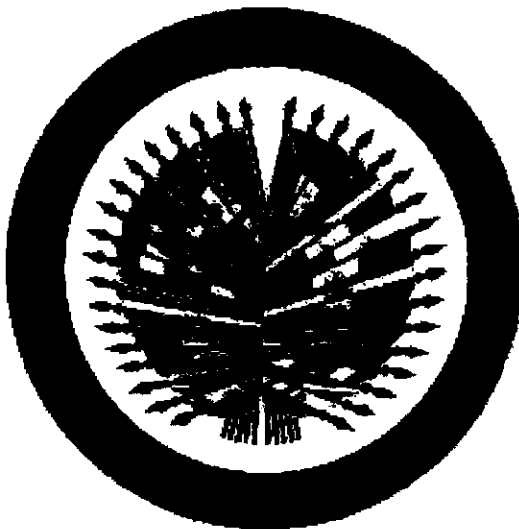


RESPONSE OF THE GOVERNMENT OF
THE UNITED STATES OF AMERICA
TO THE INTER-AMERICAN COMMISSION
ON HUMAN RIGHTS REGARDING
JESSICA GONZALES
PETITION # P-1490-05



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Summary of Argument

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- III. Petitioner Does Not State Facts that Demonstrate that the United States has Breached Any Duty Under the American Declaration.**
 - a. No provision of the American Declaration imposes a duty on the United States to have successfully prevented the murders of the Gonzales daughters.
 - b. The “due diligence standard” as employed by non-binding U.N. human rights instruments in the violence against women context.
 - c. Petitioner’s inability to prevail in her complaint filed in U.S. federal court and her failure to pursue all available forms of domestic relief do not mean that she lacked access to the courts or that victims of domestic violence lack effective remedies or access to the courts to pursue them.

d. Even under the most expansive interpretations of the duty of the United States under the American Declaration, the actions of the U.S., the State of Colorado, and the Castle Rock Police Department have satisfied such a duty in this case.

IV. Conclusion: Petition Should Be Determined to be Inadmissible and the Request for Relief Should be Denied.

ATTACHMENTS:

TAB A: Jessica Gonzales/Dispatch, Tape Transcription

TAB B: CRPD Incident Report 06/22/99, 19:42 hrs

TAB C: Investigator's Progress Report, Castle Rock Police Department, Castle Rock, Colorado, CR# 99-3226, Call from Officer Brink to Jessica Gonzales

TAB D: Investigator's Progress Report, Castle Rock Police Department, Castle Rock, Colorado, Third Call at 21:57 hrs., CR# 99-3226

TAB E: Office of the District Attorney, Eighteenth Judicial District. Report Date: 07/01/99. Report by Karen Meskis, Date of Offense: 06/23/99

TAB F: Castle Rock Police Department Incident Report 90623004, 06/23/99, 00:06 hrs

TAB G: Statement signed by Cpl. Patricia A. Lisk

The Government of the United States appreciates the opportunity to provide the following response to your request of April 17, 2006, regarding the above referenced petition of Jessica Gonzales.

As a preliminary matter, it should be noted that there can be no question that the Government of the United States recognizes that the murders of Jessica Gonzales' three daughters, Leslie, Katheryn and Rebecca are unmistakable tragedies. The United States sympathizes with Ms. Gonzales for her horrific loss. In light of the horrible tragedy that resulted in the deaths of her three daughters, it is understandable that Ms. Gonzales feels that this tragedy should never have occurred and that more should have been done to prevent this loss. However, any petition must be assessed on its merits and based on the evidentiary record. For the following reasons the United States believes the facts alleged by Ms. Gonzales in her petition are not supported by the evidence of the information available to the Castle Rock Police Department at the time the events arose, and that the petition itself is inadmissible for failure to state a breach of a duty by the United States under the American Declaration of the Rights and Duties of Man ("American Declaration"). Accordingly, the United States respectfully requests that the petition be determined inadmissible and the request for relief denied.

