

Domestic Violence Initiative

U.S. Attorney's Office - NDTX



Presented by Keith Robinson, AUSA

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Gun Violence & Domestic Violence

Research shows ...

- Among homicides in the United States, intimate partners kill almost 50 percent of female and 10 percent of male victims.
- Texas domestic violence homicides have almost doubled in the last 10 years
- In Texas (2023) – 205 people were killed by their intimate partners, and about 1 in 5 of those victims were in North Texas. *Firearms were the leading cause of death.*

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- Research shows that abusers with a gun in the home are **five times** more likely to kill their partners than abusers who don't have that same access to a gun.
- That means the ***mere presence*** of a gun increases the risk of homicide by **500 percent**.

Domestic Violence Initiative

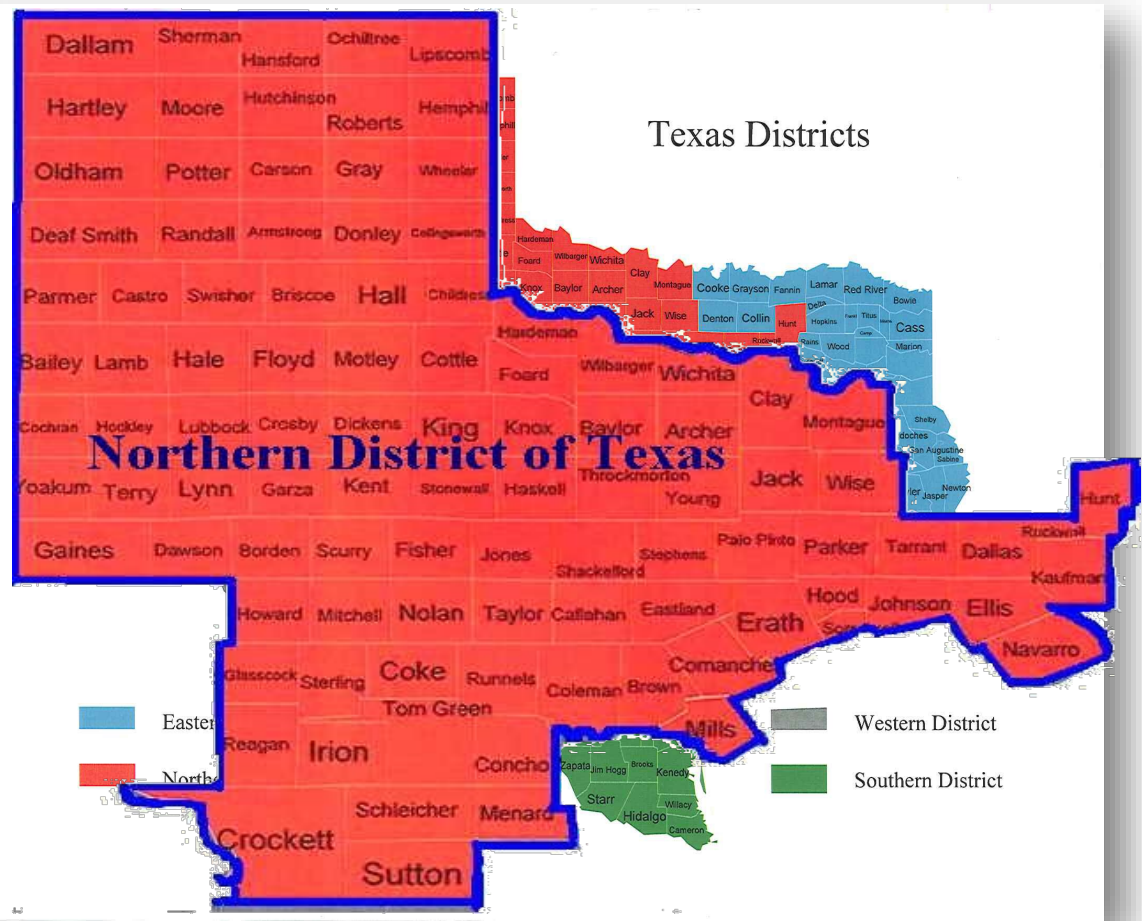
Initiative: fighting domestic violence with the strength of our federal firearms laws

➤ Role: state and local law enforcement

➤ Federal firearm statutes

➤ Role: U.S. Attorney's Office

Texas Districts



Overview

Tools for success: (1) partnership with our state and local law enforcement; and (2) enforcing existing federal firearm statutes

Partnership includes:

- Task Force Officers and Special Agents embedded with local police departments to identify domestic violence abusers who possess firearms
- AUSAs working with our local DAs to identify firearm offenses, including those involving domestic violence abusers ... screening process

