

Harris County, Texas, District Attorney Election and Accountability:

Building Electoral Power for Criminal Justice Reform



Photo credit: Texas Organizing Project

Acknowledgments

This project was funded by the Civic Participation Action Fund (CPAF), a nonpartisan 501(c)(4) fund committed to creating a policy environment at the state level that is more responsive to voters of color. Created in 2015 by a grant from the Atlantic Advocacy Fund, the 501(c)(4) arm of The Atlantic Philanthropies, CPAF is a limited life initiative that supports high-impact civic engagement efforts addressing racial and economic disparity. <http://cpafc4.org/>

Table of Contents

Introduction	1
The Texas Organizing Project	2
The Campaign for District Attorney	4
Background	
The Candidates	
The Funders and Donors	
The Campaign Strategy	
The Election Results	
District Attorney Accountability	16
Post-election	
Accountability Strategy	
Challenges and Lessons Learned	
Conclusion	27
Appendix	28

Introduction

Harris County, Texas, had a reputation for leading the United States in executions and mass incarceration. The election of Kim Ogg as the new so-called reform-minded district attorney (DA) and the first Democrat to be elected the county's DA in nearly 40 years, reflected an attempt to shift those trends. Ogg was part of a Democratic Party electoral wave that extended from the presidential candidate to down-ballot races, including the DA and the sheriff.

That wave was driven in part by grassroots groups that organized communities around criminal justice issues and mobilized residents to vote. Houston, the heart of Harris County and known as one of the most diverse cities in the country, was the focal point of those organizing efforts. Leading the efforts was the Texas Organizing Project (TOP), a grassroots organization with a data-driven approach to building power statewide and grounded in the state's growing communities of color. TOP describes its approach as fighting with two fists: community organizing combined with electoral organizing.

The death of Sandra Bland in a neighboring county jail mobilized the community and catalyzed TOP's work on criminal justice issues. The organization identified the DA race as a means to advance criminal justice reform and build power. This case study describes TOP's work, along with its partners, in the electoral campaign for DA as well as accountability advocacy. The case study describes:

- TOP's approach to building power
- The strategy behind the electoral campaign and how it was linked to postelection accountability
- The emergence of the Right2Justice coalition
- The capacity building of communities for the electoral campaign and the postelection accountability work
- The process of relationship building with the DA and holding her accountable
- Progress on reforms as well as the challenges inherent in systems change and administrative advocacy

TOP's work reflects how each electoral victory is capitalized on in order to:

- Influence policy reforms
- Hold decision makers accountable
- Engage and expand the organization's base
- Expand the electorate
- Elect progressive decision makers aligned with TOP's policy agenda
- Build the electoral power and expand the influence of communities of color

The Texas Organizing Project

In 2016, Kim Ogg defeated a controversial incumbent on her way to victory in the Harris County, Texas, district attorney election. A large-scale grassroots mobilization around the campaign was led by the Texas Organizing Project, the TOP Political Action Committee (PAC), and a wide-ranging group of partners known as the Right2Justice coalition.¹

TOP, an independent multi-issue, multiracial membership organization, works in Texas's three largest metro areas: Harris, Dallas, and Bexar Counties. TOP's members focus on six core issues.

- Neighborhood opportunities
- Access to health care
- Public schools
- Immigrant rights
- Job training
- Criminal justice reform

"The way you are going to change the state is by building power in the cities, because that is where mayors and county judges actually have power and can deliver meaningful impact for people. It is also where there are concentrations of voters of color, so when you want to grow the electorate, that is where you go. This is also how you shift the narrative about what is possible and about what progressive governance looks like in the state."

– Ginny Goldman, Former TOP Executive Director

TOP builds the power of communities of color through a data-driven electoral strategy. Here are the numbers that drive TOP's work.

- 27 million: Population of communities of color in Texas
- 8 million: Eligible people of color not registered to vote
- 3 million: Low-propensity voters of color who are registered but don't vote and are concentrated in nine counties across Texas
- 500,000 to 1 million: Gap in number of votes to win elections statewide
- 900,000: People of color who live in the three largest counties: Harris, Dallas, and Bexar, where TOP is focused and located
- 500,000: Voters whom TOP will have reached in 2018 in those three counties²

¹ The Right2Justice coalition operated separately, focusing on nonpartisan education and organizing. TOP, as a 501(c)(4), conducted partisan activities with TOP membership. TOP PAC conducted election work with general voters.

² According to TOP's projections, the organization must reach 3 million voters to deliver 1 million votes to close the gap. TOP partners with a group of other organizations to reach communities of color in the six other counties where TOP does not work.

In Texas, a common saying is, “Texas isn’t a red state; it’s a we-don’t-vote state.” Members of communities of color, in particular, are even less likely to get out to the polls. TOP believes that that lack of a culture of voting in those communities arose because the communities have long been disenfranchised from Texas’s political process, and even when people of color have indeed voted, they have not experienced tangible benefits as a result. Focus group data conducted by the Texas Future Project, a collection of progressive Texas donors, shows that when people of color see no change to their lives as a result of voting, they see no reason to try again.

TOP’s approach is grounded in the belief that when community members participate in local elections, they’re more likely to feel the impact of their vote and are also more likely to vote again. TOP harnesses that cycle to promote a culture of engagement and build power from the ground up. The group’s goal is to win everything locally and then from that, grow and galvanize the electorate to take back the state.