I. Factual and Procedural Background

a. Summary of Facts

The evidentiary record of the events that occurred prior to the tragic murders of Ms. Gonzales' three daughters, Leslie, Katheryn and Rebecca, on June 23, 1999 do not support the allegations contained in Ms. Gonzales' petition. Rather, the police reports and transcripts of conversations between Ms. Jessica Gonzales and her estranged husband, Mr. Simon Gonzales, clearly document that Ms. Gonzales informed the Castle Rock Police Department ("CRPD") that she had agreed that Mr. Gonzales could see their three daughters that evening, and that the visit was consistent with the restraining order. Furthermore, the evidentiary record demonstrates that throughout the evening of June 22, 1999 and the early hours of June 23, 1999, the CRPD responded professionally to the information Ms. Gonzales provided it and that the information available at the time revealed no

indication that Mr. Gonzales was likely to commit this tragic crime against his own children.

The evidentiary record demonstrates that, contrary to Ms. Gonzales' assertions she had in fact agreed that Mr. Gonzales could visit the children that evening, and that, consequently, he had not violated the restraining order when he picked up his daughters for a mid-week dinner visit. Ms. Gonzales' first call to members of the CRPD occurred at approximately 7:40 p.m. when she spoke to the CRPD dispatcher on duty, Cindy Dieck. The transcript of that call demonstrates that, contrary to Ms. Gonzales' allegations in the petition that there had been "[n]o advance notice or arrangements ... for Mr. Gonzales to have parenting time with the children that evening,"¹ Ms. Gonzales informed the CRPD that she had in fact granted Mr. Gonzales permission to see the children that evening for a mid-week dinner visit, and that she had discussed with him the logistics for picking up the girls.² Specifically, in that initial call she told the dispatcher that even though Mr. Gonzales did not normally see his daughters on Tuesday nights, she had agreed to it because she was being "nice."³ Ms. Gonzales explained that they had agreed that, due to the restraining order, Mr. Gonzales would wait for the children in his car across the street.⁴ Additionally, in her subsequent conversations with Officer Brink, one of the officers dispatched to her house, Ms. Gonzales later confirmed that she had agreed that her husband could take the children out for dinner.⁵

Although the restraining order granted Ms. Gonzales "temporary sole physical custody" of the children, it granted Mr. Gonzales "parenting time with the minor children on alternating weekends commencing after work on Friday evening and continuing through 7:00 p.m. Sunday evening." Importantly, it also granted Mr. Gonzales a "mid-week dinner visit" to be "arranged by the parties." Finally, it also granted Mr. Gonzales two weeks of "extended parenting time during the summer."⁶ Accordingly, since Ms. Gonzales consented to the mid-week dinner visit, Mr. Gonzales did not

¹ Petition, at 9.

² Jessica Gonzales/Dispatch, Tape transcription, Tab A.

³ *Id.*

⁴ *Id.*

⁵ CRPD Incident Report 6/22/99, 19:42 hrs., Tab B; Investigator's Progress Report, Castle Rock Police Department, Castle Rock, Colorado, CR #99-3226, Call from Officer Brink to Jessica Gonzales, Tab C.

⁶ Petition, Exhibit B.

violate the restraining order by taking his daughters out for the evening, a fact Ms. Gonzales later acknowledged to the CRPD.⁷

