Local and state prosecutors hold extraordinary power in the criminal justice system. How they exercise discretion at each stage of criminal proceedings—from initial charging decisions to the sentences they seek to impose—determines whether the local justice system is fair and just. They also wield significant influence as policymakers and civic leaders, and can work with legislators, judges, public defenders, law enforcement, and other community stakeholders to advance justice through policy reforms.

Prosecutors can and should use this power to end the scourge of mass incarceration in America. Texas has one of the largest prison populations in the country. The state's over-reliance on incarceration and harsh punishment is both costly and ineffective; it exacts enormous financial, emotional, and social costs on communities across the country while exacerbating recidivism and leading to more crime.

This questionnaire evaluates whether local prosecutors are committed to addressing the key drivers of mass incarceration. The questions fall broadly into six categories:

1. Policies Aimed at Reducing Mass Incarceration
2. Policies Aimed at Reducing Excessive Punishments
3. Policies that Aid Undocumented Communities
4. Policies that Promote Police Accountability
5. Policies that Promote Transparency and Accountability to the Community
6. Policies that Guard the Community Against Abuse of Power by Officials

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Audia Jones
Yes, absolutely. The Harris County Jail averages nearly ten thousand to twelve thousand (10,000 to 12,000) people incarcerated each day. Seventy-seven percent of the people incarcerated have not been convicted of any crime and are charged with nonviolent offenses. Also, many of those imprisoned individuals pose no threat to public safety and are simply incarcerated because they are poor, drug addicted or suffering from mental health issues.

I believe the District Attorney plays a significant role in ending mass incarceration. The prosecutor, with the stroke of a pen, has the power to fuel mass incarceration or end mass incarceration. The power of the prosecutor includes deciding which charges to pursue, what plea to offer, and what type of punishment to seek. Policies and procedures developed by the District Attorney can significantly reduce and even end mass incarceration.

Policies Aimed at Reducing Mass Incarceration

1. Limit the Use of Money Bail

Texas’s continued use of unjust money bail policies contributes to the overall incarceration of poor people and disproportionately harms people of color by keeping them incarcerated simply because they cannot afford to pay bail.

What role, if any, do you think money bail should play in our justice system?

I believe that cash bail should be abolished on the felony level – since it has now been abolished on the misdemeanor level.

Having clerked at the United States District Court for the District of Columbia, I observed a system that does not impose cash bail on any offenses. Washington DC ended the use of cash bail in 1992 for all offenses. Since that date, statistics have shown that 86% of people facing criminal charges appeared for every court date.
Will you adopt a bail policy that will end the use of cash-bail for felony cases?

- Yes
- No

Please provide any explanation you would like in the space below.

While the laws in Texas still require that a dollar amount be placed on felony level offenses, I intend to implement internal practices that have a presumption of bond. Those bonds being set generally under five hundred dollars ($500) except in cases where public safety is apparent. Understanding that most people in Harris County have an average of approximately four hundred dollars in their savings account, the data supports setting most bonds, with exception to certain offenses, at an amount established as affordable for the masses of Harris County citizens.

Harris County just entered into a misdemeanor cash bail settlement. Are the reforms in the settlement enough? Too much? Are there additional changes you would make to an internal office policy on bail?

I believe the reforms in the settlement are a good start, but much more can be done. The recently confirmed misdemeanor cash bail settlement provides a presumption of release for eighty-five percent (85%) of people charged with low level misdemeanor offenses. It is my belief that cash bail should be abolished.

My plan is to incorporate internal policies and procedures that require a presumption of release on all misdemeanor offenses. Prosecutors will be required receive approval and provide written memorandum evidencing why they are requesting cash bail and how the person is a threat to public safety.
Will you work with law enforcement to successfully implement cite-and-release for eligible misdemeanors?

- [ ] Yes
- [ ] No
- [ ] Other: ____________________________________________________________

Please provide any explanation you would like in the space below.

I intend to issue a list of misdemeanors that we will no longer prosecute. Many of which stem from poverty, drug addiction and mental health issues -- including criminal trespass, theft of certain necessary items, drug possession, and stand-alone resisting arrest charges.

Will you agree to waive discretionary fees for anyone who cannot pay for court fees, classes, or supervision fees imposed as a condition of their pretrial release? If no, why not?

- [ ] Yes
- [ ] No

Please provide any explanation you would like in the space below.

I believe that no one should be punished simply because they are poor. Therefore I intend to waive fees and costs associated with our diversion programs, community supervision programs and treatment services.
Will your office commit to taking a default position of release on a personal recognizance bond, with the least restrictive conditions (if any), unless there is a substantial risk to the community or high likelihood of flight, for all charges in which statutorily permitted to do so?

