



Women's Justice Center * June 2014 * Centro de Justicia para Mujeres
PO Box 7510, Santa Rosa, CA 95407 * Tel. (707) 575-3150 * Vol XXXIX



Petition



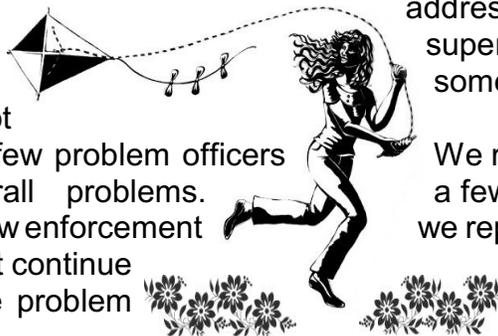
Law Enforcement Reform Now!

Women's Justice Center wholeheartedly supports the formation of independent, robust, and fully empowered civilian police review boards in Sonoma County. These boards are essential for responding to people's complaints of abuses by police and for weeding out problem officers.

At the same time, as critical as this function is, in order to solve our community's law enforcement problems, and prevent them from constantly recurring, it's also essential to establish community control over law enforcement policies, practices, training, and over who is allowed to hold these critical enforcement powers in the first place.

The underlying historical and structural problems that give rise to the abuses need to be addressed. The increasingly militarized, hyper masculine criminal justice system urgently needs to be curbed and reformed.

So many other cities have already learned their lesson the hard way. Without addressing root causes, simply ousting a few problem officers doesn't solve the overall problems. Uncorrected, the existing law enforcement structures and cultures just continue on to generate ever more problem officers.



As a people, we put so much effort into debating the laws we live by, and into voting on the people who pass the laws. Then, astonishingly, we blindly turn over all the critical decisions on the enforcement of the laws to the arbitrary, unchecked discretion of mostly self selecting white male forces.

Without oversight, it's not surprising that law enforcement agencies have grown to consolidate and institutionalize their abuses of powers; enforcing laws or not, as they wish, racial profiling, refusing to protect, discriminating, intimidating, and circling the wagons around even the most sadistic among them, all with impunity.

This makes no sense at all! It dangerously sabotages rule of law, instead of enhancing it. It's time to apply the same oversight and input to enforcement policies as we do to passing the laws.

In this issue, we present a four point petition addressed to our city councils and board of supervisors, that we believe can begin to address some of the underlying problems.

We recount Daria's story, exploding the myth of a few problem officers. And, with much elation, we report on a far reaching victory; the expansion of women's constitutional rights into the offices, practices, and policies of the nation's district attorneys.



Breakthrough!

In a February 14, 2014 Letter of Findings, the U.S. Dept. of Justice made a landmark finding of district attorney constitutional obligations and accountability to victims of violence against women. It did so building on rulings and legal strategy laid down in the federal civil rights case of *Macias v Sonoma County Sheriff*.

When the U.S. Dept. of Justice undertook to investigate the Univ. of Montana for mishandling rape cases, it was unimaginable that it would end up driving a legal sledgehammer through the centuries old wall of district attorney immunities and discretionary powers. But the February 14, 2014 DOJ Letter of Findings did exactly that.

That the DOJ constructed its argument on behalf of victims of violence against women provides an unprecedented and groundbreaking legal tool tailored for women denied justice by district attorneys. That the DOJ findings used the legal strategy of the *Macias* case, and the *Macias* case itself, as a pillar of its argument is enormously gratifying for the work we've been doing for 20 years.

The Devastation of DeShaney

Since the nation's founding, prosecutorial powers have always been walled off from "the democratic passions of the masses". Over the last century, however, a volley of Supreme Court decisions have so fortified that wall as to make district attorneys absolutely untouchable and unaccountable for even the grossest constitutional misconduct.

In the 1976 case of *Imbler v. Pachman*, for example, the Supreme Court ruled that prosecutors have absolute immunity from civil liability for violating constitutional rights in their prosecutorial functions.

The 1989 case of *DeShaney v. Winnegabo County* was particularly devastating for women and children. In *DeShaney*, the highest court ruled that law enforcement has no affirmative obligation to act, and victims have no constitutional due process rights to hold law enforcement to account when law enforcement refuses to act.

