

Message From the Chair ...

By ANN GRAY BYRD

Skeptics bombard us with messages that the country is too divided, that the special interests are too entrenched. Yes, we recently experienced an entrenched special interest group in Sacramento. (See stories on Page 1 and 3.)

Dr. Martin Luther King said, *"The arc of the moral universe is long, but it bends toward justice."*

With this in mind, the decision to again accept nomination and election to chair this Chapter was an easy one. Our current membership, about 3,831, places us seventh among the 22 chapters that make up the ACLU of Northern California. Total ACLU-NC membership stands at 52,000!

Together, we can help bend justice toward voiceless immigrants and the families of five young men who recently lost their lives at the hands of law enforcement in Sonoma County.

This newsletter – edited by Sheri Graves, vice chair of your chapter – offers you several opportunities to help your Board of Directors "bend the arc" toward justice.

SERVE: Board development is a critical issue at this time. We have one vacancy on the board that (See "Message" on Page 2)

ACLU supports Civilian Review Board for local police activities

By SHERI GRAVES

What looked at first like a road to victory in establishing a Civilian Review Board (CRB) for police accountability in Sonoma County and elsewhere was blocked June 26 by powerful and intimidating law enforcement association representatives who spoke in opposition to SB 1019 at a hearing in Sacramento by the Assembly Committee on Public Safety.

The committee previously tabled another bill, AB 1648, on the same subject. SB 1019 passed the state senate and needs approval by this committee in order to move to the Assembly floor for a vote. If passed by the Assembly, it then would move to the gover-



nor's desk for signing or veto.

SB 1019 would have reversed the August 2006 California Supreme Court decision in *Copley Press v. Superior Court* (see story on Page 3), that resulted in California law preventing the public from learning about police officers who have been disciplined because of misconduct. Hearings and records that previously were public for decades suddenly

became "confidential."

A point of comparison: Similar records on all other public employees and on doctors and lawyers, remain public information.

The result of the *Copley* decision is that law enforcement now may conceal not only the extent to which problems may exist within a police department, but also the ways in which manage- (See "Police" on Page 2)

Chapter elects new officers in July

The chapter's annual membership meeting took place June 19 at the Peace & Justice Center, Santa Rosa.

The sole order of business was election of board members.

The Board elected officers at the July meeting:

Board of Directors

Ann Gray Byrd
 Chair

Sheri Graves
 Vice Chair

Adam Lane-Basler
 Treasurer

Marvin Pederson
 Secretary

Steve Fabian
 ACLU-NC Representative

Judith Volkart
 ACLU-NC Alternate

At-Large Board Members

Richard Redalia
 Martin McReynolds
 Nancy Palandati

Police conceal information on shootings

(Continued from P. 1)

ment addresses misconduct when it occurs.

Because of *Copley*, police and sheriff departments now may decide for themselves what constitutes a “confidential” matter, resulting in a near-blackout of information.

In Sonoma County, where police shootings resulted in five dead residents over a recent nine-week period, citizens have been asking for information on the investigations said to be under way. Under *Copley*, the results of those investigations need not be shared with the public.

Another quirk in Sonoma County is that the Sheriff’s office investigates shootings done by police in the area’s various cities, while city police, on a rotating basis, investigate shootings by Sheriff deputies. The arrangement

causes deep suspicion among the public and, combined with the current information blackout, further erodes community-police relations.

Sonoma County ACLU board members Sheri Graves, Ann Gray Byrd and Marty McReynolds participated in the June 26 hearing at which committee members refused to vote on SB 1019.

“The overwhelming police opposition was a spurious display of scare tactics,” said Byrd. “They were saying passage of SB 1019 would lead to statewide slaughter of law enforcement by gangs and other criminals. In the decades that this information was available to the public before *Copley*, no such mass killings of police took place. There’s no reason to believe SB 1019 poses a threat to law enforcement now.”

Committee chair Jose Solorio (D-Anaheim) parroted the arguments put forth by police representatives. But the real reason the committee sat silent likely is the threat by law enforcement to torpedo any efforts to reform term limits.

SB 1019, a two-year bill, remains in committee for consideration again during the next session.

In the meantime, board member and chair of the Police Activities Committee Marvin Pederson — with representatives of other interested organizations — has been meeting with Santa Rosa city officials about police conduct.