- Yes
- No

Please provide any explanation you would like in the space below.

Yes. It is well-documented that people in jail pretrial are more likely to plead guilty to crimes and receive harsher sentences than people who are released. The end result being that poorer defendants are disproportionately treated harsher by the justice system. In the third largest county in the United States, it is past time that we have a justice system that is fair and equitable for all – regardless of their financial standing.

2. Keep People Out of Jail for Drug-Related Offenses

Years of experience with ineffective drug laws and the latest medical research on addiction suggest that treating drug use as a public health issue, as opposed to a criminal justice issue, is a more effective and humane approach to reducing harm.

Will you support diversion programs for all low-level drug offenses?

- Yes
- No
Please provide any explanation you would like in the space below.

My plan is to decriminalize drug addiction by no longer prosecuting drug possession, and partnering with outside organizations and facilities to provide resources to individuals who are drug addicted and seeking help.

The war on drugs is a failed policy that has destroyed our communities of color, ruined the lives of people who are poor and drug addicted, fueled mass incarceration, and wasted billions of tax dollars. I do not believe that we can arrest or prosecute our way out of drug addiction.

Further, I intend decriminalize marijuana possession and advocate for clearing the criminal records of those who have received past convictions for marijuana.

If you elect to prosecute possession of a controlled substance for drugs other than marijuana, will you commit to charging it as a Class C misdemeanor?

- [ ] Yes
- [ ] No

Please provide any explanation you would like in the space below.

I do not intend to prosecute drug possession. Again, it is my belief that no one should be incarcerated for drug possession.

Additionally, I intend to advocate and/or testify on behalf of opening "safe injection sites" in Harris County.

In the absence of sufficient evidence of intent to cause death, will you commit to not charging drug overdose cases as homicides?

- [ ] Yes
- [ ] No
Yes, in the absence of significant evidence of intent to cause death I commit to not charging drug overdose cases as murder. Doing so is dangerous and destructive to our community, families and the individuals accused.

Will you commit to not charging "trace" amounts of narcotics at less than a quarter of a gram?

- Yes
- No

Please provide any explanation you would like in the space below.

I do not intend to prosecute drug possession. Again, it is my belief that no one should be incarcerated for drug possession.

Additionally, I intend to advocate and/or testify on behalf of opening "safe injection sites" in Harris County.

Will you adopt an office-wide Good Samaritan policy stating that individuals who call the police in response to an overdose will not be prosecuted?

- Yes
- No

Please provide any explanation you would like in the space below.

Drug addiction is a medical issue that should be treated as such and not criminalized. Enforcing a Good Samaritan policy will save the lives of many community members, and fosters a relationship of trust between the community and law enforcement. This policy absolutely makes our community more safe.
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 within the community.

**Will you refuse to permit a person's financial resources to play a role in their eligibility for bail, a plea agreement, the appropriate sentence, or entrance to a diversionary program?**

- Yes
- No

**Please provide any explanation you would like in the space below.**

I do not believe that anyone should be penalized simply because they are poor or homeless. Therefore for bail we will focus on whether an individual poses a public safety threat or a flight risk, and I intend to waive all fees associated with our diversion programs.

My plan is to ensure everyone -- regardless of financial standing -- receives fair and equitable treatment throughout all prosecutorial phases including the charge, plea, negotiation and disposition.

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**Will you adopt fee waiver programs for those diversionary programs that currently require fees?**

- Yes
- No

**Please provide any explanation you would like in the space below.**

I intend to terminate all fees associated with our diversionary programs.
Will you oppose incarceration based upon the failure to pay fines or fees?

- Yes
- No

Please provide any explanation you would like in the space below.

It is my belief that no one should be punished simply because they are poor. Incarceration for failure to pay fines and fees is criminalizing poverty.

Will you establish a strong presumption against prosecuting criminal trespass and other conduct that is a byproduct of homelessness or poverty?

- Yes
- No

Please provide any explanation you would like in the space below.

I intend to issue a list of misdemeanors that we will no longer prosecute. Many of which stem from poverty, drug addiction and mental health issues -- including criminal trespass, theft of certain necessary items, drug possession, and stand-alone resisting arrest charges.

Policies Aimed at Reducing Excessive Punishments

1. Treat Kids Like Kids

Recognizing that children's brains continue developing until around age 25 and that research supports their enhanced capacity for rehabilitation, children should not be prosecuted in adult court and they should not be given punishments that preclude the opportunity for redemption.
Will you decline to ask for sentences that are de facto life without parole for any person under 18 at the time of the offense?

