

March 19, 2012

Dr. Santiago A. Canton  
Executive Secretary  
Inter-American Commission on Human Rights  
1889 F Street, N.W.  
Washington, D.C. 20006  
Fax: [\(202\) 458-3992](tel:(202)458-3992)  
Email: [scanton@oas.org](mailto:scanton@oas.org)

**Re. Case 12.626 - Jessica Lenahan (Gonzales) v. United States**

Dear Dr. Canton,

Petitioners submit this letter in anticipation of the March 24, 2012 working meeting in the above-mentioned case. We look forward to a robust, substantive, and frank dialogue with the Government at the working meeting. This letter provides a framework to guide that discussion at the March 24<sup>th</sup> meeting, including ideas for how the United States, as a world leader in the women's rights arena, can meaningfully implement the Commission's decision in the *Lenahan* case by taking concrete and proactive steps to address the human rights concerns raised in the case. The working meeting is a welcome opportunity to discuss concrete commitments in this regard.

On August 17, 2011, the Inter-American Commission on Human Rights issued a landmark decision in the case of *Jessica Lenahan (Gonzales) v. United States*, finding the United States responsible for human rights violations suffered by Jessica Lenahan and her three deceased daughters, and urging significant reform to U.S. law and policy in the areas of domestic violence and violence against women and children.<sup>1</sup> *Lenahan* is the first international human rights case brought by a domestic violence survivor against the United States, and the case marks the first time the Inter-American Commission has found the United States responsible for a violation of women's human rights. In its decision, the Commission reiterated the well-established international human rights standard that State responsibility ensues when the State: 1) knew or ought to have known of real and immediate risk to an identified individual by another person, and 2) failed to take reasonable steps to prevent the harm.<sup>2</sup> The Commission also underscored "the strong link between discrimination, violence and due diligence," and emphasized the international consensus that "a State's failure to act with due diligence to protect women from violence constitutes a form of discrimination, and denies women their right to equality before the law."<sup>3</sup>

Applying these standards to the *Lenahan* case, the Commission found violations of the following provisions of the American Declaration on the Rights and Duties of Man: Art. I (Right to

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<sup>1</sup>*Jessica Lenahan (Gonzales) v. United States*, Case 12.626, Inter-Am Comm'n H.R., Report No. 80/11(2011).

<sup>2</sup>*Lenahan* ¶ 132 (citing *Opuz v Turkey*, 33401/02 Eur. Ct. H.R. 177 (2009)).

<sup>3</sup>*Lenahan* ¶111.

Life); Art. II (Right to Nondiscrimination and Equal Protection); Art. VII (Special Protection for Children); and Art. XVIII (Right to Judicial Protection). The Commission concluded its decision with seven recommendations to the United States. These recommendations included three individual-focused remedies and four policy-focused remedies, which, when implemented, will help to raise awareness of the human rights dimensions of domestic violence and prevent similar violations from taking place in the future:

**INDIVIDUAL REMEDIES:**

1. Undertake a serious, impartial and exhaustive investigation with the objective of ascertaining the cause, time and place of the deaths of Leslie, Katheryn and Rebecca Gonzales, and to duly inform their next-of-kin of the course of the investigation.
2. Conduct a serious, impartial and exhaustive investigation into systemic failures that took place related to the enforcement of Jessica Lenahan’s protection order as a guarantee of their non-repetition, including performing an inquiry to determine the responsibilities of public officials for violating state and/or federal laws, and holding those responsible accountable.
3. Offer full reparations to Jessica Lenahan and her next-of-kin considering their perspective and specific needs.

**POLICY REMEDIES:**

4. Adopt multifaceted legislation at the federal and state levels, or to reform existing legislation, making mandatory the enforcement of protection orders and other precautionary measures to protect women from imminent acts of violence, and to create effective implementation mechanisms. These measures should be accompanied by adequate resources destined to foster their implementation; regulations to ensure their enforcement; training programs for the law enforcement and justice system officials who will participate in their execution; and the design of model protocols and directives that can be followed by police departments throughout the country.
5. Adopt multifaceted legislation at the federal and state levels, or reform existing legislation, including protection measures for children in the context of domestic violence. Such measures should be accompanied by adequate resources destined to foster their implementation; regulations to ensure their enforcement; training programs for the law enforcement and justice system officials who will participate in their execution; and the design of model protocols and directives that can be followed by police departments throughout the country.
6. Continue adopting public policies and institutional programs aimed at restructuring the stereotypes of domestic violence victims, and to promote the eradication of discriminatory socio-cultural patterns that impede women and children’s full protection from domestic violence acts, including programs to train public officials in all branches of the administration of justice and police, and comprehensive prevention programs.
7. Design protocols at the federal and state levels specifying the proper components of the investigation by law enforcement officials of a report of missing children in the context of a report of a restraining order violation.<sup>4</sup>