The evidentiary record further demonstrates that, contrary to Ms. Gonzales' assertions, members of the CRPD were responsive to her numerous requests for assistance that evening, were sensitive to her concerns, and took her concerns seriously. In response to Ms. Gonzales' initial call to the CRPD, Ms. Dieck dispatched two officers to Ms. Gonzales' house. While they were enroute to Ms. Gonzales' house, Ms. Dieck recounted that Ms. Gonzales had indicated that the children may be at her husband's house. In response, one officer, Officer Brink, went to Mr. Gonzales' house, while another, Officer Ruisi, went to Ms. Gonzales' house. After knocking several times and finding no one at Mr. Gonzales' residence, Officer Brink joined Officer Ruisi at Ms. Gonzales' residence. Although Ms. Gonzales' petition states that "she handed [the officers] a copy of the restraining order and asked that it be enforced as the law required"⁸ at no point did she show the officers a restraining order. In fact, in a later phone conversation with Officer Brink, Ms. Gonzales subsequently acknowledged that Officer Brink had not seen the order.⁹ Instead, in his report of his visit to Ms. Gonzales' house, Officer Brink noted that Ms. Gonzales had "stated she had made a verbal agreement with [Mr. Gonzales] that he could take their daughters for the evening."¹⁰ In his report, Officer Brink also noted that Ms. Gonzales "seemed calm" and indicated that she would be heading to work and that her neighbor would be at her house when her daughters were dropped off.¹¹ Contrary to Ms. Gonzales' allegations that the officers did not document Ms. Gonzales' statements or their visits to Ms. Gonzales' home,¹² Officer Brink documented this visit in a police report as well as the fact that he and Sergeant Ruisi then drove throughout the town of Castle Rock looking for Mr. Gonzales' pick up truck.¹³

Shortly thereafter, at approximately 8:43 p.m., Ms. Gonzales called the CRPD and informed the dispatcher that she had received a phone call

⁷ Investigator's Progress Report, Castle Rock Police Department, Castle Rock, Colorado, CR #99-3226, Call from Officer Brink to Jessica Gonzales, Tab C.

⁸ Petition, at 10.

⁹ Investigator's Progress Report, Castle Rock Police Department, Castle Rock, Colorado, CR #99-3226, Call from Officer Brink to Jessica Gonzales, Tab C.

¹⁰ CRPD Incident Report 6/22/99, 19:42 hrs., Tab B.

¹¹ *Id.*

¹² Petition, at 10.

¹³ CRPD Incident Report 6/22/99, 19:42 hrs., Tab B.

from her husband and that he was with the children at Elitch's amusement park in Denver. After being informed of the call by dispatch, Officer Brink returned to the police department and returned Ms. Gonzales' call.¹⁴ The transcript of this phone call does not support Ms. Gonzales' account of the conversation as described on page 11 of the petition. At no point did Ms. Gonzales mention any conversation with Rosemary Young, nor did she mention any concerns about Mr. Gonzales' mental state or the safety of her children, nor did she request that Officer Brink dispatch an officer to locate Mr. Gonzales at the amusement park or enlist the assistance of other police departments. Instead, the transcript of the call indicates that after Ms. Gonzales told Officer Brink of the girls' whereabouts she expressed concern that there was something wrong with the fact that Mr. Gonzales had taken them to the amusement park given that it was a school night. When she learned that Mr. Gonzales had dropped one of the girl's playmates off at her own house rather than taking her with them, Ms. Gonzales stated it was "cruel" of him not to have taken her to the amusement park, indicating that she did not believe the girls were in any danger.¹⁵

The transcript of the call then indicates that Ms. Gonzales again acknowledged that she had granted Mr. Gonzales permission to see his children and that the visit was not in violation of the restraining order. Officer Brink specifically asked whether the visit was consistent with the custodial arrangement under which they had made the "verbal agreement" for the visit that night. Ms. Gonzales responded that she was the legal custodian but that she intended to file for full custody because joint custody left all of these decisions to mutual agreement. At that point she mentioned the restraining order, which they both acknowledged Officer Brink had not seen. Officer Brink reminded her of the fact that she had granted permission to Mr. Gonzales to see the children, to which she responded "Exactly." Officer Brink then continued, "Ok, so there's no violation there." Ms. Gonzales responded, "No." Later, Officer Brink then said, "Well unfortunately there, it doesn't sound like there's anything criminally I can go after him for." Ms. Gonzales agreed, explaining, "No, I was just so worried." Officer Brink offered words of reassurance, "at least you know where the kids are right now," to which Ms. Gonzales replied "yeah". Ms. Gonzales then thanked Officer Brink for all his help.¹⁶

¹⁴ Investigator's Progress Report, Castle Rock Police Department, Castle Rock, Colorado, CR #99-3226, Call from Officer Brink to Jessica Gonzales, Tab C

