



## **Urgent Bulletin**

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### **SONOMA COUNTY DA FIRES VETERAN VICTIM ADVOCATE MIRIAM GAON**

**~ An Affront to Justice ~**

**~ A Wake Up Call ~  
for All Who Seek to End Violence Against Women and  
Children**

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On June 13, 2008, Sonoma County District Attorney Stephen Passalacqua fired Miriam Gaon, our county's most veteran victim

advocate. Miriam has worked in our DA's office for 19 years orienting countless crime victims through the justice process. She has also fought vigorously on a daily basis for victim's rights in a DA's office that routinely attempts to trample those rights.

When prosecutors mislead victims telling them there's 'not enough evidence' to prosecute their cases, for example, Miriam tells victims the truth and presses prosecutors to do their jobs. There's no doubt, DA Passalacqua has fired Miriam Gaon because she has stood openly for the ethical pursuit of justice in an office that has shown nothing but contempt for both ethics and justice, and for the community it's sworn to serve, especially for women and children.

Miriam's firing not only exposes the mounting dangers for victims of violence against women and children in our own local DA's office. It also spotlights the impossible conflicts of interest and the inevitable repressions unleashed when advocates are paid by, or in any way contractually bound to, law enforcement, as are most victim advocates today.

Miriam's firing is an urgent wake up call for the need to re-invent independent victim advocacy as a critical step in pushing the justice system to respond properly to violence against women and children.

## **GONE ARE THE JUSTICE MAKERS**

Miriam Gaon is only the most recent in a long string of top tier DA prosecutors and professional staff who have been driven out or dismissed by Passalacqua. By the end of his first term in 2007, 19 of the office's 43 prosecutors were gone.

Most disturbingly, among them were nearly all the veteran level 4 prosecutors most experienced and committed to dealing with violence against women. One way or another, each had confronted Passalacqua's legal misconducts, his sexism, or his incompetence, and they were out. With the firing of Miriam, we are left with a DA's office of sycophants, most of whom are willing to be complicitous in Passalacqua's ever more flagrant abuses of power, as outlined further on.

For years Miriam endured the retaliations and harassment heaped

on her by the past and current DA for her own strong voice for victims. She has been suspended, her office has been gutted and stripped bare, she has been banned by the former DA from entering superior court, and more. Each time, the women's community has had to launch a fight to get her status reinstated.

Despite the constant stress of working under these conditions, Miriam's courage to fight for victims' rights has never buckled. Moreover, in the course of her career, she has developed extensive expertise in child sex abuse and homicide cases, and, in fact, was assigned to those cases at the time of her termination.



## **SUFFER THE CHILDREN**

As just one example of the daily corrosive conditions under which Miriam worked, consider this incident just prior to the administrative leave that ended in her firing.

The DA child sex abuse prosecutors had been flat out refusing to meet with the child victims until the very last minute before these children were needed to testify. Sometimes the prosecutors weren't even getting the subpoenas out to the children's guardians until the night before. When Miriam protested these practices,

one of the prosecutor's said to her, "I don't need to bring these children in, we can do these cases without them." (This is just one more of the hundreds of ways prosecutors have shown their disregard and distaste for dealing with crimes of violence against women and children.)

Miriam wasn't the only one disgusted by this mounting mistreatment of the child victims. An attorney who represents children who have been removed from their home by the county was also outraged that the children she represented were being jerked into the criminal courts at the last minute without adequate preparation. In fact, this attorney was so upset that she was reticent to continue delivering kids to the DA's office under these conditions.

In an attempt to correct the situation, Miriam arranged a meeting between the DA child sex abuse prosecutors, the attorney for the children, and herself. The prosecutors agreed to a date. On the

day of the meeting, the attorney for the children and Miriam waited for the prosecutors: and they waited, and waited, and waited. The prosecutors had stood them up, in one more show of the malignant contempt our DA's office has for any one who would challenge their abuses.

## **EVER MORE FLAGRANT ABUSES**

Miriam's firing is a terrible loss to the community. It poses particular danger to victims of violence against women and children who depend on Miriam's knowledge and courage to stand up to prosecutors who try to sweep the women and their cases out the door. But the loss of Miriam, along with the earlier hemorrhaging of veteran attorneys and staff, threatens safety and justice for the entire community.

Consider just these few already publicized outrages perpetrated by DA Passalacqua in just the last couple years. Consider that this is only the visible tip. And that it's only going to get worse:

**\*\*** The DA systematically denies justice to rape victims. In 2005, the most recent year for which we have statistics, 177 cases of adult rape were reported to police, and that same year, DA Passalacqua obtained only 7 rape convictions.

**\*\*** DA prosecutors knowingly present false state expert evidence to the court in the homicide case against Zack Rutledge and mislead the court on key evidence in the child pornography case against John Mark Karr. (Both these cases were ultimately dismissed because of these deceptions, with the judges in both cases openly expressing their shock and disgust at the prosecutorial misconduct. The DA re-filed the Rutledge case which then ended in acquittal.)

