



Women's Justice Cnter * May 2011 * Centro de Justicia para Mujeres
PO Box 7510, Santa Rosa, CA 95407 * Tel. (707) 575-3150 * Vol XXXIV



Reveille for Uniform, Adequate Enforcement of Violence Against Women Laws



With a high spirited crowd overflowing the 500 seat auditorium at Sonoma Country Day School, it's hard to remember any other local swearing-in ceremony quite like it, let alone for the somber office of district attorney. Yet on January 2, 2011, when Jill Ravitch raised her right hand to take that oath, the celebration that followed was an unbelievable jubilee of defense attorneys hugging cops, cops hugging judges, judges waving their arms in joy, and an ecstatic public enveloping it all.

The next day an even more implausible swearing-in took place in Sacramento. Kamala Harris, a feminist, progressive, and 'smart on crime', having had minimal support from law enforcement throughout her campaign, was being sworn in as California's Attorney General. Harris is the first person of color, and the first female, to hold this second most powerful office in the state. Her overarching duty under the California Constitution is to see that "the laws of the State are uniformly and adequately enforced".

Whatever fresh up-welling of electoral yearning swept these two into office, - whether it was a call for new ethics, or a disgust

with old paradigms - at the very least, these two women's victories are historic breakthroughs into the top echelons of law enforcement's rigid patriarchal hierarchies. And for women overall, so long stymied in our struggles to secure justice, these victories are an unprecedented opportunity to make headway in overcoming law enforcement's entrenched resistance to properly enforcing violence against women laws.

Effective, Do-able, and Budget-wise Remedies

It's not going to be easy. And it's not going to be automatic. Crippling budget cuts, competing demands of office, and law enforcement's infernal resistance to change of any kind, mean we all have our collective work cut out for us in order to turn these opportunities into true gains.

That's why we break from our usual format to bring you this special edition of our newsletter, *Justicia*. We've laid out some starting remedies and goals that are do-able, will have immediate impact, and are budget wise. And on page four, we've listed the ways in which you can help bring these changes about.





**Jill Ravitch,
Sonoma County District Attorney**

"Hold me to my promises," Jill Ravitch proclaimed at her swearing-in as Sonoma County's first female District Attorney, "Because we all deserve it!"

Within weeks of taking office, Jill Ravitch was struck twice by lightning with the two high voltage issues that are likely to prove the defining challenges of her term.

The first was a county request that the DA, like other county offices, submit a plan for slashing the office budget by 25%.

The second was the highly publicized mishandling of the Miguel Sanchez vehicular manslaughter case. The facts that emerged pointed to an astounding array of prosecutorial abuses which, in turn, exposed just how deeply an utter contempt of victims' rights has set into our local law enforcement culture. And how difficult is the job ahead for Ravitch if she's truly serious about change.

The following cost conscious remedies are a good place to start on correcting our local justice system responses to victims of violence against women.



1. Assign a proportion of the prosecutor pool to match the number and severity of crimes committed. For too long, shortchanging the number of prosecutors on violence against women crimes has shortchanged justice for women.

If 25% of police calls are domestic violence related, as is generally the case, and if less than 15% of prosecutors are assigned to domestic violence cases,

which has long been the case in our county, this obviously creates a structural bottleneck in the DA's office, forcing many of these cases to be disproportionately ditched and denied justice.



The picture is even more unjust when you add in sex crimes, and worse yet when you factor in the high ranking severity and social costs of violence against women crimes relative to most other crimes.

Assigning a proportion of the prosecutor pool to match the frequency and severity of violence against women crimes is an essential and obvious step toward achieving equal justice for women. It will also serve to coax police to treat these cases more seriously since no officer wants to put out effort on cases that are headed for likely discard at a DA bottleneck.

In a significant first step, Ravitch has added at least one prosecutor to violence against women crimes, giving us a total of 8 prosecutors on these crimes out of a total of 40 attorneys in the office.

Budget constraints are likely to threaten even this advance. So it's essential that we monitor the numbers. At the same time, it's crucial to remember that the budget is irrelevant to the imperative of equitable distribution of resources. Even if there is only one prosecutor on the DA's staff, crimes of violence against women must receive their just proportion of that attorney's attention.

2. Establish a county-wide law enforcement policy that all police rape reports be sent to the District Attorney's Office for review.

