Law Enforcement Accountability in Sonoma County Now!

We can’t parse the split second 13-year-old Andy Lopez was shot and killed by Deputy Erick Gelhaus. But we do know much of the long history of our law enforcement’s defiant refusals to change; despite the litany of lawsuits, petitions, protests, federal hearings, and official reports that have, again and again, for decades, called out our law enforcement’s abuses of the public they’ve been sworn to serve.

In this issue of our newsletter we break from our usual format to pull together some of the lessons we’ve learned over the years trying to get police and prosecutors to respond properly to our communities.

We aren’t the only county having such grueling difficulty getting our law enforcement under control. Indeed, there isn’t any place in America - or elsewhere - that has gotten near to solving the problem of who polices the police.

Much of the problem stems from inherent attributes that combine to make law enforcement near untouchable, the most obvious being that police and prosecutors are meant to be the ultimate power and enforcers of law. Added to that is the fact that so much of law enforcement activity is of necessity carried out behind closed doors.

Making matters worse is the fact that law enforcement powers are exclusive powers. If you don’t like the way public school is educating your kids, for example, you can take on that function by home schooling or going to private schools. But if you don’t like the way police are doing their jobs, you cannot take police powers into your own hands, or you’ll be the one going to jail.

Those formidable obstacles to shaping citizen control of law enforcement are pretty much a given for any society living under rule of law. They do, however, make it all the more imperative that communities keep constant vigilance on those aspects of law enforcement that we can control... and there are many ...and most are being ignored.

Right now, for example, Santa Rosa is selecting a new police chief, out of sight and behind closed doors. Not even our elected city council members are involved in this critical decision, when, in fact, the whole community should be involved! (see p7)

Precisely because of the awesome powers in the hands of law enforcement, the critical and far reaching policy decisions about how that power is employed, and by whom, can’t continue to be ignored by the community. We hope this newsletter adds to the debate and sheds some light on the many ways we can and must control law enforcement if we truly want to live in a just society.
What Doesn’t Work

In the two decades we’ve worked in Sonoma County, -15 years at Women’s Justice Center and 7 years at Women Against Rape - one thing we’ve come to know all too well is what doesn’t work for reforming law enforcement, and why.

Lawsuits Don’t Work! Lawsuits are essential for obtaining justice and compensation for the individual victim(s). But after the lawsuit, the city or county writes the big check, law enforcement does a little song and dance about reforming, and behind the blue wall little changes at all.

In the last two decades we’ve advocated on the filing of at least 8 lawsuits against the Sheriff’s Dept. alone. All but one resulted in a judgement for the victim. None of the underlying causes were ever addressed. Even the high profile Macias case, contrary to a mountain of myth making, only briefly improved response to domestic violence. The rest has been dog-and-pony show!

Bringing in the Feds Doesn’t Work! When the U.S. Civil Rights Commission held hearings in Sonoma County in 1998 at another peak of community discontent with law enforcement, it took that commission nearly two years to produce a report! And that report was so anemic and so couched in the most tippy-toe language that it was virtually useless. The same is true of so many of the other official inquiries and reports we’ve seen done over the years. They all serve more to funnel off discontent than to solve the problems. Even in cities where federal monitors have been brought in to follow up, with few exceptions, results have been underwhelming.

Negotiations, Advisory Boards, Memorandi of Understanding, Don’t Work! Law enforcement will say and agree to most anything, but once back behind the thick blue wall life goes on as before because no one is bothering to watch.

An Uninvolved Community Doesn’t Work! Sonoma County residents have repeatedly expressed their dismay at law enforcement misconduct, and a desire for progressive practices. But achieving that goal requires not only ongoing oversight, but digging deep to uproot the structural and cultural defects that breed the misconduct.

Civilian Review Boards, At Best, Only a Small Part of the Solution

In the last two decades, over 200 cities across the country have been experimenting with an array of formal civilian review board structures. As often as not, citizens are ending up as disgruntled with their civilian review boards as they are with their police.