- Yes
- No

Please provide any explanation you would like in the space below.

Yes. Evidence shows that children's brains continue to develop until the age of twenty five (25). Data also provides that children who commit even the most heinous offenses can be rehabilitated.

Will you establish a strong presumption against prosecuting school suspension or expulsion cases where there is no use or threat of force resulting in physical harm?

- Yes
- No

Please provide any explanation you would like in the space below.

My plan is decline to prosecute school related offenses where there is no use or threat of force resulting in physical harm.

Will you establish a presumption against recommending the transfer of juveniles to adult court, unless required by law?

- Yes
- No
Yes. Again, evidence shows that children's brains continue to develop until the age of twenty five (25). Data also provides that children who commit even the most heinous offenses can be rehabilitated.

Will you publicly support changing any and all laws that require children to be prosecuted as adults, including laws that raise the age of adult criminal responsibility?

- Yes
- No

Please provide any explanation you would like in the space below.

Yes. Again, evidence shows that children's brains continue to develop until the age of twenty five (25). Data also provides that children who commit even the most heinous offenses can be rehabilitated. Often times the reckless offenses committed by children are not repeated when they are adults. Therefore, I intend to advocate and support laws that raise the age of criminal responsibility to twenty five (25).

2. Do Not Seek the Death Penalty

The use of the death penalty has become increasing isolated to a handful of jurisdictions within the United States. Its use is rapidly decreasing in Texas. 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, youthful offenders under the age of 21, and those who have experienced extreme childhood trauma.
In any capital prosecution, will you promise to exercise your discretion to seek sentences other than death?

- Yes
- No

If not, under what circumstances will you consider the death penalty, and what are the factors that will guide your discretion in determining whether to seek the death penalty?

I do not intend to seek the death penalty.

What will be your office policy in regards to post-conviction death penalty cases?

I support civilian review boards and within the first one hundred (100) days in the Harris County District Attorney's Office I intend to establish a civilian board to review the facts and evidence surrounding post conviction death penalty cases.

Please provide any explanation you would like in the space below.

As District Attorney, it is not enough that we ensure the system is fair and equitable moving forward – we must also right the wrongs of the past.

In all cases, will you establish an office-wide presumption that the least severe applicable charges apply, and that the lowest sentencing outcome is the correct recommendation?

- Yes
- No
We must rebuild our criminal justice system. Our current processes are making our communities less safe and destroying the social and familial fabric of Harris County. I intend to make it an office policy to have incarceration as our last option with alternatives such as community supervision, treatment services, and even dismissals as our first option.

3. Promote Proportionate Sentencing and Pathways to Second Chances

People are more than their worst acts, and even people who commit the most serious offenses often change profoundly over time. To recognize the worth and potential for growth in all people, it is important for local prosecutors to provide individualized consideration to the character and background of each person and to the circumstances surrounding the commission of the offense. It also is critical for elected prosecutors to promote opportunities for release, through parole or clemency, and to help remove barriers to reentering society for those who are released from incarceration.

Will you pledge to establish an office policy against increasing or threatening to increase the number or severity of charges in order to secure more favorable plea dispositions or waivers of rights?

- Yes
- No

Please provide any explanation you would like in the space below.

I do not believe anyone should be manipulated into a plea or punishment. As a former Chief in misdemeanor court, I always enforced a policy that the prosecutors reporting to me could not filed additional charges simply to manipulate a person accused of crime into a plea.
Will you require prosecutors to justify departures to their supervisors, and require that the chief assistant prosecutor approve all maximum sentences sought?

- Yes
- No

Please provide any explanation you would like in the space below.

Additionally, I intend to have all deviations from the presumption of less severe sentencing reported to upper administration as well.

Will you pledge to support second chances by both limiting parole opposition and committing to affirmatively advocate for parole on behalf of those who demonstrate growth and maturity during their incarceration?

- Yes
- No

Please provide any explanation you would like in the space below.

Further, I intend to advocate and support compassionate release.

Will you pledge to adopt an evidence-based probation policy, that includes limiting term limits of supervision, and agreeing not to ask for jail or prison when there is a technical violation of probation?

- Yes
- No
For decades District Attorney's have lacked any sense of humanity. It is important for all of us to remember that we are all human beings who are flawed. Therefore, I pledged not to ask for jail or prison when there is a technical violation of probation.

Will you publicly oppose any proposed legislation that would create new mandatory minimum sentences or lengthen existing minimum sentences?