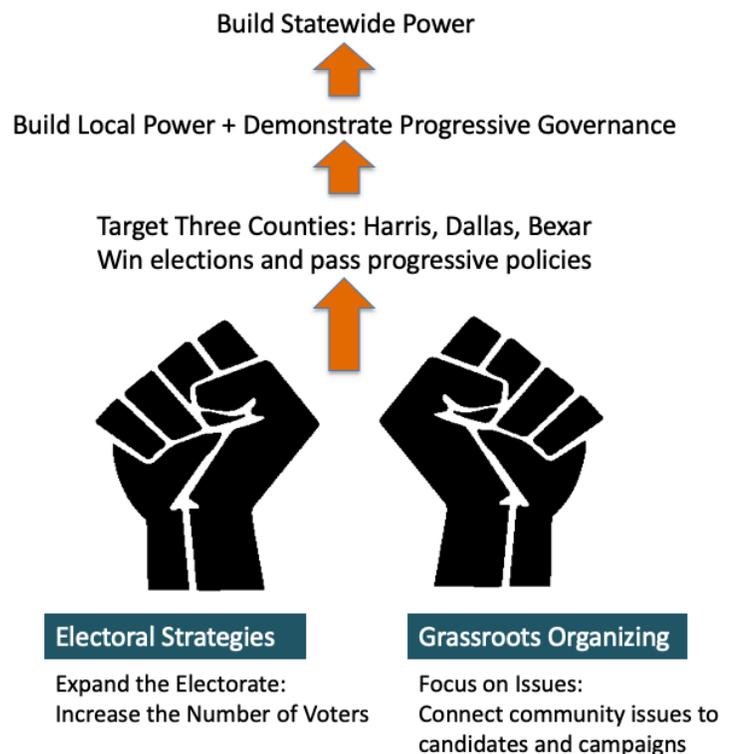
TOP organizes its communities year-round on issues the community cares about and then links those issues to an electoral strategy that mobilizes communities to vote. The focus is on local, down-ballot races because down-ballot decision makers have the most proximate impact on community members’ daily lives.

“Our approach is *issue*-centered GOTV [get out the vote] versus *candidate*-centered GOTV. We ask people about what they care about and the changes they want to see, and we then make connections to voting,” said Crystal Zermeno, TOP director of electoral strategy.

TOP describes its approach as “fighting with two fists”: grassroots organizing paired with electoral organizing (figure 1). Communities of color develop the policy priorities and agenda and drive the strategy.

“Our theory of change is year-round: 24-7 organizing that does not reduce our people to a vote at the ballot box every election year,” said Brianna Brown, TOP’s deputy director. “To the contrary, our goal is to remix the traditional narrative about who participates, who is driving the agenda, and what the agenda is. Our goal is to unapologetically build power in our communities through issue-based and electoral organizing.”

Figure 1: TOP’s Approach



“The engagement they do year-round is why they have electoral success, because they are building relationships and trust. When talking about long-term power building and long-term changing of our Texas government, you can't do it 30 days before an election. You have to filter through the noise of everything going on around people and then become a trusted resource, so you can move the needle when it comes to elections.”

– Lillie Schechter, Democratic Party Chair of Harris County

The Campaign for District Attorney

Background

During Harris County's 2016 election, the down-ballot races for district attorney and sheriff drove turnout. Many members of Harris County's communities of color had personal stories about experiences with the criminal justice system, and those races represented a referendum on criminal justice reform.

Prior to that election, TOP had not focused on criminal justice issues. However, criminal justice became a core issue area under the leadership of Tarsha Jackson, TOP's Houston-based organizer and director of the Right2Justice campaign, and through support by TOP's members. Jackson's son had been incarcerated at age 12 for a misdemeanor and set on a path that cycled him into and out of the system through adulthood.³

The tipping point that galvanized community support for criminal justice reform came in 2015, when Sandra Bland died while being held in neighboring Waller County jail, unable to pay bail. Bland was found dead three days after her arrest for failing to signal a lane change while driving her car. Bland's death put the issue of bail reform into sharp relief and highlighted the number of people sitting in Harris County prison because of inability to post bail. (figure 2). The issue deeply resonated with TOP's membership, and the organization made criminal justice a new priority.

³ Brooke A. Lewis. “Tarsha Jackson uses son's struggles as her catalyst for criminal justice reform.” *Houston Chronicle*, November 3, 2017; <https://www.houstonchronicle.com/news/houston-texas/houston/article/Tarsha-Jackson-uses-son-s-struggles-as-her-12330809.php>.

Figure 2: Harris County Jail Statistics on Debtors Prison and Pretrial Detention

- The Harris County jail system is the largest in the state, and the third largest in the country.
- 8,600 people pass through the jail monthly, and 6,800 are detained awaiting trial.
- 77 percent are in jail and have not been convicted of a crime but cannot afford bail of \$5,000 or less.
- 25 percent were unable to afford bail of \$500 or less.
- From 2009 to 2015, 55 people died in the Harris County jail while awaiting pretrial. Many of them had been accused of misdemeanor offenses and could not afford bail.
- The number of people waiting for trials on misdemeanor charges increased 29 percent from 2009 to 2014.

Source: Texas Organizing Project, Harris County Bail Fact Sheet

The Candidates

Governor Rick Perry appointed the county's sitting DA, Devon Anderson, in 2013, after the death of Anderson's husband, former DA Mike Anderson. In 2014, Devon ran against Ogg and won.