Some of the pitfalls can be avoided. At minimum, review boards must be entirely independent of police, must have competence in law enforcement procedures, must have subpoena power, and must have meaningful input on discipline.

But even with all ingredients in place, civilian review boards are failing to stem the tide of law enforcement abuses, and when used as the sole solution, are doomed to disappoint. The root of the problem has been widely discussed, and becomes fairly self evident on a few minutes thought.

The Rotten Barrel Theory

Civilian review boards can help get rid of a few rotten apples, say police reformers, but it doesn’t solve the problem of the rotten barrel.

Investigating individual complaints of police misconduct will always be important. But even more important, police reformers agree, are the much ignored functions of reforming police recruitment, policies, culture, and structures. The problem isn’t so much a few bad apples, they say, rather it’s the quality of the barrel the apples are in. It’s come to be known as “the rotten barrel theory”.

Without attention to reshaping law enforcement from the top down and from the bottom up, these agencies will inevitably continue to regenerate ever more problem officers, no matter how many bad apples are disciplined or removed.
What Can Be Done

Despite the seemingly insurmountable power consolidated in law enforcement, there’s an array of possibilities for communities to get control of the policies and practices. We’ve mentioned these three before and they’re still at the top of our list:

Communities Chose Who Can Exercise Law Enforcement Powers!

A clear case in point ongoing right now is the unfortunate back room, secret selection of Santa Rosa’s next police chief. Given a chief’s strong influence over the character of the entire force, the absence of input from community and our elected officials is a huge missed opportunity. (see p7)

Taking control of what kind of person is allowed to have policing powers, whether as chief, new recruits, or officers seeking promotions, will have enormous influence on how those powers are exercised. There’s no reason we can’t have representative citizen committees with veto power involved at every point in the process.

One of the most uninspected sources of law enforcement problems in our county is at our local police academy. The academy is rife with archaic practices, such as the extra admission points for having a military background and the academy’s overall para-military style of training, a style that academies around the country are abandoning because of the ‘us-them’ mentality it instills.

Until communities delve into the recruitment, hiring, training, and promotion of their police, it’s virtually guaranteed that the white male domination, along with it’s inevitably narrow, insular views of the world, will only continue to clone itself endlessly.

Open the Chiefs’ Association Meetings to the Public Under Brown Act Type Rules!

Creating transparency and citizen steering of law enforcement policy is key. Opening up the Chief’s Association meetings is a good place to start.

Every month the Sonoma County law enforcement chiefs - the police chiefs, Sheriff, DA, Probation chief, and more - get together to hammer out law enforcement issues and policies for the county. Astoundingly, they do so completely off the public record, behind closed doors. For a tangle of legal arguments, law enforcement is exempt from Brown Act open meeting requirements.

However, the key point here is that there is no law anywhere that prohibits the chiefs’ meetings from obeying any or all of the Brown Act rules. All it would take would be a mandate from our local city councils and board of supervisors to put this in force.

It is unconscionable in a democracy that the debate and forging of our law enforcement polices is carried out in secret. With all the enormous behind-the-scenes powers already built into law enforcement activities, no community can afford to be so completely shut out of the process.

Establish a Policy that All Sex Crime Cases Get Sent to the DA for Review!

No category of serious crime is treated more poorly, more systematically, and with such deliberate indifference and animus, as sex crimes. The fact that over 75% of sex crimes reported to police in Sonoma County get buried in the police department and are never even sent to the DA for review is only part of the picture. The vast majority of sex crime victims never report to police in the first place knowing full well the likelihood of police disparaging and ditching the case.

It’s certainly not a complete solution. But setting a policy that all sex crime reports be sent to the DA is a step in stemming the most flagrant refusals to investigate. There’s no reason this can’t be put into effect immediately. Exactly such a county wide law enforcement policy was put in place in 1996 as a measure to combat police disregarding domestic violence. There’s no reason not to do it now with sex crimes!