- Yes
- No

Please provide any explanation you would like in the space below.

Will you pledge to support second chances by both limiting parole opposition and committing to affirmatively advocate for parole on behalf of those who demonstrate growth and maturity during their incarceration?

- Yes
- No

Please provide any explanation you would like in the space below.

It is my belief that people can change and should not be stigmatized for the rest of their life for something they have already been punished for, especially when there is demonstrated growth and maturity. Further, I intend to advocate and support compassionate release.
Texas is home to a large and diverse immigrant population. In the last year, undocumented communities have come under increasing attack because of increasingly vicious federal immigration laws. These policies not only allow for deportation because of minor allegations like possession of drugs, but they also make communities less safe, as undocumented victims fear going to court or speaking to law enforcement.

Will you implement an office-wide policy requiring prosecutors to consider immigration consequences in charging, plea, and sentencing decisions?

- Yes
- No

Please provide any explanation you would like in the space below.

My plan is to work diligently to aid our undocumented community to not be subjected to immigration consequences for non-violent offenses. Here is a snapshot of my plan below:

1. Restructure and Reorganize the District Attorney's Office by augmenting the scope of our services with two to three (2-3) immigration attorneys. The mission of these attorneys will be to advise the Assistant District Attorneys, as well as myself, on the implications of immigration consequences for cases being handled by our Office.

2. Implement policies and procedures to find alternative means of disposition for non-violent offenses involving undocumented individuals, as well as all people accused of crime.

3. Mandate training and CLE courses to train prosecutors about immigration consequences associated with all stages of law enforcement including: arrests, charges, prosecution, pleas and convictions.

Will you support suits against SB4? If no, why not?

- Yes
- No
Please provide any explanation you would like in the space below.

Yes. I will also advocate and support repealing SB4. My position is that Senate Bill 4 unnecessarily jeopardizes the safety of our undocumented community members and works to arbitrarily discriminate against them.

I believe this law acts to foster an environment of distrust between law enforcement and communities. This has serious effects on the community and public safety as a whole.

Will you decline to require a guilty plea or any other admission of guilt before admission to a diversion program?

- Yes
- No

Please provide any explanation you would like in the space below.

Will you implement an office-wide policy that Padilla Writs should be agreed to unless there is affirmative evidence that the attorney gave correct and complete immigration advice to the person?

- Yes
- No
Again, my plan is to work diligently to aid our undocumented community to not be subjected to immigration consequences for non-violent offenses. Here is a snapshot of my plan below:

1. Restructure and Reorganize the District Attorney’s Office by augmenting the scope of our services with two to three (2-3) immigration attorneys. The mission of these attorneys will be to advise the Assistant District Attorneys, as well as myself, on the implications of immigration consequences for cases being handled by our Office.

2. Implement policies and procedures to find alternative means of disposition for non-violent offenses involving undocumented individuals, as well as all people accused of crime.

3. Mandate training and CLE courses to train prosecutors about immigration consequences associated with all stages of law enforcement including: arrests, charges, prosecution, pleas and convictions.

Policies that Promote Police Accountability

Although charged with serving and protecting, police officers are too often the perpetrators of violence against our communities. Enhancing transparency and accountability is crucial to promoting trust between the community and law enforcement. In the wake of the flood of police misconduct, especially violence against people of color and children, the district attorney must be committed to rigorously and independently investigating and prosecuting police misconduct.

When legally able to do so, will you release any dash-camera, body-camera, or other audio or video footage related to police-involved misconduct within 24 hours of any charging decision?

☐ Yes

☐ No

Please provide any explanation you would like in the space below.
Will you decline to use testimony from officers known to have committed misconduct in the past, including, but not limited to, perjury, making false allegations, withholding exculpatory evidence from the defense and making statements evidencing racial bias?

- Yes
- No

Please provide any explanation you would like in the space below.

Will you maintain a list of police officers who are known to have committed misconduct in the past including, but not limited to, perjury, making false allegations, withholding exculpatory evidence from the defense and making statements evidencing racial bias?

- Yes, and I will make that list available to the public
- Yes, but I will not make that list publicly available
- No

Please provide any explanation you would like in the space below.

For decades our criminal justice system has lacked complete transparency when it comes to the illegal actions of our "powerful actors", especially police officers. Failure to publicly provide the names of police officers who are bad actors is failing to create a safer community and perpetuates an environment of distrust between people and law enforcement. It is past time that the people in our community with the highest levels of authority are held accountable the same as any other community member.
Will you commit to the creation of a special prosecution unit to investigate and charge allegations of police misconduct, including police-involved violence and corruption?

