

Reducing Mass Incarceration

In Texas, more than 195,000 people sleep behind bars in state and local facilities on any given night. Since the 1980s, the state's prison population grew by 500% and correctional costs more than tripled. In the nation with the highest incarceration rate in the world, Texas locks up the highest number of people. Long prison sentences have minimal impact on crime prevention, and our overreliance on incarceration is costly. Excessive sentences derail lives, deepen racial injustice, and separate families without evidence that they improve public safety.

1. Do you believe that Harris County and the State of Texas should reduce their current incarceration rates? If yes, please describe what specific policies you will pursue if elected to reduce the number of people incarcerated in prisons and jails.

Yes No *Explanation (optional):*

As District Attorney, I have implemented numerous reforms that have helped the lives of thousands of low-level, non-violent offenders keep their criminal records clean through vast expansion of pre-trial Intervention programs, pre-charge diversion programs, and education and treatment partnerships.

Prior to my taking office, District Clerk records show that as many as 10,000 people a year were prosecuted for misdemeanor amounts of marijuana, leading to arrests, bookings, court appearances, legal fees, etc. My Misdemeanor Marijuana Diversion Program has reduced that number to less than 200 per year. We ended the prosecution of approximately 4,000 offenders arrested for "trace cases" through a policy change requiring testable amounts of evidence.

My administration also brokered and implemented a countywide mental health diversion program that has prevented more than 8,000 mentally ill, often homeless, trespassers from going to jail repeatedly. Instead, they are now diverted by a DAO Intake ADA to the Ed Emmet Mental Health Diversion Center.

We tackled juvenile justice head on as well, by working with school districts and their police departments to utilize administrative discipline instead of pushing for criminal charges against students into the juvenile justice system. Instead, the DAO, working with community organizations and the Juvenile Probation Dept., now reroute more than 65% of juvenile offenders into education and counseling, instead of juvenile detention.

2. The Harris County District Attorney contributed to nearly 5,300 people being sent to state prison or state jail in 2022.¹ As District Attorney, will you commit to reducing this number by at least 20% annually?

Yes No *Explanation (optional):*

¹ Texas Department of Criminal Justice Statistical Report FY 2022. Prison and State Jail New Receives by County of Conviction, Page 29. Link: https://www.tdcj.texas.gov/documents/Statistical_Report_FY2022.pdf

The law and our oath as prosecutors require us to examine each case on an individual basis to ascertain what justice should be sought.

We, of course, do not control population growth, and that growth over time necessarily means that more crimes are likely to occur. As technology improves, more crimes are also being solved. We do not set quotas for the number of criminal cases filed, nor for convictions, nor dismissals. It is unethical.

3. Do you believe the District Attorney has a responsibility to help decrease current jail overcrowding and the associated transfer of people to other states? If yes, what policies should the District Attorney pursue to meet this responsibility?

Yes No *Explanation (optional):*

The District Attorney has no authority to determine who is held in pre-trial custody. That determination is made by the trial court judge. It is, however, a matter of prosecutorial discretion as to whether bail is sought in sufficient amount to protect the community.

4. Noting the “alarming” increase in Harris County’s jail population, the [Justice Management Institute](#) recommended in 2020 that the District Attorney dismiss nonviolent felony cases older than nine months, with exceptions like DWI, and direct justice system resources on adjudicating serious cases and newer cases. The jail population has grown significantly since JMI issued its recommendation. Will you commit to implementing this recommendation from JMI?

Yes No *Explanation (optional):*

The law and our oath as prosecutors require us to examine all cases on an individual basis to ascertain what justice should be sought. This recommendation also violates the law prohibiting prosecutors from declaring certain classes of crimes as non-prosecutable and could be the alleged basis of a suit for removal from office.

Fighting Racism in the Criminal Legal System

Many aspects of our criminal legal system were designed during the Jim Crow-era to protect white supremacy. That legacy drives vast racial injustices. One out of every three Black boys are incarcerated in their lifetime, as is one in every six Latino boys — compared with one of every 17 white boys. In Texas, Black People make up 33 percent of the prison population, but only 13 percent of the state population.

5. Do you believe that the Harris County District Attorney's Office has a duty to fight racism in the criminal legal system? If yes, please describe what specific policies you will pursue to combat racism in the criminal legal system.

Yes No *Explanation (optional):*

Disqualification from the workforce because of a criminal record has left generations of African Americans with fewer opportunities than other minority groups because of the disproportionate number of African Americans who have been arrested and convicted for minor crimes such as drug possession. My drug prosecution policies and diversion programs have centered on education, treatment and counseling instead of incarceration, so that more people can remain eligible in the workforce by keeping their records clean.