What are we waiting for? Taking control of our law enforcement is completely within our reach now, with or without formal civilian review boards!
Experience of Law Enforcement Abuses by Gender
Reformers have failed to recognize one half the law enforcement problem, i.e., that systematic denial of enforcement is every bit as oppressive and dangerous to women as is over aggressive policing to men.

Abuses Experienced Primarily by Males
- Police Brutality
- Over-aggressive and Authoritarian Attitudes
- Illegal Searches and Seizures,
- Planting and Falsifying Evidence
- Malicious Selective Prosecution (e.g., racial profiling, crack vs. cocaine prosecutions, gang classifications, etc.)
- Overcharging Cases
- Withholding Exculpatory Evidence, Suborning Perjury
- Cruel and Unusual Punishment

Abuses Experienced Primarily by Females
- Police Refusals to Enforce
- Dismissive attitudes, mocking indifference, and Disregard
- Incomplete Investigations,
- Refusals to Collect Evidence and Witness Statements
- Malicious Selective Non-Prosecution (e.g., systematic failures to prosecute gender based violence)
- Undercharging Cases
- Withholding Probative Evidence, Dissuading Witnesses
- Give-away Dismissals and Plea Bargaining,
- Impunity

VIDEO: To see the video of the families’ testimony to Santa Rosa City Council, go to the front page of our web site at www.justicewomen.com

To see the full written account of the families’ stories and of our demands, go to,

STATISTICS: In 2011, the most recent year for which we have statistics, over 75% of all rape cases (child and adult) reported to law enforcement in Sonoma County were never even sent to the DA for review. It’s critical to understand that this is an intentional ditching of these cases, and results from the severe sexism and racism that has been allowed to foment in our police agencies.

It Happens Differently for the Girls...
In poor and minority race communities, the harassment and abuse suffered by teen boys at the hands of police is no secret. Families, neighbors, and the kids themselves share their experiences of those indignities, and share their fears and rage.

It happens differently for the girls. But the effects are just as crippling and dangerous. Police abuse more commonly takes the form of police turning their backs on the girls when they’re victims of intimate violence. Then, instead of at least feeling the understanding of their communities, there is more often shame, being ostracized, and solitary hiding away. Nobody will believe them, they conclude. Many stop eating, won’t leave their rooms, or start injuring themselves. And always there is the fear and reality that perpetrators are still in pursuit.

Ultimately, this October, after months of support from Women’s Justice Center, the families of two Latina teen rape victims and one of the girls were able to protest to the Santa Rosa City Council the mistreatment they received reporting their separate cases to Santa Rosa Police.

Though with entirely different circumstances, in both cases it was five weeks after reporting to police before the victims were even interviewed by a detective. In neither case were the victims given either verbal or written information to critical crime victim services, as is required by law. In both cases, the victims, their families, and our advocate were treated with deceptions and condescension by multiple ranking officers of the department. (see references and stats to the right.)

What these courageous families described in writing and in public appearance, is the same agonizing, dangerous, and intentional attempts by police to ditch these cases as we’ve seen and reported for decades.
Thanks to You,
Women’s Justice Center
Celebrates 15 Years

On October 1st of this year, Women’s Justice Center counted 15 years working in Sonoma County to end violence against women and children, particularly in the Latina and other underserved communities.

We hope you’re as honored and proud as we are of the years we’ve been able to give voice and visibility to the calls for justice of so many who otherwise would not have been heard.

To our great pleasure, on the day of our 15th anniversary, we were caught by surprise, with only a moment’s pause to think about it. Instead, we found ourselves busily engaged in exactly the mission we began with; making last minute preparations to accompany the families of two teen rape victims and one of the girls to give testimony that evening before the Santa Rosa City Council about the injustices they experienced at the hands of police.

It is truly, all of it, in great thanks to you; all 15 years, and all the literally thousands of families, women, and children we’ve been able to help. Women’s Justice Center has never received a cent of government funding. Virtually all our funding comes from you, with only a very rare assist from small grants.

