

HOME TRUTH

A Feature Documentary by Katia Maguire and April Hayes



70 Minutes, HD

World Premiere:



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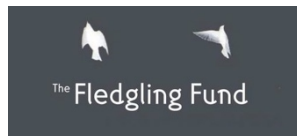
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**Council on
the Arts**



Short Synopsis

In 1999, Colorado mother Jessica Gonzales experiences every parent's worst nightmare when her three young daughters are killed after being abducted by their father in violation of a domestic violence restraining order. Devastated, Jessica files a lawsuit against the police, claiming they did not adequately enforce her restraining order despite her repeated calls for help that night. Determined to make sure her daughters did not die in vain, Jessica pursues her case all the way to the U.S. Supreme Court and an international human rights tribunal, seeking to strengthen legal rights for domestic violence victims. Meanwhile, her relationship with her one-surviving child, her son Jessie, suffers, as he struggles with the tragedy in his own way. Filmed over the course of nine years, HOME TRUTH chronicles one family's pursuit of justice, shedding light on how our society responds to domestic violence and how the trauma from domestic violence tragedies can linger throughout generations.

Long Synopsis

On June 22, 1999, Jessica Gonzales, a Latina and Native American woman from Castle Rock, Colorado, experiences every parent's worst nightmare when her estranged husband Simon abducts their three young daughters from the front yard of her home. Jessica calls 911, telling the dispatcher she strongly suspects that Simon has taken the children, in violation of a domestic violence restraining order, which Jessica had obtained a few weeks earlier.

By 4:00 a.m. the following morning, Jessica's three girls have been murdered. Devastated, Jessica files a lawsuit against the police and her town, claiming that over the course of the night, she repeatedly asked the police to enforce her restraining order and bring her daughters home, but they did not adequately respond, despite Colorado's "mandatory arrest" laws for domestic violence restraining orders. Hoping to prevent her tragedy from happening to the hundreds of thousands of domestic violence victims and their families in the U.S. who depend on restraining orders for protection, Jessica embarks on a legal quest, asking courts to rule that police have a Constitutional duty to enforce restraining orders.

When Jessica's lawsuit reaches the United States Supreme Court, her private tragedy becomes a public conversation when Jessica is invited on national news programs and talk shows. She shares her story over and over again, reliving her daughter's deaths, hoping that increasing awareness about her attempt to hold law enforcement accountable through her legal case will create change and save lives.

In the women's and children's rights arenas, the case is immediately seen as a landmark moment, attracting the support of the ACLU and other nationwide advocacy organizations that, having worked in the trenches and seen similar tragedies occur, recognize the incredible significance of a Supreme Court ruling on Jessica's case and see her story as a symbol of the police and U.S. government's grave and systemic inadequacies in dealing with domestic violence. A decision in favor of Jessica by the Supreme Court would rule that police have a Constitutional duty to enforce restraining orders. Police could then be held liable when restraining orders are not enforced.

Advocates in the movement to end domestic violence believe that a decision in favor of Castle Rock would mean that police would have discretion when deciding to enforce restraining orders. Such a ruling could leave women holding a meaningless piece of paper that police departments have no incentive to enforce and no consequences if they do not.

In June of 2005 the justices release their decision: Jessica does not have the right to sue the police and her town for not enforcing her restraining order, and police have discretion in when enforcing restraining orders—even in a state with mandatory arrest laws, such as Colorado.

The decision delivers a severe blow to Jessica, her community of supporters, and her family, who had supported her efforts, grieving the loss of the three girls alongside her. But one family member is eager to see the lawsuit come to an end—Jessica's only living child, her son Jessie. Only 13 years old when his three younger sisters were killed, the years after the tragedy were devastating to Jessie. As Jessica attempted to cope with her loss by single-mindedly focusing all of her efforts on her legal case, Jessie witnessed the toll it took on her physical, emotional and financial health, and found himself growing up quickly. When Jessica was unable to provide a stable living environment after the girls' murders, Jessie, at 16 years old, moved in with his grandmother and finished high school while working part-time jobs before becoming a young father at age 18. Now a grown man with a wife and two kids, Jessie enlists in the United States Air Force in order to provide financial stability for his young family while still struggling with PTSD from the tragedy, as well as anxiety about his ability to protect his two young children and provide a stable life for them, the life he never had.