Though *DeShaney* applies to all crime victims, its crushing impact has landed most severely on women and children. The exaggerated male biases of law enforcement make violence against women and children the serious crimes police and prosecutors are most prone to ditch, disregard, and deny justice, as statistics have repeatedly shown.

The Murder of Maria Teresa Macias

On April 15, 1996, after seeking help from the Sonoma County Sheriff on more than 22 occasions, and from the District Attorney, Maria Teresa Macias was finally shot and killed by her abusive husband, leaving her three young children motherless. Macias' diary, her story of unrelenting struggle for justice, and a mountain of other evidence, was so compelling we along with Tanya Brannan felt Teresa's case had the moral force needed to forge a legal path around *DeShaney* and make new law.



Maria Teresa Macias

Initially, the *Macias* federal civil rights case was filed against both the Sonoma County DA and the Sheriff. But it soon became apparent that trying to break through the added bulwark of district attorney immunities made it necessary to drop the DA from the case.

Filling the Void

It's been 14 years since the 9th Circuit Court of Appeals decided unanimously that Teresa Macias and all women had a constitutional right to sue police for discriminatory inferior policing. And we haven't rested. We've been reaching out to feminist law professors, activists, and government officials to push for extending the *Macias* strategy and rights beyond the 9th judicial district, and beyond police.

But we never expected this advance to come from the Department of Justice, and had all but given up hope it would ever reach to encompass district attorneys. There is so much work still to be done to secure justice rights for women. But this victory standing on *Macias* gives us enormous hope and energy for the struggles ahead.

See DOJ Letter of Findings
[HERE](#)



Daria's Story

~ In which a Santa Rosa woman's refusal to give up on justice exposes a law enforcement system conspiring and geared to stop her. (Daria is a fictional name as her struggle continues as we write.)

On October 16, 2013 - On that warm October evening, at least two people in a Santa Rosa neighborhood were dialing 911 as they were suddenly alarmed at seeing a woman fighting and screaming to keep from being forced into a car by multiple abductors. By the time police arrived, that car had left. The victim's husband was getting their 3 children into a second car and had also left or was about to leave. According to the police dispatch report (CAD), the officers were informed the husband claimed that he and the other abductors were taking Daria to rehab. For the SRPD officers, that was reason enough to leave the scene and cancel the call.

Despite credible eye witnesses to a violent in-progress abduction, none of the responding officers opened an investigation. None of the officers wrote up a crime report, nor any kind of report at all. None of the officers even issued a BOLO on the cars. None of the officers did anything except walk away.

Even if it were true Daria was being kidnapped to rehab, (and it's not), a forced abduction is still a violent crime, with eye witnesses, that needed to be acted on immediately and with full investigative follow-up. But if the police had done even the most minimal investigating they would have easily found out that the day before the kidnapping Daria had applied to and been accepted into the Santa Rosa YWCA women's shelter. She was planning to leave her violent husband the next day with her children. But her husband became aware of her plan and the kidnap happened instead.

October 17, 2013, Daria was physically restrained, beaten up, and injured during the car drive from Santa Rosa to Bakersfield as the abductors' thwarted Daria's repeated attempts to escape. Daria's husband was following behind with the children in the second car.

When the abductors arrived in Bakersfield, Daria once again attempted to escape, this time successfully. She ran to a nearby home and called 911. Kern County officers responded almost as poorly as the SRPD, though they did take a statement and photographed Daria's injuries.

October 18, 2013, Before leaving Bakersfield, Daria spoke by phone with an investigator at the Sonoma County DA's office. After recounting the details of her kidnap, the DA investigator, though admitting that SRPD had mishandled the case, and was aware the kidnapping

had occurred just blocks from the Santa Rosa Police station, he advised Daria to deal with it in Kern County.

October 20, 2013, After making her way back to the Sonoma County YWCA, Daria pleaded with shelter staff that she wanted to get a restraining order and report to police. The staff insisted on its policy of not allowing new arrivals to leave the shelter for 48 hours. This gave Daria's husband time to go into Kern County family court ex parte and obtain sole custody of the children. In the months to come, without a police report Daria could not convince the family court she was a victim, and that her husband was lying about her need for rehab.