It is your contributions that have allowed us to stay steady and firm for 15 years on the three founding principles we set ourselves on October 1, 1998. And we recommit to those three ideals today:

1. That Women’s Justice Center will stay financially independent of government funding so that we’re able to fight vigorously, without compromise, for women’s rights wherever those rights are violated, without having to worry about losing our funding.

2. That Women’s Justice Center will stay focused on working with the Latino and other underserved communities of Sonoma County in order to help open doors to safety and justice for the great populations of women who have been left behind.

3. That Women’s Justice Center will focus on obtaining equal justice for all women and girls. Because once there is violence or threat of violence, you can social work these cases endlessly. But if the perpetrator isn’t put under control, and held to account, he’ll just turn around and undo whatever new life she has created. And only the justice system has that power.

Help Us Continue the Fight for Safety and Justice for All Women and Girls!

Please Donate Today!

Online on our web site at, www.justicewomen.com

or mail to:
PO Box 7510,
Santa Rosa, CA 95407

(Yes, we’re a tax deductible non profit.)
Whatever the concern ~ be it police brutality, discriminatory policing, the code of silence, corruption, denial of equal protection, abuses of power ~ there isn’t any of it that can be remedied without putting gender at the heart of the agenda.

At the same time, no other perspective has been more absent from justice reform agendas than gender, more so than in other civil rights arenas. In part, this is likely due to the fact that women’s needs in the justice system are, in general, so distinct from men’s needs.

But this is just one of many reasons gender analysis should be prioritized in the search for justice system solutions. Here are three more:

**TO STOP LAWSUITS, AND SAVE PUBLIC MONEY**

Saving money shouldn’t be the main reason for prioritizing a gender perspective, but it may be one of the most persuasive, so here it is:

Male police officers are hugely disproportionately responsible for officer criminality and misconduct of every kind, from brutality to theft to sex crimes and corruption. Likewise, male officers are also hugely disproportionately responsible for the resulting costly law suits that gouge public budgets.

Studies repeatedly show that though females make up 13-14% of the nation’s law enforcement officers, they commit only 3-4% of officer misconduct. By itself, this isn’t too surprising given that in the U.S., 90% of all felonies are perpetrated by males.

What is unfathomable is why the public hasn’t recognized that male dominated law enforcement is disastrous, if for no other reason than the intolerable drain on local time and economies! But the picture is worse when that male domination becomes institutionalized as it is in the police.

**MALE DEFINED POWER STRUCTURES FOMENT WARPED AND ABUSIVE HYPER-MASCUINITY**

Examples abound; from the taliban to the Catholic church, from football enterprises, to the military. Male centric and male dominated power structures breed cultures of warped and abusive hyper-masculinity. Add guns, badges, and unfettered discretion to the mix and it’s hard to think of a more toxic recipe for guaranteed generation of misconduct and abuses of power.

For whatever reason, Sonoma County law enforcement lags even further behind than the rest of the country in dealing with this problem. Not only does the percentage of female officers in Sonoma County (at 8%) fall far below the national average of 14% - but the costly spate of sex discrimination law suits generated by our law enforcement has gone on unabated for decades.

**MALE DOMINATION OF POLICE POWERS PERPETUATES VIOLENCE AND CRIME THROUGHOUT SOCIETY**

One of the most clear cut consequences of male control of policing is the systematic ignoring of violence against women. Despite all the rhetoric to the contrary, one look at the statistics (see our June 2012 newsletter) shows that police response to these crimes has improved very little or not at all in the last 20 years. Disregard and impunity is still the rule.

Allowing violence against women to rage on has enormous and dire multiplier effects in society; from suppression of women’s voices in homes and in public affairs, to spawning anxious children who can’t learn at school, to a steady flow of angry young boys spilling into the streets, turning to drugs and crime, and to another generation of girls with spirits crushed and fear ruling their lives.