As her son Jessie and the rest of her family attempt to move on after the Supreme Court ruling, Jessica cannot. She cannot accept that the Supreme Court's decision will be the final word in her fight against domestic violence, nor that all of her hard-fought battles to achieve justice for her daughters will be in vain. Determined to continue and—with the help of a young, upstart attorney from the ACLU named Caroline Bettinger-López—Jessica decides to take her case to the Inter-American Commission on Human Rights, the principal judicial body for ruling on human rights violations in the Americas.

Jessica decides that if the United States, through the Supreme Court decision, was unwilling to deal with what she sees as a grievous lapse in protection for women and children, then she will use her newfound voice to confront the United States on an international stage. Her hope is to create enough global scrutiny to pressure the U.S. into addressing the pervasive problem of domestic violence, in particular the lack of enforcement of domestic violence restraining orders and other forms of gender bias in policing. A decision in her favor has the potential to bring attention to her cause and substantially impact domestic violence policy in the United States.

As she begins the next phase of her legal quest, Jessica becomes a visible spokesperson against domestic violence, meeting with members of Congress and policy-makers, and becoming a sought-after presence on public policy panels, law schools and in the media. Despite her defeat at the Supreme Court, she stands confidently in the public eye and vows to continue demanding justice and awareness for victims and survivors of domestic violence.

But what Jessica never lets the cameras see are the intimate details of her daily life back in Colorado. The public Jessica Gonzales is starkly different from the private Jessica. We follow Jessica home, away from the courtrooms and high-level meetings to the room in her mother's basement where she lives, an overflowing suitcase in the corner, some of her girls' belongings still packed away in boxes and untouched. Since her daughters died, she has been diagnosed with PTSD and other physical and psychological ailments, rendering her unable to hold down a steady job, maintain romantic relationships, or afford her own stable place to live. Her relationship with her son Jessie and her grandchildren suffers over the years as Jessica focuses on her fight, turning her attention away from the persistent grief and trauma she encounters at home with her family.

In 2011, twelve years after her daughters' deaths, Jessica receives news from the Inter-American Commission on Human Rights: the Commissioners decide that the U.S. violated the human rights of Jessica and her daughters by not enforcing the restraining order the night the girls were murdered, and by the Supreme Court decision. With this ruling, Jessica feels like she finally is able to see tangible change. Cities and counties across the U.S., inspired by Jessica's win, pass resolutions naming freedom from domestic violence a human right. In 2014, Jessica's attorney Carrie Bettinger-López is appointed the White House Advisor on Violence Against Women, reporting directly to Vice President Joe Biden, an architect of the Violence Against Women Act. And in December 2015, U.S. Attorney General Loretta Lynch finally announces the release of a Department of Justice guidance for police departments around the nation, designed to help law enforcement agencies prevent gender bias in their response to domestic violence, and highlighting the need for clear policies and responsive accountability systems. This guidance is supported by many advocates who supported Jessica's lawsuit, and the ACLU describes Jessica's case as "the driving force" in creating the guidance.

Jessica's case is now studied in law textbooks around the country, and the domestic violence advocacy community refers to her work and her case as one of the most significant legal cases in the history of the movement.

And still, despite her legacy, Jessica struggles. She is open and honest about the ways the tragedy has affected her life, both good and bad. She's proud of her case and her advocacy efforts, but her struggles with PTSD and stability remain, as do her tenuous relationships with her family, particularly her son Jessie. For so long Jessica's primary goal was to tell her story, have her voice heard, and to find justice for her daughters. As Jessie prepares for an Air Force deployment to Afghanistan, the price that Jessica has paid for justice comes into painful relief. How does one survive such loss, and can there ever truly be closure?

Directors' Statement

“home truth” – noun

1. an indisputable fact or basic truth, especially one whose accuracy may cause discomfort or embarrassment
2. a true but unpleasant fact about oneself, especially as pointed out by another person.

