



Dallas County District Attorney General Election Candidate Questionnaire

Congratulations on your candidacy for Dallas County District Attorney!

Both candidates for Dallas County District Attorney have received a request to complete this questionnaire created by the ACLU of Texas in partnership with Miles of Freedom.

Please help educate voters about your position on the issues by responding to this questionnaire by Monday, August 6, 2018.

By submitting this questionnaire, you give permission for your responses to be made available to the public.

Answers to these questions may be published at DallasDA.org and mailed to thousands of voters in the Dallas County area. The questionnaire consists of 29 Yes/No questions, each with an opportunity to provide a comment or explanation. Where neither “Yes” nor “No” is selected, the response may be recorded as either “Did Not Respond” or “?”. All respondents will receive a copy of their submitted responses and have an opportunity to correct any mistakes or errors.

Please direct any questions to Brad Pritchett at BPritchett@aclutx.org.

Respectfully,

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



About the Campaign (For Public Use: to be posted online along with survey responses)

- a. Campaign website: www.creuzot4da.com or www.hardworkheartwork.com
- b. Campaign email address: creuzot4da@gmail.com
- c. Campaign phone number: 214-665-9400

Mass Incarceration

1. The American prison population has increased 500% over the last forty years. Do you agree that prosecutors' practices have contributed significantly to mass incarceration? Please select "Yes" or "No" and provide any explanation you would like.

Yes

I agree. Generally, prosecutors are not trained to assess risk, understand the benefits of treatment, or to utilize non-criminal justice alternatives to regular case disposition. To address the issue of mass incarceration, in 1998, I created the DIVERT Court. State jail drug offenders who graduated showed a 50-60% reduction in recidivism and for every dollar spent saved a \$9.34 in cost reduction. Those numbers were the catalysts for the development of drug and other specialty courts by the Texas Legislature. The creation and expansion of programs, plus other legislative changes in funding, has resulted in Texas closing eight prisons, which is the beginning of our shared goal of ending mass incarceration.

2. Will you commit to implementing practices that will reduce the jail population and reduce state prison commitments by a specific percentage by the end of your first term? Please select "Yes" or "No." If "Yes", please identify your percentage goal for jail and state prison commitment reductions and any specific reforms you will implement to achieve your goal.

Yes



My goal is to reduce Dallas County state jail and prison unit admissions by 15-20% within a four-year period. Diverting low level first-time misdemeanor offenders, reducing length of terms of probation, encouraging early release from probation, and not filing motions to revoke that include drug use, failure to pay fines, failure to perform community service, and other acts that have no bearing on community safety, is part of my vision and plan to reduce prison admissions. I also think we can divert more than just drug cases. Many offenders have drug, mental health issues that should be addressed in a rehabilitative and supportive environment.

3. Prosecutors across the country often "overcharge" in order to increase pressure on defendants to plead guilty. Will you commit to directing your Office to charge the least serious acceptable offense for all crimes?

Yes

4. Will you commit to seeking the least severe acceptable punishment for all offenses?

Yes

5. Drug abuse and addiction is a serious problem in Dallas County. Research consistently shows that incarceration does not address addiction and that incarceration exacerbates poverty and disproportionately harms communities of color. Moreover, these cases overload dockets for judges, defense attorneys, and prosecutors. Will you commit to never seeking incarceration for possession of a controlled substance when that possession punishable as a state jail felony?

Yes

As to first time state jail felony drug offenders who are low-risk, my staff will not recommend incarceration. In those cases, I feel a pre-trial intervention or a conditional dismissal can be appropriate. A conditional dismissal will give the person an opportunity to have the case expunged in the future.



Additionally, I will give consideration to handling third degree felony offenses in a similar manner, as well as fraudulent prescription cases, which are also third degree felonies.

1. Revocations from community supervision are a significant driver of racially disparate incarceration. Will you direct your employees to seek the least restrictive appropriate supervision conditions in all cases where community supervision is recommended and require supervisor approval before the office seeks supervision terms that are longer than either two years or the minimum supervision term allowed by law, whichever is less? Please select “Yes” or “No” and provide any explanation you would like.

Yes.

As to misdemeanor probation, 180 days, absent extraordinary circumstances, should be the presumptive maximum term of community supervision. I will implement and train the staff on this policy.

As to felony probation, two-five years, absent extraordinary circumstances, should be the presumptive maximum term of years on community supervision.

2. Criminal justice contacts – however brief – can have negative psychological and employment effects and often fail to address the root causes of crime. Will you work to expand pre-charge diversionary programs so that, whenever possible, contact with the criminal justice system is avoided or limited? Please select “Yes” or “No” and provide any explanation you would like.

Yes

Criminal justice dispositions are not the only method to create accountability and public safety. Accessing community-based solutions are effective.