Devon Anderson continued her husband's harsh war-on-drugs policies, including felony trace prosecutions, which are arrests based on possession of less than 1/100 of a gram of drugs—a policy that many jurisdictions across the country had ended. By continuing that legacy, Anderson added to the overcrowding in the Harris County jail.⁴ The impact of the policy landed disproportionately on black and brown community members, who made up 57 percent of all jail bookings for possession of less than one gram of a controlled substance. Despite being less than 18 percent of the overall population, African Americans made up 62 percent of arrests for possession of less than one gram of a controlled substance.⁵

By 2016, Anderson was unpopular on both the right and the left. She angered many moderates by her decision to jail a certain rape victim to ensure she would testify against her attacker, and while in jail the woman was brutalized.⁶ Conservatives disliked Anderson because of her decision to prosecute antiabortion activists in a controversial Planned Parenthood hidden-camera case.⁷ Then she stoked racial fires when she blamed the death of a police officer on the

⁴ Jessica Pishko. "This Texas Prosecutor Jailed a Rape Victim—Could It Cost Devon Anderson Her Election?" *The Nation*; <https://www.thenation.com/article/this-texas-prosecutor-jailed-a-rape-victim-could-she-lose-her-election/>.

⁵ Mayor Sylvester Turner Transition Committee on Criminal Justice, March 1, 2016; https://www.houstontx.gov/mayor/transitionreports/criminal_justice.pdf.

⁶ Jessica Pishko. "This Texas Prosecutor Jailed a Rape Victim—Could It Cost Devon Anderson Her Election?"

⁷ Michael Barajas. "Republican, Pro-life DA Anderson Defends Herself Against Anti-abortion Critics." *Houston Press*; <https://www.houstonpress.com/news/republican-pro-life-da-anderson-defends-herself-against-anti-abortion-critics-8108893>.

Black Lives Matter movement. It was later discovered that the gunman was mentally ill and had had no affiliation with Black Lives Matter.⁸

In 2015, TOP endorsed Sylvester Turner for Houston mayor and launched a significant electoral program on Turner's behalf. That fall, Turner won the closest mayoral election in Houston's history by a narrow margin of 4,082. TOP's executive director served on his transition team, and Jackson served on the criminal justice subcommittee together with several partners, including the Texas Criminal Justice Coalition (TCJC), Texas Appleseed, and the American Civil Liberties Union (ACLU). The criminal justice subcommittee's report included a set of recommendations one of the partners described as "the most progressive policy document the city of Houston has ever seen." That report spotlighted the need for a progressive DA and sheriff to work with the mayor on implementing the recommendations.⁹

TOP endorsed and organized on behalf of Morris Overstreet in the 2016 primary election for Harris County DA. Overstreet lost to Ogg. However, TOP's membership felt strongly that the organization should still have a role in the DA campaign. "I was saying we should not just jump into the next election but focus on getting Turner to deliver on our agenda," said Ginny Goldman, TOP's former executive director. "Our members said, 'We are going to do both.' This is what happens when you have an organization run by the people most impacted. Wild horses were not going to stop them from endorsing in that DA race."

The Funders and Donors

After Overstreet's primary loss, national funders and donors regrouped and assessed their next steps. The Texas Future Project, a group of progressive, state-level donors, wanted to support a focus on criminal justice because the issue resonated so strongly with voters. Several of the project's donors were trial attorneys. "Every cycle in Harris County, we do polls to test progressive policy and see what will move the needle the most, and in 2016, it was criminal justice," said one adviser to this key group of donors.

The Texas Future Project was created when state-level donors reassessed their approach in 2010 after a devastating gubernatorial election cycle. "Everybody woke up and said, 'We lost so big and we have nothing to show for it,'" the adviser said. "At that point, donors had given tens of millions of dollars to the Democratic gubernatorial campaign, and we got nothing. We were playing the game wrong." The state-level donors regrouped and created the Texas Future Project in 2013. They shifted their focus from funding the candidates to instead funding capacity and building infrastructure. TOP and its model for growing the electorate were central parts of the state infrastructure.

⁸ Michael Hardy. "A Hard Look at the Harris County District Attorney's Office." *Texas Monthly*; <https://www.texasmonthly.com/the-daily-post/the-harris-county-district-attorney-office-problems/>.

⁹ Mayor Sylvester Turner Transition Committee on Criminal Justice, March 1 2016.

The Campaign Strategy

As TOP pivoted from the mayoral election to the DA race, the organization leveraged the capacity and infrastructure it had built for the mayor's electoral program. In addition, the DA race provided strategic value for TOP:

- **Policy and systems change progress:** The election of a progressive mayor, district attorney, and sheriff would create what TOP referred to as a “progressive trifecta” of executive leadership to “anchor broad, sweeping, progressive change.”
- **County-level influence:** The mayoral victory brought city-level influence, but the opportunity to elect a progressive DA and sheriff would open doors at the county level.
- **Strengthening the base by linking issues:** Criminal justice and immigration detention constituted the flip side of the same coin for TOP's black and brown members. The parallel campaigns for sheriff and DA provided an opportunity to mobilize and connect those voters on shared interests.

The DA campaign strategy had four key components.

1. *Endorsement:* Moving Ogg on their progressive agenda
2. *Coalition building:* Building partnerships between those interested in criminal justice reform
3. *Organizing:* Educating and engaging the base on criminal justice reform and the role of the DA
4. *Getting out the vote:* Mobilizing the base for the election

1. Endorsement: Moving Ogg on a Progressive Agenda

Even though TOP had backed the losing candidate in the 2016 primary election for Harris County DA, Ogg approached TOP for its endorsement in the general election. TOP discussed its policy priorities with her and put her through a rigorous, multiweek screening by its membership. It was important to TOP and TOP membership to discuss concerns that had led them to originally endorse Overstreet over Ogg in the primary.