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<sup>4</sup> Lenahan ¶ 215.

The remedies offered by the Commission provide a useful roadmap for addressing domestic violence/violence against women and human rights in the United States. While the Commission's decision against the United States is unprecedented, the remedies it suggests comport with U.S. state and federal law and policy priorities in the areas of domestic violence and violence against women. Importantly though, this is an opportunity for the United States to take steps that enhance the existing legal framework and to address these issues through a more affirmative approach to prevention, including through education, training and positive guidance (rather than the traditional focus on litigation as an enforcement mechanism to address rights violations on a more individualized basis). With the requisite care, focus, and attention, these remedies can be implemented at the state and federal levels.

Below Petitioners outline several ideas for implementation of the remedies set forth in the Commission's decision. Petitioners had a promising initial discussion of these ideas with the U.S. Government at a meeting on Sept. 6, 2011. In attendance were Petitioners (including Jessica Lenahan, her brother, and her counsel) and representatives from the U.S. Department of Justice (DOJ) Civil Rights Division and Office on Violence Against Women (OVW), the U.S. State Department, and the White House Advisor on Violence Against Women. Petitioners and U.S. government officials from the State Department and DOJ OVW have continued to discuss some of these ideas via phone and email correspondence since that initial meeting. On March 23, 2012, Petitioners and other women's/civil/human rights advocacy groups will be meeting with the DOJ to discuss the potential promulgation of national guidelines on gender-biased policing, discussed *infra*. Petitioners are pleased with the positive dialogue and engagement with the U.S. Government thus far, and look forward to ongoing and robust engagement in order to develop concrete responses to the case and implement the Commission's recommendations.

## **INDIVIDUAL REMEDIES<sup>5</sup>**

### **Recommendations 1 and 2:**

1. Undertake a serious, impartial and exhaustive investigation with the objective of ascertaining the cause, time and place of the deaths of Leslie, Katheryn, and Rebecca Gonzales.
2. Conduct a serious, impartial and exhaustive investigation into systemic failures that took place related to the enforcement of Jessica Lenahan's protection order as a guarantee of their non-repetition, including performing an inquiry to determine the responsibilities of public officials for violating state and/or federal laws, and holding those responsible accountable.

To Petitioners' knowledge, no steps have yet been taken to conduct either of the investigations described in recommendations 1 and 2. Petitioners continue to demand that the Government undertake a serious, impartial and exhaustive investigation within a reasonable time, with the objective of ascertaining the cause, time and place of death of Leslie, Katheryn and Rebecca Gonzales, and duly inform Jessica Lenahan of the results of the investigation. Petitioners also demand that the Government conduct a serious, impartial and exhaustive investigation within a reasonable time into the gender-biased policing and systemic failures related to the non-enforcement of Jessica Lenahan's protection order in order to guarantee their non-repetition. This should include an inquiry to determine the responsibilities of Castle Rock law enforcement officers and Colorado and federal authorities for violating state and/or federal laws, as well as holding those responsible

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<sup>5</sup> The recommendations as set forth below are a summarized version of the IACHR's full recommendations.

accountable under U.S. law and law enforcement disciplinary protocols. The results of this broader investigation should be communicated directly to Jessica Lenahan and, if Ms. Lenahan chooses, to the general public.

The federal Department of Justice could undertake both of these investigations pursuant to several mechanisms. First, the Civil Rights Division has authority under 42 U.S.C. § 3789d (2010) and 42 U.S.C. § 14141 (2010) to investigate and seek declaratory or equitable relief to remedy patterns or practices of conduct by law enforcement officers that deprive individuals of rights, privileges, or immunities secured by the Constitution or U.S. law. These laws also give the DOJ authority to seek the withdrawal of federal funding from police departments that discriminate on the basis of race, color, religion, sex, or national origin.

