



House Select Committee on Mass Violence Prevention and Community Safety
Texas Council on Family Violence - August 24, 2020

The Texas Council on Family Violence (TCFV) commends the House Select Committee on Mass Violence Prevention and Community Safety for examining options for strengthening enforcement measures of current laws that prevent the transfer of firearms to felons and other persons prohibited by current law from possessing firearms. By inviting TCFV to provide testimony, the committee has recognized the importance of keeping firearms out of the hands of the most dangerous individuals while continuing to respect law abiding Texans' Second Amendment rights. To support these efforts, TCFV offers testimony today to show the well-established link between family violence and mass shootings including observed system gaps and potential solutions for homicide reduction.

TCFV is the only nonprofit coalition in Texas dedicated solely to creating safer communities and promoting freedom from family violence. With a statewide reach and direct local impact, TCFV, through its collective strength of more than 1300 professionals and 88 family violence program members, shapes public policy, equips service providers, and initiates strategic prevention efforts. TCFV elevates the thousands of survivor voices and the programs that serve them across Texas.

Mass Shootings and Domestic Violence

Nationally, 53% of intimate partner femicides are committed by shooting.¹ Over the last decade in Texas, the percentage of intimate partner femicides committed by firearm was 63%.² Furthermore, gun deaths account for 97% of the entire increase of Texas women killed over a four-year period in the last decade.

This horrific violence is not restricted to private homes. Research demonstrates that in at least 54 percent of mass shootings between 2009 and 2018, the perpetrator also shot a current or former intimate partner or family member during the mass rampage.³ In nearly half of those cases, the perpetrator exhibited warning signs before the shooting, such as engaging in recent acts or threats of violence or violating a protection order.⁴ In 18% of mass shootings, the perpetrator had been previously charged with offenses related to family violence.⁵ The deadly display of behaviors by mass shooters mirror those of domestic abusers – feeling wronged by a partner or by society and choosing to exert that need for power and control through mass destruction – whether that is limited to their family or extended to the public at large. Their motives remain the same – both domestic abusers and mass shooters have a need to exert power and control over others through the use of violence.

The recent Texas tragedies, specifically the ones in Santa Fe and Sutherland Springs, demonstrate the pinnacle of destruction at the intersection of these issues. Investigation into these specific shootings uncovered domestic or dating violence history (specifically teen dating violence in the context of school shootings), coercion, and hatred towards women. Moreover, in the case of Sutherland Springs, the lack of system coordination resulted in the shooter maintaining access to firearms even though he was a prohibited possessor due to a family violence conviction.

¹ Everytown for Gun Safety, *Mass Shootings in the United States 2009–2016* (Everytown for Gun Safety, 2016).

² *Honoring Texas Victims*, Texas Council on Family Violence (2018).

³ Everytown for Gun Safety, *10 years of mass shootings in the United States* (Everytown for Gun Safety, 2019).

⁴ *Mass Shootings*.

⁵ *Mass Shootings*.



Lack of Enforcement of Firearm Laws

This lack of coordination within our criminal justice system perpetuates a dangerous environment for all Texans. Despite federal and state prohibitions, firearms continue to be used in these homicides by abusers who have been deemed too dangerous to lawfully own a firearm by a court of law.

The Texas Legislature initially enacted firearm prohibitions for family violence felons in 1974. Individuals charged with misdemeanors involving family violence and/or protective order respondents have been prohibited from possessing firearms under Texas law since 2001.⁶ Though some of these laws have been on the books for almost 50 years, most communities in Texas lack sufficient firearm surrender protocol to empower law enforcement or the justice system and provide them with the necessary tools to ensure these dangerous individuals do not possess a firearm.⁷ Laws without enforcement or consequence reinforce offenders' lack of accountability and belief that their violent actions are allowable and acceptable. Perhaps the most alarming issue is that courts continue to grant more orders meant to bolster safety but Texas systemically fails to enforce those orders leaving survivors and the community with a false sense of security.

Developing surrender protocols is a promising practice to hold prohibited possessors accountable and allow our law enforcement to collaborate with other systems to ensure relinquishment of unlawfully held weapons and respond efficiently to prevent potential mass violence. TCFV has identified Harris County, Dallas County, and Travis County, among others, as jurisdictions that are exploring methods to ensure safe relinquishment, storage, inventory, and return of firearms once a prohibitive order is vacated.

Local community level development and implementation of such protocols bolster overall community safety and allow for customizations that fit each community. It is extremely important that communities implement a multi-disciplinary task force to: pre-plan, develop clear lines of communication, enhance community partnerships, determine delineations of responsibility, and monitor compliance to ensure offenders do not possess firearms, thus eliminating a critical lethality risk. Representation on a surrender protocol task force is necessary from courts, prosecutors, law enforcement, and victim service providers to address the problem holistically. This discussion is a necessary first step for the identification of how a protocol like this may work in each community across the state of Texas and would not require state funding. What is needed first is merely a coordination of the necessary stakeholders and an honest conversation regarding the need to protect their community from individuals proven to be dangerous.