“We put candidates in the hot seat, and we grill them,” said Goldman. “Sometimes we put them in front of an intense, 15-person membership committee; sometimes we put them in front of 200 members in a town hall setting. But we are serious about getting real public and concrete commitments around our agenda.”

TOP also endorsed Ed Gonzalez for sheriff of Houston. One of Gonzalez's policy commitments was to end a controversial program known as 287(g), which required local law enforcement to coordinate with federal immigration officials. The issue was important to communities experiencing racial profilings, detentions, and deportations. TOP linked prisons and detention centers as two aspects of the criminal justice system that affect black and brown communities.

“We are an organization that very strategically picks when to endorse candidates and when to put muscle behind those endorsements, and then we work to make sure you keep your word. If you don’t, we will endorse someone else next time.”

– Michelle Tremillo, TOP Executive Director

2. Coalition Building: Emergence of the Right2Justice Campaign and National Partners

Jackson led the effort to pull together a group of partners to work on criminal justice. The resulting coalition coalesced local and statewide criminal justice stakeholders. Goldman described them as “a set of disjointed players who had a lot of capacity but weren’t being steered together.” The partners each had had a history of working on criminal justice issues but did not have a history of working together. The coalition helped individual organizations maximize their efforts and expand their bases.

With community input, the partners created a seven-point policy platform focused on reform of the bail system, drug diversion, police accountability, ending debtors prison, ending collaboration with Immigration and Customs Enforcement (ICE) in the form of 287(g) agreements, implementing cite and release, and youth justice (figure 3). The platform included immigrants’ rights issues, and the coalition comprised organizations that advocate on behalf of immigrant communities to further link the impact of the criminal justice system on both black and brown communities. “We talk about our immigrants’ rights work within the context of criminal justice reform,” said TOP executive director Michelle Tremillo. “It’s important to us to build that solidarity and show the interconnectedness to expand the conversation around the criminalization of our neighborhoods and of our people, whether black or Latino.”

The coalition membership brought a wide array of strategies to the table that no single organization possessed: grassroots organizing, legislative advocacy, litigation and legal advocacy, administrative advocacy, direct services, research and policy analysis, communications, and electoral organizing. The inclusion of an electoral strategy was new for the criminal justice field. “Nobody has taken an electoral approach,” Goldman said. “TOP was looked to as the group that does that and has the strongest electoral program linked to a community agenda and not a party agenda.”

The coalition also enabled statewide policy groups to connect to grassroots organizations and a base. It helped foster relationships and trust between local groups and state advocates—several of whom hired on-the-ground organizers.

“We have been on a lot of coalitions before, and our lobby team has relationships with Texas legislators, but the local work is relatively new for us,” said one ACLU representative.

Working locally enabled TCJC to make progress and influence state legislation. “The work I am doing with Tarsha and the coalition is an opportunity to make progress locally on policies that

we wouldn't have a shot in hell at passing in the legislature," said Jay Jenkins, TCJC project attorney. "We're doing that work locally and building capacity locally, so that when the legislature does meet, we can bring people up there to testify and have community support."

Figure 3: Right2Justice Policy Platform and Membership



The **Right2Justice** campaign is a coordinated effort among local stakeholder organizations, churches and advocates, centered on a community-driven policy platform with the explicit goal of reforming policies and practices in our criminal justice system in Harris County and the City of Houston. Policy reforms that, when implemented, would impact millions of people and bring about a more just system for all.

Right to Justice Policy Platform:

Reform the Bail System: Release low-risk, low-income defendants on personal recognizance bonds instead of keeping them in jail awaiting trial because they cannot afford bail.

End ICE Collaboration: End 287(g) agreement, and stop holding people on ICE detainers at HPD and County Sheriffs facilities and inquiring the immigration status of anyone they encounter.

Drug Diversion: Offer treatment instead of incarceration for people charged with low-level drug offenses.

Implement Cite & Release: Issue citations instead of arrest and jail for certain misdemeanors, including marijuana possession, low-level theft and driving with an invalid license.

Police Accountability: Create independent external oversight committees with full investigatory powers, including access to relevant documents, subpoena power and ability to compel testimony.

Youth Justice: Create independent external oversight committees with full investigatory powers, including access to relevant documents, subpoena power and ability to compel testimony.

End Debtors Prison: Assess defendants' ability to pay at the beginning of each case and provide early access to alternatives, such as affordable payment plans, community service, and/or waiver of the fines and costs for individuals who are indigent.

PARTNERS

ACLU: American Civil Liberties of Texas • Black Lives Matter Houston • **Mi Familia Vota**
 No More Blood Shed Movement • **Power House Ministries** • OG1: Operation Outreach
SEIU: Service Employees International Union-Texas • S.H.A.P.E Community Center
fb The People Hold the Purse • Truth & Justice • **TOP: Texas Organizing Project**
 Truth to Power • **United We Dream** • New Black Panther Party • **TPI: Think Peace International**
 HPJC: Houston Peace and Justice Center • **BLMHTX Organizing Collective**

Finally, the coalition included 501(c)(3) policy organizations that did not engage in electoral activities, as well as 501(c)(4) organizations that did electoral organizing. Although each had its own unique and independent role, the inclusion of both types of organizations was a paradigm shift and increased the ability of the coalition to influence policy outcomes. “A [501(c)(3)] policy group will do its best to work with whoever the DA is and will not try to influence *who* the DA is,” Tremillo said. “The group will not work to change who the elected official is. We will. And we will demand real policy change in exchange for helping get you elected.”