**\*\*** DA prosecutors withhold exculpatory expert evidence from the court in the homicide case against Corbin Esterling. The case wasn't dropped until 2 days after Passalacqua won election to a second term, though the exculpatory evidence had existed for months, and though Esterling was in jail.

**\*\*** The DA refuses to file criminal pimping charges against Raman and Rita Patel, despite the fact that Judge Mark Tansil has ruled in the civil case (May, 2008) that the evidence rises to the criminal

level of "beyond a reasonable doubt", and despite the fact that the Patels managed a mega operation of multiple pimps who police found to prostitute minors, and kidnap, traffic, and falsely imprison prostitutes. Santa Rosa police were furious the DA didn't pursue the case. And the public should be, too.

\*\* Latina rape and domestic violence victims are routinely denied all protection and justice when their perpetrators are quickly whisked off to Mexico courtesy of our justice system before prosecution of their cases - only to have these perpetrators quickly return here to continue or escalate their crimes.

( See [http://www.justicewomen.com/cj\\_calltoaction.html](http://www.justicewomen.com/cj_calltoaction.html) )

\*\* And in a May 22, 2008 column Chris Smith reports on an ominous foreshadowing of what will become even more standard fare with Miriam out of the office. In his column and in a later conversation with us, Smith tells of a 15-year-old girl who is totally disgusted because the DA plead out her perpetrator in lieu of trial to one felony count when the perpetrator had been originally charged with 15 felony counts. The girl had been sexually molested for three years on a weekly basis by a local radio announcer, and she wanted to testify. This kind of give-away plea deal in even the most egregious cases where the victim is willing to testify is classic Stephen Passalacqua.

Furthermore, the girl found out about the completed plea deal through a newspaper article on the deal. California state law (Penal Code 679.02(a)(12)) requires that prosecutors consult with the victim PIOR to the deal being presented before a judge. Such blatant violations of victims' long standing statutory rights is also classic Stephen Passalacqua. The mishandling of the whole case is also the classic situation in which Miriam Gaon was so successful in intervening on behalf of the victims before the injustices are finalized.

There is one other feature of Passalacqua's tenure that should be noted here. Throughout his one and a half terms in office, in the most outrageous mockery of reality, Passalacqua has put on an array of maudlin public bell ringing ceremonies and a sundry 'dog and pony' shows proclaiming his dedication to victims. The public must not be fooled!



## **A WAKE UP CALL FOR ALL WHO SEEK TO END VIOLENCE AGAINST WOMEN**

Miriam's firing also sheds light on deep seated problem that goes beyond the injustices of our own DA's office, and should be a wake up call for all who seek to end violence against women.

Over the last 15 years, coincident with the influx of large federal funding, the whole U.S. violence against women movement has become increasingly embedded in the systems we most need to change. Most victim advocates now work directly for, or are contractually connected to law enforcement. Caught in this profound conflict of interest, most advocates have not withstood the pressure.

The federal funding originally started out requiring rape and domestic violence advocacy centers to obtain letters of cooperation from local law enforcement, including from district attorneys, as a condition of funding. This starting point should have been warning enough, as right from the beginning it gave law enforcement veto power over the movement's funding - and, in fact, it was used in exactly that way.

The retaliatory destruction of our own county's rape center, Women Against Rape, was brought about by our local law enforcement's threats, delays, and refusals to sign the required funding letters. This was law enforcement's swift and punishing response to the center's activist stance, in particular for exposing law enforcement's role in the domestic violence homicide of Maria Teresa Macias.

More recently, over the last decade, the funding relationships between law enforcement and the anti-violence women's movement have grown ever more contractual pulling victim advocacy into a tighter and tighter marriage with law enforcement. Not surprisingly, as with many marriages between men and women, the two became one, and the one was law enforcement. Police and prosecutors, both locally and around the country, have wasted no time in exerting their tightening control over the

advocates; repressing the voices of most, and retaliating against those who wouldn't be repressed.

## **IT'S TIME TO RE-INVENT INDEPENDENT VICTIM ADVOCACY**

The results, both here in Sonoma County and around the country, have been inevitable. Social change goals of the movement have been replaced by social service goals. Vigorous advocacy for women and children's rights leads to discipline, retaliation, and firing of the advocate. Advocacy has melted down to counseling and holding victims' hands while she is trampled and shunted out the door by the system.

Victims think they have an advocate who will fight for their rights in the system, not knowing that they are dealing with someone who is beholden to parrot for the system. The leading edges of the violence against women movement have been blunted. Efforts have been reduced to mopping up the human debris left in the patriarchy's wake. The Miriam Gaon's who can resist the pressure are few and far between.

Yes, we must protest Miriam's firing. And we must also solve the deeper problem, and re-invent a truly independent women's movement to end the violence.

## **PROTEST MIRIAM'S FIRING!**

**See next page**



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**FOR DA STEPHEN PASSALACQUA!**

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