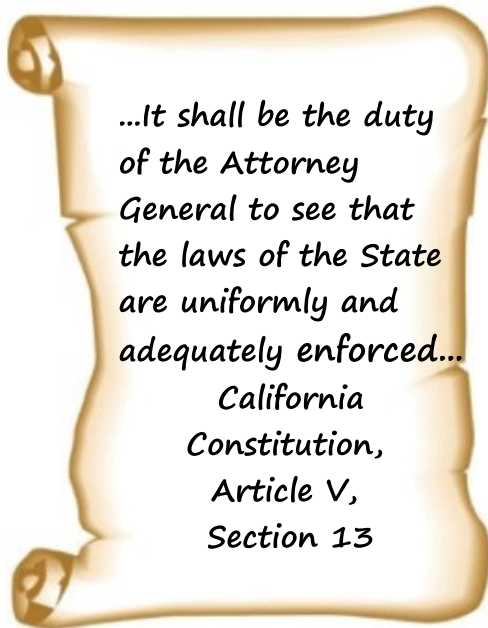
In 2008, there were a total of 179 forcible rapes reported to Sonoma County's ten police agencies. Of those reports, only 40 were sent to the District Attorney for review. That same year, there were only 4 rape convictions.

This amounts to near absolute impunity for forcible rape in Sonoma County. The harm done to young women, who are the primary victims, and to the community as a whole, is immeasurable.

This wholesale failure to prosecute rape is not due to any intrinsic problems with the cases themselves. Rather, it's a direct result of law enforcement's sexist biases and distaste for these cases.

As the statistics make clear, 75% of forcible rape cases in Sonoma County are getting buried in our police departments. They see p6





California Attorney General Kamala Harris, Vows to Be an Activist and Innovator

The Attorney General of California is the second most powerful office holder in the state, the state's top law enforcement officer, and the state's top counsel of record on all legal matters of public interest.

Always considered a manly command, the standard grist for the attorney general's mill has been crimes and violations that take place over multiple jurisdictions, such as consumer and financial fraud, organized drug and gang crimes, anti-trust violations, broad based environmental and energy enforcement; in short, law enforcement issues that in both tenor and needed skills are far afield from the intensely personal violence of rape and domestic violence crimes.

Despite the attorney general's overarching constitutional mandate to ensure that the states' laws are "uniformly and adequately enforced", it's only been on rare occasions that any California Attorney General has focused on enforcement of violence against women laws, and generally only indirectly through reports.

Yet even a cursory reading of the relevant section of the California Constitution shows not only how well tailored the Attorney General powers are for correcting local law enforcement failures, but also how clear the constitution is in establishing the Attorney General's duty to do so.



The CALIFORNIA CONSTITUTION ARTICLE 5 EXECUTIVE SEC. 13 reads, in part, as follows:

...It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced....Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney.



There's little disagreement any more in any professional sector that rape and other sex crimes are the most under-enforced, and most inadequately enforced, of any serious or violent crimes. Nor is there any doubt that other violence against women crimes are also significantly disregarded by many law enforcement agencies. Yet women's rights groups have largely bypassed appealing to their attorneys general for help, in large part because of the that office's historical lack of responsiveness and bent for the task.

But the 2010 upset victory of Kamala Harris as our new Attorney General presents a completely unexpected opportunity for bringing about see p5



What You Can Do



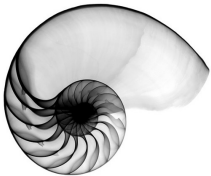
Go to the main page of our website at www.justicewomen.com, enter your email, and we'll keep you in the loop of upcoming meet-ups and developments.



Pass this newsletter on to a friend! If you'd like additional copies to pass out to a group, just give us a call at 575-3150 and we'll be happy to send you as many copies as you need.



Invite us to speak to your group. Call 575-3150.



Volunteer to help win justice for women! Call 575-3150.
Join with us to Meet, Strategize, and Act!

And.....

Support Justice for Women



**Please Donate Generously
to Women's Justice Center.**



* For equal justice for women and girls * Independent advocacy for victims of violence against women, especially in the Latino community of Sonoma County * Daily online violence against women news and reviews * Women's rights movies and pizza * Original bilingual guides for victims * and a world famous web site of bilingual resources visited by over 2.000 visitors a day.

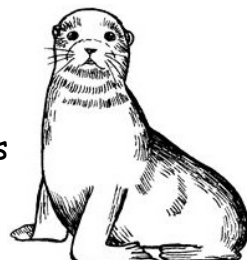
**Make your tax deductible donation online from any page
of our website at www.justicewomen.com**

Or,

Use the enclosed envelope and response form.

Thank You!

**And a special thanks to all of you who helped support us
in producing extra copies of this issue.**



fundamental change, statewide, in law enforcement priorities, policies, and culture.

