

TIMELINE
Gonzales v. United States of America and the State of Colorado
Inter-American Commission on Human Rights
Petition No. P-1490-05

- May 20, 1989 Rebecca Lynne Gonzales was born to Jessica and Simon Gonzales.
- October 12, 1990 Katheryn Nicole Gonzales was born to Jessica and Simon Gonzales.
- March 20, 1992 Leslie Olivia Gonzales was born to Jessica and Simon Gonzales.
- Father's Day 1996 Simon attempts to hang himself in front of Rebecca, Katheryn and Leslie, and is admitted to a Denver hospital. Jessica initiates divorce proceedings against Simon when he returns from the hospital. Simon threatens suicide if she leaves him. Jessica moves herself and her children into her mother's house, she returns to the family home in Denver after a month to try to reconcile with Simon.
- July 1998 The Gonzales family moves to Castle Rock, Colorado.
- September 1998 Simon Gonzales proposes a divorce and threatens to seek full custody of the children.
- May 21, 1999 The Douglas County Court (Colo.) granted a temporary restraining order to Jessica against Simon, after Jessica described several examples of Simon's erratic and abusive behavior and explained how this behavior made her afraid that he could harm the emotional health or welfare of the girls and herself. The temporary restraining order directed Simon not to "molest or disturb the peace" of Jessica and her daughters, excluded Simon from the family home, and ordered that Simon "shall not enter the family home . . . and shall remain at least 100 yards away from this location at all times." The judge specifically found that "physical or emotional harm would result" if Simon were not excluded from the home.
- End of May/ beginning of June 1999 Jessica and her children entered the family home to find Simon smoking and drinking inside. Simon taunted Jessica in front of the children and stole her wedding rings. Jessica telephoned the Castle Rock Police Department, but Simon left before the police arrived. The police responded and stated that there was nothing they could do because Simon had, to date, evaded being served with the restraining order. Under Colorado law, the police were in fact required to arrest him under these circumstances. The police did not follow up with Jessica about this incident.

May 30, 1999 Simon unlawfully enters the family home and changed the locks on the door and the garage. Jessica calls the Castle Rock Police Department. The police officer that responds and removes the locks, held the doorknob as evidence and acknowledged the existence of the restraining order. Police said that matter will be investigated. They conclude the matter to be unfounded.

May 30, 1999 Simon Gonzales is issued a municipal summons and charged with trespassing at the Castle Rock Police Department. Gonzales attempts to flee the police. A police report indicates that Simon Gonzales was told by police that he had not violated a restraining order because he had not been told.

Between January and June 1999 Simon had at least five separate encounters with the Castle Rock Police Department and Douglas County Sheriff's Department – including the three described above, indicating his erratic behavior and the police knowledge of this behavior.

June 4, 1999 Colorado State Court made the temporary restraining order permanent, together with modifications that granted Jessica sole physical custody of the three girls. Simon is allowed to have a pre-arranged mid-week dinner visit and alternate weekend visits with the girls.

About June 18, 1999 Simon loosened the water valves on the sprinklers outside the family home. Jessica telephoned the Castle Rock Police Department. The police never responded.

Tuesday, June 22, 1999

Morning Simon telephoned Jessica and told her that he wanted to pick the children up later that day to spend time with them. Jessica refused, as the prearranged day for the girls to have dinner with Simon was Wednesday.

Mid-afternoon Rebecca, Katheryn, and Leslie were riding their bicycles on the street in front of the family home. The girls checked in with Jessica every hour, as Jessica had asked them to.

5:30 p.m. More than an hour had gone by and the girls had not checked in with Jessica, so Jessica went looking for them. They could not find the girls or their bicycles. Jessica suspected that Simon had taken the children and put the bicycles in the back of his truck. Simon had never taken the children without Jessica's permission before, and she was very concerned.