Most of the members of the coalition were 501(c)(3) organizations—and therefore could not participate in the campaign to elect Ogg for DA—but they did provide important nonpartisan education on the role of the DA, and they provided policy recommendations for Ogg. The coalition’s educational work drove awareness of the issue and the DA’s role, and it personalized criminal justice reform for the public.

“We did press conferences and direct actions with the (c)(3) to keep it in the news cycle and lift up the importance of the DA race,” Jackson said. “We did an action where we laid crosses to spotlight the 65 people who died in Harris County jail because they could not afford bail. We also did a big event right near the courthouse to break the chains of criminalizing our neighborhoods.



And we broke chains. We had to help people visualize it so that they could understand it.”

After the election, the coalition worked to hold the newly elected officials accountable and advocated policy reforms. The coalition provided the infrastructure for postelection accountability efforts and policy advocacy.

In addition to the coalition, TOP also had support from Color Of Change, a national organization that has also been supporting local DA races around the country. Color Of Change acted as a strategic thought partner for TOP and also provided electoral support—not coordinated with the candidate—through phone banking and communications strategies. Before the election, Color Of Change organized an online petition demanding that the sitting DA, Devon Anderson, resign because of her decision to imprison a rape victim. “It was a scandal,” Tremillo said. “We were able to really blow it up and make sure everybody knew.” The coalition delivered the signatures to Anderson at her office during an in-person demonstration.

“The coalition made officials and candidates see this was bigger than TOP. We were all on the same page and talking the same language and had the same message: to let all the candidates and elected officials know that they are not dealing with just one person or group. This is a community effort.”

– Tarsha Jackson, Harris County Director, TOP

3. Organizing: Educating about the Office

TOP and the Right2Justice coalition set out to educate the community about the role of the DA in the criminal justice system and to inform the community that it was an elected position. Organizers connected the DA to issues affecting community members. “Over the course of the summer, we were organizing, organizing, organizing and holding know-your-rights workshops, town hall meetings, phone banking—all sorts of events to talk about how the issues—everything from bail reform to police treatment—are important and affect people’s lives and the district attorney’s role in it,” Tremillo said. “It was a big educational push. It’s not like people wake up in the morning and say ‘If only we had a new DA.’”

TOP had run campaigns during judgeship races but had never run a campaign around the DA election. To build its own capacity, TOP developed workshops, held meetings, and provided fact sheets and talking points for members. Members who had experienced the criminal justice system firsthand often leveraged their personal experience as they organized communities.

“There was a lot of new capacity that had to be built, but this is why investment in multi-issue year-round organizing is important. No matter what the issue is, I often feel as if the art of organizing lies in being able to break down complex systems so folks can relate to their daily lives. We know how to talk to people about deregulation of the utility industry, the [Affordable Care Act], predatory lending—all those things that are complicated but that affect people more directly. Good organizers know how to do that and can pivot from issue to issue even though the context changes.”

– Ginny Goldman, Former TOP Executive Director

Many of TOP’s Latino members focused on the sheriff’s race. In 2012, TOP had endorsed and run a winning campaign for the first Latino sheriff, who resigned to run for mayor and lost. The sheriff appointed to replace him was publicly critical of immigrant and Muslim communities and implemented 287(g)—a coordination agreement with ICE. The policy was an issue of real concern and fear in Latino and immigrant communities. “You have mixed-status families; you are knocking on the doors of a family that—in the same household—has undocumented immigrants *and* citizens who are eligible to vote; it’s very real and very tangible,” Tremillo said. “It makes a difference in their lives if they vote in this election.”

The high-profile nature of the 2016 presidential election offered a strategic opportunity for TOP. Because of the influx of resources, it enabled TOP to expand its canvassing and reach more people in order to grow its base while getting out the vote. “It’s about big numbers

and going deep, which is always the balance to strike,” said Zermeno, TOP’s director of electoral strategy.

But community members were not energized by either of the presidential candidates, and many felt disenfranchised—that their vote would not directly affect their lives. The local issues discussed by down-ballot candidates—the DA and the sheriff—directly impacted communities and provided a more effective opening for organizing conversations.

“When we knock on someone’s door, we ask them, ‘What issues do you care about?’ and then we tie that back to why it’s important to vote somewhere on that ballot,” Tremillo said. “In this past election cycle, with [Hillary] Clinton and [Donald] Trump on the ticket, 9 times out of 10, we were talking to people about the DA’s race and the sheriff’s race. We all have someone in our family who is caught up in the criminal justice system. So, being able to talk to people at their doors and say, ‘If you vote for this person, it will have real impact on your life, on your family’s life, and on your community’s life immediately.’ That’s really important.”

“Our approach is issue-centered GOTV versus candidate-centered GOTV.”

– Crystal Zermeno, TOP Director of Electoral Strategy

4. Getting Out The Vote: Mobilizing the Base for the Election

TOP’s Political Action Committee (PAC) focused on winning the down-ballot races for DA and sheriff as well as for tax assessor and judicial seats. The PAC coordinated the electoral strategy with Ogg’s campaign and other partners, including labor unions.

The electoral strategy relied heavily on one-on-one direct conversations with voters. A staff of 175 mostly part-time canvassers tried to reach each targeted voter multiple times by door knocking and phone calls. Over the course of the campaign, the canvassing team made 1.2 million knocks and calls to more than 400,000 voters of color. The team’s message had three components.