October 22, 2013, Daria finally was able to go to the SRPD station to report the kidnap herself. The responding officer opened a criminal kidnap crime report, but neglected to include the history of domestic and sexual violence. A detective was assigned to the case.

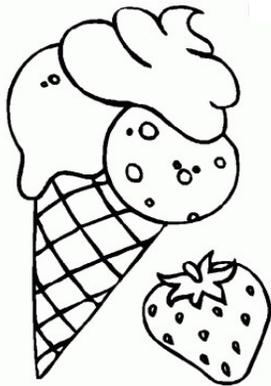
End of October to December 23, 2013, On first contact, the detective tells Daria to take a couple days and consider if she really wants to pursue the case. This begins an ongoing series of exchanges over two months in which Daria repeatedly tells the detective she wants to pursue the case, after which

the detective repeatedly comes up with yet another ploy of discouragement and hoops for Daria to jump through, always with the detective's same question attached, "Are you sure you want to pursue the case?" Daria was never interviewed, nor were witnesses. There was no investigation at all.

This is the usual way detectives wear victims down and eventually get them to give up and go away. It's the usual tactic giving rise to the frightening statistic that in Sonoma County over 75% of violence against women cases are buried in our police departments without ever being sent to the DA for review. Daria was terribly dazed and distraught, but she was not about to go away.

December 23, 2013 Having failed to dissuade Daria by the usual means, the detective now phones Daria to tell her the case was being sent to Kern County because jurisdiction for the case was not in Santa Rosa. This was an utter absurdity given the kidnap occurred three blocks from the SRPD station. Daria is reeling and searching for help. She soon finds Women's Justice Center.

January 30, 2014, We along with Daria address a letter to SRPD chief Schreeder, DA Ravitch, and to the Santa Rosa City Council outlining the injustices and calling for investigation. A week goes by. Two weeks go by, and not a word of response from any of them. **see p8**



Celebrate Justice!

It's so rare we have a victory as far reaching as the February Dept. of Justice findings, see p2, that it's worth taking a long summer day to savor it. It's been an exciting reminder that staying a difficult course can ultimately win out, a surge of hope and energy for the long struggles still ahead.

We certainly can't claim overwhelming credit for this advance. But no doubt we, and you, played a significant part in bringing it about. The long road to the landmark 9th Circuit Court decision in the Macias case was only a first step. But we didn't stop there.

Your support in the 14 years since that decision has given us the essential independence we've needed to keep pushing for expanding the reach of that decision, beyond the 11 western states of the 9th judicial district, and beyond police to the offices of district attorneys.

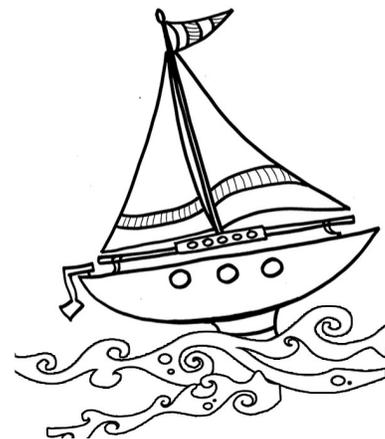
Since then, in addition to our more visible work advocating for individual victims, you've enabled us to lobby that cause with feminist law professors around the country and with government officials, to analyse the dangerous void of law enforcement accountability to victims of violence against women, and to broadcast developments along the way.

To be sure, the work is far from done. But for now, we want to tell you how much we've appreciated your support. And that we commit to continuing to stay the course and to meeting the challenges ahead - until the day there's truly safety and justice for all women and girls. Because the liberation of women's energy will change the world!

So Please Donate Today! Thank You!

DONATE ONLINE at
www.justicewomen.com

OR MAIL TO -
Women's Justice Center, PO Box 7510
Santa Rosa, CA 95407



PETITION - see reverse for background information
TO THE CITY COUNCILS AND THE BOARD OF SUPERVISORS OF SONOMA COUNTY

LAW ENFORCEMENT REFORMS NOW!