Kamala Harris grew up in an Afro-American neighborhood of Oakland. Her mother is a breast surgeon, and a Tamil Indian, and her father, an African American, is an economics professor.



Harris attended Hastings Law School, and immediately began her career as a prosecutor, serving 8 years in the Alameda County DA's office, followed by 5 years in the San Francisco DA's office. In 2003, Harris was elected as the first female, first black, and first South Asian District Attorney of San Francisco. In 2007, she handily won election to a second term.

Harris is a self described feminist and law enforcement progressive. In 2009, she wrote *Smart on Crime*, an easy-to-read book in which Harris lays out her practical, yet visionary, conceptions of law enforcement and crime. Her approach is notable for breaking out of the perennially rigid crime debate lineup of diehard, tough-on-crime proponents on the right, and anti-law enforcement polemics of the left.

But it's Harris' behind-the-headlines, lesser known accomplishments that give us fresh hope of seriously focusing attorney general clout on women's long frustrated justice goals. Throughout her prosecutorial career, Harris has had an unwavering dedication to sex crime prosecutions. In Alameda she developed expertise in prosecuting child rape cases. In San Francisco she created the country's first Human Trafficking Unit in a local prosecutor's office. And throughout her prosecutorial career, Harris has spearheaded innovations in dealing with crimes of violence against women and children overall.



Exactly what would be the most effective and feasible plan for engaging Attorney General help in improving law enforcement responses to violence against women is something we've been discussing with other women's groups around the state. Not surprisingly, the staggering state budget constraints are a constant reality check to our wishful thinking.

Nonetheless, while recognizing the budget limitations on the one hand, it's just as important to keep in mind that women's justice needs must be afforded their share of the agency's budget, whatever that budget may be. The history of neglect, and the continued under-enforcement of violence against women crimes, demands it.

The following are just some of the ideas being floated as fruitful goals to pursue.

1. Creation of a sex crimes victims' appeal and review mechanism.

When sex crimes victims feel their case has received mishandling, inferior treatment, or disregard at the hands of their local law enforcement, women currently have nowhere to go to seek independent oversight and redress. The Attorney General's Office is the one higher office with the power -and mandate - to intervene.

2. Establishing a sex crimes bureau within the Attorney General's Office. The state Attorney General's Office currently has a number of bureaus specializing in the enforcement of specific crimes. Although, there's now AG coordination with regional sex assault task forces, the urgent need for statewide attention to sex crimes, including the burgeoning crimes of sex trafficking, would best be served by formal establishment of a bureau devoted to improving law enforcement training, responses, and investigation throughout the state.

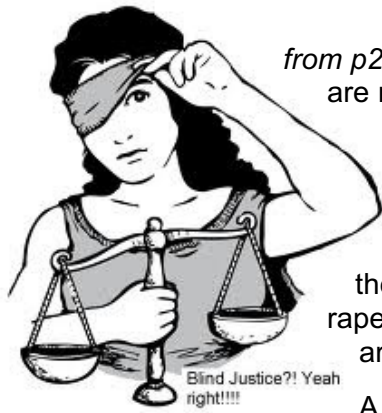
3. Investigate and remedy the civil rights concerns resulting from the 'Secure Communities' immigration programs in counties around the state, especially the systematic denial of access to justice for Latina victims of violence against women.

Current law enforcement immigration policies in effect in Sonoma and other counties around the state are resulting in widespread due process violations to undocumented arrestees. Even more overlooked, however, is the effect of these immigration policies on Latina victims of violence against women. When suspects are deported within days of arrest, before the crime is charged or adjudicated, this amounts to systematic denial of access to justice for a huge proportion of Latina victims. The Attorney General is better positioned than any other office to right these wrongs.



Whatever the particular goals to be set, we'd like to invite you to get involved. There aren't many venues right now where there's more opening for making progress than with Jill Ravitch as our District Attorney and Kamala Harris as our Attorney General. Join us! Please see the page on the left for how you can help!





from p2

are never even seen by the DA.

It's worth noting that recent national studies and a September 2010 Senate Judiciary Hearing uncovered the same wholesale burying of rape cases by police agencies around the country.

Blind Justice?! Yeah right!!!!

A complete solution will require a deep overhaul of law enforcement structures, policies, and the people they hire in the first place. But one remedy can make an immediate improvement.

Requiring that all police rape cases be sent to the DA for review will, at the very least, engage a detective's pride in not wanting to submit half-baked and mishandled investigations to be overseen by another officials' review.