As these discussions take shape, some of the more important aspects of an effective relinquishment protocol will be:

1. The protocol is mandatory for all individuals prohibited from possessing or purchasing a firearm by law;
2. The county provides clear protocol guidance for all parties involved;
3. A prohibited individual must be required to provide proof of compliance; and
4. Law enforcement and the courts must have a plan in place to initiate further enforcement action if compliance is not met.

As the committee explores relinquishment protocols, it is important that the committee maintain a focus on the importance of community collaboration and identification of local areas for improvement. In order to do this, there needs to be recognition that not all Texas communities are the same and may not benefit from blanket directives.

⁶ Texas Penal Code 25.07; Texas Penal Code 46.04 (*O'Connor's Criminal Codes Plus*, 2017–2018).

⁷ 18 U.S.C. 922(G).



Prohibited Possessor Data

TCFV has identified an opportunity to close gaps in the protection of all victims and prevent the transfer of firearms to dangerous individuals by standardizing the input of prohibited possessor data statewide. A weak link in the chain of protection exists in the inconsistent and inaccurate upload of this data to the Texas Crime Information Center (TCIC).

The TCIC database is essential to victim, officer, and community safety because it offers law enforcement officers and agencies immediate access to the status of protective orders, conditions of bond, warrants, and final disposition of cases. However, the data entry system spreads across 254 counties and multiple agencies, which results in inconsistent compliance and accuracy. For many counties, the problem is exacerbated due to the lack of standardized forms from the courts to allow entry clerks to accurately enter critical information.

The TCIC database is not configured to hold all offender information that should be accessible by law enforcement to support victim safety and the safety of sworn peace officers. For example, conditions of bond are often issued to protect survivors from the offender during the pre-trial process and may include prohibitions on firearms. Prosecutors, judges, and survivors have reported that Texas law enforcement has difficulty in verifying this information immediately after a violation is committed by an offender. In many cases, survivors are not even made aware when conditions are placed for their protection. To get bond information to law enforcement, it has been identified that the TCIC database needs additional fields specifically designated for bond conditions, which may include firearm prohibitions.

In a recent hearing during the interim, the Department of Public Safety (DPS) has referenced a mandate from Governor Abbott to create the aforementioned file to include conditions of bond in TCIC. While this first step will be helpful for cross communication between courts and law enforcement as well as across counties, there is still a need to clarify what information is the most essential and how quickly this information must be entered into TCIC as it relates to conditions of bond. We commend the Governor and DPS for making this necessary first step and encourage the legislature to ensure it is done properly and effectively.

What next?

Texas law bars convicted domestic abusers from gun ownership but without enforcement protocols in place and adequate criminal database information, authorities often have no means of disarming offenders, leaving many survivors and the community at a higher risk for fatalities. We share a dedication to keeping firearms out of the hands of the most dangerous people in order to protect all Texans. For Texas to continue to celebrate Second Amendment rights AND improve public safety, we must enforce existing firearms prohibitions, promote community-wide best practices, and ensure the necessary parties have a way to access this information easily within the state database. TCFV stands ready to work with the legislature and other partners to implement these efforts and truly create a Texas free from violence.

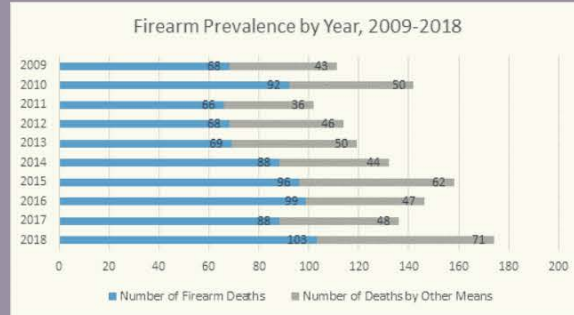
Submitted by:

The Texas Council on Family Violence

Firearms & Family Violence IN TEXAS

63% of all women killed by a male intimate partner in Texas over the last decade were killed by firearm

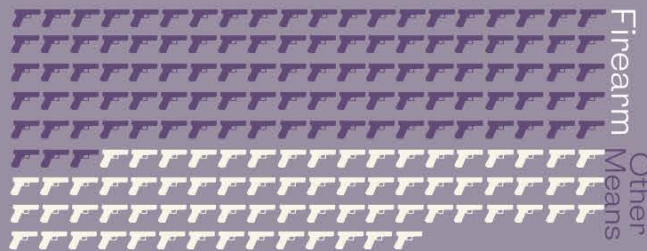
The national average is 53%



2018 marks the highest number of women killed in the last decade.

103
BY FIREARM

174 women killed at the hands of their male intimate partner in 2018



The link between domestic violence & mass shootings



IN AT LEAST 54% OF MASS SHOOTINGS, THE PERPETRATOR ALSO SHOT A CURRENT OR FORMER INTIMATE PARTNER OR FAMILY MEMBER¹

In states that require surrender of firearms for prohibited possessors, intimate partner homicide decreased by

14%^{2,3}

1. "Mass Shootings in America, 2009 to 2017." EverytownResearch.org, everytownresearch.org/reports/mass-shootings-analysis/
2. Zeoli, April (Associate Professor of Criminal Justice, Michigan State University). American Journal of Epidemiology (2017).
3. Siegel, Michael (Boston University School of Public Health). Annals of Internal Medicine (2017/11)