We met Jessica nine years ago, during one of her speaking engagements with the ACLU. As she spoke, we were completely taken aback by the warmth, generosity, vulnerability, and most of all, the humor, that she shared with the audience, despite what we imagined must be the trauma of retelling her story and reliving the details on a stage about her daughters' deaths. Jessica was speaking her truth candidly, leaving it all on the table. As we watched her answer questions and engage on such a deep and uniquely personal level, we wondered, why does she do this? What does she get out of it? And what does it cost her?

These questions propelled us on the journey of making HOME TRUTH, a feature-length documentary about Jessica's life and legal case that chronicles how her tireless efforts to create change have yielded important results, but have also affected her healing process and her relationship with her only surviving child, her adult son Jessie.

When we started filming nine years ago, one of our guiding principles was our belief in the importance of survivors telling their stories. Our longitudinal, intimate approach to making the film stemmed from many conversations we had with Jessica. She wanted to show the parts of her life that had been glossed over throughout the legal process and many appearances on the news—she wanted the world to see that surviving abuse and trauma is a complex, nonlinear, elusive process, with both good days and bad days.

With the incredible trust and access granted to us by Jessica and her family, we set out to examine the effects of domestic violence and terrible family tragedies, weeks, months and years after the headlines fade and the news cameras leave. How are survivors affected by telling their stories? What are the long-term personal and societal consequences of domestic violence, and how do they ripple throughout generations, leaving an impact long after the first blows?

Our long-term commitment to examining Jessica's journey led us to her son Jessie, only 13 when his sisters died, who Jessica rarely discussed in her public engagements. While Jessica's quest for justice is a means of survival for her, a way to create meaning out of her grief and guilt and anger, and the incomprehensible tragedy she has suffered, Jessie chooses a different path, focusing on creating a stable and protective family structure, hoping that his children won't suffer the way he did. As we observe their disparate paths and tenuous attempts to connect across the chasm of trauma, Jessica observes of her son, “He wants me to be unbroken. And I'm not.”

Their relationship, to us, represents the deep love but complicated realities in relationships affected by domestic violence, including the second- and third-degree effects on family members who witness domestic violence, creating long-term traumatic consequences that studies show are incredibly harmful to future generations.

Jessica has been determined to shed light on these truths, both her own truth as she's experienced it, and the truth about how we, as a society, respond to domestic violence and its survivors, even though these truths are often unpleasant and difficult to admit. Her openness and honesty enabled us to reveal a full, nuanced, portrait of a survivor, who, desperate to create change so that her tragedy does not happen to other families, does so at great personal cost, and risks losing what is most precious to her, her relationship with her only surviving child.

With the proliferation of true crime series and documentaries right now, and the intersection of so many timely issues in Jessica's story, from gun violence to public demands for police accountability, there are many lenses through which this story could be told. Aesthetically, our filmmaking choices reflect our own priority for this film – that it be the story of one survivor, telling her story, showing how trauma has shaped her life and decisions. We believe Jessica's powerful story reminds viewers that what happened to her is not an isolated incident, it is part of a pattern of violence and of dismissal of survivors' experiences that makes us all more vulnerable as a society.

The use of home video footage throughout the film creates an intimate, hand-made quality to HOME TRUTH. By foregrounding this aesthetic, we hope to indicate that personal, domestic stories of what happens within homes, often seen as “softer” women's stories, are as necessary to tell as the stories we report from the battlefield, and have a crucial role in creating awareness and lessening the impact of violence in our society at large.

We also used home video footage to reveal that creation of a narrative evolves in complex ways and from multiple perspectives. At the beginning of the film, home movies, largely filmed by Simon, are used to introduce Jessica and her family, and to remind the audience of what drives her—the memories of her daughters—while she pursues her legal case. Halfway through the film, after Jessica loses her Supreme Court case, she expresses that, in that moment, she became a different person. She picks up a camera herself, and starts filming her new life as a survivor and advocate, attempting to move on from her past as a victim. This footage, shot by Jessica herself, echoes the previous videos shot by Simon, but this time from Jessica's perspective.