Families in the African American community are under stress because they are subject to more criminal victimization than other communities. African American women, children and elderly face more potential for exploitation and fraud than in other communities. African American males under 25 years old are the most at risk for violence and lack appropriate community and educational resources to aid them in entering, remaining, and promoting in the workforce. By advancing crime victims' rights for all, it will aid the African American population.

6. Will you commit to tracking and working to eliminate racial disparities in decisions made by the Harris County District Attorney's office, such as disparities in charging decisions, bail recommendations, plea bargains, and sentencing recommendations? If you answered yes, please include any specific policies and practices you will implement to achieve this goal?

Yes No *Explanation (optional):*

The law and our oath as prosecutors require us to examine each case on an individual basis to ascertain what justice should be sought. Our prosecutors are educated and trained to uphold and support the US Constitution which prohibits discrimination based on race, sex, national origin, disability, sexual orientation, or age.

7. Will you establish and follow an office policy to use respectful, accurate, person-centered language when talking about people involved with the criminal legal system, for example by refraining from using harmful and outdated language like "convict" "inmate" "felon" "prisoner" and "illegal immigrant"?

Yes No *Explanation (optional):*

Our current office guidelines already require our prosecutors to treat crime victims, criminal defendants, and all court participants with respect. We do not instruct our employees on how to be respectful as is presumed, they know.

8. In Harris County, Black people are arrested at 3.1 times the rate of white people for marijuana possession, despite research showing that Black people and white people use marijuana at roughly equal rates. Will you support legislation to legalize and regulate marijuana for adult-use, just like we do for alcohol?

Yes No *Explanation (optional):*

My first major policy and program was the Misdemeanor Marijuana Diversion Program, which has now saved thousands from jail and a criminal record. Prior to my administration, 10,000 people a year were being criminally prosecuted for possession of misdemeanor amounts of marijuana. These cases are now no longer filed because, through partnering with police, the offenders are sent to an education class instead. Simply put, this keeps more people in the workforce. We adopted an umbrella policy for ALL OFFENDERS, INCLUDING INDIVIDUALS WITH CRIMINAL HISTORIES. This was done specifically to end the racial disparity in offering diversion programs to first offenders only. By making the policy apply uniformly to all people in possession of less than four ounces of marijuana, we removed the opportunity for inherent bias or discrimination in determining eligibility.

Harris County is the only jurisdiction in Texas that does not even cite persons, regardless of criminal history, for possession of four ounces or less of marijuana.

Criminalization of Poverty & Pretrial Justice

Local criminal justice systems disproportionately harm people living in poverty. Whether through the imposition of fines and fees as a condition to resolving cases, or through laws that effectively criminalize homelessness, local actors have imposed a poverty penalty on many people within our communities. Furthermore, Texas' continued use of unjust money bail policies contributes to mass incarceration and unfairly punishes people who don't have money by keeping them incarcerated simply because they cannot afford to pay bail. Wealth-based detention denies most people a fair chance at justice, disproportionately affecting Black people and other people of color. Secured money bail is no more effective than non-secured money bail at ensuring appearance in court.

9. Will you oppose legislation that deepens reliance on money bail by requiring more people to put up cash to get out of jail?

Yes No *Explanation (optional):*

So long as bail remains in the Texas Constitution, prosecutors cannot take the position that money bail should not be required in certain circumstances and in certain types of cases.

10. Will you support legislation prohibiting money bail for misdemeanors?

Yes No *Explanation (optional):* The Texas Code of Criminal Procedure, Art. 17, governs the subject of bail. Misdemeanor offenses such as Stalking and Domestic Violence-related charges can and often do present circumstances in which defendants should be held in detention. DWI Offenders are required by law to go to jail as part of the offense arrest regardless of how cash bail is or isn't utilized.

11. Will you support legislation creating a presumption of pretrial release, except in cases where a judge finds that conditions of release are insufficient to ensure appearance in court or the safety of the community?

Yes No *Explanation (optional):* The law and our oath as prosecutors requires us to examine each case on an individual basis to ascertain what justice should be sought, including the appropriateness of bail. We cannot make that determination on any category of offenses prior to review of the facts of the case.

12. Will you establish and communicate to judges a default recommendation of pretrial release unless there is a specific and extreme risk of either willful flight to avoid prosecution or of serious physical violence to a reasonably identifiable person or group?

Yes No *Explanation (optional):* The law and our oath as prosecutors requires us to examine each case on an individual basis to ascertain what justice should be sought, including the appropriateness of bail. We cannot make that determination on any category of offenses prior to review of the facts of the case.

13. Will you make pretrial release, plea agreements, diversionary programs, and other favorable sentencing programs available to all defendants, regardless of ability to pay?

Yes No *Explanation (optional):*

The DAO, during my administration, has redirected thousands of non-violent, misdemeanor cases into numerous pre-trial programs, keeping our community safe while preserving offenders' records. In all programs, indigency requires that the defendant be excused from payment and no one who has been so declared is required to pay for their diversion program.

