

DA Hays County Kelly Higgins (D)

Please state the county or district for which you are a candidate. *

Hays

1. Do you believe Texas' criminal justice system needs reforms? *

Yes

No

2. Most Western nations and many U.S. states have abolished the use of the death penalty, recognizing either the inhumanity of the sentence itself and/or evidence that governments have executed many innocent persons. Check each box below that reflects your views on the death penalty and death penalty cases. *

I oppose the death penalty.

I have no problems with the current application of the death penalty in Texas.

I believe the death penalty should be used in rare cases.

I do not plan to seek the death penalty for cases tried in my county.

I will actively work to abolish the use of the death penalty in Texas.

If requested, I am willing to review the case of any current death row inmate from my county with an open mind toward overturning that sentence when warranted.

3. Social scientists tell us that certainty of punishment is a greater deterrent to crime than excessive length of possible punishment. Studies also say that most people convicted of violent crimes tend to “age out” of a violent phase. Many European nations have capped incarceration times at 20 to 25 years for even most violent crimes. Do you favor the elimination of sentences which amount to a de facto life sentence for any crime which does not warrant an actual life sentence? i.e...Consider that a 40-year-old sentenced to 30 years has effectively been given a life sentence. *

Yes

No

4. Considering the habitual felony statute, would you take into account the nature of the triggering offenses and the proportionality of the possible punishment upon conviction and aim to avoid sentences which amount to a de facto sentence of life for crimes which do not individually warrant a life sentence? *

Yes

No

5. A sentence of Life With Out Parole is also known as “death by incarceration.” Studies show that the use of LWOP sentences has greatly increased in the past few decades, increasing the basic number of persons maintained in Texas prisons and the number of high-maintenance geriatric prisoners, who cost the state much more to care for than younger and/or short-term prisoners. Are you in favor of limiting the use of Life Without Parole to inmates who continue to commit major crimes while incarcerated? *

Yes

No

6. Exposure to the criminal justice system – however limited – can have negative psychological and employment effects, and often fail to address the underlying causes of crime. Some counties are using various diversionary programs so that, whenever possible, contact with the criminal justice system is avoided or limited. Please mark the following programs and practices which are PRESENT...things that are already in use in your district and you will continue to support...or FUTURE...ideas you would want to implement if elected. Leave unmarked any item you do not favor. (For an introduction to the concepts included in restorative justice, see this link from the U.S. Department of Justice:

<https://www.ojp.gov/ncjrs/virtual-library/abstracts/restorative-justice-overview>)

	Present	Future
Restorative Justice program for non-violent crimes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Restorative Justice program for some violent crimes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drug courts...providing mandatory and supervised substance abuse treatment for most persons whose crimes are directly related to their use of addictive substances.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Creation of teams of mental health professionals who can respond along with police to disturbances when callers indicate a mental health issue is a contributing factor, or when officers request their assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keeping children out of adult court by pledging not to prosecute any minors as adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Use of informal diversion and pre-filing diversion in juvenile cases.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. Briefly describe other diversions you have implemented or would like to implement as District Attorney. *

POCS diversion

8. Will you commit to implement or continue policies and practices to combat bias in decision-making within your Office, including in charging decisions, bail recommendations, diversionary program placements, and plea bargains – as well as in internal Office practices? *

Yes

No

9. Which of the following are practices you would be willing to use to combat bias? *

	Yes	No
Regularly bring in experts to train staff and prosecutors on implicit and explicit bias.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Prioritize inclusive hiring and promotion with the goal of creating a staff that mirrors as closely as possible the racial and ethnic makeup of the district.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Regular review of and reports to the public on the above two items in this questions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. Is “criminalization of poverty” a problem that needs to be addressed in your district? *

Yes

No

11. Will you limit requests for money bail and pledge to recommend, for all legally permissible cases, presumptive release of defendants without financial conditions unless there is individualized evidence of substantial and identifiable flight risk or danger to the community? *

Yes

No

12. Briefly describe any other policies you would continue or put in place to avoid fees and costs for poor people arrested, deferred into a program, or detained in the local jail. *

District Attorneys do not make release policy, but I will have an ADA at magistration to speak to relevant issues.

13. Do you favor or oppose the concept of mandatory minimum sentences? *

Favor

Oppose

14. Do you believe in the possibility of character change...either change of personal motivation *
to follow laws or growth in self-control sufficient to keep oneself out of most trouble?

Yes

No

15. Would you support the concept of "presumptive parole," which instructs parole boards to *
presume an inmate qualified for parole at the first possible parole date if he or she has
demonstrated good character, good behavior, social responsibility and active and successful
participation in available educational and work programs during incarceration?

Yes

No

16. As a DA, will you commit to researching progress an inmate has made to improve and *
correct themselves before replying to requests for your input on parole eligibility rather than just
looking at an individual's past mistakes?

Yes

No

17. Do you believe the voting public has a right to know the errors in conviction rates for district attorneys? *

Yes

No

18. Add any clarifying comments on questions above and/or anything else you would like to convey to your constituents regarding your positions on criminal justice reform.

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