3. Will you commit to refrain from prosecuting quality-of-life offenses like criminal trespass, public urination, and prostitution, which do not add to public safety but carry devastating consequences for poor defendants?

Yes

As to public urination, that is a municipal offense only.

Racial Disparities

4. Will you commit to identifying and eliminating any racial disparities caused by decisions made by the Office, including disparities in charging decisions, bail recommendations, diversionary program placements, and plea bargains? Please select “Yes” or “No” and provide any explanation you would like.

Yes

Racial bias, whether implicit or explicit, infests our criminal justice system. I hope to have local or non-local partners to assist Dallas County in a complete study of bias in the office.

5. Will you commit to implementing policies and practices that combat bias in decision-making within your Office, by regularly bringing in experts to train staff and prosecutors on implicit and explicit bias, by prioritizing inclusive hiring and promotion, and ensuring the office not only has racial and ethnic diversity? Please select “Yes” or “No” and provide any explanation you would like.

Yes

6. Will you pledge to collect and post online quarterly statistical information disaggregated by race and gender on felony and misdemeanor charging decisions, convictions, declinations (to charge), and diversion program placements? Please select “Yes” or “No” and provide any explanation you would like.



Poverty Penalties and Bail Reform

7. Will you commit to supporting statewide reform of money bail so that individuals are not detained prior to trial simply because they cannot afford the bail amount? Please select “Yes” or “No” and provide any explanation you would like.

Yes

Our current bail system is unconstitutional. The legislature should reform the system so that it is fair across the state.

8. Studies show that secured money bail is no more effective than non-secured money bail, and in fact, can lead to devastating consequences for individuals and their communities. Will you commit to eliminating requests from your office for money bail as a condition of pretrial release? Please select “Yes” or “No” and provide any explanation you would like.

No

I agree with the premise of your statement, but under Texas law the accused is entitled to a secured money bond in almost all cases. To set no bond when a person is entitled to a bond is contrary to the law and can be reversed on appeal.

On the other hand, lack of financial resources should not be used to keep a person incarcerated who is low-risk and will appear in court.

I support bail reform and will work to implement a system to release persons who will appear in court and are not a threat to commit a new offense or not appear in court.



9. Will you agree to always ask for release on personal recognizance for low-level non-violent offenses, such as drug possession, destruction of property, and theft? Please select “Yes” or “No” and provide any explanation you would like.

Yes

Most of the drug possession, destruction of property, and theft offenders can be released on a personal recognizance bond. However, there are individuals who are a risk to flee, commit a new case, or maybe a more serious offense. A personal recognizance bond would not be appropriate in some of those cases.

10. 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 select “Yes” or “No” and provide any explanation you would like.

Yes

Ability to pay should never be a barrier to admission to a program that can reduce recidivism and restore a person to the community.

Transparency and Accountability

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 and indigency determinations? Please select “Yes” or “No” and provide any explanation you would like.

Yes

I believe posting this information holds everyone accountable and can provide valuable feedback from the community and stakeholders.



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 to also involve them in the project of determining the priorities of your office within the first 100 days of your term? Please select “Yes” or “No” and provide any explanation you would like.

Yes

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 select “Yes” or “No” and provide any explanation you would like.

Yes

I agree with the guidelines and will work with the Innocence Project of Texas to conform policies and practices to those guidelines.

14. Will you swiftly, thoroughly and transparently investigate officer-involved shootings and police brutality and make your findings publicly available? Please select “Yes” or “No” and provide any explanation you would like.

Yes

I will commit to do so with the exception of privileged or confidential information, or information that may endanger a third person.

15. For police involved misconduct investigated by the Civil Rights Unit, will you commit to require that a detailed memorandum be created and made public within 30 days of the resolution of any case whenever charges are declined, explaining the course of the investigation as well as the rationale behind the



declination? Please select “Yes” or “No” and provide any explanation you would like.

Yes

I will commit to do so with the exception of privileged or confidential information, or information that may endanger a third person.

16. As a critical police accountability tool, will you commit to maintaining a database where all Brady-related information regarding law enforcement officers and other government witnesses can be continuously updated in a timely manner and ensure that it can be easily accessed by all prosecutors in the office? Please select “Yes” or “No” and provide any explanation you would like.

Yes

Additionally, this information should be shared with defense counsel as soon as it is available.

17. Will you require prosecutors to state on the record their reasons for requesting a particular sentence and to state the unique benefits and costs of the sentence (e.g. consider where applicable the safety benefits, interruption of defendants' connections to family, employment, the actual financial cost of incarceration, and why less severe punishments are unacceptable) and to place an estimate of the financial cost of any proposed incarceration on the record as part of your explanation of the sentence recommended? Please select “Yes” or “No” and provide any explanation you would like.

Yes

I believe the above principles are commendable and should work well in the Pennsylvania sentencing system.

Please be mindful that most sentences in Texas are negotiated to a specific term, whether probation or incarceration.



