

Excerpt from Oprah Magazine

**“Why Didn’t They Stop Him?”**

By Phoebe Zerwick

In 1994 Congress passed the Violence Against Women Act, which set aside more than \$300 million last year for training law enforcement and victims' services. And to some extent, the effort has been successful. According to the U.S. Department of Justice, the number of women killed by their boyfriends, husbands, or ex-husbands dropped by almost 26 percent (from 1,587 to 1,181) between 1976 and 2005, the last year for which there are statistics, while the number of men killed by intimate partners fell by 75 percent (to 329). Nevertheless, the Justice Department today estimates that more than 1.8 million women a year are raped, assaulted, or stalked by an intimate partner, and 30 percent of female homicide victims are murdered by one.

A great deal has been written about how victims become paralyzed by abuse—one reason that only about 20 percent of those who have been assaulted, raped, or stalked by an intimate partner obtain a protective order, according to the data available. But the failure of authorities to adequately respond to women like Vernetta Cockerham is also key to explaining why domestic violence remains so deadly. And that is due, in large part, to the fact that many police officers and court officials essentially don't understand the psychological dynamic of abuse, says Evan Stark, PhD, a professor of public health at Rutgers University and author of *Coercive Control: How Men Entrap Women in Personal Life*. Police often react to each infraction as an isolated incident, for example, when it is the accumulation of small abusive acts—both physical and emotional—that wears a woman down and emboldens the batterer. Even when a batterer is arrested, Stark says, he rarely spends time in jail, because most assaults are relatively minor: a blackened eye, a bruised arm. (In fact, the most calculating batterers figure out how to manipulate the system to their advantage—filing charges against their spouse, or reporting her to social workers, knowing that the threat of losing her children is more chilling than any beating. And in the presence of authorities, these abusers often appear calm, while the victim is hysterical. Often *she* ends up being the one blamed.) "Essentially one of the most dramatic forms of oppression in our society is transformed into a second-class misdemeanor," Stark says. "What kind of indignity should women be allowed to suffer before the community takes notice?"

Jessica Lenahan is still trying to make her voice heard. During her

marriage to Simon Gonzales, he was never physically violent to her, or to the three girls they were raising in Castle Rock, Colorado. But if the breakfast biscuits were overcooked, he'd hurl them in the trash. If the socks weren't folded the way he liked them, he'd empty the drawers and demand that she redo the laundry. Occasionally, he'd cut off her access to their bank accounts. At one point, he tried to hang himself in the garage, in front of their daughters. The couple separated in 1999, but he continued to terrorize the family by stalking Lenahan and hiding in the closet of the girls' bedroom. On May 21, 1999, Lenahan got a court order that required him to stay 100 yards away.

A month later, on the afternoon of June 22, she discovered her daughters—ages 7, 9, and 10—missing from the front yard. She immediately called the police to alert them that the restraining order was being violated; they told her to wait and see if the kids were returned by 10. It wasn't until 8:30 P.M. that she was finally able to speak to Gonzales on his cell phone. He said he had the girls at an amusement park in Denver, about 30 miles away. Frantic, she called the police again and pleaded with them to find her husband and rescue her children. But they kept telling her to phone back later. Lenahan called the police several more times before going down to the station about 1:00 in the morning to submit an incident report.

At 3:20 A.M., Simon Gonzales drove up to the police station and opened fire with a semiautomatic handgun. The police shot him dead, and when they went to his truck, found the bodies of the three girls in the backseat. "I was so angry," says Lenahan now. "I believed the police would do their job." After the murders, she sued the town of Castle Rock and appealed her case as far as she could, alleging that the police had violated her 14th Amendment right to due process. In 2005 the U.S. Supreme Court heard the case, *Castle Rock v. Gonzales*, ruling that the arrest laws left room for police discretion and that she had no constitutional right to have her restraining order enforced. Justice Antonin Scalia wrote for the majority: "We do not believe that these provisions of Colorado law truly made enforcement of restraining orders *mandatory*. A well-established tradition of police discretion has long coexisted with apparently mandatory arrest statutes."

Many advocates worry that the decision has weakened victim protection, even though it didn't strike down mandatory arrest laws. "The cops I meet around the country say, 'Castle Rock means we don't have to enforce these orders,'" notes Marcus Bruning, supervising deputy with the St. Louis

County sheriff's office in Duluth, Minnesota, who trains police nationally to recognize abuse—teaching them, for example, that although it's frustrating when a woman repeatedly returns home to her batterer, that is a sign of his power and control.

Lenahan has gone on to file a petition with the Inter-American Commission on Human Rights, which is part of the Organization of American States, in the hopes of bringing attention to the system's failures. Her struggle fills Vernetta Cockerham with misgivings. "I have an unbelievable fear that my case will end up like Jessica's," Cockerham says.

**Full article may be found at:**

<http://www.oprah.com/article/omagazine/200908-omag-domestic-violence>