1. Resolve that the monthly meetings of the Sonoma County Law Enforcement Chiefs' Association be open to the public and be conducted on the record under Brown Act type rules.

(Law enforcement policies in Sonoma County must cease to be made behind closed doors!)

2. Resolve that all police and sheriff sex crime reports and domestic violence crime reports be sent to the District Attorney's Office for review.

(Our police and sheriff must stop burying the overwhelming majority of violence against women and children crime reports in their departments without sending these reports to the DA's office for review.)

3. Resolve to form a representative citizen group - with veto power - to work with officials on the recruiting, hiring, training, and promotion of all law enforcement officers in your community.

(Communities must have meaningful input on which individuals can and cannot wield police powers.)

4. Resolve that the District Attorney's Office, as well as police and Sheriff's departments, be included for review in any law enforcement Civilian Review Boards formed in Sonoma County .

NAME

ADDRESS

PHONE

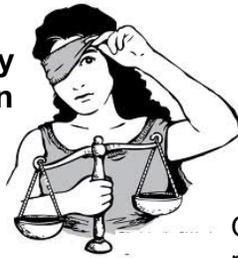
MAIL signed petitions to: Women's Justice Center, P.O. Box 7510, Santa Rosa, CA, 95407 * Tel: 575-3150
DOWNLOAD petition at www.justicewomen.com/petition.pdf * en espanol, www.justicewomen.com/petsp.pdf

For **BACKGROUND** on Petition Demands, see petition download page, English or Spanish.

Organization ENDORSEMENT: Write a one sentence endorsement on the petition. Date, sign, and mail in.

Background Information on the Four Petition Demands

1. Open the monthly Sonoma County Law Enforcement Chiefs' Association meetings to the public under Brown Act type rules!



Every month, Sonoma County law enforcement chiefs - the District Attorney, the police chiefs, the Sheriff, the 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's unacceptable that in a democracy the debate and forging of our law enforcement policies 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 policy decisions. Creating transparency and community input on shaping law enforcement policy is key to reform. The monthly chiefs' meeting is a good place to start.

2. Establish county wide policy that all domestic violence and sex crime police reports get sent to the District Attorney's Office for review!

In stark contrast to official rhetoric, no category of serious crime is treated more poorly, and with such systematic and deliberate indifference, than sex crimes and domestic violence. In Sonoma County, according to the most recent compilation of 2011 statistics, over 75% of all sex crime reports and over 75% of all domestic violence calls for service get shelved and buried in our police departments without ever being sent to the DA for review. This discriminatory denial of justice by police is extremely dangerous to the community and must be stopped!

Setting policy that all domestic violence and sex crime reports be sent to the DA for review is not the entire solution, but it will serve to stem the mass burial of these cases that's currently taking place. There's no reason this policy can't be put into effect immediately. This exact policy was put in place county-wide in 1996 for domestic violence cases as a measure to combat police disregard. That policy has since been rescinded behind the closed doors of the law enforcement chiefs' meetings.

3. Form representative citizen groups - with veto power - to work with officials on the recruiting, hiring, training, and promotion of all law enforcement officers in our communities!

One of the most unexplored points of influence over police conduct is for the community to oversee who, and what kind of person, is allowed to wield police powers in the first place. There's no reason we can't have representative citizen committees, with veto power, involved at every point in the process, from recruiting, to hiring, training, promotions, and selection of chiefs.

A timely place to start is to form a representative citizen panel - with veto power - to join in the recruitment and hiring of Santa Rosa's upcoming selection of a new chief.

And another, and formidable area for change, is at our local police academy, where a rigid, outmoded system keeps replicating the same narrow brand of officers. The academy is rife with discriminatory and archaic practices, such as the academy's para-military style of training, a style that academies around the country are abandoning because of the 'us-them' mentality it instills.

4. The District Attorney's Office, as well as police and Sheriff's departments, should be included for review in any law enforcement Civilian Review Boards formed in Sonoma County!

Trying to reform police practices while ignoring the District Attorney's office is like trying to change the music coming from an orchestra without dealing with the conductor.

