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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Name *

Jose P. Garza
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?

Yes. Every year in Travis County, the District Attorney’s office prosecutes more possession of a controlled substance charges than any other charge. As a result, every year in Travis County thousands of people are saddled with drug charges and their ability to work, apply for student aid, or housing is diminished. In addition, over 70% of people sitting in Travis County have not been convicted of a crime, and the overwhelming majority of them are sitting in jail because they cannot afford to pay bail. There is absolutely an over-reliance on incarceration in our county.

The District Attorney’s primary role is to keep people safe. For too long, policies that have led to mass incarceration have made our communities less safe. The data is overwhelmingly clear that every day a person struggling with substance abuse stays in jail, the likelihood that will commit another crime increases. Every day a person stays in jail because they can’t afford to pay bail, their lives and communities because more unstable. That makes us less safe. It is the District Attorney’s primary role to keep us safe. And because of that is the District Attorney’s primary role to to end the failed policies that have led to mass incarceration in our country.

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?

Money bail should play no role in our justice system. On any given day, over 70% of the people held in the Travis County jail have not been convicted of a crime. The overwhelming majority of these people are in jail only because they cannot afford to pay bail. This is not justice. As District Attorney, I will advocate to end cash bail in Travis County, and only hold people in jail who pose a significant threat to public safety.
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.

As District Attorney I will advocate for defendants to be released on a personal recognizance bond, unless their release poses a significant risk to the community.
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?

The misdemeanor cash bail settlement in Harris County is an important first step to end the practice of locking people up because they can't afford to pay bail in Harris County and across the state. The settlement includes several promising provisions - bolstered by investments and reforms by the County Commissioner's Court - and has room for improvement.

One of the most promising aspects of the steps taken in Harris County, is that they represent a significant investment in non-carceral approaches to ensuring that people in our criminal justice system participate in that process. In addition, the policies adopted in Harris County make a significant majority of misdemeanor offenses eligible for automatic release on a personal recognizance bond.

One of the most significant places for improvement in the new policy is that, obviously, it only applies to misdemeanor offenses. Right here in Travis County, a significant percentage of people sitting in detention because they can't afford to pay bail, are charged with felony offenses. To end cash bail in Travis County, we must focus our reforms on felony offenses. Relatedly, the Harris County plan seems to rely heavily on a risk assessment tool. Often times, those tools reinforce biases against working class people and people of color.

When I am elected, I will make clear to felony courts in Travis County the District Attorney's position that there should be a presumption of release on a personal recognizance bond for any person who does not pose a risk to the safety of our community. In addition, I will end the prosecution of POCS cases of a gram or less in Travis County. In Travis County, POCS cases represent the case brought most frequently by the District Attorney's office. Ending the prosecution of those offenses will significantly limit the number of people arrested and subjected to our bail policy.

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.

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.

As District Attorney, I will not prosecute sale or possession of a gram or less of narcotics, unless there is evidence that the person poses a threat to public safety. For possession or sale of more than a gram of narcotics, my office will consider all appropriate diversion programs so that person may avoid a conviction if they are not a danger to the community.

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.

This question is not applicable to my race. In Travis County, the District Attorney's office only has jurisdiction of felony offenses, not misdemeanor offenses. In addition, as District Attorney I will not prosecute sale or possession of a gram or less of all narcotics, unless there is evidence that the person poses a threat to public safety.

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

No

As District Attorney I will not prosecute sale or possession of a gram or less of all narcotics, unless there is evidence that the person poses a threat to public safety. That policy absolutely includes any amount of narcotics that could be considered "trace" - within a gram or less.

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.

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.

On any given day, over 70% of the people held in the Travis County jail have not been convicted of a crime. The overwhelming majority of these people are in jail only because they cannot afford to pay bail. This is not justice. As District Attorney, I will advocate to end cash bail in Travis County, and only hold people in jail who pose a significant threat to public safety.

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.

Here in Travis County, most diversion programs require exorbitant fees that prevent working people from participating in them. It is one of the many ways that our criminal justice system weighs most heavily on working people. When I am elected District Attorney, I will adopt a fee waiver program that allows working people to access the same opportunities as everyone else.

Will you oppose incarceration based upon the failure to pay fines or fees?

- Yes
- No
Most offenses similar to the ones described above are subject to the jurisdiction of the County Attorney’s office in Travis County. However, I am opposed to prosecuting offenses arising from poverty and 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
As District Attorney, I will oppose transferring children to the adult system. I will also advocate for home-based alternatives to detention for kids.

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.

As District Attorney, I will oppose transferring children to the adult system. I will also advocate for home-based alternatives to detention for kids.
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.

Young people are developmentally different than adults. But far too often, our criminal justice system wants to treat kids like adults despite substantial evidence proving the treating kids like adult offenders is detrimental to their development and ineffective as a deterrent to crime.

Yes

No

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

As District Attorney, I will review all post-conviction death penalty cases to ensure that there are no forensic, evidentiary, or legal issues that should cause the conviction to be called into question.

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.

In addition, when I am elected, asking for any sentence longer than 20 years will be the exception.

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?

- No

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

Across the U.S. approximately 94% of all criminal convictions are secured through plea agreements. In far too many instances, this unjust outcome occurs because prosecutors impose a “trial tax” on people who seek to exercise their constitutional right to a trial. This practice has absolutely contributed to a mass incarceration crisis in our country. When I am elected, I will end that practice in Travis County.

Will you require prosecutors to justify departures to their supervisors, and require that the chief assistant prosecutor approve all maximum sentences sought?

- Yes

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.

When elected, my office will advocate for the release of all parole eligible people in prison over the age of 50 who no longer pose a danger to the community. We will also proactively seek out those our office has incarcerated who have been rehabilitated to assist them with returning to the community.

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
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.

As stated above, when elected, my office will advocate for the release of all parole eligible people in prison over the age of 50 who no longer pose a danger to the community. We will also proactively seek out those our office has incarcerated who have been rehabilitated to assist them with returning to the community.

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
Whether as a public defender on the Texas/Mexico border, administering visa protections at the Department of Labor, or as the Executive Director of Workers Defense Project, I have spent my entire career fighting side-by-side with immigrant families. When I am elected District Attorney, I will absolutely require prosecutors to consider immigration consequences in charging, plea, and sentencing decisions. No person should receive a disproportionately harsh sentence simply because of their immigration status.

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

- [ ] Yes
- [ ] No

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

As the Executive Director of Workers Defense Project, I helped organize a statewide effort to press cities and counties across the state to sue Texas over SB4. In addition, Workers Defense is a named plaintiff in the litigation currently pending in District Court in San Antonio.

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

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

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.

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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.

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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
The most important thing when it comes to prosecuting police misconduct is to rid the system of bias that has for too long benefited law enforcement. Here in Travis County before the current District Attorney's term the process with respect to police involved shootings, for example, was to take all cases to the grand jury. Since the current District Attorney has taken office, the policy has changed, and she personally decides every case of police involved shooting. When elected I will return to the process of taking cases of police involved shooting to the grand jury and establish a “special prosecution unit” that has sufficient independence to pursue cases of police misconduct without bias.

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.

In Travis County, the District Attorney's Office only has jurisdiction over felony offenses.
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.

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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.

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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
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.
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.

Travis County should be a leader on criminal justice reform across Texas. As District Attorney, I will use the platform to advocate for criminal justice reform measures at the legislature that uplift our marginalized communities. I would absolutely actively support statewide legislation to end the use of civil asset forfeiture.

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.

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

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