In 2011, the DOJ conducted comprehensive investigations of the New Orleans Police Department (NOPD), the Puerto Rico Police Department (PRPD), and the Maricopa County Police Department pursuant to different constitutional and statutory bases, including 42 U.S.C. § 3789d, 42 U.S.C. § 14141, Title VI of the Civil Rights Act of 1964. The DOJ found that these police departments engaged in a pattern or practice of discriminatory and unconstitutional policing. It specifically described gender-biased policing by the NOPD and PRPD and their failure to respond adequately to allegations of sexual assault and domestic violence.<sup>6</sup> This and other historic investigations by the DOJ, such as the 2004 opening of an investigation into the 1955 murder of Emmett Till, suggests that the DOJ is poised to take on similar investigations into past and ongoing discriminatory and unconstitutional police response to acts of domestic or sexual violence, including the Castle Rock Police Department's response to Jessica Gonzales in 1999.

The DOJ's Office on Violence Against Women (OVW) has also suggested that such investigations into the girls' deaths and the policing failures in Ms. Lenahan's case might be addressed in an OVW "Safety Audit" of the Town of Castle Rock, or Douglas County, Colorado. As of last year, the Town of Castle Rock has a new police chief, so this may prove a promising avenue. While Safety Audits typically are prospective in focus, they may also include inquiries into past events or practices.

Other mechanisms by which the DOJ could initiate investigations into the Lenahan girls' deaths and the surrounding events of June 22, 1999 include: facilitating a fatality review, such as those conducted routinely by many states and localities – but not Colorado<sup>7</sup> – or convening a panel of experts that serves in an investigative and advisory capacity to DOJ.

**Recommendation 3:** Offer full reparations to Jessica Lenahan and her next-of-kin.

Petitioners demand full reparations to Jessica Lenahan and her son, Jessie Rivera, considering their prospective and specific needs. Such reparations should include material and moral damages. Specifically, Ms. Lenahan should receive reparations in the form of money. Of course no amount of money can bring back Rebecca, Katheryn, and Leslie Gonzales and make Ms. Lenahan fully whole again, but some significant monetary payment can help her and her son, Jessie, rebuild their lives. Indeed, Ms. Lenahan continues to live paycheck to paycheck, and was recently on the verge of homelessness. This money can come from the federal government directly, or the federal government can use its power and authority to urge Colorado or the Town of Castle Rock to pay the damages, or perhaps all three governmental bodies could split the cost.

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<sup>6</sup> With respect to Maricopa County, DOJ stated that it is reviewing allegations of police failure to investigate sex crimes.

<sup>7</sup> See National Domestic Violence Fatality Review Initiative, [http://www.ndvfri.org/?page\\_id=194](http://www.ndvfri.org/?page_id=194).

Petitioners also demand a face-to-face and public apology. The apology should come from high-level official(s) in the White House, State Department, and/or Department of Justice, such as Vice President Biden, Secretary of State Hillary Clinton, Ambassador-at-Large for Global Women's Issues Melanne Verveer, or Attorney General Eric Holder.

The State Department has communicated with Petitioners that Recommendations 1-3 are beyond the purview of the federal government, and instead lie within the purview of the State of Colorado or the Town of Castle Rock. Petitioners have, in turn, offered ways in which Colorado and Castle Rock could participate in compliance with of the Commission's recommendations, as well ways in which the federal government could communicate with Colorado and Castle Rock about their obligations. We are not aware of any progress on that front. We ask that the U.S. Government update Petitioners and the Commission on the state of communications with authorities in Colorado and Castle Rock, and opportunities as well as challenges that might be encountered in implementation of Recommendations 1-3 at the state/local level.

## **POLICY REMEDIES**

### **Recommendations 4, 5, and 6**

4. At federal and state levels, adopt/reform legislation, resources, regulations, training and model protocols re enforcement of protection orders and other precautionary measures to protect women from violence.
5. At federal and state levels, adopt/reform legislation, resources, regulations, training and model protocols re protection measures for children in the DV context.
6. At federal and state levels, adopt/reform public policies/programs to address stereotypes of DV victims/discrimination, including trainings for public officials.

