

Justices back Castle Rock

Mom can't sue cops in failure to prevent 3 daughters' slaying

**By Karen Abbott, Rocky Mountain News
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The U.S. Supreme Court comforted police officers but distressed groups fighting domestic violence Monday, ruling that a mother can't sue Castle Rock police for failing to stop her estranged husband from killing her three young daughters.

"This woman has lost everything, and she has lost again," Randy Saucedo, advocacy director for the Colorado Coalition Against Domestic Violence, said at a morning news conference.

But Tom Rice, who represented Castle Rock, said the Supreme Court's ruling relieved law enforcement officers everywhere.

"The Supreme Court understood our argument that law enforcement discretion is paramount, that officers must be free to make choices . . . without fear of being unfairly second-guessed," Rice said.

The Supreme Court ruled 7-2 in favor of Castle Rock's police officers. The justices said that Colorado's law on restraining orders requires officers simply to make "reasonable efforts" to enforce them.

Lawyers for the mother had argued that she had a "property right" under the Constitution's 14th Amendment, which guarantees due process for all, to have the restraining order enforced. The court ruled that no such right exists, pointing out that police have to make difficult decisions with limited resources.

Justice Antonin Scalia wrote the opinion for the majority, which included Chief Justice William Rehnquist as well as Justices Sandra Day O'Connor, Anthony Kennedy, David Souter, Clarence Thomas and Stephen Breyer.

Justices John Paul Stevens and Ruth Bader Ginsberg dissented. They said Colorado's law, like many passed by other states in the 1980s and 1990s, was specifically intended to overcome police reluctance to enforce restraining orders in domestic violence cases.

Three girls killed

The Castle Rock mother, Jessica Gonzales, had contended that the police refused, despite repeated requests on the night of June 22, 1999, to enforce a restraining order



Ellen Jaskol © News

Randy Saucedo, right, of the Colorado Coalition Against Domestic Violence, reacts during a news conference held Monday after the announcement of the U.S. Supreme Court ruling in the case of a mother who sought to sue Castle Rock police for failing to stop her estranged husband from killing their three daughters. Barbie Bragg, of SHARE, a women's shelter in Fort Morgan, is at left.

she had obtained against her husband, Simon Gonzales.

Simon Gonzales vanished for hours that night after taking the girls from their mother's home without her knowledge. At one point, he called his wife to say he and their children were at Six Flags Elitch Gardens in Denver. In the wee hours of the morning, he drove to the Castle Rock police station. There, he opened fire with a gun he had just purchased and died in a shootout with officers.

The girls, Rebecca, 10, Katheryn, 8, and Leslie, 7 - whom a neighbor called "three peas in a pod" - were found dead inside Simon Gonzales' father's truck.

"I will continue to raise awareness around this issue so that my daughters will not have died in vain," Jessica Gonzales, who now lives in California, said in a statement distributed by the American Civil Liberties Union. "We need to put pressure on our elected officials to pass laws that offer real protection to women and their families."

The tearful mother, in a later appearance on ABC's *World News Tonight*, called the ruling "a slap in the face" for all victims who seek police protection.

"I'm devastated," Gonzales said. "I am so sad for everybody. . . . The last thing you want to do is get a restraining order and think you're safe. Because you're absolutely not."

Both sides had pinned high hopes on the outcome of the case.

Advocates against domestic violence had seen a ruling for Gonzales as crucial to protect the rights - and lives - of victims.

Law enforcement officials had seen a ruling for Castle Rock as necessary to their ability to make on- the-job decisions without the paralyzing anxiety of possibly costly lawsuits.

Rice said Monday that Simon Gonzales had no history of violence. Jessica Gonzales obtained a restraining order against him to stop him from making harassing telephone calls to her.

The order prohibited Simon Gonzales from harassing his wife or the girls and required him to stay away from their home. It was amended later, however, so the girls could spend two weeks with their father every summer and have pre-arranged midweek dinners.

