little input into the resolution of their own cases, rarely feel heard, and often receive no restitution or expression of remorse from the offender.

The balanced approach is based on an understanding of crime as an act against the victim and the community, which is an ancient idea common to tribal and religious traditions of many cultures. Practitioners have used techniques consistent with this approach for years; however, they have lacked a coherent philosophical framework that supports restorative practice and provides direction to guide all aspects of juvenile justice practice. The BARJ Model provides an overarching vision and guidance for daily decisions.

## Juvenile Records Act

Effective January 1, 2018, the Juvenile Records Act (the “Act”) (705 ILCS 405/1-1) was amended regarding the disclosure of records of juveniles who are arrested, investigated or taken into custody prior to their 18th birthday. The amended Act requires that juvenile records be sealed and specifically prohibits municipalities from disclosing juvenile records, except in the following limited circumstances:

- To any local, State or federal law enforcement officer when necessary for the discharge of official duties;
- To prosecutors, probation officers, social workers, and other individuals assigned by the court;
- To the Department of Children and Family Services (DCFS); and
- To appropriate school officials if the agency determines there is an imminent threat of physical harm.

The Act currently does not provide for an exemption for peer jury programs, and imposes both civil and criminal penalties for the unauthorized disclosure of juvenile records. It is anticipated that legislation will be introduced during the Fall 2018 veto session to address this issue.

Some agencies have suspended operation of peer jury programs due to the Juvenile Records Act, concerned that providing juvenile case records to peer jurors is a violation of the Act. Other agencies have continued to operate peer jury programs taking the position that the participant’s execution of a waiver allows the sharing of case records with jurors.



## Former Downers Grove Township Peer Jury Program

The following summary of the former Downers Grove Township Peer Jury Program was prepared based on the [report](#) provided by the former Downers Grove Township Director of Public Relations and information provided by police departments which participated in the program.

### Services Provided

- Selected, Maintained and Trained a Jury Pool
- Provided a Jury at Each Hearing
- Packaged and Distributed Case Information to Jury
- Scheduled All Offender Hearings (Original & Return)
- Administered & Presided Over the Hearings
- Reported Case Results to Participants
- Coordinated with Community Service Organizations to Facilitate Community Service Assignments
- Managed Case Files
- Held Meetings with the Peer Jury Director, Offenders, Jurors and Family Members to explore a variety of issues that were brought up during hearings