WHAT YOU CAN DO: Voice your support of SB 1019 in a letter to the Assembly Committee on Public Safety at State Capitol, P.O. Box 942849, Sacramento 94249.

Restoring the fundamental right of Habeas Corpus

By STEVEN FABIAN

The passage of the Military Commissions Act (“MCA”) of 2006 was a blow to one of the fundamental rights contained in the Constitution, the due process protection of habeas corpus. Habeas Corpus is the right to have a court determine if a person is being detained legally or illegally. This fundamental right is a core value that separates the U.S. from most other countries. MCA eliminated the right of habeas corpus to those detained at Guantanamo or elsewhere.

MCA makes the president both

judge and jury by allowing the president to declare on his own who is an enemy combatant — who can be held indefinitely without being charged with a crime. It also lets the president define what is and what is not torture and abuse.

Restoring the Constitution Act 2007 (H.R. 1415, Senate Bill 576) ends indefinite detention, stops the president from arbitrarily deciding who is an enemy combatant, bans the use of evidence beaten out of witnesses by torture and makes sure no president can make up his own rules as to what constitutes torture and abuse. It allows for the prosecu-

tion of perpetrators of torture and abuse regardless of where it occurs.

The Habeas Corpus Restoration Act (H.R. 1416, S.B. 185) restores the right of Habeas Corpus taken away by MCA.

WHAT YOU CAN DO: Voice your support of these through emails, letters or calls to Representatives Mike Thompson (226-9898; <http://mikethompson.house.gov>) and Lynn Woolsey (542-7182; <http://woolsey.house.gov>); Senators Barbara Boxer (415-403-0100; <http://boxer.senate.gov>) and Dianne Feinstein (415-393-0707; <http://feinstein.senate.gov/public/>).

Message from your chapter chair ...

(Continued from Page 1) must be filled immediately. The vacancy was created by the retirement of Wayne Gibb, a tireless and dedicated board member for the past 32 years. Now, that’s what I call service!

VOLUNTEER: Since March, your Board of Directors has reorganized. With support from ACLU-NC, we now have new committee

structure. (See story on Page 3.) The chair of each committee will be a board member, so if you want to chair one of these committees, volunteer to serve on your Board of Directors. Committees also need working members, and your help would be appreciated.

PARTICIPATE: Your ACLU chapter participates in many events sponsored by other organizations.

Our participation in such activities depends largely on available bodies to staff the informational tables we set up for these events.

Are you willing to spend a few hours “tabeling,” talking with passersby about the purpose and activities of ACLU and handing out fliers and other information?

Call:

765-5005!

The *Copley Press* decision

ACLU-NC News

On Aug. 29, 2006, the California Supreme Court in *Copley Press v. Superior Court* held that law enforcement records of an administrative appeal of sustained misconduct charges are confidential and may not be disclosed to the public. *Copley* prevents the public from learning the extent to which police officers have been disciplined.

Before *Copley Press*, Penal Code 832.7 prevented public access to citizen complaints held by a police officer's "employing agency." This meant that internal affairs records were confidential, while records of administrative appeals to outside bodies such as a civil service commission were open to the public.

Also, in some jurisdictions independent Civilian Review Boards functioned in public, hearing complaints separately from the police department.

Copley essentially undid the legislatively enacted distinction between employing agencies and independent agencies, cloaking the records and findings of both in confidentiality. It held that San Diego Civil Service Commission records on administrative appeals by police officers were confidential because the Civil Service Commission performed a function similar to the police department in the disciplinary process and thereby functioned as the employing agency.

Copley Press has effectively shut off all avenues for the public to learn about misconduct involving individual police officers, such as excessive force and dishonesty; officer-involved shootings; patterns of misconduct and leniency; previous discipline for misconduct by another agency; and even the identity of officers in misconduct cases.

See more info at www.aclunc.org

Sonoma ACLU needs volunteers

Want to become more active in ACLU? Good! Your chapter needs you!

Considering the rollbacks of civil rights during the current administration in Washington, D.C., this is a great time to volunteer your services to ACLU of Sonoma County.

What can you do?

1. Volunteer to staff an informational table at an event. For example, "tablers" are needed for these two events in which your chapter is participating: "Service Day Fair" for Cardinal Newman and Ursuline High, 8 a.m. to 2:30 p.m. Monday, Aug. 27, at Ursuline Gym, Santa Rosa; and "10th Annual Progressive Festival," noon to 6 p.m. Sunday, Sept. 30, at Walnut Park, Petaluma.

