Promoting Diversity in the Court System: Betty Campbell

John Caher: Welcome to Amici, news and insight from the New York Courts. I'm John Caher.

Dr. Betty Campbell, the first African American female commissioner of jurors, not only in Westchester County, *but the entire State of New York*, joins us today for a Diversity Dialogue interview. A single mother just out of high school, Betty was raising her child, working full-time and pursuing an associate's degree at night. After earning her associate's degree, she went on to earn a bachelor's degree in criminal justice. That led to a job in the Manhattan District Attorney's office. She spent a decade in the Witness Aid Service Unit, the Alternative to Incarceration Unit and the Drug Treatment Alternative to Prison Program, which she spearheaded.

While working in the DA's office, Betty earned a master's in public administration from New York University. She came to work for the court system in 2002, planning and overseeing 35 problem solving courts in the Ninth Judicial District, which encompasses Westchester, Putnam, Dutchess, Rockland and Orange counties. In 2011, Betty earned her doctorate in education, and in 2017 became the first commissioner of jurors of color *ever* in Westchester, and the first female jury commissioner of color in the entire state.

Betty, thank you for joining us. Let's start at the beginning, always a good place to start. Tell me about your roots if you would. Where are you from? What was your childhood like? Who were your early role models?

Betty Campbell: Sure. I'm from Westchester County. I grew up in New Rochelle, New York. I am the youngest child in a blended family. My siblings would say that I am my parent's and grandparent's dreams realized. I'm a granddaughter of a sharecropper. My mother migrated to New York from the segregated South. My father was born and raised in New Rochelle. I would say that my childhood was challenging. Coming from a blended family, I always loved the Brady Bunch, because they were a blended family.

However, at the end of a Brady Bunch episode, everything seemed to have worked out in the end. However, that was not necessarily my case in a blended family. My childhood, I would say, was filled with some adversity, a little bit of trauma. However, those experiences did not define who I am today, but they are definitely a part of my patchwork.

John Caher: It's pretty obvious that you enjoyed learning and consider education important, because it appears you've been a perpetual student—associate's degree, bachelor's degree, master's degree, doctorate degree. Where does that come from, that interest in education?

Betty Campbell: I would say my parents really impressed upon me the importance of education. Although I wouldn't necessarily say that I'm a perpetual student, my educational pursuits really served as a pathway for me to obtain employment that would lead to a career. I was a young mother. I worked full-time and attended school in the evening. As a young mother, I had to work during the day, and I went to school at night, and I did it incrementally. I would say, lastly, I made a promise to my parents. My father asked me to make a promise to him that I would finish my education. I did that, because I didn't want the sacrifices that my parents made for me to be in vain.

John Caher: That's a great story. Now, your education led you to a job in the DA's office. What did you learn working in the DA's office?

Betty Campbell: Great question. I learned that justice takes on many different forms. In the District Attorney's office, I worked first with crime victims and the Witness Aid Service unit, and then defendants in the Alternative Sentencing Unit and then predicate felons in the DTAP Program. Everyone had different needs and different outcomes.

In the DA's office, I was introduced to the practice of restorative justice, especially in the Alternative Sentencing Unit and the DTAP Program, because those units' response to criminal behavior focused on restoring harmony between the offender and society. The Alternative to Sentencing Unit was a unit that was responsible for assigning individuals to various community service projects. If you had a case and your disposition was community service, the Alternative to Sentencing Unit actually assigned people to various community service.

I also learned how to work with different populations of people who were involved in the criminal justice system. I would say that, lastly, working in the DA's office prepared me for my career with the courts. I learned how to work across departments and serve as a liaison between the DA's office, the court, city agencies, NYPD and various community stakeholders. I also learned how to build bridges between various stakeholders. I'd like to say that's where I learned how to "create space at the table" for others to join into the conversation. I learned a lot from the DA's office. It really prepared me for my career in the courts.

John Caher: Why did you want to come to the court system

Betty Campbell: Interestingly, when I was working in the DA's office at the time, there was a report written by the New York State Commission on Drugs and the Courts for Chief Judge Judith Kaye. I remember receiving a copy of the report, which recommended that the state court make drug treatment available to non-violent addicts in every jurisdiction in the State. After reading that report, I said to myself, “Wow, I really would like to be a part of this new and innovative initiative.” Plus I knew that the implementation of drug treatment courts throughout the state would change the landscape of prosecutor-based programs. Some of the judges that I've worked with, and my boss at the time in the DA's office, really encouraged me to apply for a position with the State Court.