In Philadelphia, where the concept in your statement originated, the Pennsylvania sentencing scheme is a guideline system. Guideline systems provide for mandatory minimums and a range of punishment from which the judge can choose where to set the punishment.

In Texas, at the time of sentencing on a non-negotiated plea, the prosecutors, defense lawyers, probation departments, and the judges should be made aware of all the consequences of a sentence, be it probation or incarceration.

Immigration

18. 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. Will you pledge to adopt a policy and training which requires prosecutors to consider the unintended immigration-related consequences of prosecutorial decisions at all stages of a case and directs them to reach immigration-safe dispositions for noncitizens whenever it is possible and appropriate? Please select “Yes” or “No” and provide any explanation you would like.

Yes

Immigration collateral consequences can be devastating to an accused. Understanding those collateral consequences will be required of each assistant district attorney.

19. Will you publicly oppose policies that use or divert local law enforcement resources for federal immigration enforcement? Please select “Yes” or “No” and provide any explanation you would like.

Yes

20. 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 select “Yes” or “No” and provide any explanation you would like.



Our U Visa policies are abysmal. They discourage reporting crimes, victimize an innocent victim, and do nothing to keep our communities safe. Furthermore, they are inconsistent from jurisdiction to jurisdiction. I will work with each of our filing agencies to implement fair, transparent, non-victimizing U Visa policies across Dallas County.

Youth Justice

21. Recognizing that children and youth are categorically less culpable than adults, that they have less impulse control and that they possess profound capacity for transformation, will you decline to seek sentences greater than 25 years for any person under 25 at the time of offense?

No

While I agree that sentences in America can be excessive, I will work to adjust sentences to what is reasonable to each case and each offender.

22. Will you pledge 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 select "Yes" or "No" and provide any explanation you would like.

Yes

Trauma histories should be considered for youth *and adults* prior to making critical case decisions.

23. Will you commit to never seeking transfer to adult court any youth under the age of 18?

No



I will work to establish presumptive principles for the request for transfer, if any. For example, consideration for transfer would likely be limited to when a death or serious bodily is caused by the accused.

Additionally, all prior efforts, if any, for rehabilitation will be considered.

Other Issues

24. Consistent with the Michael Morton Act, will you implement an “open-file” discovery program and require that prosecutors turn over full discovery to the defense pre-indictment? Please select “Yes” or “No” and provide any explanation you would like.

Yes

A Texas Court of Appeals has opined that the “Michael Morton Act” applies only after indictment. After talking to Senator Rodney Ellis, a sponsor of the bill, I do not believe that to be correct. I will instruct prosecutors to provide all relevant “Michael Morton” material upon filing of a letter of representation.

Additionally, I will encourage all the local police chiefs to instruct their officers to promptly file all case materials upon completion, especially supplemental reports, tests, etc.

25. Will you ensure that individuals who are convicted have timely access to discovery materials post-conviction? Please select “Yes” or “No” and provide any explanation you would like.

Yes

To delay or impede the production of post-conviction discovery only further victimizes a potentially innocent person.

26. Will you vehemently oppose any attempt to criminalize either a doctor performing or a patient seeking an abortion? Please select “Yes” or “No” and provide any explanation you would like.



27. 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 culpability, including persons with intellectual disabilities and severe mental illness, youth under the age of 21, and those who have experienced extreme childhood trauma. Furthermore, there is extensive evidence that racial bias plays a role in death penalty cases. Recognizing the flaws and racial bias in our current death penalty system, will you commit to not seeking the death penalty? Please select “Yes” or “No” and provide any explanation you would like.

YES

I agree with your assessment of the death penalty. Also, though not mentioned in your statement is the lack of evidence that executing a person acts as a general deterrent to future capital offenses.

Though my answer is “YES”, I must state that there are capital murder defendants who pose a “continuing threat” to other inmates and prison personnel. If that can be known beyond a reasonable doubt prior to trial, in those rare cases, I will examine that issue and exercise my best judgement.

“Continuing threat” in my judgment, means a threat to the lives and safety of others in a penal environment.

28. *If you will not commit to categorically refusing to seek the death penalty:* Will you commit to never seeking the death penalty for an offense committed by someone under the age of 25? Please select “Yes” or “No” and provide any explanation you would like.

YES

See answer to question 27.

29. 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. Assuming that you will not



will you pledge to publicly support efforts to make those convicted of capital murder under law of parties ineligible for the death penalty? Please select “Yes” or “No” and provide any explanation you would like.

Yes

The death penalty is appropriate only when a person, without justification or excuse, and within the framework of the statute, causes the death of another. In other words, I would not seek a death penalty for a party to an offense of capital murder. Life without parole may be the appropriate sentence, depending on the facts. In some cases, a sentence less than life may be appropriate. I will support any reasonable legislative effort to remove the possibility of a death sentence to a party to a capital offense.