If you want to change the way law enforcement behaves, there’s no more dramatic place to start than by looking through the lens of gender.
RECENT SRPD ABUSES OF THE COMMUNITY:

October 23, 2013: Just one day after a Sheriff deputy shot and killed Andy Lopez, Santa Rosa Police called a press conference to give results of their 'investigation'. Outrageously, SRPD officials claimed to know the deputy’s frame of mind (in fear of his life), and gave, as fact, only the deputy’s version of events, though witnesses were available to give different versions of the event. Showing clearly, SRPD is conducting a whitewash, not an investigation.

October 1, 2013: Along with victims’ families, Women's Justice Center protests SRPD's ignoring and mistreating two Latina teen rape victims at Santa Rosa City Council cases. (In 2011, over 75% of sex crimes reported to the department were never sent to the district attorney's office for review.) This has been the SRPD pattern of denial of equal protection to women for over 20 years.

ONGOING: The city of Santa Rosa has already spent over $1 million and is continuing to spend defending against at least five sex discrimination lawsuits against SRPD and against the former police CHIEF FLINT. Chief Flint resigned in disgrace as a result of the extreme sexism he fomented in the department.

July 2013: A federal court ordered the city of Santa Rosa pay 1 million dollars for the SRPD shooting and killing of an unarmed mentally ill man, Richard DeSantis.

In Dec. 2012, Current SRPD chief, Tom Schwedhelm presides over a white male cloning ceremony (see photo) in which he promotes seven more white males to higher ranking positions in the Santa Rosa Police.

As of March, 2012, only 8% of SRPD officers are female, far lower than the national average of 13%. * SRPD has zero Hispanic female officers, though over 25% of the Santa Rosa population is Latino. * SRPD has only one female officer of the rank of sergeant or above. There are 28 males who hold the rank of sergeant or above.

August 2011, Despite widespread community protest, SRPD Chief Tom Schwedhelm is very vocal throughout the media defending his department's warped idea of "community outreach", i.e. bringing assault weapons for kids as young as 5 to handle at a community park.

n the wake of the killing of Andy Lopez by Deputy Erick Gelhaus, it's understandable that all eyes are fixed in shock on the Sheriff’s Office. But right now, out of sight and behind closed doors, a new Santa Rosa police chief is being selected in a process so secret not even our elected City Council members are involved.

The Santa Rosa Police Department has its own recent history rife with abuses against the community; killing civilians, a slew of costly lawsuits, unwillingness to integrate its ranks, and more. All these problems stem from the top brass down, and none is more responsible than the chief.

The current chief is set to resign and be replaced on Dec. 20. The ongoing secret selection process of the new chief must be stopped now. A new process must be put in place in which the council and a representative citizen’s committee with veto power have control of the recruitment, interviewing and hiring.

It's time for our communities to control their police. Selecting the new chief is a powerful place to start.

Taylor Anderson-Stevenson
Women's Justice Center

(WJC Letter to the Editor published Nov. 10, 2013 in the Press Democrat)

Stop the Secret Selection of New Santa Rosa Police Chief NOW!
For a Future of Equality and Justice for All
What You Can Do...

Join Us, Whatever Your Skills!
Whatever your time frame and talents ~ graphics, organizing, accompaniment, social media, tender loving care, interpreting, etc., etc., ~ we need you in the fight for women’s rights!

Contact Us:
Email Taylor: tandersonstevenson@gmail.com
Phone: (707) 575-3150

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to Women’s Justice Center
for Activism, Education, and Independent Advocacy to End Violence Against Women and Children ~ especially in the Latino and other under served communities of Sonoma County.

Yes, Women’s Justice Center is a tax deductible non profit. We’re experienced, and we’re passionate about ending the violence!

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Simply click the red Donate Now button,
Or Mail to: PO Box 7510, Santa Rosa, CA 95407

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Enter your email on the front page of our web site (www.justicewomen.com) and receive timely news updates from Women’s Justice Center.

Happy Peaceful Holidays!