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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Erin Martinson
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?

I do believe there is an over-reliance on incarceration in Travis county and believe local prosecutors have failed to examine their role in ending mass incarceration. I believe it is the prosecutor's role to seek justice and that includes finding solutions to the disproportionality of incarcerating people of color and poor people. When I am elected, I will be transparent with my community by sharing statistics about the number of cases filed, the race and gender of individuals charged and the outcomes of those cases. I will impanel a community advisory board made up of individuals from underserved communities in Travis county, including people of color, immigrants, formerly incarcerated individuals, survivors of violent crime, and criminal justice reform leaders, in order to guide the work of my office. I will also commit to regularly training prosecutors on implicit and explicit bias and will hire and promote diverse staff that represents the communities the office serves.

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 there should be a presumption of release in all cases with the exception of safety concerns. In the case of individual victim or community safety, I believe conditions of bond related to safety should be used (stay away and protective orders, ignition interlock devices, and monitored or supervised release). I have watched money buy justice for the last 20 years of my work here in Travis county and I intend to put an end to these practices. Individuals should not linger in jail because they can't afford bail and, as we have seen in other jurisdictions such as the District of Colombia, cash bail does not enhance safety or ensure that individuals will attend their court hearings.
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.

I believe that safety, not money, should determine whether an individual gets released on their own recognizance. In the instance of safety concerns, I will rely on conditions of release, rather than money, to address individual or community safety concerns. I will also transition the office to 24 hour prosecution so that prosecutors will be on hand to advocate for personal bonds and/or safety conditions, when appropriate.

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 think the Harris county settlement is progress. I especially like that they have identified the need for legal and social services for individuals who experience barriers to attending court. Because cash bail has not been found to increase the likelihood that someone attends court and does not have a direct impact on victim safety, I think we can use other, less punitive measures such as bond conditions to ensure that our community is safe.

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

Yes, an individual’s ability to pay will control whether they are required to pay fines and fees. For so long, our system has required the payment of fines and fees for accountability purposes, however, I have seen how the inability to pay affects a person’s successful completion of probation or diversion programs and do not believe this is equitable.

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.
Yes. I believe drug charges should be treated as a public health crisis rather than a crime. Addiction is a process and often, it takes years for individuals to achieve sobriety. The current system punishes people for relapse and does not set individuals up to succeed but rather makes it more likely they will stay trapped in a cycle of homelessness, addiction and incarceration. I will create diversion programs that are community, rather than systems, based. I will partner with our new overdose prevention center, as well as other addiction treatment facilities, to offer resources for individuals and their families and will dismiss charges up front.

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
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.

I plan to partner with the overdose prevention center, and other addiction treatment programs, in order to offer resources for individuals and their families. However, when an individual overdoses, it is a sign of a serious addiction and/or mental health issues and I do not believe our community benefits by punishing individuals for their mental illness and/or addiction struggles.

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 will not prosecute cases involving a gram or less of narcotics unless there is some sort of valid safety concern. For cases involving more than a gram of narcotics, I will use diversion programs as an option to help individuals charged avoid criminal convictions and all of the consequences that follow. When I say diversion programs, I mean diversion in the true sense of the word, so cases will be dismissed up front and I will not set individuals up for technical violations. I understand that addiction can be a lifelong process and relapse is a part of that process. I do not believe people should be punished for relapses or failure to pay fines but rather, I believe we should provide tools, resources and referrals and let people choose their own path to sobriety.
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.

Yes. It is time that our community comes together to provide support and resources for addicts and their families rather than punishing people for their struggles.

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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.

People should be given the chance for redemption and the tools necessary to help them move away from CJ system involvement and money should not be there determining factor in whether they get a second chance.
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
In Travis county, the District Attorney's office handles felonies and the vast majority of crimes related to homelessness (criminal trespass, urinating in public, etc.) are misdemeanors and prosecuted by the County Attorney's office. However, I commit to considering the circumstances of each individual that comes through my office and will not prosecute crimes that are a direct result of homelessness.

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. My long-term goal is to transform our juvenile justice system into one that is community-based and founded on the principles of restorative justice rather than our current punitive process. I believe that we have a unique opportunity to intervene in juvenile cases in a way that is aimed at addressing the root cause of criminal behavior and that can change the course of that child's future. Research shows that the majority of people involved in the criminal justice system have experienced trauma at some point in their life and I firmly believe we have an obligation to address this trauma and the earlier in life we address this trauma, the more likely it is that people can heal.
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.

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

- Yes
- No

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

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
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?

I am adamantly opposed to the death penalty and will not seek capital punishment in any case.

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

My office will not seek the death penalty.

