

## Dallas County District Attorney Candidate Questionnaire

For nearly 80 years, the American Civil Liberties Union of Texas has worked in the courts, the legislature, and through public education to protect individuals' civil rights and liberties.

As part of our organization's nationwide effort to cut the nation's prison population in half while combatting racial disparities in the criminal justice system, the ACLU of Texas is launching a public education campaign in Dallas County. Our goal is to educate voters, including our more than 7,000 members in Dallas County and those directly impacted by incarceration, about the role the district attorneys play in mass incarceration.

Our campaign will also work to provide voters with information about where candidates for Dallas County District Attorney stand on critical criminal justice reform issues, such as prosecutorial transparency, policies that reduce incarceration, eliminating racial disparities in the criminal justice system, and ending unjust policies such as the death penalty and civil asset forfeiture.

All candidates for Dallas County District Attorney are receiving this questionnaire, and answers will be posted online.

Through this campaign, the ACLU of Texas is working to hold candidates accountable to their communities' fundamental need for justice, safety and respect.

***Please write your answers in this document and email your responses to Brad Pritchett at [BPritchett@aclutx.org](mailto:BPritchett@aclutx.org) on or before January 5, 2017.***

## Campaign Information

Candidate Name: **John C. Creuzot**

Campaign Point of Contact (Manager if applicable): **Democracy Toolbox/Jeff Dalton**

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## Mission and Vision

1. Will you pledge to articulate a mission and vision for the Office that places the focus on justice, rather than winning cases, and align the work of the Office—including internal and external communications, training, policies, and hiring and promotion practices—to reflect that mission and vision? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**As my campaign literature has clearly states, “I’m running for DA because justice is about people, not numbers...” For many decades, our criminal justice system assumes that an arrest should lead to a charge or an indictment, that a charge or an indictment should lead to a criminal record, all under the assumption that justice is served in this manner. I reject those assumptions.**

**The business of the District Attorney should be, in regards to the criminal division, the reduction of crime. To reorient the office to a more humane and effective approach to crime reduction, training must focus on addressing the most likely causes of criminal conduct, which we know to be drugs, alcohol and possibly co-occurring mental health issues.**

**The prosecutors must be trained to recognize who is low, medium or high risk to reoffend. When appropriate, low level offenders, who are low risk to no risk to reoffend, must be given the opportunity to resolve their cases and move forward without a criminal record.**

**An example of the above is the Dallas County DIVERT Court, which I founded in 1998. In DIVERT, the participant is likely not indicted, does not have to sign plea papers, and the case is dismissed and expunged upon completion. This same approach can be applied to apply to many more types of cases and many more low risk offenders.**

**When elected, I intend to align the policies of the office to embrace a similar approach to more offenders. I intend to improve the current programs, monitor the programs, and publicize the outcomes.**

## Mass Incarceration

2. Do you agree that prosecutors' practices have contributed significantly to mass incarceration? Please give a clear "Yes" or "No" and any explanation.

**X Yes.**

**In 2005, the Texas Legislative Budget Board predicted that Texas would need to build 17,000 additional prison beds if policies and practices of judges, prosecutors and corrections officials did not change.**

**In response to this prediction, others and I successfully lobbied the legislature for more drug, alcohol and mental health services, more inpatient and outpatient treatment, and better training for judges and probation officers. The result of those efforts is as of the summer of 2017, Texas has closed eight prisons or lock-up facilities, including some privately operated prisons.**

**What the legislature did not do is to require more prosecutor training to recognize the most effective ways to reduce crime.**

**When elected Dallas County District Attorney, I intend to train the staff on recognizing implicit bias, refocus on crime reduction, appreciate appropriate terms and conditions of probation as well as the appropriate length of time to accomplish the goals of probation.**

**For at least the last five years, (probably more) I have taught "Alternatives to Sentencing" at the Texas Bar Advanced Criminal Law Seminar. When elected, I intend to carry that work forward as Dallas County District Attorney. My wish is that the higher profile will generate more local and state-wide "buy-in."**

3. Many experts say that overcharging by prosecutors unfairly pressures defendants into pleas, even with weak or insufficient evidence. Would you pledge only to file charges that you are confident the evidence supports? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**To do otherwise is a violation of prosecutorial ethics and is morally wrong.**

4. Criminal justice contacts – however brief – can have negative psychological and employment effect, and often fail to address the underlying cause of crime. Will you work to expand diversionary programs so that, whenever possible, contact with the criminal justice system is avoided or limited? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**Once again, the model of DIVERT Court is proved to be successful. More offenders and offenses should be considered for diversion. Diversion should be based on level of offense and risk to reoffend. Low risk offenders should have the opportunity to complete reasonable conditions and have their cases dismissed.**

## Racial Disparities

5. Will you commit to tracking and working to eliminate any racial disparities caused by decisions made by the Office, including disparities in charging decisions, bail recommendations, diversionary program placements, and plea bargains? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**When elected, I intend to seek funding to examine the policies and practices of the Dallas County District Attorney’s Office to determine to what extent they have or may have contributed to racial or other disparities in the disposition or handling of cases. This is a very high priority.**

6. Will you commit to requiring that prosecutors participate in implicit bias training to reduce the possibility that subconscious and unintentional attitudes about other people based on characteristics such as race influence the prosecution of cases in Dallas County?