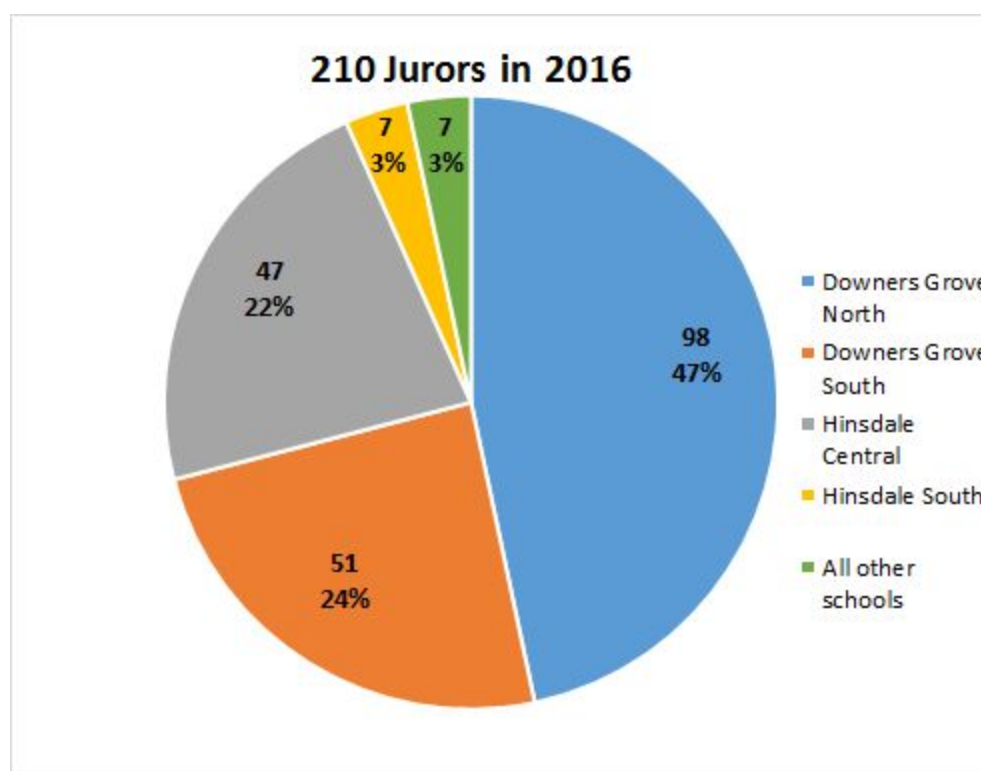
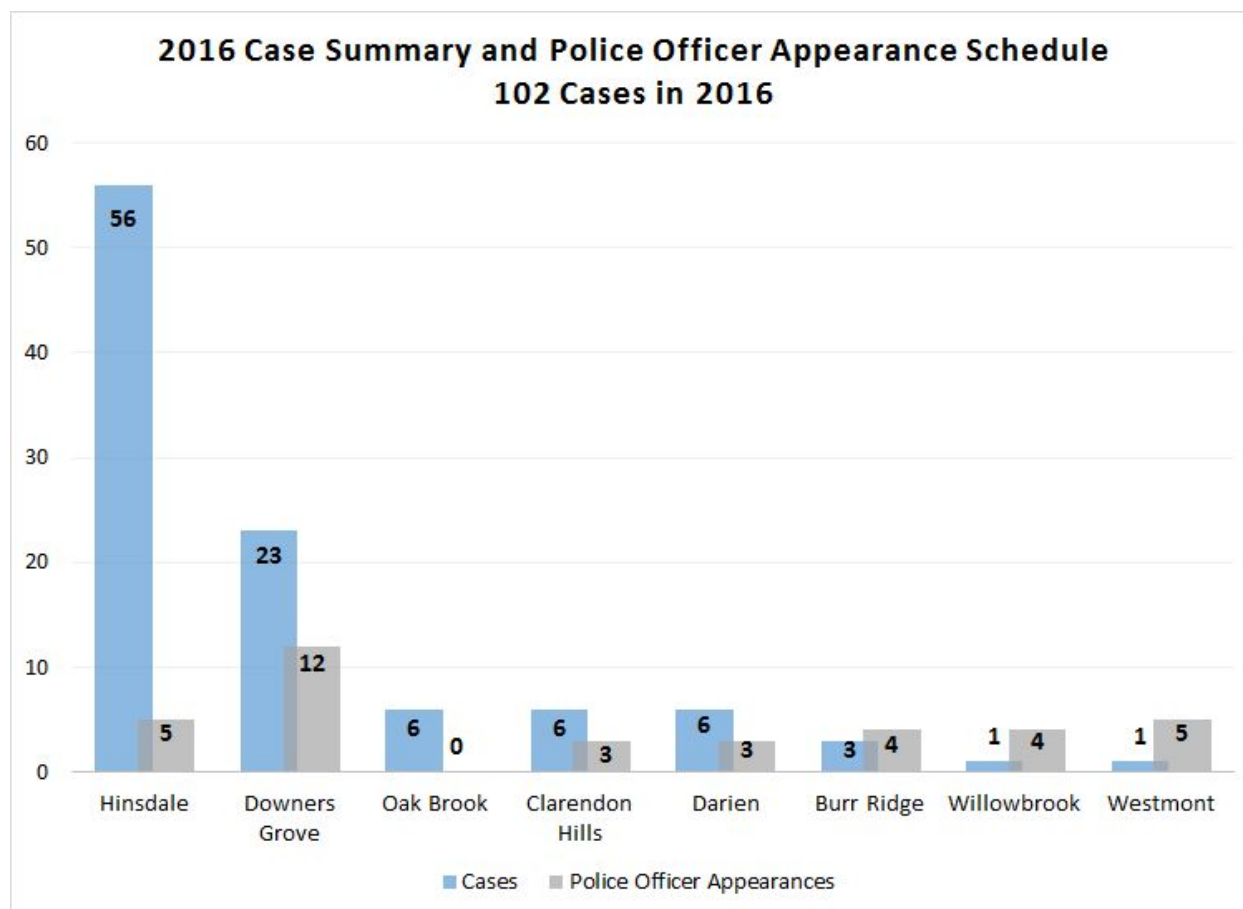
### Participating Police Department Responsibilities