This easy-to-implement policy change should be spearheaded by the District Attorney, and signed into effect by the Sonoma County Law Enforcement Chiefs' Association.

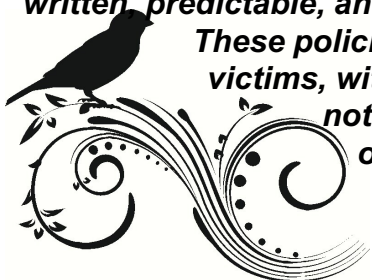
*** What about the cost? Aside from homicides, no other crime has a greater cost to the victim and the community than rape. But look at the kinds of choices our law enforcement is making with precious public safety funds?

In 2008, the same year in which only 40 of 179 rape cases were sent to the DA for review, police in our county made 1,047 arrests for possession of less than an ounce of marijuana.

Wholesale burying of rape cases while making 1,047 arrests for misdemeanor marijuana possession is a flagrant abuse of law enforcement discretion and of public safety funds. This year the California legislature has thankfully made possession of less than an ounce an infraction. Now let's fix the other part and give rape the attention it deserves. At the very least, assure that all police rape reports are sent for district attorney review.

3. Domestic and sexual violence suspects should not be deported before adjudication! Local law enforcement Immigration policies and practices must be written, predictable, and open to the public.

These policies must assure that Latino victims, witnesses, and suspects are not denied justice, protection, or due process, as is the terrible case now in Sonoma County.



In the years we've worked in the Latino community, we've never seen victims, witnesses, their families, and entire neighborhoods, in such heightened fear of police.

The new 'Secure Communities' deportation policies instituted in Sonoma

County have broken a vital trust of law enforcement and the fear has become globalized. A huge segment of our community is now more afraid of police than they are of the criminals.

Far more sinister than earlier problems of police participation in immigration raids, the more recent 'Secure Communities' program implements deportation policies that are arbitrary, behind the scenes, and result in immediate deportation following arrest of innocent and guilty alike. Given that 25% of Sonoma County population is now Latino, this represents a catastrophic breakdown of public safety for all.

*** The rules governing which undocumented arrestees are turned over for deportation, under what criteria, by who's decision, at what point in the judicial process, and according to what agreements, is unknown to the public, despite our own and others' attempts to obtain that information through public record requests. The secrecy and arbitrary practices, by itself, constitutes systematic denial of due process.

What we do know all too well, and what we focus on here, are the devastating effects of these policies as we see them on victims of violence against women.

◆ Victims and witnesses are more fearful than ever of calling police because of what might happen to them personally. We explain tirelessly to victims and witnesses that police won't deport them, but the sheer numbers of deportations, and their unpredictability, has globalized the fears and distrust.

◆ Most all arrested suspects of violence against women are deported within days of their arrest, prior to adjudication of their cases. This amounts to law enforcement giving the perpetrators a free trip home with no other consequences.

see next page

Where justice is denied, where poverty is enforced, where ignorance prevails, and where one class is made to feel that society is organized in a conspiracy to oppress, rob, and degrade them, neither persons nor property will be safe.

Frederick Douglass

These perpetrators almost always return here, hunt down the victims, or new victims, and commit more crimes, knowing the worst that's likely to happen is another free trip home. It's a mockery and the antithesis of the rule of law.

- ◆ The victims want, need, and have a right to protection and justice. For an array of very valid reasons, they don't want the perpetrator deported. Without adjudication, the victims are left with nothing; not justice, not protection, and without vital court determinations needed to safely resolve critical issues, such as custody.
- ◆ When police know a suspect is likely to be quickly deported, they often don't even bother to investigate or write up adequate reports.

As chief law enforcement officer of Sonoma County, it is incumbent on the District Attorney to take the lead in assuring that law enforcement practices provide due process, access to justice, and equal protection according to written and publicized rules. The current law enforcement immigration practices in Sonoma County are the antithesis of these fundamental rights.

4 "It's About Accountability"

This was Jill Ravitch's oft repeated refrain on the campaign trail. "It's about accountability." In all likelihood, it was this stance, more than anything else, that got her elected as district attorney. The public is fed up with law enforcement abuses, and sick of the secrecy, impunity, and slights-of-hand that get used to shut down public demands for answers.

Yet, despite weeks of scathing publicity and clamor for specific answers on the prosecutorial mishandling of the Miguel Sanchez case, and despite Ravitch's promises to investigate those abuses, the Press Democrat has only reported that Ravitch' has summed up the events as 'miscommunication'.