Back in 2018, our efforts led to funding the Judge Ed Emmett Mental Health Diversion Center, addressing the needs of mentally ill individuals facing nonviolent charges. Previously, these offenders lingered in jail without treatment, returning to the streets worse off or repeating the cycle.

Since its launch, over 8,000 mentally ill offenders have been taken to the Ed Emmett Mental Health Diversion Center by law enforcement, saving millions for taxpayers. Now, 86 law enforcement agencies divert these offenders to the center instead of jail. They receive assessments and access treatment, significantly reducing repeat offenses.

Our focus in the Juvenile Division has been halting the school-to-prison pipeline for nonviolent offenders while safeguarding the community from violent juvenile crimes. Teaming up with the Harris County Juvenile Probation Department, we

offer six diversion programs for minor, nonviolent offenses. Completion of treatment or community service helps these juveniles avoid a criminal record.

We've revamped our approach to juveniles, considering individual circumstances like age, mental health, or disability to determine charging or diversion. For first-time DWI offenders, our Second Chance Driving While Intoxicated Pre-Trial Intervention provides tailored treatment plans for case dismissal.

Over 14,000 individuals completed this program from 2017 to 2022. Additionally, our Misdemeanor Marijuana Diversion Program uses discretion to offer alternative paths for those with minor marijuana possession, preventing unnecessary stigma from limiting their opportunities.

Our Misdemeanor Veterans' Court Treatment assists veterans on probation, providing resources for rehabilitation. Over 160 individuals have successfully completed this program since 2017.

The above-mentioned programs and results are only a sample of the many diversion opportunities we have created and successfully implemented in the last 6 years and all of them contain exceptions to any fees when the offender is indigent.

14. Will you oppose incarceration based upon the failure to pay fines, fees, or court costs unless there is clear and convincing evidence the individual is able but willfully refusing to pay?

Yes No *Explanation (optional):*

15. Will you decline to seek to certify juveniles to be tried as adults?

Yes No *Explanation (optional):*

The law and our oath as prosecutors requires us to examine each case on an individual basis to ascertain what justice should be sought, including the appropriateness of bail. We cannot make that determination on any category of offenses prior to review of the facts of the case.

16. Will you support legislation increasing the age of criminal responsibility from 17 to 18 so that 17-year-olds are under the jurisdiction of the juvenile justice system, unless a court finds they should be sent to the adult system on a case-by-case basis?

Yes No *Explanation (optional):*

Do Not Seek the Death Penalty

There is mounting evidence that the death penalty is fraught with error, provides no additional public safety benefit over other available sentences, and is routinely used against individuals

with diminished capacity, including persons with intellectual disabilities and severe mental illness, youth, and those who have experienced extreme childhood trauma.

17. Will you decline to pursue the death penalty against defendants?

Yes No *Explanation (optional):*

The law and our oath as prosecutors require us to examine each case on an individual basis to ascertain what justice should be sought, including the appropriateness of the death penalty in Capital cases. We cannot make an across-the-board determination about any category of offenses prior to review of the facts of the case.

Such a statement of refusing to consider the Death Penalty in Texas violates the law prohibiting prosecutors from declaring certain classes of crimes as non-prosecutable and could be the alleged basis of a suit for removal from office.

Supporting Vulnerable Texans

18. Will you publicly oppose efforts to further criminalize abortion care and interstate travel for abortion and other healthcare?

Yes No *Explanation (optional):*

19. Will you oppose legislation that prohibits, restricts, or criminalizes gender-affirming medical care for transgender people?

Yes No *Explanation (optional):*

20. Do you believe prosecutors are well-positioned to promote practices that can help those with intellectual and developmental disabilities minimize involvement with the criminal legal system? If so, what specific steps will you take to minimize individuals' involvement with the criminal legal system who have intellectual and developmental disabilities?

Yes No *Explanation (optional):*

Our mental health program is designed to prevent mentally ill non-violent offenders from going to jail in a never-ending cycle. Instead of jail, police take offenders directly to a mental health center where they can voluntarily receive services. Since inception, more than 8,000 mentally ill offenders have been treated instead of jailed. The program won a statewide award in 2022 and court officials from all over the United States routinely visit the site and program to replicate it in their jurisdictions.

21. A record number of people have died recently in the Harris County Jail. What actions will you take in your role as District Attorney to reduce jail deaths?

Yes No *Explanation (optional):*

We review all jail death cases for possible prosecution of anyone who caused the individual's death when presented by the HCSO or by the Texas Rangers who regularly investigate the cases.

22. Will your office support victim compensation for people who have experienced significant physical harm and families who have lost their loved ones in Harris County Jail?