The DA is at the apex of law enforcement power. The DA's office reviews every crime report sent in from police agencies throughout the county, and decides which cases will be prosecuted and to which degree. In this role as ultimate gatekeeper and reviewer the district attorney has enormous control over police conduct.

Even though less visible than police, the DA not only has the power to single handedly determine which crime categories will be pursued or ignored, the office also has the power to tolerate or not tolerate abusive and discriminatory police practices in the community.

Including the district attorney's office in the purview of civilian review boards will greatly expand the breadth of community control of law enforcement practices.

What are we waiting for? Taking control of our law enforcement conduct is within our reach now, with or without formal civilian review boards!



Law Enforcement Reforms Now!

What You Can Do ...

Imagine!

Local law enforcement dedicated to equity, social justice,
and even-handed rule of law!
Imagine police officers that represent, and are the face of all.



Sign the Petition!

After you sign, ask your friends to sign, too. Mail signed petitions to
Women's Justice Center, PO Box 7510, Santa Rosa, CA 95407

Download More Copies!

Download more copies of the petition at <http://www.justicewomen.com/petition.pdf>
You can also download copies in Spanish, the background information, and get updates, too.

Join us at Petition Meet-ups!

Join the team! First meet-ups will be Wed. June 18th (6-7:30pm) & Sat. June 21(12-1:30pm)
at the Peace and Justice Center, Santa Rosa. Dates and locations of future meet-ups
will be on our website. Or call for updates or to volunteer at 575-3150
or Email Taylor at, tandersonstevenson@gmail.com

Ask us to Speak to Your Group!

We'll tailor our time and talks to meet your group's needs.

Have Your Group Endorse the Petition!

After discussing the petition, have an authorized person of your group write a one sentence
endorsement on a copy of the petition. Date, sign, and mail to Women's Justice Center.

Call for information! 575-3150

Donate Now!

Donations fuel social change! Donate online at www.justicewomen.com
Or, mail to Women's Justice Center, PO Box 7510, Santa Rosa, CA 95407



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Women's Justice Center
Centro de Justicia para Mujeres
PO Box 7510
Santa Rosa, CA 95407



Daria's Story continued...

February 18 and 20, 2014, By the third week, with no response from officials, on Feb. 18, we and Daria took stacks of the letter and handed them out to all takers on the Sonoma County court house steps.

Finally, we received a call from DA Ravitch. For the first time since the kidnapping an official took an action on Daria's behalf. Ravitch took the unusual step of assigning a felony prosecutor to the case prior to the case being investigated.

It was a turning point. But still there was no response from police. So we went back to the court house steps again. Only then, after over 4 months since the kidnapping, police began investigating. But even then, the abuse and violations of Daria's statutory rights didn't end, violations that continue to this day.

Sgt. Terry Anderson, head of SRPD sex crimes/domestic violence unit, continued to argue jurisdiction excuses, and to denigrate Women's Justice Center to Daria. And to this day, he's refusing Daria a copy of the police report despite state law requiring police give domestic violence victims copies of their reports. The SRPD detective, though finally commanded to investigate, continued on intimidating, deprecating, and insulting Daria, and violating Daria's rights to have an advocate of her choice present in the process.

Now June, the investigation is complete. The police report has been sent to the District Attorney's office for review. And Daria has finally been able to convince the family court to reunite with her children.

But no woman in Sonoma County should have fight for months and have to protest from the court house steps

before officials even acknowledge her pleas. No women should have to beg and plead for police to investigate her case. No women should be intimidated, lied to, and deceived by police until she's wearied into going away. Yet that's exactly the experience of hundreds of domestic violence and rape victims in our county.

It isn't the case of a few really bad officers. It's the law enforcement juggernaut that tolerates, encourages, protects, and creates them. It won't change until the community takes action to make it change.

You Be the Change! Join Us for Law Enforcement Petition Meet-Ups!

The first two meet-ups will be
Wed, June 18th (6-7:30pm) & Sat, June 21(12-1:30pm) at the Peace and Justice Center,
467 Sebastopol Ave, Santa Rosa, CA 95401

Call 575-3150 for more information,
or email Taylor: tandersonstevenson@gmail.com

This Summer, Visualize Justice!

