

CRIMINAL JUSTICE

Texas has more people in prison and a higher incarceration rate than any other state. Texas also has more private prisons than any other state. The inadequacies of our criminal justice system disproportionately impact people of color and the poor. District attorney offices across the state often reward performance by the number of convictions, not necessarily the administration of justice. These forces, coupled with racial profiling, and draconian budget cuts to education, create an environment where profit usurps the public interest. Texas Democrats have appreciation and respect for public safety personnel who risk their lives to protect our communities. We must not allow inappropriate actions by a small number of rogue officers that

undermine that respect, nor allow systemic inequities to perpetuate injustices in all communities. Texas must be smart in dealing with crime and punishment. The “War on Drugs” should be redirected to treatment and the reclassification of certain drug felonies.

Gun Violence Prevention

The Texas Democratic Party supports the language of the 2nd Amendment to the U.S. Constitution and recognizes the need for a balanced approach between upholding and respecting our fundamental constitutional rights and those needs in protecting the rights from those seeking to cause harm. We believe in a comprehensive approach recognizing gun violence as both a public health and criminal justice issue. We strongly support:

- strengthening and reforming current laws requiring a background check prior to the purchase by a firearm by requiring a sufficient waiting period to provide adequate time for law enforcement officials to conduct a mandatory, background check;
- closing loopholes for gun shows and in-state internet sales that allow guns to be sold or traded without a mandatory and thorough background check;
- strengthening the national background check system to incorporate all necessary records, including criminal, domestic violence, and mental health records, for both dealers and purchasers;
- strengthening and reforming current laws requiring a background check prior to the purchase by a firearm by requiring a sufficient waiting period to provide adequate time for law enforcement officials to conduct a mandatory background check;
- Enacting sensible gun control laws to curtail the availability of weapons with extended ammunition magazines such as those purchased by the shooter of U.S. Representative Gabrielle Giffords;
- repealing laws that allow the open carry of firearms;
- improving training and licensing requirements for all Texans wishing to carry a firearm;
- overturn the Congressional prohibition which limits the CDC research on gun violence by removing funds that the CDC would receive due to their inability “to advocate or promote gun control;”
- allowing families to anonymously request pre-emptive, judicial action restricting the possession or purchase of firearms for loved ones in crisis threatening harm to themselves or others;
- repealing federal legislation granting immunity from civil liability to manufacturers and marketers of firearms;
- encourage the research, development and marketing of weapons utilizing “smart gun” technologies;
- establishing a statewide firearms education and public safety campaign – with an emphasis on safely securing guns in the home and denying unsupervised access to minors;
- increasing criminal penalties for parents or guardians who negligently fail to control access to firearms in the home where minors are present;
- manufacturers who voluntarily develop and sell childproof handguns;
- the accepted standard of care allowing physicians and mental health professionals to discuss the presence and safe storage of guns with all patients and parental guardians;

- fully funding the Bureau of Alcohol, Tobacco, Firearms and Explosives so that it may conduct more frequent inspections of FFL dealers; and
- allocating a portion of funds collected from state License to Carry Fees toward programs dedicated to the physical and emotional rehabilitation of gun violence victims and their families.

Public Safety

The mantra “to serve and protect” must be applied equally to all communities. Democrats believe a community-based approach to crime fighting makes our streets and neighborhoods safer. Public trust in the police department ultimately increases safety. Partnerships should be formed with community groups to assist officers on the streets. Citizen oversight boards should be in place to address conflicts between the police and the community.

The state’s ability to restrict individual liberty must be subject to due process. Democrats believe each citizen is innocent until proven guilty. Texas Democrats call for the end of racial profiling and police brutality. Incidents like the arrest, detention and unnecessary death of Sandra Bland epitomize the problems of police brutality, poor jail standards and inadequate oversight of treating those with mental health issues in our county jails. Such practices are an embarrassment to conscientious law enforcement officials and unacceptable to all Texans. When police misconduct is alleged, we support the implementation of civilian review boards with proper subpoena power.

To continue the fight against crime, and to make our streets and homes safer, Texas Democrats support just and smart policies, including:

- preventing officers, who have been terminated for violating civil rights and using unwarranted and excessive force, from moving to another jurisdiction;
- placing more police officers on the streets in underserved areas;
- supporting peace officers with current equipment, technology (including body cameras, dashboard cameras, and prisoner compartment cameras) and training to balance their dual role to serve and protect;
- ensuring proper oversight and regulation of crime labs, especially labs that process DNA evidence, to assure proper analysis of evidence, including timely analysis of evidence from medical rape kits and entering such evidence in a computerized database;
- ending racial profiling in searches and traffic stops;
- the Violence Against Women Act (VAWA) and other educational and preventive initiatives, especially those that serve women at risk of sexual and domestic violence;
- Initiatives recognizing that freedom and protection from violence or abuse, domestic and otherwise is a fundamental human right;
- promotion of literacy, education and job training which intrinsically prevent both crime and recidivism;
- prevention programs addressing drug and alcohol addiction, lack of educational opportunity and other root causes of crime; and
- ensuring that any use of tasers is carried out only when necessary to prevent loss of life or serious bodily injury, as a substitute for the lawful use of a deadly weapon.