Recently we were present when Jessica was honored with an award by the National Coalition Against Domestic Violence. In her introduction, she was described as “having the soul of a country singer.” Jessica's frank, irreverent and raw approach to her advocacy and to telling her story teaches us some hard truths: that trauma and grief cannot easily be resolved, and that we have a long way to go in how we respond to domestic violence as a society. Jessica gave everything she could to her case, and to telling her story, in an attempt to create change so that her daughters did not die in vain. Only then could she finally start to let the pain go. Ultimately this is the responsibility that lies in receiving survivor's stories—as a society we must listen, engage and not turn away.

Directors' Bios

Katia Maguire (Director/Producer)

Katia Maguire is a New York-based director and producer. She recently produced Participant Media's *Kingdom of Shadows* (SXSW, Full Frame, DOC NYC, IDFA 2015), a documentary about the lives of three witnesses to the U.S.-Mexico "drug war" that aired on PBS' *POV* in the fall of 2016. She also produced *The Graduates/Los Graduados*, a bilingual series about Latino high school students that broadcast nationally on PBS' *Independent Lens* in 2013. Previously, Katia worked for veteran public television journalist Bill Moyers on his PBS series *Moyers & Company* and *Bill Moyers Journal*. She was a senior associate producer on *Women, War & Peace*, a five-part PBS series about the role of women in modern conflict, and co-producer on *Quest for Honor*, a documentary about violence against women in Iraq that premiered at the Sundance Film Festival. Katia was a 2016 Impact Partners Documentary Producing Fellow and has received fellowships from the Corporation for Public Broadcasting's Producers Academy, the Union Docs Collaborative Studio and the Flaherty Film Seminar.

April Hayes (Director/Producer)

April Hayes is a New York-based documentary director, producer, cinematographer and editor. In addition to *Home Truth*, she is currently working on a feature documentary about mass incarceration and the effects of mandatory minimum drug sentences, and a multimedia documentary project with the Equal Justice Initiative on the history of racial terror in America. Her most recent project as a producer is a forthcoming feature documentary directed by five-time Academy Award-nominated director/writer David O. Russell, and she previously worked as Supervising Producer on a feature documentary directed by Martin Scorsese, airing on HBO, about the music industry and cultural landscape of the 1970s. April directed and shot *Respond & Rebuild*, a short documentary about Occupy's post-Hurricane Sandy relief efforts in the Rockaways that was featured on *Democracy Now!* in 2013, and with Katia Maguire, co-directed the short documentary *God is a Garden* (2015), about an order of environmentalist nuns. For seven years, April was archivist to Bob Dylan, and the in-house producer for his film and video projects.

Cast Bios

Jessica Lenahan

Jessica Lenahan is a human rights and women's rights advocate who has spoken around the world on issues of violence against women. In 1999, Jessica's three young daughters were tragically killed when her estranged husband abducted them in violation of a domestic violence restraining order and he was not arrested, despite her repeated calls to the police for help. She filed a lawsuit against the police for failing to enforce her restraining order, and in 2004, her lawsuit reached the U.S. Supreme Court. When the Supreme Court, in a 7-2 decision, ruled that she had no Constitutional right to enforcement of her restraining order, and that police departments could not be sued for improper enforcement of such orders, Jessica and her legal team, including the ACLU and Columbia Law School's Human Rights Institute, filed a case against the United States government in the Inter-American

Commission on Human Rights. With this case, Jessica became the first individual domestic violence survivor to bring a case against the United States before an international human rights tribunal. In 2011, in a landmark decision, the Commission found the United States responsible for human rights violations against Jessica and her three deceased children.

Jessica has received awards from the U.S. Human Rights Network, the National Coalition Against Domestic Violence and RFK Human Rights. She currently lives in Colorado Springs, CO and has one son, Jessie, and three grandchildren.

Jessie Rivera

Jessie Rivera is a member of the United States Air Force, and is currently stationed overseas. He is married to his high school sweetheart Nikkita Rivera. They have three children.