¹⁵ *id.*

¹⁶ *id.*

At 9:57 p.m. that evening Ms. Gonzales called the CRPD again and spoke to the dispatcher, not to Officer Brink, as she alleged on page 12 of the petition. Her account on page 12 of the petition differs dramatically from the transcript of the call. The transcript makes clear that Ms. Gonzales informed the dispatcher that the children were still not home and that she was a "little wiggled out." Ms. Gonzales also acknowledged that there was "nothing in the restraining order" that dealt with the situation.¹⁷ She again expressed frustration that her husband had taken her daughter's playmate home and that her daughter, Rebecca, must have been heartbroken over that. However, she did not mention that she was concerned about the safety of any of the children. Nor did she request that the CRPD put out an "APB" [all points bulletin to other police departments]. Ms. Gonzales then indicated that she was going to work. When asked by the dispatcher how Ms. Gonzales would know if the children made it home, Ms. Gonzales replied that a friend would be waiting. The dispatcher then asked that Ms. Gonzales call when the girls got home or to call back by midnight if they weren't home by then.¹⁸

As indicated above, during her initial conversations with members of the CRPD Ms. Gonzales explicitly and repeatedly acknowledged that there was no violation of the restraining order. Moreover, as described above, Ms. Gonzales implicitly acknowledged that there was no restraining order violation when she explained to the CRPD dispatcher in her first call to the CRPD and in her subsequent conversations with Officer Brink that she had agreed to the visit.¹⁹ Additionally, Ms. Gonzales later explicitly acknowledged that there was no restraining order violation when Officer Brink returned her phone call after learning that the children's whereabouts had been established.²⁰

Although in various places Petitioner states that Mr. Gonzales demonstrated threatening behavior towards Ms. Gonzales and her children, Ms. Gonzales did not make this information available to the CRPD during the numerous interactions she had with members of the CRPD between 7:00

¹⁷ Investigator's Progress Report, Castle Rock Police Department, Castle Rock, Colorado, Third call at 2157 hrs, CR# 99-3226, Tab D.

¹⁸ *Id.*

¹⁹ Jessica Gonzales/Dispatch, Tape transcription, Tab A; CRPD Incident Report 6/22/99, 19:42 hrs., Tab B.

²⁰ Investigator's Progress Report, Castle Rock Police Department, Castle Rock, Colorado, CR #99-3226, Call from Officer Brink to Jessica Gonzales, Tab C.

p.m. and midnight the evening of June 22, 1999. Rather, the CRPD records indicate that Ms. Gonzales did not appear to be concerned about the safety of her children, but was troubled instead by the fact that she did not know where her husband had taken them, and that she was concerned about the whereabouts of a playmate of her daughter's, who she soon realized Mr. Gonzales had taken home.²¹ It was not until much later in the evening, at approximately 12:30 a.m., Wednesday, June 23rd, as detailed below, that she expressed concern about Mr. Gonzales' emotional state, but even at that point Ms. Gonzales explicitly stated that she did not fear for the children's safety.²² Finally, the fact that the restraining order granted such regular and substantial parenting time to Mr. Gonzales would lead a reasonable person to conclude that at the time the restraining order was modified to permit such custodial arrangements neither Ms. Gonzales nor the court considered Mr. Gonzales a threat to his children.

Around midnight, Ms. Gonzales called the CRPD again and spoke to a newly-hired dispatcher assigned to the graveyard shift, Melissa O'Neill. It was Ms. O'Neill's second night on the job and she was being trained by another dispatcher, Cpl. Patricia Lisk. Both Ms. O'Neill and Cpl. Lisk had been briefed on the situation involving Jessica Gonzales and her children by Ms. Dieck, the outgoing dispatcher. In a subsequent interview the next day by the District Attorney's Office with Ms. O'Neill and Cpl. Lisk about the shooting incident involving Mr. Gonzales later that evening, Ms. O'Neill recalled that during the midnight call, Ms. Gonzales "was very worried about her children" and that she wanted an officer to meet her outside Mr. Gonzales' residence. According to Ms. O'Neill, Ms. Lisk dispatched an officer in response to the call. However, Ms. Lisk also recalled that at the same time, three other calls were pending, including one that involved a domestic disturbance in progress with an injured child, and the officer was unable to respond immediately.²³