Advocacy groups have long argued that domestic violence is a crime that escalates over time, and Monday, they called upon legislators to respond to the ruling with laws that have more teeth.

The National Network to End Domestic Violence urged Congress to strengthen and re-enact the Violence Against Women Act before it expires Sept. 30. The act funds state and local law enforcement responses to domestic violence, including money to better enforce restraining orders.

"These life-saving programs should not be allowed to expire, but they will if Congress

does not act now," the network said.

The ACLU said the ruling makes clear that state legislatures must pass laws ensuring that police will take domestic violence restraining orders seriously.

"We urge state legislatures to act with due haste to protect women and their families from harm," said Lenora Lapidus, director of the ACLU Women's Rights Project.

Saucedo, at the news conference in Denver, said advocates against domestic violence now fear that police won't take court-issued restraining orders seriously. He urged people who have obtained restraining orders to talk to a police supervisor or internal affairs investigator if they feel they are being disregarded.

'Court has spoken'

Castle Rock Police Chief Tony Lane said Monday that officers always have taken restraining orders seriously, including the one in the Gonzales case.

"But we have to deal with the facts that are known to the officers at the time," he said.

He said officers went to Jessica Gonzales' home immediately after she called them to report her daughters missing, about two hours after she noticed they were gone. The police tried to reach her husband and searched the town for him and the girls, Lane said.

Officers did not go to Elitch Gardens or ask Denver police to look there for Simon Gonzales, he said, because only four Castle Rock officers were on duty that night and Jessica Gonzales told officers she didn't think her husband would hurt the girls.

"The Supreme Court has spoken," Lane said. "We're satisfied with the situation."

He said Castle Rock officers learned from the Gonzales murders.

"I certainly think it will help us deal with victims in the future, and maybe look at it in a different way, to realize the potential of these cases," Lane said.

He called the three girls' deaths "one of the worst tragedies and crimes that this community has seen."

"But it's time to move on," he said.

'Three peas in a pod'

The Gonzales sisters were remembered after their deaths as being inseparable. But each girl had a distinctive style of her own, reflected in her clothing, hobbies and personality. In a June 1999 *Rocky Mountain News* story, on the day of a heartbreaking funeral, family members described three unique girls from Castle Rock who shared a common bond.

• **Rebecca Gonzales, 10**

The oldest of the three, Rebecca was "a little mother hen for her sisters," according to mother Jessica Gonzales. "She put their earrings in; she helped them choose their clothes."

Rebecca was called "Gorgeous" by her family because she loved to comb her hair and play with makeup. She paraded her rabbit, Kiki, around the neighborhood in a velvet-lined wagon.

Rebecca was buried in a green velvet dress, wearing an angel pendant with the angel holding a forget-me-not flower.

• **Katheryn Gonzales, 8**

The middle child, Katheryn Gonzales was nicknamed "Attitude" by family members.

"She had this look on her face that she was someone to be reckoned with," said aunt Tommy Rivera.

In a photo with the three girls on a motorcycle, it was Katheryn who sat in the driver's seat holding the handlebars.

She was not shy when it came to fashion, either.

"Katheryn loved colors, and she didn't mind using 150 at once in her wardrobe," Rivera said.

Before the funeral, her aunts painted Katheryn's fingernails bright pink and gave her a backpack filled with sweets because she had such a sweet tooth.

• **Leslie Gonzales, 7**

Jessica Gonzales said that when talking to her daughter Leslie, you couldn't tell she was the youngest.

"She was like 7 going on 30, very perceptive," Gonzales said. "You could not get anything by that one."

Family members called Leslie "Little One" or "Lulu." A family friend once described how Leslie would yell, "Catch me" and then run and jump into someone's arms, trusting she would be caught. She loved to make jokes and collected Beanie Babies.

At the funeral, Leslie wore a friendship bracelet that she and her sisters had made for each other.

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