In order to fully implement these recommendations, the U.S. Government must involve federal, state, and local actors. Below we outline the role of the State Department and Department of Justice in this process.

### **State Department**

As a preliminary matter, Petitioners request that the U.S. Government provide a specific and well-developed official response to the IACHR's decision. The State Department generally submits an official response to final IACHR merits reports with a one-paragraph letter stating that the U.S. supports the IACHR but "respectfully declines to implement the recommendations of the IACHR in this case." Given that the United States is, in fact, engaged in serious discussions with Petitioners concerning implementation of the IACHR's recommendations in this case, we hope to see this engagement reflected in the Government's official response. Petitioners ask the State Department to collaborate with us and other advocates and incorporate our input in preparing the Government's response to the IACHR concerning the Government's progress in implementing the IACHR's recommendations.

The State Department, which facilitates all U.S. engagement with the IACHR (and UN human rights fora as well), is well-situated to provide guidance to U.S. federal agencies and departments, as well as state and local actors, on relevant human rights standards, including due diligence, discrimination and violence against women. Accordingly, the State Department should work with DOJ and other relevant agencies to incorporate the language and principles of international

human rights law into laws and policies that impact domestic violence/violence against women in the United States. For example, the concept of due diligence within human rights law entails a holistic, proactive and preventative approach to potential violations of human rights, and further requires accountability for rights violations. As the *Lenahan* decision makes clear, the Government must undertake efforts to educate Americans that domestic violence is a human rights violation, and to incorporate this principle into our social and legal structures, including through law enforcement trainings, protocols and directives. Judge Susan Carbon, Director of OVW, eloquently articulated this very point in a recent interview published in *Forbes* magazine: “I view violence against women, in all its forms, as a fundamental human rights issue. And whether it is used as a weapon of war against an entire people, or to break one individual’s spirit, we all know its impact is profound: it usurps victims of their rights to sovereignty over their own persons.”<sup>8</sup>

Initiatives on the local level underscore the growing recognition that all levels of government have a responsibility to address domestic violence as a human rights concern. In October 2011, the Cincinnati City Council adopted a resolution declaring that “freedom from domestic violence is a fundamental human right” and “that local governments have a responsibility to continue securing this right on behalf of their citizens.”<sup>9</sup> A similar resolution, entitled “The Freedom from Domestic Violence is a Fundamental Human Right,” is currently pending before the Baltimore City Council.<sup>10</sup>

We also note that at least one state – Kansas – has committed to presenting sexual violence, domestic violence, and dating violence as human rights issues in its public education efforts, as part of the plan it presented to the Department of Justice in order to receive federal Violence Against Women Act funding.<sup>11</sup> The State Department should foster and support efforts to secure these rights at the state and local level, where states like Kansas seek to integrate human rights. As a concrete example, the State Department, in conjunction with DOJ, could spearhead and encourage other states and grantees (including those that receive VAWA/COPS funding) to integrate human rights principles in their public awareness and training efforts through the federal funding and planning process.

At a more basic level, the State Department, in conjunction with DOJ and other relevant agencies, should work to publicize and disseminate the IACHR’s *Lenahan* decision to federal agencies and state and local governments throughout the country. Below we outline clear ways that the State Department can engage these actors, who often bear ultimate responsibility for ensuring compliance with human rights norms on the ground. A transparent and consistent approach to involving other federal, state and local actors in IACHR cases is a key step to implementing IACHR findings and these recommendations apply with equal force to all IACHR cases involving the United States.

***At the Federal Level:*** The *Lenahan* decision should be disseminated among federal agencies and departments, and specifically to point persons within these entities who can serve as the

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<sup>8</sup> Rahim Kanani, DOJ Director on Violence Against Women in the United States, March 8, 2012, <http://www.forbes.com/sites/rahimkanani/2012/03/08/doj-director-on-violence-against-women-in-the-united-states/>.

<sup>9</sup> [http://city-egov.cincinnati-oh.gov/Webtop/ws/council/public/child/Blob/33497.pdf;jsessionid=29F32575A142D399B4BDDAA85FC5FBB7?rpp=-10&m=2&w=doc\\_no%3D201101139](http://city-egov.cincinnati-oh.gov/Webtop/ws/council/public/child/Blob/33497.pdf;jsessionid=29F32575A142D399B4BDDAA85FC5FBB7?rpp=-10&m=2&w=doc_no%3D201101139).

