

Memorandum



CITY OF DALLAS

DATE October 5, 2018

TO Honorable Members of the Public Safety and Criminal Justice Committee

SUBJECT **New Process to Report Class C Family Violence Convictions to the Department of Public Safety**

On Monday, October 8, 2018, you will be briefed on the Municipal Court's program to begin reporting Class C family violence convictions to the Department of Public Safety. This program will allow for the penalty enhancement of any additional family violence offenses and disqualify the individual from the purchase or possession of a firearm. This presentation will give an overview of the family violence conviction reporting process, the benefits of a program, its purpose, background, and the next steps.

The briefing materials are attached for your review. Please contact me if you have any questions or need additional information.

A handwritten signature in cursive script that reads "Jon Fortune".

Jon Fortune
Assistant City Manager

cc: T.C. Broadnax, City Manager
Chris Caso, City Attorney (I)
Carol A. Smith, City Auditor (I)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizzor Tolbert, Chief of Staff to the City Manager

Majed A. Al-Ghafry, Assistant City Manager
Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Directors and Assistant Directors

New Process to Report Class C Family Violence Convictions to the Department of Public Safety

**Public Safety and Criminal
Justice Committee**

October 8, 2018

**Gary Lindsey, City Marshal
Dallas Marshal's Office
City of Dallas**



Presentation Overview

- Purpose
- Benefits
- History
- City of Dallas Implementation Efforts
- Process
- Next Steps

Purpose

- The purpose is to provide an overview of the benefits of reporting Class C family violence convictions to the Department of Public Safety(DPS).
 - “Family violence is a serious danger and threat to society and its members. Victims of family violence are entitled to the maximum protection from harm or abuse or the threat of harm or abuse as is permitted by law”.

Source: Article 5.01 Texas Code of Criminal Procedure

Benefits of Reporting to DPS

Reporting Class C family violence convictions from the municipal court will allow:

- Increased protection for victims of family violence.
- Enhancements of any future family violence offenses.
 - Convictions in Municipal Court may be used to enhance future family offenses in County Courts.
- The expansion of the disability to possess or purchase a firearm for a Class C family violence conviction (Texas limits disability to five years).
 - United States Code Section 922(g)(9) makes it unlawful for any person who has been convicted in any court of a misdemeanor crime of domestic violence to purchase or possess a firearm.

History

- It is mandatory that Counties report family violence convictions for all offenses higher than a Class C misdemeanor.
- Municipalities are not required to report Class C family violence convictions to DPS but may voluntarily report family violence convictions.
 - San Antonio started manually reporting family violence convictions in March 2018.

City of Dallas Implementation Efforts

- The City of Dallas Domestic Violence Task Force requested Court and Detention Services (CDS) to investigate reporting family violence convictions to DPS. The Administrative Judge expressed support of the program.
- CDS developed family violence reporting requirements and began procurement of Live Scan (fingerprinting) equipment.
- CDS has received Live Scan equipment and Court personnel have been trained by DPS.
- Class C family violence convictions will be electronically reported to DPS in late October 2018.

Process - Municipal Court

- Upon conviction (Guilty or No-Contest plea) of a Class C family violence offense:
 - Individuals will be immediately fingerprinted in one of three locations; Lew Sterrett Justice Center, City Detention Center or Municipal Court Building.
 - Individuals will be released to visit with staff to satisfy case requirements.
 - Court staff will enter conviction information into both the court case management system and the DPS Criminal Justice Information System (CJIS).

Process - (cont.)

- The conviction information will be placed on the individual's Texas Crime Information Center (TCIC - DPS) criminal history after it is entered into CJIS.
- Conviction information is forwarded to the FBI for entry into the National Crime Information Center (NCIC).
- The NCIC information is used for the National Instant Criminal Background Check System for firearms background checks.

Next Steps

- Consider legislation for 2019:
 - Make family violence conviction reporting mandatory for municipalities.
 - Enhance Municipal Judge jurisdiction for family violence related cases.
- Evaluate the feasibility of a Gun Surrender Program.
- Continue and expand programs with partners.
 - Agencies such as Texas Council on Family Violence
 - Religious Organizations and non-profits

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