Yes No *Explanation (optional):*

My administration has made Victim Restitution a priority. More than \$50M has been paid out to crime victims directly from the DAO and the Adult Probation Dept.

The District Attorney's Office has used criminal forfeiture funds to support crime prevention, treatment, diversion, victim assistance, and rehabilitation programs to assist communities and populations most in need, including:

- \$386,583 to Fifth Ward Community Redevelopment Corporation: to fund the salaries of case workers and other staff as an alternative to juvenile incarceration
- \$165,829 to Texas Forensic Nurse Examiners: to assist in making qualified sexual assault nurse examiners available on demand at seven Houston universities
- \$500,000 to Crime Stoppers of Houston: to assist in funding rewards for tips leading to the solving of crimes
- \$296,041.00 to Houston Area Women's Center: to help women, children and families recover from domestic violence.

23. Will you commit to eliminating barriers to criminal record clearing in Harris County, including by: (a) providing expunction services through a Make It Right! annual expunction expo, (b) ensuring that individuals have access to expunction regardless of whether they have unrelated Class C warrants; and (c) eliminating any voluntary policies that require signatures from state agencies not party to the expunction case?

24. Yes No *Explanation (optional):*

So long as appropriate funding is provided for such programs, which I initiated as DA.

Reduce Re-incarceration for Petty Probation Violations

Probation revocations are fueling mass incarceration in Texas. In part, this is because excessive community supervision increases the likelihood that people who are otherwise at low risk of

being rearrested will end up incarcerated for petty technical violations, such as failing to pay fines or fees and other acts that do not threaten public safety. The majority of violations occur within the first year. Lengthy supervision serves little to no rehabilitative purpose.

25. As a general rule, will you request a 24 month (or less) limit to community supervision terms for felonies?

Yes No *Explanation (optional):*

The law and our oath as prosecutors require us to examine each case on an individual basis to ascertain what justice should be sought, including the appropriateness of length of sentence, including community supervision. We cannot make that determination on any category of offenses prior to review of the facts of the case.

26. As a general rule, will you request a 12-month (or less) limit to community supervision terms for misdemeanors?

Yes No *Explanation (optional):*

The law and our oath as prosecutors require us to examine each case on an individual basis to ascertain what justice should be sought, including the appropriateness of length of sentence, including community supervision. We cannot make that determination on any category of offenses prior to review of the facts of the case.

27. As a general rule, will you advocate against jail or prison sentences for non-criminal conduct, or "technical violations" of probation?

Yes No *Explanation (optional): Yes, but the facts must be considered individually in each and every case.*

Protect Immigrant Communities

Criminal charges, convictions, and pretrial detention can trigger deportation proceedings for people who are not U.S. citizens. These threats, as well as the targeting of immigrant communities by extremist politicians, can discourage the reporting of crimes, making communities less safe. Moreover, the U.S. Supreme Court in *Padilla v. Kentucky* suggested that when prosecutors consider immigration consequences, more just outcomes can be obtained for all parties.

28. Will you oppose policies that use or divert local law enforcement resources for federal immigration enforcement?

Yes No *Explanation (optional):*

29. Will you train and direct prosecutors to consider the immigration consequences of a conviction during each stage of a case and to choose immigration-safe dispositions when possible and appropriate?

Yes No *Explanation (optional): Yes*

30. Will you oppose legislation that further criminalizes or harms immigrant communities?

Yes No *Explanation (optional): Yes*

31. Recent anti-immigrant bills passed by the Texas Legislature are likely to increase noncitizens' reluctance to seek help from law enforcement. Will you work to build or maintain trust with immigrant communities in Harris County?

Yes No *Explanation (optional):*

32. Will you implement the [Harris County U visa Certification Model Policy](#), as approved by the Harris County Commissioners Court on October 13, 2021?

Yes No *Explanation (optional):*

By law we have our own legal requirements related to application for a U VISA. We grant more than any other agency in Harris County.

Transparency and Accountability

33. Will you maintain and publish regular statistics disaggregated by race, ethnicity, and gender about prosecution, including the number of misdemeanor and felony cases filed each month, disposition statistics, pretrial incarceration rates and length of stay by offense category, and average bond for each class of offense?

Yes No *Explanation (optional):*

The DAO does not have access to all the information listed above and cannot produce such a report.

34. Will you maintain and publish data disaggregated by race and gender that allows the effectiveness of diversion programs to be assessed, including the number of individuals eligible for diversion, the number of cases referred to diversion, the reasons individuals failed to enroll in or complete diversion, and the percentage who completed or failed to complete?

Yes No *Explanation (optional):*

The DAO currently publishes all such available data.

35. Will you commit to regular communication with community members and organizations, including regularly scheduled open sessions to listen to and then address concerns?

Yes No *Explanation (optional):*