

The Criminal Justice System

When is the last time you sat on a jury? Me too.

I reported this morning at 7:30 AM and was disqualified by the judge at 3:25 PM.

For the second time in two years I was randomly selected to sit in the jury box. Another 90 jurors were selected to sit in the courtroom ready to take the place of those who were excused or who would be disqualified.

The first time - a year ago - the presiding judge recognized me and knew that because I was associated with Loaves & Fishes would have a difficult time serving as a juror. So he publicly thanked me for my work at Loaves and for my willingness to present myself as a prospective juror, but he dismissed me - a very thoughtful, considerate and tactful way of getting me out of the courtroom before I polluted the rest of the jury pool in the room.

Today, a Latino woman - and much younger judge - took the opposite tack. Before jury selection began, I had filled out a "hardship" form that stated: (1) Because of my 20 years experience with Loaves & Fishes, I did not feel I could be fair and impartial because I believed the criminal justice system was unfair to poor people; (2) I did not believe in the three strike system of justice; (3) I did not believe in the death penalty; (4) I was scheduled to leave town at 10:00AM on Friday, May 18 for one week. (She had passed out a flier to the prospective jurors stating the trial was not expected to conclude until May 18.)

I, along with 8 other jurors who had filled out hardship forms were called into the courtroom, wherein she read our names into the record, and stated that none of our reasons were legal grounds for hardship.

After my written hardship explanation was denied, the court session began. Every seat was taken, there were 10 prospective jurors who had to stand in the aisle because the judge explained, the court staff did not have access to "the folding chairs." I wondered what she meant. She began her voir dire by pointing to the flags in the courtroom - on her right the U.S. flag, and on her left, the flag of California. They are here for a reason, she said, they are to remind us of our responsibilities as citizens to serve on juries, tell the truth, answer her questions honestly, etc.

Very soon it came to the point where each juror was asked if there was a reason why he/she could not serve as a juror. I had no choice but to say publicly what I had already written to her in "private": because of my 20 years of experience at Loaves & Fishes, I felt that I had a bias against the criminal justice system as it applied to the poor of our community. OK, she replied you have a problem with law enforcement as it applies to the homeless. NO, I replied, my bias relates to the entire criminal justice system. She asked if I could set aside this bias for the sake of sitting as a juror on this case (black man, gun possession, resisting arrest, private attorney representing him)? I replied that for the sake of fairness to everyone involved in the proceeding, I felt obligated to make the court aware of my bias and further, I did not

support the three strike system of justice, and I did not support the death penalty. She interrupted: let me make clear to everyone this is not a death penalty case, nor is this a three strike case. I responded: well, it might be a two strike case then (she visibly bristled at my retort) and that might further aggravate my bias. She paused and said: the issue is, can you set aside your bias in order to fairly participate in judging this case? Frankly, I did not know quite how I should respond. As a rational and elderly adult, I thought it was reasonable to assume a person who recognized their bias, could make allowances for it and rise above it for the sake of a greater good; on the other hand, I thought the public confession I had just made in front of a packed courtroom would provide an experienced judge (the following day I found out she had been appointed in 2002) with enough clues and red flags that I was beyond redemption. I tried for a middle ground: all I can promise, I said, is to do my best. She seemed quite satisfied.

The voir dire continued with the attorneys. In the course of their questioning the jurors, at various points in response to their questions, I said the following: (1) I believe there is a marked difference in police enforcement in poor neighborhoods, as opposed to better off neighborhoods; (2) I thought police officers (7 officers were scheduled to testify) could lie under oath - just because a person takes an oath, it doesn't mean they will not lie, I observed; (3) Yes, I believed the testimony of police officers was given more weight than that of an ordinary person off the street; (4) The meaning of excessive force? I have seen excessive force, I know what it means.

After the attorneys finished their allotted time, the judge called them up for a private consultation. A few seconds later, she said: Mr. Chatfield, you are free to go. Thank you for your time. Please report back down stairs (the jury assembly room) to see if they have another assignment for you. I said, thank you, your honor and I left the courtroom. I don't know if other jurors in the box were disqualified or not. On my way down the stairs, I wondered about a system that assembled 100 people to serve on a jury, make them sit all day in a courtroom listening to others talk, when there was absolutely NO chance they would/could be selected. It seemed so out-of-proportion.

For my part, I felt as if I had been put through a process of public humiliation. I must have struck others as an asshole, a nut, an old fool, a smart-ass but I cannot imagine what I could have done differently. Is it possible that by participating in this process, I poisoned the juror pool to the point that the defendant might get a better break? Or is it just the opposite?

There you have it: one citizen's participation in the criminal justice system, Sacramento California.