Carrie Bettinger-López

Caroline “Carrie” Bettinger-López is a Professor of Clinical Legal Education and Director of the Human Rights Clinic at the University of Miami School of Law. She recently completed a two-year term in the Obama Administration as the White House Advisor on Violence Against Women and Senior Advisor to Vice President Joe Biden. In Fall 2014, she was a Visiting Associate Clinical Professor and Acting Director of the International Human Rights Clinic at the University of Chicago Law School.

Professor Bettinger-López’s scholarship, practice and teaching concern international human rights law and policy advocacy, violence against women, gender and race discrimination, immigrants' rights and clinical legal education. She focuses on the implementation of human rights norms at the domestic level, principally in the United States and Latin America. Professor Bettinger-López regularly litigates and engages in other forms of advocacy before the Inter-American Human Rights system, the United Nations and federal and state courts and legislative bodies.

She is lead counsel on Jessica Lenahan (Gonzales) v. United States (Inter-American Commission on Human Rights, 2011), the first international human rights case brought by a domestic violence victim against the U.S. She has worked extensively with advocates and government officials in Canada on issues of violence against Indigenous women and girls, and collaborated with local advocates in Miami and Haiti to challenge U.S. deportations to post-earthquake Haiti.

Her work has appeared in numerous journals, law reviews and in online and traditional media, including: *Harvard Human Rights Law Journal*, *Columbia Human Rights Law Review*, *American Journal of International Law*, *Clearinghouse Review: Journal of Poverty Law and Policy*, *The New York Times*, *The Miami Herald*, *National Public Radio*, *Huffington Post* and *Jotwell*.

Prior to joining Miami Law, Professor Bettinger-López was the Deputy Director of the Human Rights Institute and Lecturer-in-Law and Acting Director of the Human Rights Clinic at Columbia Law School. There, she helped to coordinate the Human Rights in the U.S. Project and the Bringing Human Rights Home Lawyers' Network, a network of over 450 lawyers who are actively involved in domestic human rights strategies in the U.S. Before

that, Professor Bettinger-López worked as a Skadden Fellow/Staff Attorney at the American Civil Liberties Union, Women's Rights Project, where she focused on employment, housing, civil, and human rights of domestic violence survivors; and as a law clerk for Judge Sterling Johnson, Jr. in the Eastern District of New York. Professor Bettinger-López earned a J.D. from Columbia Law School, where she was a Harlan Fiske Stone scholar; and a B.A. from the University of Michigan, where she studied cultural anthropology and earned Highest Honors for her senior thesis, which was later published as a book, *Cuban-Jewish Journeys: Searching for Identity, Home, and History in Miami* (Univ. of Tennessee Press, 2000).

Credits

Cast:

Jessica Lenahan (formerly Gonzales)

Jessie Rivera: Jessica's son

Tina Rivera: Jessica's mother and Jessie's grandmother

Nikkita Rivera: Jessie's wife and mother to Jessie's three children

Brian Reichel – Jessica's Colorado attorney who takes her case to the U.S. Supreme Court

Lenora Lapidus – Jessica's attorney and Director of the ACLU's Women's Rights Project

Carrie Bettinger-López – Jessica's attorney, formerly from the ACLU and Columbia Law School's Human Rights Institute. In 2015, Carrie was selected to be the White House Advisor on Violence Against Women until the end of the Obama administration. She is now at the University of Miami School of Law as Director of the Human Rights Clinic.

Crew:

Directed, Written and Produced by April Hayes & Katia Maguire

Executive Producer for ITVS Sally Jo Fifer

Executive Producer for LPB Sandie Viquez Pedlow

Edited and Written by Becky Laks

Original Music by West Dylan Thordson

Associate Producer Laura Piloni

HOME TRUTH is a co-production of ADEQUATE IMAGES, INDEPENDENT TELEVISION SERVICE (ITVS) and LATINO PUBLIC BROADCASTING (LPB) with funding provided by THE CORPORATION FOR PUBLIC BROADCASTING (CPB)

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The Fledgling Fund

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Women Make Movies

Garrett Scott Documentary Development Grant

IFP Independent Film Week

FACT SHEET

STATISTICS ON DOMESTIC VIOLENCE AND RESTRAINING ORDERS:

More than 1 in 3 women (35.6%) and more than 1 in 4 men (28.5%) in the United States have experienced rape, physical violence and/or stalking by an intimate partner in their lifetime.

