

EXHIBIT P

DECLARATION OF RANDY JAMES SAUCEDO

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

I, RANDY JAMES SAUCEDO, hereby declare:

1. I am the Advocacy and Audit Director of the Colorado Coalition Against Domestic Violence (“CCADV”), a non-profit organization based in Denver, Colorado. The CCADV is a membership-driven network of advocates which undertakes initiatives at the community and statewide level aimed at ending domestic violence in all its forms. Through community education, training, networking, public policy advocacy and the empowerment of battered women and children, the CCADV serves as a forum for statewide action and the development of services for battered women and their families.
2. I have worked at the CCADV since February 2005. At the CCADV, I have engaged in victim support and advocacy, community outreach, and policy initiation, estimation, selection, implementation, evaluation and evaluation. I have conducted numerous domestic violence training sessions and public forums for police officers and members of the community. I have dealt with victims, advocates, law enforcement, community leaders, the media and members of the general public on matters relating to domestic violence and gender violence committed by men against women and children. Prior to joining CCADV, I worked at Project Safeguard Inc. where, as a legal advocate, I provided emergency assistance to battered women, including assisting them with safety planning, obtaining orders of protection, and obtaining pro bono or low cost attorneys for divorce and custody matters. I also served as Project Safeguard’s Fatality Review Coordinator.
3. Due to my work, I understand the nature and extent of the problem of domestic violence in Colorado and the attitude to it in the community. I am well versed in the measures that have been taken to combat domestic violence and those which remain to be taken.

4. I write this declaration in support of Jessica Gonzales' case before the Inter-American Commission on Human Rights, and to point out that the United States' response brief in this case presents an incomplete picture of federal and state laws, services, and programs available to domestic violence victims. Although there is much to commend in federal legislative initiatives such as VAWA and related state and local programs, these initiatives have clear limitations. VAWA encourages – but importantly *does not require* – state and local implementation of initiatives to combat violence against women. As a result, states and localities that care about protecting victims of domestic violence solicit funds to bolster their laudable work, while states and localities that do less in this area continue to fall behind the curve. Victims of domestic violence and their children suffer the often-tragic consequences of this hodgepodge approach that refuses to set a minimum standard of protection for victims, regardless of where they live in the country.
5. The lack of federal legislation, programs, and other action requiring nationwide initiatives to effectively combat domestic violence has a particularly harsh effect in Colorado, where domestic violence is endemic and programs and legislation to address this problem are flawed in design and execution. The following statistics give an indication of the extent of the problem.
6. Almost one half of murders in Colorado are committed by an intimate or former partner.¹ The victims are disproportionately female.² From 2000 to 2005, 17 children were killed during domestic violence related incidents.³ In 2005, domestic violence assistance agencies provided 111,791 nights of shelter to 4,995 women and their children.⁴ Nonetheless, 5,537 requests for shelter had to be turned away due to lack of space.⁵ In 2005, approximately 7,478 civil protection orders to protect from domestic abuse were filed in the Colorado civil court system.⁶ In 2005, approximately 14,726

¹ Source: Project Safeguard, Fatality Review Project, Denver, Colorado, 2005.

² Id.

³ Id.

⁴ Source: State of Colorado Department of Human Services, Domestic Abuse Assistance Program, Denver, Colorado, 2005.

⁵ Id.

⁶ Source: State of Colorado Court Administration Office Website, County Court Misdemeanor Filings by Type, FY 2005.

domestic violence cases were filed in Colorado county courts.⁷ This constituted more than 20% of all criminal cases filed.⁸

7. Nationally, the problem is no different. Again, statistics indicate the magnitude of the problem.
8. In the United States, nearly 5.3 million intimate partner victimizations occur each year among women aged 18 and over.⁹ This results in nearly two million injuries and nearly 1,300 deaths.¹⁰ Nearly 25% of women in the United States have been raped and/or physically assaulted by an intimate partner at some point in their lives.¹¹ As many as 324,000 women each year experience intimate partner violence during their pregnancy.¹² Homicide by an intimate or former partner is the leading cause of death of pregnant women in the United States.¹³
9. The tragic murder of Ms. Gonzales' daughters is sadly representative of the domestic violence problem in Colorado and the United States. When Ms. Gonzales brought her action against the Town of Castle Rock in the United States federal court system, advocacy groups hoped for a definitive ruling that law enforcement officials were required to take active measures to protect domestic violence victims and to enforce restraining orders under Colorado's domestic violence arrest laws. No such ruling materialized. Instead, Ms. Gonzales' action was dismissed on arcane legal grounds, sending a clear public message that the United States does not prioritize domestic

⁷ Source: State of Colorado Court Administration Office Website, County Court Civil Filings by Type, FY 2005.

⁸ Id.

⁹ Source: National Center for Injury Prevention and Control: *Costs of Intimate Partner Violence Against Women in the United States*. Atlanta, Georgia: Centers for Disease Control and Prevention, 2003.

¹⁰ Id.

¹¹ Source: Tjaden, P. and Thoennes, N., *Full Report of the Prevalence, Incidence and Consequences of Intimate Partner Violence: Findings from the National Violence Against Women Survey*. United States Department of Justice, Washington, D.C., 2000.