'Miscommunication' is the insulting, time-worn wrapper law enforcement has so often used to quash public inquiry. It's a disappointment to hear Ravitch resorting to this same tactic now, especially when the questions of misconduct in the Sanchez case went so directly to the core abuses she was elected to correct. The district attorney's office chronic contempt for victims and their rights cannot be corrected if the person in charge provides them the cover of 'miscommunication'.

There's no other check on this disdain than for the public to keep clamoring. The district attorney wields more unchecked power than any other local public official. If the public doesn't continually watchdog that office, and stick by their demands for answers, it's too easy for the district attorney to keep sweeping things under the rug.



5 Prosecutors should protect the safety of all victims of violence against women and children.

A) Criminal protective orders should be obtained for all victims of domestic violence at the time of charging the crime, including for victims of misdemeanor domestic violence.

B) Victims should be informed of the crime of 'dissuading a witness', and encouraged to report all incidents, and

C) police and prosecutors should investigate and file additional charges on all 'dissuading a witness' cases where evidence is sufficient.

For years we've listened to police and prosecutors complain about victims who fail to follow through with the justice process. These same officials are too often oblivious as to how their own negligence and behavior is undermining the victims' confidence in the system's ability to protect her, right at the time she's experiencing the most intense anxieties and fears.

At the same time, the perpetrator, whether in jail or not, launches into high gear and knows exactly what to do. In virtually every case, the perpetrator begins an all out, relentless campaign to get the victim to drop out of the process. He may be sweet, threatening, promising the moon, engaging relatives, manipulating with the kids, and often, all of the above. And he doesn't quit till the job is done.

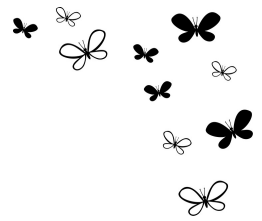
The police and prosecutors have it completely within their power to stop 90% of this. The police should give the victim an emergency protective order at the scene, which keeps the perpetrator away for a week. And the prosecutor should get her a Criminal Protective Order (CPO) see *next page*





justicia

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



at the first court appearance, usually within 48 hours. There are many advantages of a CPO compared to a domestic violence protective order. Here are just three.

- ◆ The victim does not have to do anything, nor be present at any time, for obtaining a CPO! In contrast, obtaining a domestic violence restraining order requires the victim make a huge effort, including paperwork, travel, and court appearances, all at the time she's most in crisis. She should not be responsible for her own protection. That's what prosecutors are paid for.
- ◆ It only takes the prosecutor and judge one minute of time to put a CPO in place, including getting the defendant served, all of whom are already gathered in court for the arraignment.
- ◆ A CPO, which derives its authority from criminal law, has significantly more impact with both police and perpetrators than does a domestic violence restraining order which is rooted in the grade B legal authority of family law.

Prosecutors must be willing to safeguard both the victims and the success of their own cases by routinely obtaining criminal protective orders in all domestic violence cases, including in misdemeanor cases.

In tandem with obtaining CPO's, it's also critical that victims be carefully informed that it's a crime for anyone to attempt to dissuade her from testifying, whether with force, or with simple words, or through a third party. She should be encouraged to report each instance. And police and prosecutors should then follow through by investigating and prosecuting these crimes, instead of ignoring these crimes as has long been the case.

The DA has the power to put the above policies in place with the stroke of a pen, and it costs nothing.



6 For the sake of improving all law enforcement policies in our county, the Sonoma County Law Enforcement Chiefs' Association meetings should be conducted on the public record!

It's mind bending to try to unravel the legal machinations that exempt chiefs' association meetings from 'open meeting' laws. But once a month, the DA, the head of probation, the Sheriff, and police chiefs, meet behind closed doors to secretly set county law enforcement policies; policies that have profound impact on every resident of our county.

Last month when we requested a current copy of the Sonoma County Chiefs' Association Domestic Violence Policy, we were shocked to be informed that the policy had been abolished four years ago in 2007. This policy, chartered in 1996, set a high standard for all police in the county for responding to domestic violence calls.

This secret repeal of this key policy document was done behind closed doors, without public review, and without public notice. This is just one example of the kind of malfeasance that takes place when any public officials are allowed to set public policy behind closed doors.

Whatever twisted interpretation of law allows the chiefs' associations to meet off the public record, the key thing to keep in mind is that there is no law that prohibits these meetings from being public.

One of the most meaningful and effective goals for women's groups and other progressive groups would be to press hard for open Law Enforcement Chiefs' Association meetings. With all the behind-the-scenes powers already built in to law enforcement activities, there is no other arm of government where it's more critical to have the public in the know.