Federal Firearm Laws

Tools for success cont'd ... (2) enforcing existing federal firearm statutes

- 18 U.S.C. § 922(g)(1) – poss. of a firearm by a person who has been convicted of a *felony* offense
- 18 U.S.C. § 922(g)(8) – poss. of a firearm by a person subject to a domestic violence protective order
- 18 U.S.C. § 922(g)(9) – poss. of a firearm by a person who has been convicted of a *misdemeanor* crime of domestic violence

Convicted Felons

➤ **18 U.S.C. § 922(g)(1)** – poss. of a firearm by a person who has been convicted of a *felony* offense

1. That the defendant knowingly possessed a firearm;
2. That before the defendant possessed the firearm, the defendant had been convicted in a court of a crime punishable by imprisonment for a term in excess of one year;
3. That the defendant knew he had been convicted in a court of a crime punishable by imprisonment for a term in excess of one year;
4. That the firearm possessed traveled in interstate or foreign commerce; that is, before the defendant possessed the firearm, it had traveled at some time from one state to another or between any part of the United States and any other country.

Protective Orders

- **18 U.S.C. § 922(g)(8)** – poss. of a firearm by a person subject to a domestic violence protective order
- The protective order must have been issued following a hearing in which such person had ***actual notice and an opportunity to participate.***
- The protective order must restrain such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child

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*The protective order **must also include:***

- ✓ a specific finding that the subject represents a credible threat to the physical safety of the intimate partner or child; or
- ✓ an explicit prohibition against the use or threatened use of physical force that would reasonably be expected to cause bodily injury.

Intimate Partner

Who is an intimate partner?

The term “*intimate partner*” means, with respect to a person:

- ✓ the spouse of the person;
- ✓ a former spouse of the person;
- ✓ an individual who is a parent of a child of the person; and
- ✓ an individual who cohabitates or has cohabited with the person

Misdemeanor DV Convictions

➤ **18 U.S.C. § 922(g)(9)** – poss. of a firearm by a person who has been convicted of a *misdemeanor* crime of domestic violence

“**Misdemeanor Crime of DV**” is defined as: (1) misd. under federal, state, tribal, or local law; and (2) has as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, **committed by ...**

- ✓ current or former spouse, parent, or guardian of the victim;
- ✓ person with whom the victim shares a child in common;
- ✓ person who is cohabitating with or had cohabitated with the victim as a spouse, parent, or guardian;

Cont'd

committed by ...

- ✓ person similarly situated to a spouse, parent, or guardian of the victim; or
- ✓ person who has a current or recent former dating relationship with the victim

Note: The “*boyfriend loophole*” was closed by federal legislation on June 25, 2022.

Dating Relationship

What is a dating relationship?

Means a relationship between individuals who have or recently had a continuing serious relationship of a romantic or intimate nature

Factors in determining what constitutes a dating relationship:

- ✓ the length of the relationship
- ✓ the nature of the relationship
- ✓ the frequency and type of interaction between the individuals involved in the relationship

*Note: a casual acquaintanceship or ordinary fraternization in a business or social context does not suffice

Firearm Cases

Representative Cases:

- *U.S. v. James Otis Foley* - 18 U.S.C. § 922(g)(1), poss. of a firearm by a person who has been convicted of a felony.
- *U.S. v. John Gabriel Mejia, Jr.* - 18 U.S.C. § 922(g)(8) – poss. of a firearm by a person subject to a domestic violence protective order.
- *U.S. v. Jihlil Lott* - 18 U.S.C. § 922(g)(9), poss. of a firearm by a person who has been convicted of a misdemeanor crime of domestic violence.

Stalking – 18 U.S.C. § 2261A

1. That the defendant used the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce.
2. That the defendant did so with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person; and
3. That through the use of the mail, computer interactive service, electronic communication service or system or other facility of interstate or foreign commerce, the defendant engaged in a *course of conduct* that:

Stalking – 18 U.S.C. § 2261A

(1) placed that other person in reasonable fear of the death or serious bodily injury to that person , a member of that person's immediate family, a spouse or intimate partner of that person, or the pet, service animal, emotional support animal, or horse of that person; **or**

(2) caused, attempted to cause or would be reasonably expected to cause substantial emotional distress to that person, a member of that person's immediate family, or a spouse or intimate partner of that person.

Stalking Case

- **U.S. v. Andrew Beard and Holly Elkins** - 18 U.S.C. § 2261A(2) and 2261(b)(1), cyber-stalking resulting in death.

Conclusion

“For several years, our Office’s Domestic Violence Initiative has led the way in prosecuting domestic abusers and putting them behind bars so they can no longer hurt others. We not only remain committed to this crucial effort but are continually looking for ways to improve and expand our work in this area, both in terms of incapacitating domestic abusers and supporting organizations that help survivors escape abuse and provide the resources they and their families need to establish safe, healthy, happy lives.”

Leigha Simonton
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