1. Education on down-ballot voting
2. Education on the role of the DA and key criminal justice issues for which the DA has oversight
3. Education about Ogg and her policy agenda, which aligned with the Right2Justice agenda

The Election Results

The election was a Democratic sweep in Harris County—from the presidential candidate at the top of the ticket to the DA and sheriff candidates down-ballot. But the wins alone do not tell the full story (figure 4).

New Voters

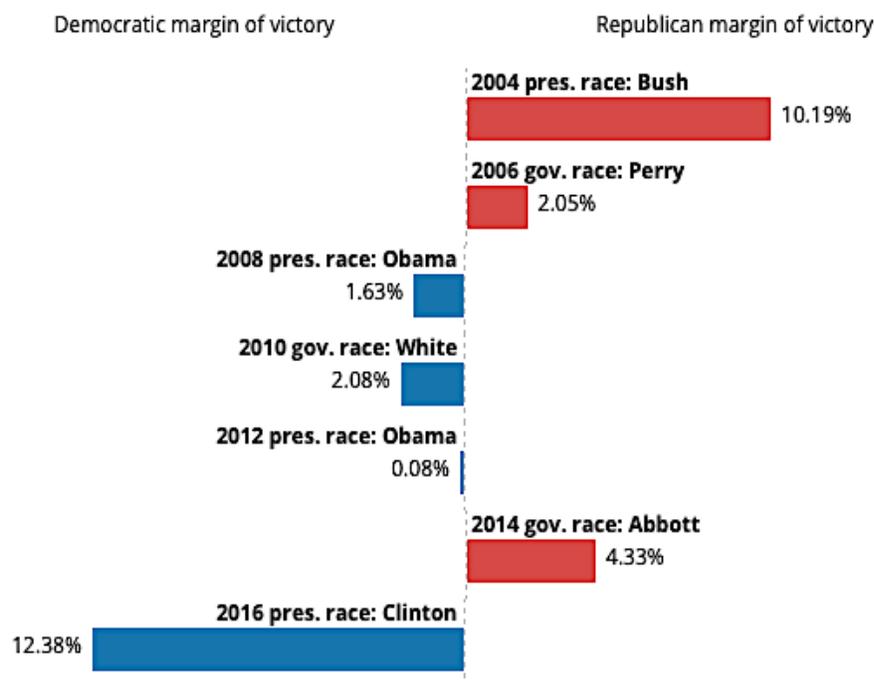
Every election cycle was an opportunity to grow the electorate and increase participation by unlikely voters. TOP wanted the presidential election year to help unlikely voters see that their vote mattered, which would build voting habits that turn unlikely voters into off-year gubernatorial and municipal election voters. TOP’s goal was to add 30,000 new voters to the electorate. The group far exceeded that goal, delivering 87,813 unlikely or new voters of color.

Latino and African American Vote

Overall, the countywide turnout was 61 percent. In precincts that TOP targeted—historically areas with some of the lowest turnout rates in the county—it was 52.4 percent, reflecting the growth in the Latino electorate. Latino vote share increased from 16.5 percent in 2012 to 19.5 percent in 2016, resulting in 97,460 more Latino votes, half of which were unlikely voters. The African American vote held stable despite declining trends statewide and nationally.

“Clearly, we were hoping the number would go up, but that was our struggle,” Zermeno said. “We saw the least energy around the presidential election, so we knew we needed to have those conversations around the DA and the local races, which was really helpful as we were

Figure 4: 2016 Harris County Election Summary



Source: Texas Secretary State Credit: Annie Daniel

Down-Ballot Candidates as Drivers

Ogg was elected DA with 108,156 votes, defeating the incumbent by eight percentage points. Ogg had previously run for DA in 2012, losing by 50,000 votes. Gonzalez was elected sheriff, with 72,662 votes.

In Harris County, Clinton’s margin of victory was the largest Democratic victory in decades: she won by 161,511 votes—a 12 percent lead over Trump. In comparison, in 2012, Obama won Harris County by only 971 votes (figure 5). The *Texas Tribune* reported, “Harris County has flipped from Democratic to Republican in recent elections, with remarkably thin margins in a deep-red state — until this year.”¹⁰

TOP believes the down-ballot races may have driven the increase in votes for Clinton and her expanded margin of victory. In the precincts where TOP worked,

- Ogg received 84 percent support.
- Clinton received 83 percent support.
- Ogg received 99 percent of the votes Clinton got at the top of the ticket, translating to a 99 percent down-ballot voting rate.

“We carried the ticket, with the most votes in Harris County. That’s unprecedented for a district attorney. My race was at the bottom of the longest ballot in Texas, and yet I got the most votes in Harris County. I received 108,000 more votes than my opponent. And I think that was a strong statement. I think a lot of people around the country are looking at Harris County — especially in light of the last national election — as a blue light in a red sea.”

– Kim Ogg, Harris County District Attorney ¹¹

Building the Base

TOP’s goal was to win the elections for mayor, DA, and sheriff *and* to use the elections as an organizing tool to build a base that could challenge the criminal justice system at the city and county levels. By March 2017, TOP had built a base of 24,365¹² people, with whom TOP is communicating regularly, who have indicated they support the criminal justice platform, and who have taken some action such as by attending an event, providing testimony, signing a petition, or calling an elected official. The DA accountability work depended on that base.

¹⁰ Alexa Ura. “There’s no shading it, Harris County went undeniably blue.” *Texas Tribune*, November 11, 2016; <https://www.texastribune.org/2016/11/11/harris-county-turned-blue/>.