John Caher: It strikes me that you are a person who likes to make an impact.

Betty Campbell: I do. I do. I genuinely like helping people, and I think that's been a part of my life's work and helping people get to where it is that they want to go.

John Caher: Now, I see is your current position as rather challenging in a lot of ways. It's obviously your job to ensure a fair and representative jury pool, and we both know that there is, sadly, a very long history of discrimination and intimidation designed to keep people of color out of the jury room, which perhaps contributes to a skepticism among people of color that continues to this day. I've heard other commissioners say in frustration that they often hear that people of color sometimes don't respond to jury questionnaires or summonses, because they don't trust the system, which of course perpetuates the problem of black litigants and black defendants coming to court and not seeing anyone who looks like them. Has that been your experience?

Betty Campbell: Yes. Early in my tenure as commissioner, I had a conversation with a young man of color who was summoned for jury service. He appeared for jury service. He came up to me in our central jury room, and he was quite upset at the fact that he received a summons, and he didn't want to stay.

That day, the panel that we called in was instructed that they would need to report the next day, because the case that was on our calendar was adjourned to the next day, so the jurors that were called in were going to need to report back the following day. This juror came into my office, and again, he was very upset and adamant about why he couldn't serve. I brought him into my office, and I wanted to talk to him. I wanted to understand why he couldn't serve.

First, he said that he had work obligations, and I explained to him, "In New York State, we do not have any automatic exemption," and that I explained the pathway with respects to employment, that his employer couldn't keep him from serving.

We started to talk some more, and he said to me, "Listen," he goes, "I don't trust the system." He goes, "You know, I need to work. I just got off probation, and I can't do this. Why would I want to be a part of a system or participate?" Clearly, he had an experience on the criminal side and he said to me, "I took a plea, because I didn't think I could get a fair trial. I didn't think anybody would look like me in the jury box, and so I ended up taking a plea. I don't want anything to do with this system."

I said to him, I said, "Wow, this is really interesting, because you're eligible to serve. You're qualified to serve as a juror, but yet you don't want to do the same thing that you accuse other people of not doing. You took a plea, because you thought that you wouldn't have a jury that looked like you, but yet you received an invitation, and you don't want to be a part of this system, but you can make a difference. You can do for someone else what you think other people wouldn't do for you, and that's answer the call and be present." We had this conversation and he left. I wasn't sure whether or not he was going to come back the next day, but he did.

He came back the next day, and my staff came and they got me and they said, "This young man returned back for service." He looked at me and he said to me, "You didn't think I was going to come back," and I said to him, "No, I knew in my heart you were going to come back, because I think you knew how important it was for you to be in the room, for you to be present." I was early on in my tenure and I said to him, "Wherever I go, and I talk about the importance of jury service, I'm going to talk about you." I think it was very significant, because he needed to know how important his presence, that representation, was to our process, to have a diverse jury pool.

What a great story, and what a moving story. One thing jumps out at me though, in what you said. Your choice of words, you referred to the jury summons as an “invitation.”

Betty Campbell: Yes, I do. I do. I think that when you think about jury service, depending on who you're talking to, a lot of people will say, "Well, when I get a summons, I'm obligated to be there," and I want people to look at it a little bit differently, because I tell jurors who come and report for service that they are helping us fulfill our mission, which is to ensure that any

individual who has a matter before the state courts can exercise their constitutional right for a jury trial. I ask people to reframe it, to not think about it as a summons and a demand to be here, but to really look at it as an *invitation*, to be a part of something great. That's our justice system, because our justice system works when we, the people, are engaged and involved.

I like to change the narrative. I do when I go out and I speak in community groups, or just talking about the importance of jury service. I say, "Please accept my invitation." I've had a few jurors that have reported for jury service, and they'll go in the central jury room, "I got my invitation, and I'm RSVPing!" It's great, because we're changing the narrative. I think when jurors understand our perspective, jurors understand not only that they're giving the court system the most valuable gift that they have, which is the gift of their time. When we acknowledge that, and when we share with them the importance of the work that they're doing, I think it makes a difference, especially in these trying times.