Sexual Assault and Family & Domestic Violence

Sexual assault and family and domestic violence are violent crimes that occur in all types of families and disproportionately harm women and children; crimes that often involve a cyclical, generational pattern, thus affecting entire communities as long as such crimes continue to be perpetrated.

We support:

- strong enforcement of Texas laws to hold offenders accountable and increase the likelihood that victims will come forward to report these crimes;
- early prevention efforts focused on youth to decrease the incidence of sexual and domestic violence prior to victimization;
- training programs for law enforcement, prosecutorial, judicial, health care, mental health and education professionals to promote increased understanding of and improved response to the crimes of domestic violence and sexual assault;
- a strong statewide initiative to reduce the alarming increase in child abuse and neglect through investment in effective early prevention programs;
- allowing every survivor of a sexual assault access to comprehensive sexual assault examination and treatment provided by either a certified Sexual Assault Nurse Examiner (SANE) or a licensed physician; and
- all costs of the examination and treatment including medications shall be covered by the Crime Victims Compensation Fund and not the financial responsibility of the victim.

Administration of Justice

Texas Democrats believe in the efficient, fiscally responsible and moral administration of Justice. County jails should not be the largest mental health providers in Texas. Texas Democrats support:

- revising sentencing guidelines for non-violent offenders;
- the reduction of small amounts of controlled substances to misdemeanors and emphasis on drug treatment and Drug Court diversion programs for other felony drug and other substances of abuse cases;
- fully funding mental health services and a more robust continuum of services as necessary to provide appropriate mental health services to redirect individuals from the criminal justice system;
- continued funding and support of the Tim Cole Exoneration Review Commission, which is tasked to prevent wrongful convictions in light of the 2009 posthumous exoneration of Tim Cole, a Texas Tech student wrongly convicted of rape and who died in prison;
- rewriting the relevant Texas criminal code provisions to take into account a modern understanding of severe mental illness and to broaden the legal definition of insanity to ensure that the public is kept safe while allowing treatment for mentally ill inmates;
- ensuring prisons are staffed by professionally trained and compensated corrections officers, in sufficient numbers to achieve safe staffing ratios; to lessen overcrowding in our county jails and to provide a fairer justice system, we support reasonable set bond and use of pretrial bonds where appropriate; to allow pretrial intervention and diversion programs where appropriate; to fight to regulate the cost of collect phone calls by inmates so they are not excessive or prohibitive in costs;
- changes to our current bail system, which unfairly keeps poor people jailed when they pose little or no risk, moving away from a money-based bail system, and codifying the right to a speedy trial which will amount to a victory for civil rights and racial justice;

- the appointment of a special prosecutor to investigate and present to a grand jury, when appropriate, any death of a civilian caused by the actions of a law enforcement agent or within a correctional facility;
- ending and reversing the privatization of Texas prisons; and
- ending the use of county jails as mental health facilities.

Cannabis Policy Reform

Our current cannabis laws give power, control, and illicit funding to violent drug cartels. These laws disproportionately affect communities of color, even though cannabis use among different ethnicities is equal, and destroy lives with a criminal record. Cannabis policy reform can improve public safety, boost our economy, and provide much-needed health care options for struggling Texans.

As Texas Democrats, we:

- urge the President, the Attorney General, Congress as well as the Texas Legislature, to support the passage of legislation to decriminalize the possession of cannabis and regulate its use, cultivation, production, and sale as is done with tobacco and alcohol;
- urge the review of all cannabis-related incarcerations, ensure a safe release of any nonviolent Texans jailed for small possession of cannabis, and expunge criminal records for any Texan charged or jailed for those laws;
- support comprehensive study and diligent research, particularly from states who legalized cannabis on health effects of cannabis usage on people;
- urge the Texas Legislature to study the laws and systems in Colorado, Oregon, and Washington as a first step in implementing a similar system in Texas;
- urge the Texas Legislature to improve the 2015 Compassionate Use Act to allow doctors to determine the appropriate use of cannabis to certified patients; and
- urge the immediate decriminalization of possession and use of cannabis for medicinal purposes.