¹¹ Sam DeGrave. “The Interview: Harris County District Attorney Kim Ogg.” *Texas Observer*, July 26, 2017. <https://www.texasobserver.org/the-interviewkim-ogg/>.

¹² Of the 24,365 people, 11,243 were developed through issue organizing, and 13,122 were developed through electoral work.

“[Kim Ogg] went in feeling like she had the backing of her community, like she had a mandate. She went gangbusters and fired all the previous [assistant district attorneys]. She cleaned house. She implemented cite and release in the first 90 days. She immediately went on the record to say she was in favor of reforming the bail system and the county should do it. She has been a real champion and what you hope happens when you run such a hard campaign for someone.”

– Michelle Tremillo, TOP Executive Director

Figure 5:



District Attorney Accountability

Post-election

Shortly after taking office, Ogg began to roll out policy reforms, implementing everything in her power to act on immediately. She had publicly committed to the coalition's policy agenda, but no one anticipated she would act on it so quickly. She implemented a drug diversion program, decriminalized low-level marijuana possession (cite and release), and made progress on bail reform.

Ogg created a 60-member transition team organized into eight issue-focused committees.

- Officer-Involved Shootings/Civil Rights
- Evidence Integrity
- Equality in Justice
- Immigration and International Communities
- Bail Reform
- Mental Health
- Diversity in the Harris County District Attorney's Office
- Technology
- Victims' Rights

Each committee produced community action plans,¹³ which served as Ogg's guiding documents, according to DA staff. Several Right2Justice coalition members served on the committees. Notably, both Jenkins from TCJC and Jackson from TOP were on the Bail Reform Committee.

Gonzalez, the newly elected sheriff, also followed through on his campaign promise and in February, ended 287(g), thereby severing Harris County's collaboration with ICE.¹⁴ And Mayor Sylvester Turner named Art Acevedo as Houston police chief. Acevedo was a former Austin police chief and had a reputation for working with the community and promoting community policing.

The Right2Justice coalition also continued its work postelection and now played an even more vital role, bringing to bear the range of expertise and skills of coalition members in the areas of policy analysis, legislative development, legislative advocacy, legal advocacy, organizing, and the like. Right2Justice presented a united front and a collective, impactful voice representing a

¹³ Press release from the office of District Attorney Kim Ogg. District Attorney Announces Community Action Plans Formed with 60 Member Transition Team; <https://www.harriscountyyda.com/da-ogg-announces-community-action-plans>.

¹⁴ In response to such local policies, the Texas legislature passed SB4, which Gov. Greg Abbott signed into law in May 2017. The law effectively bans sanctuary cities and forces local governments and law enforcement to work with federal immigration officers.

range of constituencies, and it served as a rich resource for Ogg and her office as well as other elected officials to draw upon. “I rely on different members for different things,” one of Ogg’s staff members said. “I go to Applesseed for policy and TOP to reach the community.”

Accountability Strategy

Although it is the last step in TOP’s formula for policy reform, accountability is woven throughout TOP’s process. By endorsing candidates, for example, TOP was able to solicit a public commitment from the candidates to remain accountable to the community and their policy priorities. “They were endorsed by the community,” Jackson said. “We had them in front of the camera, and they committed to our policies. It was *our* platform that they ran on.”

TOP’s ability to win elections demonstrates the organization’s contribution and establishes a certain level of accountability for the win together with the quiet threat of future electoral consequences. “They saw us doing the work,” Jackson said. “They knew they would not have gotten elected without us.”

The electoral role and electoral consequences play important roles in accountability. The coalition balances that threat with its base of support for the newly elected official. “She went in feeling she had the backing of her community—as if she had a mandate,” said Tremillo, as she reflected on Ogg’s immediate policy reforms.

TOP’s Formula for Progressive Policy Reform

1. Galvanize communities and community organizations around a common policy platform.
2. Collectively pressure the progressive candidate to adopt the policy platform.
3. Run a winning field program for the progressive candidate.
4. Engage in community organizing to hold the progressive, newly elected official accountable to deliver on promises.

TOP refers to that work as *accountability*, but the term does not fully describe either what occurred during this phase of the work or the nuanced nature of working with a newly elected official. This section categorizes that work and the ways TOP, the Right2Justice coalition, and impacted communities worked with Ogg—and sometimes against her—to advance progressive policy reforms. The following elements are the key aspects of the work.

1. Systems approach
2. Communications and relationship building
3. Capacity building and community engagement
4. Monitoring and highlighting problems
5. Inside-outside strategies and direct action

“The election of a new DA and sheriff set our real work in motion: to win policy change that would substantially reduce mass incarceration in Harris County.”

– Tarsha Jackson, Harris County Director, TOP

1. Systems Approach

An early challenge arose regarding understanding the limits of the DA’s office and the roles of other key players such as the criminal court, juvenile judges, and the Commissioners Court.

“They are making the decisions on the bench,” said Jackson. “And even if the judges decide to go along, you still need the commissioners to pass the policy.”

TOP used a power-mapping process—which Jackson likened to a systems mapping—to identify all the players in the criminal justice system who had influence on policy goals. The mapping helped in understanding whom to target to shift policy. The plan also included an electoral strategy and identified targets for the next campaign. TOP always embedded electoral strategies into its advocacy and accountability strategies.

One of the first actions Ogg undertook was reform of the DA’s office. She fired nearly 40 prosecutors and replaced them with a “diverse group of experienced and talented lawyers.”¹⁵ “I did not feel that I could rely upon the architects of the criminal justice system that I vowed to change,” Ogg said in an interview.¹⁶ Many newly elected progressive DAs across the country have taken similar actions, recognizing that the only way to deal with the entrenched cultures of these systems is to bring in new staff.