At approximately 12:30 a.m. on Wednesday, June 22, Ms. Gonzales showed up at the police department in tears.²⁴ Officer Ahlfinger was dispatched to meet with her and did so at approximately 12:36 a.m. After Ms. Gonzales told him that Mr. Gonzales had limited visitation of the

²¹ Investigator's Progress Report, Castle Rock Police Department, Castle Rock, Colorado, CR #99-3226, Call from Officer Brink to Jessica Gonzales, Tab C.

²² Castle Rock Police Department Incident Report 90623004, 6/23/99, 00:06 hrs, Tab F.

²³ Office of the District Attorney, Eighteenth Judicial District. Report Date: 7/1/1999. Report by Karen Meskis, Date of offense: 6/23/99, Tab E.

²⁴ *Id.*

children, including a dinner night once a week, Officer Ahlfinger asked Ms. Gonzales if she knew where he might have taken the children and asked for a description of Mr. Gonzales' car. It was at this point that Ms. Gonzales first expressed concern about Mr. Gonzales' mental state saying that he had "lost it" and that he might be "suicidal."²⁵ When Officer Ahlfinger asked her whether she knew if her husband had any weapons, she said that she was not aware of any. Notably, when asked whether she thought Mr. Gonzales would hurt the children, she responded "no."²⁶

After speaking with Ms. Gonzales, Officer Ahlfinger requested that the dispatcher, Cpl. Lisk, send an "Attempt to Locate BOLO" [an acronym for "Be On the Look Out", which is directed to other jurisdictions so that they may notify the requesting police department if they locate the individual in question] for Mr. Gonzales and his vehicle. He further advised that if Mr. Gonzales was contacted, the officers were to check the welfare of the children and contact Jessica Gonzales.²⁷ In a subsequent statement Cpl. Lisk recalled that Officer Ahlfinger requested the attempt to locate at approximately 1:40 a.m.²⁸ Officer Ahlfinger then drove by Mr. Gonzales' residence and did not see his car, and called Mr. Gonzales both on his home phone and his cellular phone.²⁹

After Officer Ahlfinger left, Cpl. Lisk began investigating how to send the bulletin on the "attempt to locate" based on the information she had. During the next 1 hour and 45 minutes before Mr. Gonzales arrived at the police department and shots broke out, Cpl. Lisk tried to locate information on Mr. Gonzales' driver's license and valid license plate for the truck he was driving, including by sending requests to the Colorado Department of Motor Vehicles (DMV), necessary information required in order to enter an "attempt to locate" into the system. In fact, three minutes before Mr. Gonzales fired shots into the CRPD, she received a reply from the DMV that showed that the only license plate registered to Mr. Gonzales was for a Chevy, not the Ford truck Ms. Gonzales had identified. During this period, Cpl. Lisk was also responding to calls coming into dispatch and coordinating with the three officers and one trainee on duty during the graveyard shift and training the new dispatch officer.³⁰ Thus, although Cpl.

²⁵ Castle Rock Police Department Incident Report 90623004, 6/23/99, 00:06 hrs, Tab F.

²⁶ *id*

²⁷ *id*

²⁸ Statement signed by Cpl. Patricia Lisk, Tab G.

²⁹ Castle Rock Police Department Incident Report 90623004, 6/23/99, 00:06 hrs, Tab F.

³⁰ Statement signed by Cpl. Patricia Lisk, Tab G.

Lisk was preparing to enter the "attempt to locate" into the system at the time Mr. Gonzales arrived at the CRPD at approximately 3:25 a.m., she had not yet done so. However, her inability to make such an entry was not as a result of a lack of considerable effort on the part of members of the CRPD to identify the necessary information in order to accomplish the task.