- Contacted the Township to Schedule Offender Hearings
- Prepared & Submitted Case Summaries
- Communicated with Offenders Regarding Case Status
- Staffed the Hearings with Police Officers (at the Municipality's Expense)
- Downers Grove, Darien and Westmont Provided Venues for Hearings

### Qualifying Offenders

- Were Arrested by Participating Municipalities:
- Committed a Minor, First Time Offense
- Provided an admission of guilt
- Had Permission from Parent / Guardian to Participate
- Paid a Case Fee of \$30

The Village sent approximately 24 cases per year to the Township peer jury program. The Village provided police officer staffing for the hearings at an annual cost of about \$3,400.



## Village of Downers Grove Current System

The Village currently uses the following range of discipline options to address offenses committed by juveniles (Note that peer jury, shown in gray, is not currently available). Each option is summarized below. All options in blue require a court appearance.

Informal Station Adjustment	Formal Station Adjustment	Peer Jury	Village Ordinance Citation	Preliminary Conference w/ Probation	Direct File	Delinquent Petition w/ Youth Home
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Station Adjustments - A process where a juvenile officer meets with the juvenile and parent or guardian and creates a written agreement including terms and conditions which must be adhered to by the juvenile. Generally these agreements have a timeframe of no longer than 120 days. Violations of the agreement may result in the juvenile being sent to court. Conditions can include a curfew or maintaining attendance at school. Conditions do not include tasks to be completed by the offender. Further, there are no scheduled follow up interactions between the police department and the offender. There are two types of Station Adjustments:

- Informal - No admission of guilt is required
- Formal - The agreement must be signed, contains an admission of guilt and can be extended to 180 days if the agreement is violated.

While the Village of Downers Grove has traditionally not assigned tasks and duties as part of station adjustment agreements, the state law allows for this approach.

Village Ordinance Citation - A violation of a Village Ordinance. A ticket is issued to the juvenile offender stating they must appear in court or pay a fine in lieu of being taken into custody.

Preliminary Conference with Probation - The juvenile is released to the parent or guardian and a “pre-trial conference” is scheduled with a DuPage County Juvenile Probation Officer. The DuPage County Juvenile Probation Officer handles the case unless the juvenile commits another violation and it is recommend they are taken into custody.

Direct File - The juvenile is charged with a felony offense and served with an “Expedited Juvenile Petition/Notice to Appear” - notice to appear in juvenile court. The juvenile is either taken into custody or released to a parent or guardian pending their appearance in juvenile court.

Delinquent Petition with Youth Home - The juvenile officer believes the situation requires an immediate need to place the juvenile in custody. The juvenile is delivered to court or a juvenile detention facility.

## Comparison of the Former Downers Grove Township Peer Jury and the Current Village System

Both the Downers Grove Township Peer Jury and the current system allow have options which allow for juveniles to avoid court appearances. The table below shows juvenile case statistics for 2016 (full year) and 2017 (peer jury program suspended in July).

*Table 1*

*Village of Downers Grove Handling of Juvenile Offenses, 2016-2017*

Range of Discipline	2017		2016	
	Number	Percent	Number	Percent
Station Adjustments	19	22%	19	15%
Peer Jury	9*	11%	28	22%
All Others Requiring Court Appearance	57	67%	78	63%
<b>Total</b>	<b>85</b>	<b>100%</b>	<b>125</b>	<b>100%</b>

\*Peer Jury was terminated July 2017

Since the suspension of the township peer jury program, no juvenile offenders who would have participated in peer jury have been sent to court. All first time minor offenses have been handled with station adjustments.