Juvenile Justice

Juveniles are presumed to be less culpable for their crimes than adults and therefore have a constitutional right to be treated differently. Prison-style incarceration often does young offenders more harm than good. The use of tasers and pepper spray at Texas Juvenile Justice Department (TJJD) facilities should be banned unless it is necessary to prevent loss of life or serious bodily injury. Community-based juvenile justice prevention and intervention programs can ultimately reduce adult crime, Texas' high incarceration rate and the need for prison construction.

Texas Democrats support:

- ensuring that the primary goal of juvenile justice is to rehabilitate youth; not to create a feeder system for privatized, for-profit, adult prison facilities;
- the Texas Youth Commission's Blue Ribbon Task Force Report, which recommend a TJJD environment that facilitates the appropriate educational and moral development of youth who would spend the least amount of time possible in the TJJD system; and
- staffing capacity commensurate with the size and needs of the population; and a child-focused, family-centered, non-violent TJJD through regionalized, community-based

system that admits youth to TJJD using research-based risk assessment and classification and provides specialized treatment for youth and families.

Re-entry

Texas Democrats support programs which decrease recidivism by providing ex-offenders a pathway back to productive participation in society. Texas Democrats support reducing recidivism by:

- restoring funding that Republicans have cut from the state prison system's Windham School District and from programs for inmates to take higher education courses and expand access to those courses;
- increasing rehabilitation and re-entry programs, with a special emphasis on reducing drug use among people released from prison, including the reversal of policies that deny student loans and grants to those who have completed sentences for drug felonies; and
- allowing appropriate partnerships with faith-based programs which address re-entry preparation.

Texas Democrats support policies that:

- provide sensitive treatment for the victims of crime and stronger emphasis on compensation to crime victims by the criminals themselves;
- reform probation to more closely supervise probationers in their communities and provide alternate means of punishing them, such as local jail time, house arrest, additional counseling and self-help programs, without sending them to a state prison or imposing excessive registration requirements which prevent reentry;
- significantly reduce the number of people re-incarcerated for technical violations of parole or probation, such as missing an appointment with a supervisory officer;
- staff the Parole Division to achieve the 60:1 ratio of parolees to parole officers; and
- enforce existing laws which re-instate an ex-offender's right to vote once they have paid their debt to society. We support expunging the criminal records of defendants successfully completing deferred adjudication supervision in nonviolent misdemeanors and felonies.

Death Penalty

Despite 13 death row exonerations in Texas in the last 11 years, the death chamber and its machinery are still fully operational in Texas. Death penalty exonerations have already revealed deep flaws in our State's criminal justice system. Evidence, including scientific evidence, extensive studies by Innocence Project, major newspapers, and university research, strongly suggests that Texas has already executed innocent defendants including Carlos DeLuna, Ruben Cantu, and Cameron Todd Willingham. We must take every step to ensure there is never another innocent person executed.

Texas Democrats support and urge:

- the passage of legislation that would abolish the death penalty and replace it with the punishment of life in prison without parole; and
- the Governor, Texas Legislature, and Texas Judiciary and Texas Prosecutors to impose a moratorium on capital punishment while an unbiased and objective study of the entire process, from arrest, conviction/sentencing, appeals at all state levels, and the execution process itself is shown to be reliable and without such grievous failures as have been evident in the recent past.

Access to Justice

Democrats believe our legal system is the bedrock that protects and guarantees our rights and freedoms. Democrats believe that instead of taking the law into their own hands, all people must have full access to the courts and equal treatment before the law, with confidence that their grievances will be fairly adjudicated.

We support:

- legislation to preserve the right to self-defense while restoring the duty to retreat when outside of the home to discourage and prevent vigilantism;
- open access to the court system as guaranteed by the Texas Constitution, respect by the courts for jury verdicts, and the right to fair and impartial jury trials which cannot be waived by any contractual agreement;
- the right of every person to be tried by a jury that broadly reflects the ethnic makeup of the community, including legislation to eliminate the disgraceful practice of using all-white juries and grand juries in cases involving people of color;
- creating and adequately funding public defender offices across Texas;
- protection from unreasonable limitations on access to the justice system, including mandatory arbitration proceedings;
- affordable and efficient access to justice for all Texans through the ability to join together to seek redress for personal injuries and property damages;
- the full protection of due process of law for all Texans in all circumstances;
- improved access to a full range of legal services to assist low-income Texans;
- the unimpeded right to redress grievances to the government and report crime to the authorities without retaliation and harassment;
- the nomination and appointment of qualified, competent persons to serve as Judges, and as members of State Boards and Commissions responsible for carrying out civil and criminal Justice in this State;
- the reversal of unjust provisions of “Proposition 12” that have denied Texans who have suffered severe harm the ability to redress their grievances in fair and open courts;
- full access to an open, full and independent Executive Branch review process of a court decision, as opposed to a “rubber stamp” of a prior decision; and
- stronger enforcement of laws and punishment for white-collar corporate criminals unity locations.