**X Yes, as previously stated. This, too, is a very high priority.**

## Poverty Penalties and Bail Reform

7. Do you favor changes at the state level to eliminate the use of monetary payment as a condition of pretrial release? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**Conditions of pretrial release should be based on risk to not appear, risk to commit a new offense and/or risk to commit a violent offense.**

8. Will you limit requests for money bail and pledge to recommend, for all legally permissible cases, presumptive release of defendants without financial conditions unless there is an individualized showing of substantial and identifiable flight risk or danger to the community? Please give a clear “Yes” or “No” and any explanation.

**X Yes. See above.**

9. Will you commit to avoiding, whenever possible, imposing costs of diversionary program participation on individuals and basing charges, if absolutely necessary, on a “sliding scale” fee structure that considers an individual’s ability to pay? Please give a clear “Yes” or “No” and any explanation.

**X Yes. What the question requests is fair.**

## Transparency and Accountability

10. Will you pledge to collect and post online quarterly statistical information disaggregated by race and gender on felony and misdemeanor charging decisions, convictions, declinations, and diversion program placements? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**Once a reliable reporting system is put in place this information must be disseminated to the public.**

11. Will you pledge to publish on the Office website all policies, protocols, and MOUs regarding prosecution guidelines, police-involved incidents, bail recommendations, fines and fees, diversion programs, plea bargains, civil asset forfeiture, immigration considerations, and indigency determinations? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**The public must be given all non-confidential information regarding policies and procedures.**

12. Will you pledge to develop and implement a plan to personally, regularly and meaningfully engage and communicate with the Dallas community, including communities of color, the immigrant community, community-based organizations and criminal justice reform advocates, and involve them in the project of determining the priorities of your office within the first 100 days of your term? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**All communities are stakeholders in the future of criminal justice in Dallas County. I expect this process to be ongoing, not just the first few months of the administration.**

13. Will you pledge to strengthen the Conviction Integrity Unit and, as part of that process, compare current operations against the [guidelines published by the Innocence Project](#) in October 2015? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**I have advocated that the Conviction Integrity Unit must be independent and superior to the trisl snd appellate divisions. The unit must be expanded to at least five attorneys.**

14. Will you ensure, when possible, that every stage of the criminal process is communicated to victims in terms they understand and take time to explain the process without legal jargon? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**This is what is due to every crime victim.**

15. Will you pledge to assign special prosecutors authorized to investigate and prosecute police killings of civilians, use-of-force cases, sexual assault by law enforcement officers and other cases of police misconduct as appropriate? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**Currently, there is a Public Integrity Unit in the Dallas County District Attorney’s Office. This unit should continue and be expanded, if necessary.**

16. Will you pledge to recruit and hire people with criminal records to work in the Dallas County District Attorney’s Office? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**Every applicant deserves to be considered for employment, depending on their particular cicumstances.**



## Immigration

17. Will you pledge to adopt a written policy and training which encourages prosecutors to consider the unintended immigration-related consequences of prosecutorial decisions at all stages of a case and to use their discretion to reach immigration-safe dispositions for noncitizens whenever it is possible and appropriate? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

18. To protect immigrant crime victims, will you pledge to adopt and promote a written U Visa policy that includes a rebuttable presumption of helpfulness and the direction that U Visa certifications be completed regardless of whether charges were brought, a conviction was achieved, or the case has concluded? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**Current U Visa policies enable continued criminal behavior and the lack of accountability of offenders. I agree with your concept of “rebuttable presumption of helpfulness.” I had not thought of it that way. Thanks!**

19. Will you pledge to adopt a written policy which prohibits questions about the immigration status of crime victim or witness?

**X Yes.**

## Youth Justice

20. Will you pledge to not seek the certification of juveniles as adults? Please give a clear “Yes” or “No” and any explanation.

**X No.**

**At this time I cannot commit to never seek a certification, though I do believe they should be few and rarely sought.**

21. Will you pledge to require, when possible, that juvenile trauma histories be considered at all points in the process when evaluating whether a youth should be incarcerated, diverted, or subject to other dispositions? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**This is consistent with my belief in individualized assessment of each case, including practices that will identify what is best for each individual, regardless of the offender being an adult or a juvenile.**

## Discovery

22. Will you pledge to require that prosecutors turn over full discovery to the defense pre-indictment? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**Though there is case law that suggests that “Michael Morton” discovery kicks in only at time of indictment, former State Senator Rodney Ellis, the author of the Michael Morton Act, intended for discovery to be mandatory at the pre-indictment stage of each case. I intend to honor his vision of the statute.**

23. Will you implement and require Brady training for your prosecutors which specifically addresses evidence considered exculpatory or that otherwise qualifies as Brady materials? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

**The Dallas County District Attorney’s Office must do a better job at “Brady” training. And those who willfully or intentionally violate the rule should be held accountable.**

## Other Issues

24. Will you adopt a policy requiring a criminal conviction before forfeiting property?  
Please give a clear “Yes” or “No” and any explanation.

**X No.**

**Under current law a forfeiture lawsuit must be filed within 30 days of the seizing of the property. To wait for a conviction is not workable under current law.**

25. Will you vehemently oppose any attempt to criminalize either a doctor performing or a patient seeking an abortion? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

26. Under Texas' "law of parties," a co-defendant involved in a crime that results in murder can be held criminally responsible for the murder, even if that defendant was not involved in the actual killing. Will you pledge to publicly support efforts to make those convicted of capital murder under law of parties ineligible for the death penalty? Please give a clear “Yes” or “No” and any explanation.

**X Yes.**

27. Will you commit to not seeking the death penalty? Please give a clear “Yes” or “No” and any explanation.

**X No.**

**Seeking the death penalty should be reserved for the most extraordinary and egregious cases.**

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