We have been empaneling grand juries since July. We just recently went on pause again with respects to trial jurors, but our message to trial jurors that reported in the midst of a pandemic, was that they too were making history, that we were living in an extraordinary time, but it takes extraordinary people to answer the call for jury service in the middle of a pandemic. I wanted them to know that they were making history, that when they met a young person, families are home trying to homeschool their children and work. I wanted our jurors to know that they were playing a critical role in history, because they were making sure that individuals were going to be able to have their day in court. That could only happen because they answered the call.

John Caher: Yeah, but answering the call and getting on a jury are two different things. For at least a hundred years, probably more, prosecutors in particular, use a peremptory challenges to systematically and strategically keep African Americans off the jury. Is that still possible? If someone goes through the trouble of showing up, getting into jury pool, are they going to get on a jury?

Betty Campbell: Well, I would like to think that they would, but I would just go back a step and say that you first have to be in the pool. Again, when we look at underrepresented populations and we identify them, I think it's critical to engage those communities, again, to talk about the importance of jury service, because if they're not in the pool, then they're not going to be in your panel.

John Caher: Of course, the Supreme Court said in the *Batson* case of, I think it was 1986, that it is blatantly illegal to discriminate against a juror because of their race. Correct?

Betty Campbell: Correct.

John Caher: Now, to go back to what you said before. The new narrative, so the new narrative that you're preaching is that jury service is a wonderful opportunity rather than a chore to be avoided.

Betty Campbell: Absolutely. Absolutely! Again, I think our jury system is one of the cornerstones of our democracy. I can't begin to stress the importance of having a diverse jury pool from the cross section of the county, but again, I think when perspective jurors understand the importance of serving, and again, sometimes I ask jurors to think about the six degrees of separation, right?

John Caher: Mm-hmm.

Betty Campbell: Sometimes you can understand your role as it relates to six degrees of separation. I asked the juror once who said, "I can't serve," “You can Google how to get out of jury service and you'll get 101 excuses of how to get out of jury service.” I think when people can connect it to their lives, so for example, six degrees of separation, somebody you may know may need the court system. In order to resolve the case, it's either someone may settle, may take a plea, they may opt for a bench trial, or they may opt for a jury trial. The whole process can be relatively stressful for both parties.

When you're at the end, and you're really looking to resolve that case, individuals have that constitutional right to ask for a jury trial. What if it was your family member who waited a long time to have their day in court, and they decided they wanted to exercise their constitutional right for a jury trial? Wouldn't you want to know that people would show up, that they would be present, that they would be available, make themselves available to serve so that your family member could have their day in court?

John Caher: Let's say somebody hears this and gets enthused and excited about what you've said and really wants to be considered for jury service. Is there anything they can do to throw their hat in the ring, or do they just have to wait around for a questionnaire to find its way to their mailbox?

Betty Campbell: Absolutely not. They don't have to wait. They can actually go to the court's website, newyorkjuror.gov, and there's a tab which says to volunteer. Just keep in mind, in New York State, we have a two-step process. The first part of the process is that you complete a qualification questionnaire. If you are qualified, then you will go into a smaller pool of prospective jurors who are eligible to receive a summons. Summonses are sent out based on the operational needs of the court.

I would say the first thing to do is if you're really fired up and you want to be a part of something great, then just go to the website, and volunteer to complete the juror questionnaire. Now, if you complete the questionnaire this week, it doesn't mean that we're going to call you next week. It may be some time before we call you, but at least you're in the pool of prospective jurors who are eligible to receive a summons.

I think it's important for people to understand that we're in New York State, we're a two-step process. The first part is the qualification questionnaire. Then once you're qualified, you go into a smaller pool of jurors who are eligible to receive a summons. We just want to encourage people to be in the pool, for the opportunity to share the importance of jury service. Again, I think more outreach, we're in a great time right now to really reimagine what jury service can look like, and as the commissioner of jurors to work within our community.

John Caher: As you well know, a recent report by Jeh Johnson, commissioned by the Chief Judge, was quite critical of the court system. Chief Judge DiFiore has pledged her total commitment to improving diversity, rooting out bias, both explicit and implicit. How can the jury commissioners and how can communities of color grasp this moment, this opportunity?