¹² Source: Gazmararian, J.A., Petersen, R., Spitz, A.M., Goodwin, M.M., Saltzman, L.E. & Marks, J.S., *Violence and Reproductive Health: Current Knowledge and Future Research Directions*. Maternal and Child Health Journal, 2000; 4(2):79-84.

¹³ Source: Jeani Chang, Cynthia Berg, Linda Saltzman & Joy Herndon, *Homicide: A Leading Cause of Injury Deaths Among Pregnant and Postpartum Women in the United States, 1991-1999*. American Journal of Public Health, 2005, 96(3): 471-477.

violence crimes, and cutting off an important legal avenue for domestic violence victims to ensure protection of their fundamental rights.

10. After the United States Supreme Court (“Supreme Court”) dismissed Ms. Gonzales’ case, there was confusion at the community level over what the decision meant. The CCADV received queries from victims and perpetrators of domestic violence on whether restraining orders were still valid and enforceable. Police officers asked whether restraining orders were still valid, whether Colorado’s domestic violence arrest laws were still enforceable, and whether their duties had changed in relation to domestic violence. Even advocates had great difficulty understanding the impact of the decision.
11. Since the *Gonzales* decision came down from the Supreme Court, the CCADV has tried to send a clear message to the public and law enforcement that the decision did not alter the validity of domestic violence restraining orders or police duties to enforce such orders. However, it is clear that as a result of the Supreme Court decision and Colorado’s severe governmental immunity laws, victims of domestic violence in Colorado are left to rely on the good grace of law enforcement to enforce restraining orders. In the vast majority of domestic violence cases, there is no legal recourse if the police ignore their obligations to victims under state probable-cause arrest laws.
12. Domestic violence is a difficult and often complex problem to combat. In my view, education and awareness are key to doing so effectively. Heightening community awareness is important. But above all, police officers need to receive increased training on domestic violence.
13. As stated above, over 20% of all criminal cases filed in Colorado county courts in 2005 were domestic violence cases. This is indicative of how often police officers deal with domestic violence in the course of their work.
14. As a preliminary matter, the United States’ assertion on page 23 of their brief that Colorado state law requires only 80 hours of training for every peace officer is

incorrect. According to Colorado's Commission on Peace Officer Standards and Training ("POST") requirements, an individual must undergo 546 hours of basic academic training before becoming a certified peace officer. However, the training peace officers receive on domestic violence is cursory at best. At state sanctioned and accredited police academies, candidates typically receive *only eight hours* of training on domestic violence before they enter the police force. My experience is that although recent graduates have received this minimal training, senior police officers often dismiss it as irrelevant in practice. Neither the United States, nor the State of Colorado, nor municipal authorities require police officers to undertake continuing education classes on domestic violence. Any additional training is provided at the discretion of individual police departments. Although organizations such as the CCADV offer supplemental training, most police departments do not request these services, and even when they do request such trainings, attendance is not mandatory for individual officers.

15. Because police officers receive little training on domestic violence, it is unsurprising that confusion reigns as to the root causes of domestic violence, appropriate responses and police obligations. By way of example, there is a general lack of understanding within Colorado law enforcement about Colo. Rev. Stat. §18-6-803.5(3) (Lexis 1999), which requires police officers to arrest individuals who are subject to domestic violence restraining orders when they have probable cause to believe such individuals have violated or attempted to violate the restraining orders. I refer to this law as a "domestic violence arrest law," though it is also commonly referred to as a "mandatory arrest law." At the many police training sessions I have conducted, I often encounter confusion on the part of police officers regarding what this law requires of them. This misunderstanding regarding a central legal tool in the arsenal against domestic violence is unsurprising given the limited training individual officers receive on domestic violence.

16. Finally, it is my view that Colorado's domestic violence arrest laws are clear, as are the obligations of police officers. Unfortunately, the laws are not enforced consistently enough to be effective, and law enforcement knows that it is shielded in

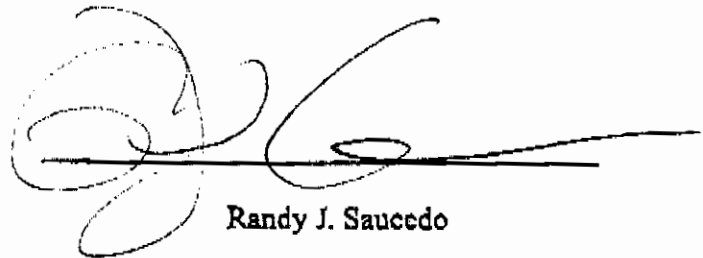
almost all cases by Colorado's governmental immunity laws. This produces a perverse result. When victims' expectations of protection are raised and law enforcement fails to protect, greater harm tends to result. The murder of Ms. Gonzales' daughters is a tragic case in point.

17. In this regard, I believe that the United States, the State of Colorado, and municipal authorities are failing domestic violence victims, who comprise some of the most vulnerable members of our communities. The United States and the State of Colorado must assign greater priority to combating domestic violence and protecting victims; provide law enforcement with the tools and training to effectively address domestic violence; and make legal avenues available to domestic violence victims to ensure protection of their rights.

18. I am available to answer any questions or to provide any further information the Commission may require.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 6, 2006
Denver, Colorado



Randy J. Saucedo