- 5:50 p.m. Jessica called the Castle Rock Police Department to report her daughters missing, and advised that she feared Simon had taken the girls in violation of a restraining order. Jessica was told that an officer would be sent to her house. By 7.30 p.m. no officer had arrived.
- 7:30 p.m. Jessica called the police station again, and explained again that her daughters were missing and she feared Simon had taken the girls in violation of a restraining order.
- 7:50 p.m. Officer Brink and Sergeant Ruisi arrived at Jessica's house, and stayed for five to ten minutes. Jessica showed both officers a copy of the restraining order. Officer Brink told Jessica to wait and call the police if Simon did not return the children home by 10 p.m.
- 8.30 p.m. Simon telephoned Jessica, who had been calling Simon's home phone, cellular phone and pager at regular intervals after the children disappeared but he had not answered. He told Jessica that he was with their three daughters at Elitch Gardens, an amusement park in Denver, approximately 40 minutes from Castle Rock.
- 8.40 p.m. Jessica telephoned the police station to inform them of Simon and her daughter's whereabouts. She was told that an officer would come to her house. No officer ever arrived.
- 8.50 p.m. Officer Brink telephoned Jessica and said, according to transcripts, "I was just up there. What's the deal?" Jessica described her conversation with Simon, told him that Simon was with the girls at Elitch Gardens, and reiterated her serious concerns about the situation, explaining that it was "highly unusual" for Simon to have taken the girls to Elitch Gardens in Denver on a weeknight, and she was "so worried". Transcripts also report that Officer Brink told Jessica that she needed to address this matter in divorce court and there was nothing he could do. Instead he said to Jessica, "at least you know where the kids are right now".
- Between 8:50-10 p.m. Jessica's declaration to the Inter-American Commission on Human rights states that she telephoned Officer Brink on two further occasions, explaining that Simon's girlfriend had called her and asked strange questions about Simon's mental state and behavior. Jessica asked Officer Brink to contact Simon's girlfriend, and to put out an APB to locate Simon at Elitch Gardens. A missing child report was not issued, and no contact was made to the Denver police to locate the children. Jessica was told to call back at 10 p.m. if Simon had not returned with the children.
- 10 p.m. Jessica telephoned the police station to report that the children were still missing. According to police reports the dispatcher found Jessica to be "nervous". Jessica tells the dispatcher, "I don't know what to do",

“I’m freaking out”. The dispatcher is reported to have said that Jessica was being “a little ridiculous making us [the police] freak out and thinking the kids are gone.” The dispatcher told Jessica to call back at midnight if the girls were still not home.

10:05 p.m.

Officer Brink called Jessica and she again asked him to put out an APB and contact the Denver police. He dismissed her request. Officer Brink told her to wait and call the police again at midnight if Simon had not brought the girls home. Midnight Jessica drove to Simon’s apartment to look for her daughters. Jessica telephoned the police station and told them that no one was home at Simon’s apartment. The DA’s report indicates that Jessica stated that she feared that Simon “had run off with my girls”. The dispatcher, a trainee, who answered the telephone was not familiar with Jessica’s situation and asked her how many daughters she had and what were their ages. The dispatcher told that an officer would meet her at Simon’s apartment. No officer ever came.

12:40 a.m.

Jessica called the police station and told the dispatcher that the children were still missing and that there was no sign of them at Simon’s apartment. Jessica asked whether the police were on their way to Simon’s apartment, and was told that no officer could come.

12:50 a.m.

Jessica arrived at the Castle Rock Police Department. The DA’s report states that Jessica was crying and terrified about the well-being of her daughters. She met with Detective Ahlfinger. Officer Brink was doing paperwork at the station; but did not meet with Jessica to follow through with her case. Jessica explained again that Simon had taken the girls that night in violation of a restraining order, that she was extremely concerned about the situation, particularly after receiving alarming phone calls from Simon’s girlfriend, and was worried that Simon could be contemplating suicide again. Detective Ahlfinger told Jessica that he would attempt to locate Simon and the girls. Instead of taking steps to locate the missing children, he went to dinner.

3:25 a.m.

Simon arrived at Castle Rock Police Department. A shootout ensued and Simon was killed by police. Police officers found the bodies of the three girls in Simon’s truck.

3:50 a.m.

Jessica drove to the Police Department. She was stopped before reaching the police station and taken to the District Attorney’s office. Jessica’s demands to see her children were ignored. She was not informed that her daughters were dead for approximately another four hours. Jessica was detained at the District Attorney’s office and interrogated until 4 p.m.

July 2000	Jessica filed a complaint in Federal District Court of Colorado alleging Constitutional violations by the town of Castle Rock and three individual police officers.
January 23, 2001	Federal District Court of Colorado dismisses her complaint.
October 15, 2002	Three judge panel of the Tenth Circuit Court of Appeals affirms in part and reverses in part the district judges decision finding that Jessica's due process rights had been violated by the police.
April 29, 2004	Tenth Circuit Court of Appeals en banc upholds its previous decision affirming in part and reversing in part.
June 27, 2005	The U.S. Supreme Court reversed Tenth Circuit decision and found that Jessica had no Constitutional right to police enforcement of the restraining order.
December 23, 2005	Jessica Gonzales submits petition to Inter-American Commission on Human Rights asserting that the Castle Rock Police Departments actions and the U.S. Supreme Court decision violated her human rights.
September 2006	U.S. State Department responded to the petition.
December 2006	Jessica Gonzales filed observations concerning the U.S State Department response.
March 2, 2007	Inter-American Commission on Human Rights hears <i>Jessica Gonzales v. United States of America</i>
October 2007	Admissibility decision in favor of Jessica Gonzales
March 24, 2008	Merits brief filed before the Inter-American Commission on Human Rights
October 17, 2008	Submission to the Inter-American Commission of 8 amicus briefs and an expert report by Prof. Jeffrey Fagan from Columbia Law School on appropriate police response to domestic violence.
October 22, 2008	Hearing on the merits of the case. Jessica Gonzales, her lawyers and representatives of the United States government testified before a panel of international human rights experts.