<http://www.thehotline.org/resources/statistics/>

Nearly half of all women and men in the United States have experienced psychological aggression by an intimate partner in their lifetime (48.4% and 48.8%, respectively).

<http://www.thehotline.org/resources/statistics/>

Domestic violence accounts for 15% of all violent crime.

The presence of a gun in a domestic violence situation increases the risk of homicide by 500%.

<http://ncadv.org/files/National%20Statistics%20Domestic%20Violence%20NCADV.pdf>

Domestic victimization is correlated with a higher rate of depression and suicidal behavior.

<http://ncadv.org/files/National%20Statistics%20Domestic%20Violence%20NCADV.pdf>

At the end of 2014, there were 2.1 million restraining orders in state databases. There is no data available on how many of these restraining orders are for domestic violence.

<https://www.ncjrs.gov/pdffiles1/bjs/grants/249799.pdf>

TIMELINE OF JESSICA'S LEGAL CASE:

May 21, 1999

Jessica Gonzales is granted a temporary restraining order by a Colorado Court, ordering that her estranged husband Simon Gonzales, "shall not enter the family home...and shall remain at least 100 yards away from this location at all times." The judge found that "physical or emotional harm would result" if Simon were not excluded from the home. Two weeks later, a Colorado Court makes the temporary restraining order permanent, permitting Simon to have a pre-arranged mid-week dinner visit and alternate weekend visits with the girls.

June 22, 1999

Simon abducts Jessica's three daughters—Rebecca, Katheryn and Leslie—from the front yard where they are playing after school, in violation of the restraining order. Jessica has five calls and visits with the Castle Rock police over the course of the night, reporting the girls missing, and her restraining order, and asking them for help.

June 23, 1999

Simon drives up to the Castle Rock police station and opens fire with a gun he purchased earlier that evening. The police come out and shoot him dead. They find the dead bodies of the three girls in the truck.

July 2000

Jessica files a complaint in Federal District Court of Colorado alleging Constitutional violations by the town of Castle Rock and three individual police officers.

January 2001

Federal District Court of Colorado dismisses her complaint, and Jessica appeals the decision.

October 2002

A three-judge panel of the Tenth Circuit Court of Appeals reverses the district court and holds that Colorado's mandatory arrest law entitled Jessica to police enforcement of her restraining order. Castle Rock asks that the full court reconsider.

April 2004

The Tenth Circuit Court of Appeals en banc upholds its previous decision, recognizing a procedural due process right. Castle Rock appeals to the U.S. Supreme Court.

June 2005

The U.S. Supreme Court reverses the Tenth Circuit, holding that Jessica has no Constitutional right to police enforcement of her restraining order.

December 2005

Jessica files a petition with the Inter-American Commission on Human Rights, asserting that the Castle Rock Police Department's actions and the U.S. Supreme Court decision violated her human rights protected under the American Declaration on the Rights and Duties of Man and grants a hearing from October 2008.

August 2011

The Inter-American Commission on Human Rights decides that Jessica and her daughter's human rights were violated by the Castle Rock police and the U.S. Supreme Court decision. As part of their ruling, the IACHR issues recommendations to the U.S. government, including: adopting federal and state legislation to make enforcement of restraining orders mandatory; implementing better training for police in protecting victims of domestic violence; conducting an investigation into the police's actions the night the girls were murdered.

December 2015

Attorney General Loretta E. Lynch announces a guidance from the Justice Department "designed to help law enforcement agencies prevent gender bias in their response to sexual assault and domestic violence, highlighting the need for clear policies, robust training and responsive accountability systems."

<https://www.justice.gov/opa/pr/justice-department-issues-guidance-identifying-and-preventing-gender-bias-law-enforcement>