Maricopa County Attorney's Office
Prosecution Policies and Procedures

CHAPTER	EFFECTIVE DATE	PROCEDURE
TRIAL PREPARATION	08/27/2026	6.22
SECTION: JURY SELECTION RESEARCH		
DISTRIBUTION: PROSECUTORS	REVISION DATE	REVISION #

The selection of an impartial jury capable and willing to decide the case solely on the evidence is critical to our criminal justice system. Voir dire, where prospective jurors answer questions from the court and counsel, is the long-standing process designed to discover whether jurors are eligible, competent and free of bias. However, this process is imperfect and often requires verification of the answers provided by jurors to reveal unknown biases or ineligibility and to examine the extent of a known bias. Traditionally, when either a defendant or prosecutor perceived a suggestion of bias that was insufficient to remove the prospective juror for cause, a peremptory strike could be utilized by the parties. Today, Arizona is the only state in the nation to have abolished the use of peremptory strikes. Therefore, verifying the eligibility and accuracy of prospective jurors' responses is of greater importance.

Conducting at least some research on the background of prospective jurors has been a common feature of the legal system. Courts have long approved the use of various research methods so long as there is no communication with the prospective jurors.

The Maricopa County Attorney's Office is committed to protecting the integrity of the criminal justice system and the rights of citizens called upon to serve on a jury or participate in the jury selection process. To that end, Deputy County Attorneys and their staff may research the background of prospective jurors as set forth below:

Research Without Restriction

Deputy County Attorneys and their staff may use the following resources, without restriction, to research prospective jurors:

- Any website available to the public
- Any internet search engine available to the public such as Google, Bing and Yahoo and information readily viewable based on the use of the search engine
- The Maricopa County Superior Court website and all aspects of the Public Access to Court Information function allowing the search of Civil, Criminal, Family Court and Probate Court cases
- The Maricopa County Justice Court website, including the Justice Court Case History search function and any similar website showing municipal court case history
- The Arizona Judicial Branch Public Access to Court Information case search website

- The Maricopa County Integrated Court Information System (iCIS)
- Arizona Department of Corrections inmate search website
- Any publicly available website from any jurisdiction providing information similar to the above sources

Use of PbK

In cases where there is an articulable reason to believe that a prospective juror may have been the subject of a submittal to MCAO or has been a witness or victim in a case prosecuted by MCAO, the Deputy County Attorney or staff may utilize Prosecutor by Karpel (PbK) to determine if there is any conflict or other information that may require further inquiry or disclosure to court and opposing counsel.

Use of Social Media

Deputy County Attorneys may use social media websites or platforms for juror or prospective juror research, so long as:

(1) The website or information is available and accessible to the public;

(2) No access request is ever sent to a juror's electronic social media such as a Facebook "friend" request, Twitter or Instagram "follow" request, LinkedIn "connection" request, or any other form of internet and social media contact;

(3) The research must only seek information available and accessible to the public and not the result of an MCAO employee's account on said social media site;

(4) All reasonable steps must be taken to conduct the research in a manner that avoids indirect communication with the juror, including research that alerts the juror to who is doing the research; and

(5) Deception is not used to gain access to any website or to obtain any information.

Documentation

A DCA or staff that researches a prospective juror must document all research performed, including the name of the juror, the reason for conducting the research and the information obtained from the search. This documentation must be saved in the Work Product folder in PbK.

Use of Federally Regulated Criminal Justice Information Systems

This section is intended to ensure compliance with A.R.S. § 41-1750, A.R.S. § 41-1756, and federal CJIS regulations; safeguard the integrity of the jury selection process; and promote uniformity and accountability.

A.R.S. § 41-1750 allows the use of criminal justice information for the administration of criminal

justice. Jury selection is an essential part of the administration of criminal justice. Criminal history checks using resources outside of those available to the general public may be necessary to verify juror eligibility, assess truthfulness under oath, and ensure an impartial panel.

Standard

A prosecutor may conduct criminal history checks using NCIC on prospective or seated jurors when supported by an articulable, case-specific criminal justice purpose. Specifically, the use of NCIC to research a prospective juror must be limited to information relevant to eligibility, impartiality or honesty of the juror. Information leading to a request may come from the juror in open court, a juror questionnaire response, a court order, defense attorney research or defense requests for NCIC search, or other outside information which leads to an articulable, case-specific criminal justice purpose. All requests must be documented, approved, narrowly tailored, and conducted in compliance with confidentiality and disclosure requirements.

Request Process

Given the time-sensitive nature of jury selection, the trial DCA shall send an email to both the respective Bureau Chief and Division Chief requesting approval. This email must set out the articulable basis for the request and must identify the specific voir dire, questionnaire response or other information that prompted the concern. The DCA shall attach the written questionnaire response when available, or provide the date, time, and courtroom of the oral response or court order or defense research that gave rise to the inquiry. Because jury selection and trials may move quickly, this email will serve as the formal request and shall later be saved in the case file.

Upon receiving the request, the Division Chief shall evaluate whether the reason provided satisfies the purpose under this policy. If the request is approved by the Division Chief, the Division Chief shall seek approval from the Chief Deputy. Once approval is obtained, the criminal history check shall be conducted and documented by an MCAO investigator. The investigator shall then provide the resulting information to the trial DCA who will review the results. If the results of the inquiry are relevant to the eligibility, impartiality or honesty of a juror, the DCA must notify both the Court and opposing counsel of the specific criminal history information that was obtained. The trial DCA will inform his or her bureau chief of the outcome of the search at the earliest opportunity, recognizing that jury selection in trial can move quickly and such notice may not be immediate.

All personnel must use criminal history information only for legitimate trial-related purposes, protect the confidentiality of that data, and avoid any appearance of selective or improper screening.

A case note must be entered reflecting the request, the reason for the request, and the approvals received. The email requesting the criminal history check, along with all approvals, shall be preserved in the case file. No separate form is required, and no additional templates are necessary, provided that the documentation is complete, contemporaneous, and accessible in the case file. All documents generated through this process must be handled as confidential criminal justice information. The DCA shall also request and preserve the FTR of any relevant statements during jury selection or trial and save them to the case file.