According to the investigation by the Office of the District Attorney, Mr. Gonzales drove his pick-up truck to the CRPD at approximately 3:25 a.m. and fired shots through the window, resulting in an exchange of gunfire with officers who were called to the scene. Mr. Gonzales was fatally wounded. When the officers approached the truck they discovered the bodies of three young girls subsequently identified as Leslie, Katheryn and Rebecca Gonzales.

b. Procedural history of Jessica Gonzales' claims in U.S. federal court

By way of background to the statement of facts provided above, and the numerous and substantial inconsistencies between the evidentiary record and the allegations made by Ms. Gonzales in her petition, it is important to emphasize that the actual facts of the case were not addressed in the domestic litigation. At the district court level, the Town of Castle Rock filed a motion to dismiss the claim. In accordance with the usual rules of procedure for testing the legal sufficiency of a claim, in deciding the motion to dismiss, the District Court accepted the allegations as true and construed them in the light most favorable to the plaintiff. The court found that, as a matter of law, Ms. Gonzales had failed to state a claim upon which relief could be granted.³¹ Accordingly, the actual facts were not addressed in the litigation because the appeals process dealt with whether the federal law invoked by Ms. Gonzales was available based on the allegations set forth in her complaint.

Because Petitioner attached the relevant decisions to her petition, the United States will provide only a brief summary of the domestic litigation. For ease of reference, however, the following brief summary is provided. Ms. Gonzales filed a complaint in federal court alleging that a Colorado statute regarding the enforcement of restraining orders granted her a property interest in its enforcement by the police and that when the police

³¹ Gonzales v. City of Castle Rock, No. 00-D-1285 (D. CO. filed Jan. 23, 2001).

failed to enforce the restraining order, she was deprived of property without due process of law, in violation of the 14th Amendment to the U.S. Constitution. As noted above, the District Court granted the town's motion to dismiss, but a narrow majority of the *en banc* Court of Appeals for the Tenth Circuit reversed. The court concluded that state law had given her a "property interest in the enforcement of the terms of her restraining order," and that she had stated a cognizable claim that the police had denied her of that property interest without due process of law. At the same time, however, the Tenth Circuit ruled that the individual police officers in question (but not the City of Castle Rock) were entitled to the defense of qualified immunity on the grounds that a reasonable officer would not have known that a restraining order, together with the Colorado statute mandating its enforcement, would create a constitutionally protected property interest.³² The Town of Castle Rock sought review of the decision by the United States Supreme Court.

The Supreme Court, reversing the Tenth Circuit's decision, held that under the Due Process Clause of the 14th Amendment of the U.S. Constitution, Colorado's law on police enforcement of restraining orders did not give Jessica Gonzales a property interest in the enforcement of the restraining order against her husband. In reaching that conclusion, the Supreme Court carefully considered the Colorado statute in question and the pre-printed notice to law enforcement officers on the restraining order and determined that the statute granted police officers discretion in enforcing restraining orders, and determined that Jessica Gonzales therefore did not have a federal entitlement to enforcement of the restraining order.

The Supreme Court also noted that domestic abuse restraining orders still had value even if police have discretion in their enforcement. The Court reasoned that regardless of whether Ms. Gonzales "had a right to enforce the restraining order, it rendered certain otherwise lawful conduct by her husband both criminal and in contempt of court."³³ The Court continued, "[t]he creation of grounds on which he could be arrested, criminally prosecuted, and held in contempt was hardly 'valueless' – even if the prospect of those sanctions ultimately failed to prevent him from committing three murders and a suicide."³⁴ Additionally, the Court noted that the "deep-rooted nature of law-enforcement discretion, even in the presence of

³² 366 F.3d 1093 (10th Cir. 2004).

³³ *Town of Castle Rock, Colorado, v. Gonzales*, 125 S.Ct. 2796 (2005), 2805.