2. Volunteer to serve on the Board of Directors. There openings that must be filled immediately.

3. Volunteer to chair or serve as a member of one of these committees:

Priority Campaign Committee — Focus on the one or two priority

issue campaigns identified by your Board of Directors, including lobbying for passage of SB 1019.

Action Committee — Respond to and/or monitor emerging civil liberties issues.

Communication Committee — Sheri Graves chairs this committee, which writes and coordinates the printing and mailing of the newsletter. Volunteers needed to help with mailing process.

Membership Outreach Committee — Coordinate phone banks, acquire email addresses, seek new members and volunteers.

Annual Dinner Committee — Help plan and staff your chapter's annual dinner at which awards are presented and new board members are elected. Help is needed at all levels, including set-up, serving and clean-up.

To become an *active* ACLU member, call your chapter at

765-5005

ACLU's issues:

POLICE ACCOUNTABILITY

Passage of SB1019, the bill now stuck in the California Assembly's Committee on Public Safety would reverse the *Copley Press* decision and restore public accountability for police actions. Stay tuned for updates.

CRIMINAL JUSTICE

All people are guaranteed equal access to justice. We strive to ensure that the scales of justice are fairly balanced and that basic civil liberties are enjoyed by *everyone*.

SURVEILLANCE

Government surveillance cameras are proliferating, weakening privacy protections and moving us closer to a surveillance society. In Santa Rosa and elsewhere, we strive to ensure the government does not violate privacy unless it has prior evidence of wrongdoing.

RACIAL JUSTICE

Racial bias in the criminal justice system and educational inequalities remain as obstacles to a just society. We continue to strive for civil rights for *everyone*.

REPRODUCTIVE RIGHTS

The California Constitution explicitly protects reproductive privacy, providing safety for women who make the difficult choice to end a pregnancy. We work to protect and advance a woman's right to decide about child-bearing. A recent victory was the defeat of Prop. 85, which would have required parent notification for teens seeking abortions.

LGBT

Every individual deserves even-handed treatment by government and protection from discrimination in public and private life. We work to guarantee these equal rights for lesbian, gay, bisexual, and transgender people.

For a complete list of issues, visit www.aclunc.org



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Need legal assistance?

The ACLU's purpose is to defend the Bill of Rights.

If you believe your constitutional civil rights have been violated, contact ACLU of Northern California, 39 Drumm Street, San Francisco, CA 94111; 415-621-2493, phone; 415-255-1478, fax; www.aclunc.org.

For other legal assistance, contact Legal Aid of Sonoma County, 37 Old Courthouse Square, Santa Rosa; 542-1290.

Action alerts

Would you like to receive "ACLU Action Alerts" via email? These bulletins, from ACLU of Northern California, keep you up to date on what's happening.

To receive ACLU Action Alerts, email your request to organizing@aclunc.org. Your email address will not be shared with other organizations and does not duplicate your presence on ACLU's national email list.

ACLU speakers available

Need someone to speak to your community group or classroom on the topic of civil liberties? Call: 765-5005

American Civil Liberties Union

The ACLU of Sonoma County is part of the national ACLU network of staffed affiliate and volunteer-run chapter offices in all 50 states and Puerto Rico.

California has three affiliates, one in San Francisco, one in Los Angeles, and one in San Diego. The Sonoma County chapter is under the jurisdiction of the ACLU of Northern California. Based in San Francisco, ACLU-NC is the largest ACLU affiliate in the nation, with 55,000 members and 50 staff members. The Sonoma County chapter, with about 3,831 members, is seventh largest of ACLU-NC's 22 chapters.

*ACLU
Protecting civil liberties
in California since 1934*

On a day-to-day basis, each affiliate is autonomous and makes its own decisions about which cases to take and which issues to emphasize. Each has its own Board of Directors and staff, each sets its own civil liberties priorities, and each decides for itself what cases to take, what state and local bills to work on, and what kind of public education campaigns to run.

The Board of Directors for ACLU of Sonoma County sets its yearly priorities based on issues selected by ACLU-NC as well as local concerns. (See Page 3 for a partial list of issues identified by ACLU-NC.)



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See story on Page 2 by board member and attorney Steven Fabian.

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