<sup>10</sup> Draft Resolution, “The Freedom from Domestic Violence is a Fundamental Human Right,” Baltimore City Council, March 2012 (referencing the IACHR decision in the *Lenahan* case and statements by the U.N. Special Rapporteur on Violence Against Women, the resolution affirms “that the freedom from domestic violence is a fundamental human right” and “that state and local governments should continue to secure this human right on behalf of their citizens.”)

<sup>11</sup> See Kansas S.T.O.P. Violence Against Women Implementation Plan 2011-14 (2011), at App. C., p. 38.

information hub for specific and general developments as well as for communication with advocates. Dissemination of the decision should be accompanied by guidance for implementation. Because dissemination of decisions, without more, is unlikely to lead to changes in policy or practice, follow-up by the State Department to ensure agency engagement in responding to the *Lenahan* case is essential. We note that these communications should also be sent to federal agencies and their local offices (who are often closest to affected communities).

***At the State and Local Levels:*** When the Commission takes on domestic issues that touch upon state and local jurisdictions, such as domestic violence, the State Department can and should play an active role in encouraging the participation of the state and local officials in proceedings. State and local officials were invited to participate in case hearings in the *Lenahan* case, and they should continue to be consulted and engaged throughout the Commission process.<sup>12</sup> In order to facilitate compliance, the State Department must also disseminate decisions to state and local actors nationwide. This dissemination should be the starting point of a dialogue on compliance, not the end of communications. To ensure consistent and open communication, a point person/s should be charged with ensuring that relevant information is transmitted to state and local officials, who are often implicated in a case.

It is clear from the DOJ investigations mentioned above that a comprehensive, multi-jurisdictional approach is needed to address an existing pattern or practice of discriminatory and unconstitutional policing. Proactive and systemized dissemination of the *Lenahan* decision can ensure open lines of communication and facilitate a more comprehensive approach to implementation at the state and local levels, building on efforts such as those in Cincinnati, Baltimore, and Kansas (*see supra*). Through affirmative outreach, including raising awareness of the decision and providing an analysis of how particular recommendations relate to state and local policy and practice, the State Department and other federal agencies can build capacity to implement human rights obligations at the state and local level.

The State Department's extensive efforts with respect to the Vienna Convention on Consular Notification ("VCCR") may serve as a model in this regard. To ensure U.S. compliance with VCCR obligations, the State Department has engaged in broad outreach and education with federal, state and local law enforcement, as well as corrections and criminal justice officials to communicate their legal obligations, to provide information to foreign consular officers and to permit consular officers to assist their nationals in the United States. According to the State Department's own website, the Department "has held approximately 450 trainings, classes, briefings, presentations, meetings and other events on this issue in 40 U.S. states and territories."<sup>13</sup> It has likewise distributed voluminous instructional materials to law enforcement, corrections and criminal justice agencies, and published articles and training manuals on consular notification and access, including the highly detailed Consular Notification and Access Manual.<sup>14</sup> While the State Department may regard outreach and education efforts concerning the VCCR to state and local officials as different than such efforts around the IACHR's recommendations in *Lenahan*, the VCCR context nevertheless offers valuable lessons in the present context.

## **Department of Justice**

The Department of Justice (DOJ) has a key role to play in the implementation of the

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<sup>12</sup> Relevant state and local officials should be invited to participate in proceedings at each stage as they may ultimately retain jurisdiction over recommendations made by the Commission.

<sup>13</sup> [http://travel.state.gov/law/consular/consular\\_2244.html](http://travel.state.gov/law/consular/consular_2244.html).

<sup>14</sup> [http://travel.state.gov/law/consular/consular\\_753.html](http://travel.state.gov/law/consular/consular_753.html).

IACHR's Recommendations in the *Lenahan* case and in creating and reinforcing accountability mechanisms concerning law enforcement response to domestic and sexual violence in the United States. As discussed above, concerning the IACHR's individual-focused remedies, the DOJ's Civil Rights Division and/or Office on Violence Against Women should undertake investigations into the cause, time, and place of death of Leslie, Katheryn and Rebecca Gonzales, as well as the gender-biased policing and systemic failures that took place related to the enforcement of Jessica Lenahan's protection order.