Below is a qualitative comparison between station adjustments and peer jury. A quantitative comparison is not available because data such as recidivism rates is not published.

Table 2

## Comparison of Village of Downers Grove Station Adjustments and Peer Jury

	<b>Station Adjustments</b>	<b>Peer Jury</b>
<b>Major Objectives</b>	<ul style="list-style-type: none"> <li>• Correcting Offender Behavior</li> <li>• Preventing Future Criminal Behavior</li> <li>• Offender Taking Responsibility for His/Her Actions</li> <li>• Avoid Court Appearance &amp; Fines</li> </ul>	<ul style="list-style-type: none"> <li>• Correcting Offender Behavior</li> <li>• Preventing Future Criminal Behavior</li> <li>• Offender Taking Responsibility for His/Her Actions</li> <li>• Avoid Court Appearance &amp; Fines</li> </ul>
<b>Offender Obligations</b>	Written Agreement Between Police Department & Offender. Signed Agreement Required only for Formal Station Adjustment	Completion of Tasks/Duties Assigned as a Sentence by the Jury such as <ul style="list-style-type: none"> <li>• Community Service Projects</li> <li>• Apology Letters to Victims</li> <li>• Anger Management Training</li> <li>• Drug Use Assessment</li> </ul>
<b>Follow-up</b>	No Scheduled Follow-up Activities. On Rare Occasions, Parents of the Offender Report a Violation of the Agreement	Offenders are Required to Appear before the Jury to Report on the Completion of Assigned Tasks/Duties
<b>Participants &amp; Benefits</b>	Offender <ul style="list-style-type: none"> <li>• Avoids Court Appearance</li> <li>• Create Accountability for Actions</li> <li>• Positive Interaction with Police</li> </ul> Parents <ul style="list-style-type: none"> <li>• Ability to Actively Participate in their Child's Case</li> </ul> Jurors - N/A  Victim - N/A  Community Service Organizations - N/A	Offender <ul style="list-style-type: none"> <li>• Avoids Court Appearance</li> <li>• Create Accountability for Actions</li> <li>• Positive Interaction with Police</li> <li>• Serve the Community</li> <li>• Communicate with Victims</li> <li>• Receive Counseling &amp; Training</li> </ul> Parents <ul style="list-style-type: none"> <li>• Ability to Actively Participate in their Child's Case</li> </ul> Jurors <ul style="list-style-type: none"> <li>• Serve the Community</li> <li>• Develop Leadership Skills</li> <li>• Are Educated about the Criminal Justice System</li> <li>• Positive Interaction with Police</li> <li>• Increase Awareness of Community Service Organizations</li> </ul> Victim <ul style="list-style-type: none"> <li>• May Receive Apology from Offender</li> </ul> Community Service Organizations <ul style="list-style-type: none"> <li>• Receive Services from Offenders</li> <li>• Receive Services from Jurors</li> </ul>

Downers Grove Juvenile Officers have indicated a preference for using the peer jury program rather than station adjustments for many cases. In their opinion, the peer jury program is more effective in achieving the objectives, due to the interaction with peers, assignment of tasks/duties, requirement to report the completion of the assignments, interaction with victims and awareness of community service organizations.

## Potential Village of Downers Grove Peer Jury Program

Below is a summary of a peer jury program which could be operated by the Village, including services, participating police department responsibilities and participant eligibility along with a cost and revenue estimate is summarized below.