³⁴ *Id.*

seemingly mandatory legislative commands” had been previously recognized by the Supreme Court. The Court then opined, “It is hard to imagine that a Colorado police officer would not have some discretion to determine that – despite probable cause to believe a restraining order has been violated – the circumstances of the violation or the competing duties of that officer or his agency counsel decisively against enforcement in a particular instance. The practical necessity for discretion is particularly apparent in a case such as this one, where the suspected violator is not actually present and his whereabouts are unknown.”³⁵

c. Problem of domestic violence in the United States

It is indisputable that domestic violence is a significant problem in the United States, as it is elsewhere in the world. However, the available data does not support Petitioner’s allegations that the United States consistently and systemically treats crimes of domestic violence as less serious crimes than other crimes and fail to investigate such crimes, and arrest and prosecute the perpetrators.³⁶ Instead, a 2005 study by the Department of Justice’s Bureau of Justice Statistics demonstrates that the United States, at the federal, state and local levels, is establishing as high priorities the investigation and prosecution of these crimes and that severe penalties are imposed as a result of such efforts.³⁷

The study shows that while the problem of family violence remains acute, the rate of family violence actually fell between 1993 and 2002 from an estimated 5.4 victims to 2.1 victims per 1,000 U.S. residents age 12 or older. During this period, family violence accounted for 11% of all reported and unreported violence between 1998 and 2002.³⁸ Of these roughly 3.5 million violent crimes committed against family members, 49% were crimes against spouses, 11% were sons or daughters victimized by a parent, and 41% were crimes against other family members.³⁹

The study also demonstrates that the successful arrest and prosecution of perpetrators of family violence crimes is a priority in the United States

³⁵ *Id.*, at 2796.

³⁶ Petition at 32, 46, 81.

³⁷ Matthew DuRose et. al., U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Family Violence Statistics* (2005).

³⁸ *Id.*, at 1. (The study noted that approximately 60% of family violence victimizations were reported to police between 1998 and 2002): *Id.*, at 2.

³⁹ *Id.*, at 1.

and the data also indicates that perpetrators of family violence have served heavy sentences in prison or jail as a result of these successful prosecutions. It found that about 49% of family violence crimes recorded by police resulted in an arrest. Regarding prosecution of family violence at the state level, of the approximately 1500 defendants charged with felony assault during May 2000 in the State courts of 11 large counties, about a third were charged with family violence. Among the 1500 felony assault cases, the probability of the case leading to conviction (felony or misdemeanor) was greater for family assault defendants (71%) than nonfamily assault defendants (61%).⁴⁰ Regarding federal prosecution of domestic violence,⁴¹ federal courts convicted 90% of defendants adjudicated for an interstate domestic violence offense. Of 47 Federal defendants sentenced for an interstate domestic violence offense between 2000 and 2002, 91% received a prison term with a median length of 60 months.⁴² Of the nearly 500,000 men and women in State prisons for a violent crime in 1997, 15% were there for a violent crime against a family member. Additionally, convicted family violence offenders made up about 22% of the nearly 86,500 convicted violent offenders in local jails in 2002. Most (60%) of these approximately 18,700 jail inmates incarcerated for family violence were in jail for an aggravated assault.⁴³

II. U.S. legal framework regarding domestic violence – availability of domestic judicial remedies and other protections against domestic violence under federal and state law

When it comes to measures the United States has taken to protect individuals from domestic violence, the commitment of the United States is beyond question. The following is a brief description of some of the judicial remedies available to victims of domestic violence in the United States, both at the federal level, as well as in the State of Colorado, who find themselves in situations similar to that alleged by Ms. Gonzales. It is possible that some of these remedies would have been available to Ms. Gonzales herself had the factual circumstances of her case actually warranted them. Additionally, a brief description of additional remedies and protections for victims of

⁴⁰ *Id.*, at 2.

⁴¹ The report notes that persons suspected of domestic violence made up 4% of the total 18,653 Federal suspects referred to U.S. attorneys for alleged violent crimes from 2000 to 2002. Of the 757 suspects referred during this period, most were firearm-related domestic violence offenses rather than interstate domestic violence offenses.

⁴² *Id.*, at 2.

⁴³ *Id.*, at 3.