Concerning the IACHR's policy-focused remedies, Petitioners have highlighted, in previous discussions with DOJ, two areas where we see great promise for implementation of Recommendations 4, 5, and 6. First, as described above, we commend the Civil Rights Division for its recent investigations into the New Orleans, Puerto Rico, and Maricopa County police departments, and we encourage more investigations pursuant to the DOJ's authority under 42 U.S.C. §§ 3789d and 14141 into gender-biased and racially-biased policing by individual police departments when responding to domestic and sexual violence, among other issues.

Second, as proposed in a memo submitted to DOJ on Feb. 17, 2012 by Petitioners and other advocates for survivors of gender-based violence who are working to ensure consistent and non-discriminatory law enforcement responses to domestic and sexual violence,<sup>15</sup> we proposed the following steps that DOJ could take to magnify the impact of the work done by the Civil Rights Division in order to make further progress toward eliminating police misconduct in the realm of gender-biased policing:

- 1) Adding "inadequate investigations of domestic and sexual violence and under-enforcement of laws relating to domestic and sexual violence," as appropriate, to all of DOJ's webpages and general publications concerning potential civil rights violations by law enforcement, and generally publicizing the fact that gender-biased policing falls within DOJ's mandate;
- 2) Issuing guidance, a publication or other notice aimed at law enforcement, explaining that discriminatory police response to domestic and sexual violence can constitute a civil rights violation and outlining basic principles that should govern law enforcement practices;
- 3) Informing advocates and others about DOJ's jurisdiction to consider and investigate complaints and about its protocols for conducting investigations regarding gender-biased policing; and
- 4) Hosting a roundtable or focus group, in conjunction with the Office on Violence Against Women, regarding law enforcement responsiveness to domestic and sexual violence.

The authors of the memo have an initial meeting on March 23, 2012 to discuss these ideas with representatives from DOJ's Office on Violence Against Women, Civil Rights Division, and COPS office.

Victims of gender-based violence, advocates, and law enforcement should understand that federal law prohibits discriminatory enforcement, including inappropriate underenforcement, of domestic and sexual violence laws. An increased understanding that police misconduct in carrying out these laws is discriminatory and violates fundamental human rights would support state and local advocacy, would help departments assess their current practices, and would prevent future violations. Additional information about DOJ's role in ensuring non-discriminatory police practices would assist

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<sup>15</sup> See Annex 1, Sandra Park, et al, Memo re Proposal to publicize and build on the work of the Civil Rights Division regarding law enforcement response to gender-based violence and gender-biased policing, Feb. 17, 2012.



advocates and others in recognizing how and when to seek federal involvement.

Third, DOJ has important role to play, alongside the State Department, in leading state and local government to address the problem of gender-biased policing and providing model policies/protocols and materials, trainings, etc. We are eager to hear about OVW's past and current efforts to develop, integrate and disseminate model protocols, directives, and best practices on domestic violence-related police practices and gender-biased policing in existing DOJ trainings and communications. We are interested in the possibility of OVW scheduling special trainings/sessions and disseminating specific communications to law enforcement, social services, and other agencies concerning the *Lenahan* decision and, more generally, framing domestic violence as a human rights violation.

Finally, accurate and comprehensive data on law enforcement response to domestic violence/violence against women and gender-biased policing is critical in order to understand the scope of the problem and assess whether response(s) are adequate. We are interested to learn more from DOJ about national, state, and/or local data that has been collected concerning the prevalence of gender-biased policing or inappropriate police response to domestic or sexual violence. Several years ago, the ACLU submitted public records requests to several police departments requesting such data, disaggregated by gender of victim/perpetrator, race, sexual orientation, region (urban/rural/suburban).<sup>16</sup> Few police departments responded, and those that did respond generally did not disaggregate data along these lines. We are curious as to whether OVW collects such data, and if not, whether OVW might undertake such an initiative in the future.

