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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Margaret Moore
Do you believe that there is an over-reliance on incarceration in your county? What do you believe is the prosecutor's role, if any, in ending mass incarceration?

Travis County is committed to policies and practices that minimize incarceration. My role is to work with the judges and other county officials to ensure that the procedures used to set bail and that the process used to determine who should be released on personal recognizance (PR) bonds are fair. I support implementing a system that presumptively releases on PR bonds those that are accused of low level offenses, even felonies, when the safety of the victim and the public are not jeopardized.

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?

Texas law guarantees the right to bail. Bail amounts should be set in accordance with the law, which includes taking into account the defendant's financial condition, the safety of the public and the victim, and the risk of failure to appear.

Will you adopt a bail policy that will end the use of cash-bail for felony cases?

☐ Yes

☐ No
I can't answer this yes or no. The DA does not have the power to end the use of cash bail. That is a legislative decision. I do support policies to maximize the use of PR bonds, which do not require posting a cash amount other than the PR bond fee.

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?

We are adapting the Harris County provisions for use in Travis County.

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.
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.

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.
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 have only felony prosecution. We handle these on a case-by-case basis, taking into account all the facts, the defendant's criminal history, and the amount of the drug. We routinely reduce state jail cases too misdemeanors, and we also offer the defendant a disposition that will allow them to get treatment.

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

- Yes
- No

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

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

- Yes
- No
Our trace policy is to dismiss, and instruct the law enforcement agency not to test, any case where the amount is .01 gm plus an amount of variance inherent in the testing.

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

3. Adopt Policies to Avoid the Criminalization of Poverty

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.
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.

__________________________________________________________

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.

__________________________________________________________

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.

__________________________________________________________
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
- [x] No

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

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?

- [x] Yes
- [ ] No

Please provide any explanation you would like in the space below.
2. Do Not Seek the Death Penalty

The use of the death penalty has become increasingly 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?

We would only seek the death penalty in the most egregious cases that indicate exceptional dangerousness. One example would be the Austin bomber, who randomly killed and physically harmed innocent individuals. So far, we have had a number of capital cases, but we have not sought the death penalty.

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

We evaluate the issues raised by appeal/writ.

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

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
In Travis County cases are directly filed by law enforcement. It is not uncommon for a number of charges to be filed out of one criminal episode. We evaluate the most appropriate charge, which may be a lesser offense or may be a more serious offense, depending on the facts. We evaluate our plea recommendation based upon the seriousness of the offense, the criminal history of the defendant that is relevant to the current charge, and the sentences imposed by juries in similar cases.

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.
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.

Plea recommendations are routinely reviewed by supervising attorneys in this office.

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.

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
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
- [x] No

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

I have been advised by our County Attorney that such a policy would violate SB4. We take into account ALL circumstances when evaluating our recommendations.

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

- [ ] Yes
- [ ] No

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

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

- [ ] Yes
- [x] No

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

We require applicants for diversion to take responsibility for their conduct. We do not allow defendants who maintain their innocence to enter diversion. We do NOT use any admissions against them if they do not take the diversion option.
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.

If we charge an individual, we do NOT release the video pending the disposition of the case. I have also worked with APD to formulate a release policy. I believe the release of video is in the public interest.
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.

I am researching the release of these names to the public.
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.

We only have felonies. We are working now on a public dashboard.
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.

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
I formed a Civil Rights Advisory Council that hears regular reports from us about these issues.

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

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

That was one of our first policy changes.

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
We use forfeiture appropriately, publish our policy, and publish the uses we make of the funds. Forfeiture is a tool to administer justice, and using those funds for law enforcement purposes saves taxpayer's money.

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.

There are many instances where that is not feasible to get to the real criminal.

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.

We have a conviction integrity unit.

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

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