### Peer Jury Services

- Select, Maintain and Train a Jury Pool
- Provide a Jury at Each Hearing
- Package and Distribute Case Information to Jury
- Schedule All Offender Hearings (Original & Return)
- Administer & Preside Over the Hearings
- Provide Security at the Hearings
- Report Case Results to Participants
- Maintain Relationships with Community Service Organizations to Facilitate Community Service Assignments
- Manage Case Files
- Provide a Venue for Hearings

### Participating Police Department Responsibilities

- Contact the VoDG to Schedule Offender Hearings
- Prepare & Submit Case Summaries
- Communicate with Offenders Regarding Case Status
- Share In the Cost of Program

### Program Eligibility

#### Offenders Must:

- Be a Student at a High School Located within a Participating Municipality
- Be Arrested by a Participating Municipality
- Commit a Minor, First Time Offense
- Provide an Admission of Guilt
- Have Written Permission from Parent / Guardian to Participate
- Pay a Case Fee (Fee TBD, \$100 is used in the revenue estimates below)

#### Jurors Must:

- Be a Student at a High School Located within a Participating Municipality or Be a High School Student Residing within a Participating Municipality

The potential Village peer jury program differs from the former Township program in that it does not include holding follow-up meetings with the program administrator and offenders, all hearings would be staffed by Downers Grove police officers and held in Downers Grove and the offender fee would be \$100 instead of \$30.

*Table 3*  
*Estimated Expenses & Revenues*

	<b>VoDG Only</b>	<b>Regional Program</b>
<b>Est. Cases Per Year</b>	24	96
<b>Meetings Per Year</b>	6	24
<b>Est. Total Cost</b>	\$5,500 to \$6,500	\$19,700 to \$24,000
<b>Est. Cost Per Case</b>	\$230 to \$270	\$205 to \$250
<b>Revenue from Offender Fees</b>	\$2,400	\$9,600
<b>Net Cost</b>	<b>\$3,100 to \$4,100</b>	<b>\$10,100 to \$14,400</b> <b>See Table 4</b>



## Options for Village Council Consideration

The following options are presented for Village Council consideration and discussion. In addition to these options, the use of volunteers to reduce operating expenses is summarized below.

### Continue with the Current System

In this option, the Village would continue to handle juvenile offenses as described in this report. No changes to operations would be made.

### Expand the Use of Station Adjustments

While the Village of Downers Grove has traditionally not assigned tasks and duties as part of station adjustment agreements, the state law allows for this approach. In this option, juvenile police officers would require offenders to complete tasks and duties similar to those included as part of peer jury sentences such as community service, an apology letter to victims, online coursework, counseling, or drug use assessments. Offenders would be required to provide proof of completion of the assigned tasks to the juvenile officer. Administrative staff would assist the juvenile officers in managing documentation of the assignments. Approximately 24 cases per year of these types of station adjustments would be expected. With this case load, administrative staff would likely spend approximately 48 to 60 hours per year administering station adjustments. The estimated annual cost would be \$1,500 to \$1,800 per year. This option would provide all the benefits of a peer jury program, except the benefits inuring to the jurors.

### Village of Downers Grove Peer Jury Program

In this option, the Village would operate a peer jury program only for qualifying cases with offenders arrested by the Downers Grove Police Department. Jurors would be high school age Village residents. Approximately 24 cases per year would be expected based on the Village's past participation in the Township program. With this case load, the peer jury administrator would likely spend approximately 120 to 130 hours per year administering the program. Police officers would spend about 24 hours per year working at peer jury hearings. Revenues would be generated only from offender fees.

### Regional Partnership Model

In this option, intended to offer peer jury services to the municipalities which previously participated in the Downers Grove Township program, the Village would operate a peer jury program for qualifying cases from municipalities nearby Downers Grove.

Just under 100 cases per year are expected under this model. With this case load, the peer jury administrator is expected to spend about 440 hours per year (0.2 FTE) administering the program. It is expected that officers would spend approximately 96 hours per year working at the peer jury hearings.

The costs of the program would be shared among participating municipalities. The Village would track all program costs. At the end of the year (or other specified operating period), the costs would be allocated to each participating municipality on a per case basis. Each municipality would reimburse the Village for their share of the program costs. Revenue would also be generated from offender fees.