## **NEXT STEPS**

Petitioners have put a substantial amount of thought and time into this submission and the proposal concerning DOJ guidelines on gender-biased policing (Annex A). As discussed above, Petitioners are pleased with the positive dialogue and engagement with the U.S. Government thus far. However, the Government has not yet offered any concrete commitments regarding implementation of the Commission's recommendations in this case. Thus, we propose the following structure for the working meeting: First, the Government can respond to the proposals set forth in this letter (which are summarized below), and offer a plan of action to implement the Commission's recommendations. Next, the Commission can facilitate a discussion between the parties. Finally, the IACHR can facilitate the creation of a timeline pursuant to which the U.S. Government will implement the recommendations in the *Lenahan* decision. A timeframe for next steps and compliance, developed during the working meeting, will allow Petitioners and other advocates to measure progress against clear benchmarks. To that end, we ask the Government to come to the meeting with a reasonable timeframe for action.

Summarizing the proposals set forth above, Petitioners request the following:

1. DOJ's Civil Rights Division and/or Office on Violence Against Women should undertake investigations into:
  - a. the cause, time, and place of death of Leslie, Katheryn and Rebecca Gonzales; and
  - b. the gender-biased policing and systemic failures that took place related to the enforcement of Jessica Lenahan's protection order.

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<sup>16</sup> See Annex 2: Sample Open Records Request to Portland Police Department (2005).

2. The United States Government should provide full reparations to Jessica Lenahan and her son, Jessie Rivera, considering their prospective and specific needs. Such reparations should include material and moral damages and a face-to-face and public apology from high-level official(s) in the White House, State Department, and/or Department of Justice.
3. The U.S. Government should further provide an official response to the IACHR's decision from the U.S. Government that is specific and well-developed. Petitioners ask the State Department to collaborate with us and other advocates and incorporate our input into the Government's response to the IACHR concerning the Government's progress in implementing the IACHR's recommendations.
4. The State Department, in conjunction with DOJ and other relevant agencies, should work to infuse the language and principles of international human rights law into domestic violence/violence against women law and policy in the United States.
  - a. The State Department, in conjunction with DOJ and other relevant agencies, should work to publicize and disseminate the IACHR's *Lenahan* decision to federal agencies and departments and state and local governments (particularly agencies and officials that work on issues related to domestic violence and violence against women and children) throughout the country.
  - b. This outreach should include an analysis of how particular recommendations relate to state and local policy and practice and guidelines for compliance.
5. The Department of Justice should share information about when it will initiate investigations, similar to those initiated in 2011 concerning the New Orleans, Puerto Rico, and Maricopa County police departments, pursuant to its authority under 42 U.S.C. §§ 3789d and 14141 and Title VI, into gender-biased and racially-biased policing by individual police departments when responding to domestic and sexual violence, among other issues. The DOJ should commit to undertaking such investigations when the circumstances demonstrate that violations of the law are occurring.
6. DOJ should magnify the impact of the work done by the Civil Rights Division in order to make further progress toward eliminating police misconduct in the realm of gender-biased policing by taking the following steps:
  - a. Adding "inadequate investigations of domestic and sexual violence and under-enforcement of laws relating to domestic and sexual violence," as appropriate, to all of DOJ's webpages and general publications concerning potential civil rights violations by law enforcement, and generally publicizing the fact that gender-biased policing falls within DOJ's mandate;
  - b. Issuing guidance, a publication or other notice aimed at law enforcement, explaining that discriminatory police response to domestic and sexual violence can constitute a civil rights violation and outlining basic principles that should govern law enforcement practices;
  - c. Informing advocates and others about DOJ's jurisdiction to consider and investigate complaints and about its protocols for conducting investigations regarding gender-biased policing; and

- d. Hosting a roundtable or focus group, in conjunction with the Office on Violence Against Women, regarding law enforcement responsiveness to domestic and sexual violence.
7. To ensure transparency, DOJ should provide the following:
- a. Information concerning DOJ OVW's past and current efforts to develop, integrate and disseminate model protocols, directives, and best practices on domestic violence-related police practices and gender-biased policing in existing DOJ trainings and communications; and
  - b. More information about national, state, and/or local data (preferably disaggregated by race, gender, region, etc.) that has been collected concerning the prevalence of gender-biased policing or inappropriate police response to domestic or sexual violence.


Sincerely,



Caroline Bettinger-López  
University of Miami School of Law



Sandra S. Park  
American Civil Liberties Union



Lenora Lapidus  
American Civil Liberties Union



JoAnn Ward  
Columbia Law School Human Rights Institute