Betty Campbell: That is a great question. I think COJs—commissioners of jurors—can actually reimagine our role and our relationships to the people in the counties that we serve. For example, I see myself as a community commissioner. I am accessible to prospective jurors and the community. I often say, “If you call, I'll come to talk about the importance of jury service, why it matters and why you matter.” I think there's a great opportunity for strategic outreach and through education, again, explaining the why. COJs can be instrumental in creating the pathway for juror diversity and inclusion. I think COJs can help build bridges to improve juror diversity, by connecting to underrepresented communities and populations.

It's critical to understand how perspective is everything. I think with the new narrative of “You Matter,” there is an opportunity here for

individuals to get involved. There's a lot of grassroot movement around justice reform and what that looks like. I think jury service is an important component of that. I think also using data to identify underrepresented populations and communities is critical. COJs have the opportunity to work with civic, community, faith-based organizations and bar associations.

Betty Campbell: I think that the report, as critical as it was, actually gives us an opportunity to sit at a table and to work towards building a more inclusive court system that is responsive to the community that it serves. I think that the commissioner of jurors can play an instrumental role in promoting the importance of jury service, and the fact that diversity and inclusion in our jury system is important to us as well.

John Caher: Why is diversity and inclusion important, other than the matter of optics?

Betty Campbell: It's important because, when you think about it, our pool should be a cross section of our county. That means *everyone*. If you have a particular population that's non-responding to questionnaires or summonses, it's important for me. I'm a *why?* person, John, so it's important for me to understand the *why?* I need to know *why?* certain zip codes are not responding to the questionnaires. Because I'm a *why?* person, I'm going to look at that data. I'm going to go into that community. I'm going to look at all the civic engagement. I want to know who lives in that community. I want to look at the faith-based organizations in that community, the civic groups that are in that community, and I want to talk to them. I want to know.

It may be about how people experience the system or their beliefs about the system. It's very easy to have an experience and make generalizations based on that one experience. If people feel that the system is not fair, how do you change that? Well, just sitting on the sidelines and saying the system is not fair is not going to change the system. If there's an opportunity for you to get involved, why would you not take that opportunity? I think that's why it's important, for me to go and to understand the *why*. Sometimes it's just sitting down and talking to people. I went to a church once on Palm Sunday, I went to a Baptist church on Palm Sunday. I had a captive audience to talk about the importance of jury service.

What I heard was people's frustrations with the system. A lot of it was a lack of understanding of how our system works. There are plenty of barriers for people to serve jury service, but how do we begin to remove those barriers? I tell people, "If you get a summons and when you get

your summons if you're not able to serve at that moment, we can give you a first-time postponement. If you're worried about employment, let me give you information to share with your employer about serving."

Again, to the extent that I can provide information that may remove anybody's barriers to service or their thoughts or perceived barriers that they think they have to serve, but a lot of that requires time. It requires commitment, and it requires people to be willing to go into communities that they probably never thought they'd go into, but that's about building a bridge, to let people know that their input, their presence, is valuable, especially when it comes to our system.

Again, when you have people from very different backgrounds, different experiences, they have a different perspective, and that perspective in the room can make a difference. It's about creating a space for understanding, and it's important to invite everyone into that space, create the space. When I say “create the space,” again, as a commissioner in the communities, when I'm with the faith-based organizations, sometimes I hear people say, "Well, I can't judge. I can't judge another person." I say, "You're not ‘judging.’ You're the decider of a fact. It's fact-finding. You're listening, and you're listening to the facts. You're making a decision based on the facts."

I think that as people begin to understand how our system works, and the wonderful opportunity that's afforded to them, to just be a part of our system ... Years ago, if you were a woman, you couldn't sit. If you were a minority, you couldn't sit on a jury. Now that's a possibility, it's a reality. Why would we not be a part of something? For me, when I think about what my family members marched for, if they did not march, I would not be sitting in the desk that I currently am sitting in. I don't think jury service is something that anyone should take for granted. People fought for that right, for you to be able to sit and serve.

John Caher: I really appreciate you doing this and the thought you've put into it.

Betty Campbell: Thank you. I thank you for the opportunity to just talk about the importance of jury service. When you say, “jury service,” no one wants to hear it. I would hope that I would be able to create a little excitement about it, and maybe my passion will rub off on other people. It’s a new day, and if you want to see change *you have to be a part of it*.