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

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

I do not believe in plea negotiation games. I will require my prosecutors to charge the lowest level of offense appropriate and not to stack charges just to ensure that long prison sentences are returned. I will also require prosecutors to seek the lowest sentencing outcome. I will build in oversight so that someone is regularly reviewing charging and sentencing recommendations coming out of my office.

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
I will require prosecutors to charge the least possible charges and will not tolerate prosecutors using their power to bully individuals charged.

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.

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.
In fact, I was recently at a Texas Inmate Families Association meeting and spoke with several family members of incarcerated individuals. I learned so much from them, especially how arbitrary sentencing seems to be. Two families had sons who were sentenced in their early 20s to 40+ years sentences, neither boy had a criminal history. The families had many questions and I let them know that prosecutors can actually advocate for parole, not just oppose it. I will certainly commit to advocating for parole, especially for inmates who have been incarcerated under previous administrations where the maximum sentence was always sought. I will also establish a conviction review unit to review these cases so we can get to work advocating for release for individuals like the two young men whose families I met. I will also support legislation earned credit during incarceration, for programs completed and education goals met while incarcerated.

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

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

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

- Yes
- No
Policies That Aid Undocumented Communities

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.

See above. I believe this question is a duplicate.
I believe immigrants have a right to feel safe and secure in our community. I will ensure that all possible immigration consequences are taken into consideration before resolving a case. I know that for many, asylum in America is life saving and I would not want to have someone face returning to dangerous situations because of a non-violent offense. I also know that it is imperative that immigrants feel safe calling the police and accessing our courts for their safety and want to foster an environment where all feel protected and safe.

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
☐ No

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

I believe the purpose of diversion should be to give people a second chance and give them the tools and opportunity to break free from the criminal justice system. Strapping folks with felony convictions does not set them up to succeed. In diversion programs in my office, the case will be dismissed up front and the individual will be referred to community-based programs and interventions.
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

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

All prosecutors will be required to consider the immigration consequences of a plea deal and will agree to Padilla writs without concrete evidence that the individual knew the immigration consequences of the sentence.

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.

I believe prosecutors should be 100% transparent with the community, especially in the case of police misconduct.
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.
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.

I commit to having a civil rights division that will review all cases of police misconduct.

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.

As I mentioned in a previous answer, I commit to having data about the cases filed by office available on a public-facing dashboard so that anyone can access the activities of my office. I also commit to having a community advisory board made up of individuals from communities of color, immigrants, formerly incarcerated individuals, victims of violent crime and leaders in criminal justice reform to help guide the activities of my office and to analyze our practices on an ongoing basis.

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.

The purpose of having a community advisory board is to consistently review data from our office to ensure we are not disproportionately prosecuting people of color, immigrants, and people who suffer from drug/alcohol addiction and mental illness. It is my intent that the board will make recommendations or suggestions so that we are fair and equitable in our prosecutions.

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

- Yes
- No
Currently, the trial court in the Travis County District Attorney’s office is made up of entirely white prosecutors while people of color are over-represented in our courts. I have always valued diversity in hiring and promoting and will work to make sure our prosecutors more fairly represent the communities they are prosecuting.

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.

This is the reason I intend to build a community advisory board. I believe that the public deserves to have input into the activities of the DA’s office. Right now, in Travis county, our DA has walked away from our long-standing community collaborations and is operating almost entirely behind closed doors. This has led to a lack of trust in her office and the inability to visit issues as they arise because the DA is inaccessible. I have worked across disciplines for the last 20 years to achieve more equitable outcomes for the most vulnerable in Travis county. I recognize and value input from people of different backgrounds and will ensure that the public has a seat at my table.

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.
This is my area of expertise. I have worked with victims’ service providers for the entirety of my career. Our current DA does not have specialized staff or even experienced trauma professionals working in her office. Our criminal justice system, in general, does a terrible job providing support to victims of violent crime, but we can do better. When I worked as a prosecutor of protective orders, I transformed the division into a statewide model and created a program that was trauma-informed and victim centered. For this reason, victims felt safe and believed when they came to our office. Many, many victims of violent crime drop off at some point during a criminal prosecution for various reasons, but chief among those is that they feel re-traumatized by prosecutors and support staff who are not trained to provide trauma-informed support. I know that victims are more likely to cooperate and stay the course of a prosecution if they feel supported and I intend to create a victim assistance program that is a national best practice.

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.

The government has no business taking others property until or unless there is a conviction and the criminal activity is tied to the assets being forfeited. The current practice of seizing assets prior to conviction has been abusive and devastating for many poor people and people of color.
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.

It is not enough to simply go forward with more equitable practices. Conviction review is necessary to ensuring that past wrongs are reversed.

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