- [ ] Yes
- [ ] No

Please provide any explanation you would like in the space below.

Yes. I intend to establish Public Integrity Review Board comprised of outside civil rights and criminal defense attorneys, and community members who will review and assess cases involving police misconduct.

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Policies that Promote Transparency and Accountability to the Community

Enhancing transparency and accountability within the district attorney’s office is critical to ending the win-at-any-cost pursuit of high conviction rates that is failing our communities. Our elected prosecutors must build a culture focused on seeking justice for victims and ensuring that justice is equal. This requires openness to community scrutiny and feedback, paying close attention to racial disparities, and prioritizing the needs of victims and their families.

In order to measure the effectiveness of policies and reforms, will you maintain and publish regular statistics about prosecutions, including the number of misdemeanor and felony cases filed each month, disposition statistics, pretrial incarceration rates and length of stay by offense category, average bond for each class of offense, and caseloads of prosecutors?

- [ ] Yes
- [ ] No
Please provide any explanation you would like in the space below.

I have already met with a few programmers and data analysts about my plan to implement a link on the District Attorney's website where the public can find information to track the effectiveness of creating a fair, equitable and racially balanced criminal justice system.

Will you include racial information at all steps, committing to publicly report any significant racial disparities at any stage of the process?

☐ Yes

☐ No

Please provide any explanation you would like in the space below.

Will you build a staff that reflects the diversity of the community the office serves?

☐ Yes

☐ No

Please provide any explanation you would like in the space below.

I intend to create and fulfill a recruitment tour where we will speak with students at various law schools across the country -- including Historically Black Colleges and University law schools. It is important that we have a diverse office that reflects the most diverse county in the United States.
Will you commit to regular communication with community members and organizations, including regularly scheduled open sessions and regular meetings with civilian oversight boards to listen to and then address concerns over police-community relationships and allegations of police brutality?

- Yes
- No

Please provide any explanation you would like in the space below.

Yes, similar to the point person assigned regarding our undocumented population we will have a liaison, who will serve as the primary contact and two additional points of contact. Each liaison will be a senior level Assistant District Attorney who will be assigned to a District (e.g. District K, District J, District B) where they will attend civic club meetings, HOA meetings, and super neighborhood meetings to address concerns and provide information to the community. The liaisons will be assigned based on the areas in which they reside and will have open and regular contact with the assigned community and the City Council Member to address concerns over safety in the community, police-community relationships and allegations of police brutality.

Will you prioritize the needs of the victims of violence by expanding support of victim/witness service programs and improving communication with victims and family members?

- Yes
- No
Data has shown that victims of violent offenses, who have gone untreated, can often times turn into victimizers. I plan to use resources expanding the services and support for victims and their family members. In Harris County, I intend to have survivors -- not simply victims.

Policies that Guard the Community Against Abuse of Power by Officials

Fraud and public corruption undermines public trust in government. There are also inevitable mistakes that have life-altering impacts. It is crucial that elected prosecutors serve as one of the first lines of defense to protect the less powerful in our society from exploitation, especially when it comes to abuse of power by those in government who are supposed to act in the public interest.

Will you end the process of abusive civil asset forfeiture wherein the county seizes cash or possessions before there has been conviction or in instances where there is not even proof of criminal activity?

- Yes
- No

Please provide any explanation you would like in the space below.

Civil asset forfeiture operations frequently target the poor and other groups least able to defend their interests in forfeiture proceedings -- typically black and brown people). Data found that more than two thirds of the cash seizures in Harris County were for less than $5,000.00, and two of every ten cases didn't result in a related criminal charge against the property owner. Texas seizes approximately $50 million dollars -- $28 million dollars of which goes to law enforcement agencies to fuel mass incarceration.
Will you commit to use asset forfeiture in criminal cases only after obtaining a conviction, and ensure members of the community have a meaningful opportunity to contest seizure when it happens?

- Yes
- No

Please provide any explanation you would like in the space below.

Will you support statewide legislation to end the use of civil asset forfeiture?

- Yes
- No

Please provide any explanation you would like in the space below.

Will you create mechanisms for a second look at charging decisions, plea bargains and convictions, because mistakes are inevitable and the consequences life-altering?

- Yes
- No

Please provide any explanation you would like in the space below.
Will you create a conviction review unit, complete with an independent panel to review the unit’s findings? Will you operate that unit transparently and publish regular data summarizing the unit's findings?

- Yes
- No

Please provide any explanation you would like in the space below.

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Please provide any additional information that you would like to share.

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