*Table 4*

*Projected Regional Partnership Model Case Load & Cost Allocation*

<b>Municipality</b>	<b>Cases</b>	<b>% of Total Cases</b>	<b>Cost Allocation</b>
<b>Downers Grove</b>	<b>24</b>	<b>25%</b>	<b>\$2,500 to \$3,600</b>
Municipality A	50	52%	\$5,200 to \$7,500
Municipality B	15	16%	\$1,600 to \$2,300
Municipality C	7	7%	\$700 to \$1,000
<b>Total</b>	<b>96</b>	<b>100%</b>	<b>\$10,100 to \$14,400</b>

#### Volunteerism to Reduce Program Costs

There are three major categories of tasks to be performed in the peer jury model; police officer related tasks, program administration and jury tasks. The proposed model includes the use of volunteers only for jury duties. Volunteers could be used to perform police related tasks and administrative tasks. To perform police related tasks, volunteers should have professional experience as a police officer. To operate the program successfully, volunteers would have to be trained and Village staff would have to oversee the operations.

*Table 5*  
*Comparison of Options*

	<b><u>Option 1</u></b> <b>Continue</b> <b>Current</b> <b>System</b>	<b><u>Option 2</u></b> <b>Expand Use of</b> <b>Station</b> <b>Adjustments</b>	<b><u>Option 3</u></b> <b>Operate a</b> <b>Peer Jury for</b> <b>VoDG</b>	<b><u>Option 4</u></b> <b>Operate a</b> <b>Regional Peer</b> <b>Jury</b>
Additional Annual Administration Staff Hours	--	48 to 60	120 to 130	400 to 500
Net VoDG Cost	--	\$1,500 - \$1,800	\$3,100- \$4,100	\$2,500 - \$3,600
Avoids Court	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Requires Offender to Complete Assignments		<b>X</b>	<b>X</b>	<b>X</b>
Creates Accountability for Actions	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Opportunity for Positive Interaction with Police	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Allows for Offender Communication with Victims		<b>X</b>	<b>X</b>	<b>X</b>
Participation Parents of the Offender	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Provides Jurors with Service, Leadership, Education & Development Opportunities			<b>X</b>	<b>X</b>
Community Service Organizations Benefit from Youth Participation		<b>X</b>	<b>X</b>	<b>X</b>
Results in Collaboration & Cooperation with Other Municipalities				<b>X</b>

## Recommendation

Staff recommends action at the discretion of the Village Council. If the Council directs staff to operate a peer jury program, staff recommends the following:

The peer jury program should begin operating in January 2019. This schedule would allow for the establishment of the program and jury recruitment and training in 2018. It would also provide an opportunity for the State to amend the Juvenile Records Act during veto session to address concerns about sharing juvenile records with jurors. This schedule would also allow for the program revenues and expenses to be included in the Proposed FY19 Budget.

The peer jury program should be operated by Village staff. During the start up period of the program, Village staff should operate the program. Opportunities for increased use of volunteers or staff members from any participating municipalities could be considered at a future date.

The peer jury program should be subject to a 6 month performance review. Upon completion of the 2018/19 school year in June 2019, staff would prepare a program performance report for Village Council review and consideration.

## Peer Jury Estimated Expense Calculations

	VoDG	Regional
Cases Per Year	24	96
Number of Meetings	6	24
Administrator Case Cost	\$2,880	\$11,520
Administrator Jury Cost	\$900	\$1,800
Police Officer Cost	\$1,680	\$6,720
Supplies	\$600	\$2,400
Total Cost	\$6,060	\$22,440
Cost Per Case	\$252	\$234

### Operating Assumptions

- Each Case Requires 1 Original Hearing and 1 Return Appearance
- Original Hearings Take 45 minutes
- Return Appearances Take 15 minutes
- Maximum of 4 Original Hearings and 4 Return Appearances per Meeting
- Maximum of 4 Meetings per Month
- Administrator Rate is \$30 Per Hour
- Administrator Will Spend 4 Hours Per Case (2 Hours of Preparation/General Administration, 1 Hour at the Case Hearings and 1 Hour Following Up)
- Police Officer Rate is \$70 Per Hour
- Police Officer Will Spend 1 Hour Per Case (At the Hearings)
- Jury Administration Takes 30 Hours Per Year for 50 Jurors and 60 Hours Per Year for 200 Jurors
- Supplies Will Cost \$100 Per Meeting