“Personnel is policy because culture eats policy all day long,” said newly elected Philadelphia DA Larry Krasner. “If you talk to any of the progressive DAs who’ve gotten in there, you can pass whatever policy you want, and when your mid-level supervisor crunches it up and puts it in the trash can and it’s not being carried out in the courtroom, they’ve all got a little grin on their face and you don’t have any change.”¹⁷

¹⁵ Sam DeGrave. “The Interview: Harris County District Attorney Kim Ogg.” *Texas Observer*, July 26, 2017; <https://www.texasobserver.org/the-interviewkim-ogg/>.

¹⁶ Chris Palmer and Juliana Feliciano Reyes. “DA-elect Krasner vowed to change the system. First he’ll have to change the office.” *Philadelphia Inquirer*, December 31, 2017; <http://www2.philly.com/philly/news/crime/larry-krasner-tom-dart-kim-ogg-prosecutors-change-20171231.html>.

¹⁷ Interview with Chris Hayes. “Why Is This Happening? How Prosecutors Can Help End Mass Incarceration, with Larry Krasner: podcast & transcript,” July 10, 2018; <https://www.nbnews.com/think/opinion/how-prosecutors-can-help-end-mass-incarceration-larry-krasner-podcast-ncna890126>.

Ogg also benefited from TOP’s other campaign wins. The election of a progressive mayor and sheriff and the appointment of a like-minded police chief provided Ogg with political will and support to advance and implement reforms. For example, when Ogg rolled out the new cite-and-release policy, it was met with criticism and public pronouncements that she was trying to legalize marijuana and would turn Houston and the county into “a sanctuary for dope smokers.”¹⁸ At the announcement of the policy, Ogg was flanked by the mayor, the sheriff, and the police chief. “Ogg isn’t out on a limb all by herself and faces less risk of being castigated,”¹⁹ wrote Alan Greenblatt in a profile of Ogg for *Governing*.

DISTRICT ATTORNEY	\$13,187,000
COURTS	\$4,780,000
INDIGENT DEFENSE	\$2,970,000
CRIME LABS	\$2,552,000
POLICE	\$1,790,000

Sylvester Turner @SylvesterTurner
 We're finding better more cost-efficient ways to address drug misdemeanors that benefit community, offenders while maintaining #publicsafety
 8:32 AM - Feb 16, 2017 · Houston, TX
 87 likes 51 people are talking about this

The election of multiple supportive candidates gave the coalition the opportunity to push for more-comprehensive system reforms and gave the coalition additional accountability leverage. If the coalition could not advance a reform through the DA, it could put pressure on the sheriff and/or the mayor. It also had an influential ally on the Commissioners Court. “It is important for those departments and partners to be in alignment and for them to feel they answer to the same public,” Tremillo said.

The elections of several officials who were aligned on an agreed-to criminal justice agenda represented an opportunity to demonstrate effective progressive governance. “This is also how you shift the narrative about what is possible and what progressive governance looks like in the state,” Goldman said. “We need a proactive agenda, and this is what it looks like when progressives are in charge.”

¹⁸ Brian Rogers. “New policy to decriminalize marijuana in Harris County will save time, money, DA’s office says.” *Houston Chronicle*, February 16, 2017; <https://www.chron.com/news/houston-texas/article/New-policy-to-decriminalize-marijuana-in-Harris-10935947.php>.

¹⁹ Alan Greenblatt. “Law and the New Order: A Fresh Wave of District Attorneys Is Redefining Justice.” *Governing*, April 2017; <http://www.governing.com/topics/public-justice-safety/gov-district-attorneys-houston-criminal-justice-reform.html>.

“If we exhibit good, solid governance over the next four years, we will prove that Democrats in leadership positions provide superior service. I think that represents a threat to the Republican stranglehold on Texas. If we’re successful in reducing the crime rate and making a safer Harris County, it’ll be hard for other urban areas to resist making similar changes.”

– Kim Ogg, Harris County District Attorney ²⁰

2. Communications and Relationship Building

The coalition negotiated pre-election commitments from Ogg to hold annual meetings with the coalition to discuss policy priorities and emerging challenges. Postelection, Ogg maintained open communications and created a community liaison outreach coordinator position. Coalition members found Ogg and her office to be accessible and responsive. The regular lines of communication were important to building an ongoing relationship and trust with the new DA and her staff. Depending on the issue and the need, coalition members met with Ogg directly or with one of her chief deputies and had no difficulty in accessing her.

The coalition also wanted to ensure that the DA and other criminal justice leaders were accessible and directly accountable to the community, so it scheduled meetings and forums to engage community members directly with elected officials. For example, after the election, the coalition held meet and greets with the DA and the police chief to celebrate their election, affirm their policy commitments to the community, and discuss their plans for the upcoming year. The DA’s community liaison outreach coordinator has reported responding to more than 200 requests for presentation in the community.

The coalition also worked directly with the DA’s office on the development of events, the distribution of information from the DA’s office to the community, and the development of community-based prevention strategies—for example, to keep kids out of jail. “We have gotten people in office before, but we have never spent so much time working with one the way we do with the DA,” Jackson said.

3. Capacity Building and Community Engagement

Many of the community-based organizations and their members needed to develop a deeper understanding of the complexities of the criminal justice system and the roles and responsibilities of the system’s various players and agencies. Those fundamental understandings helped community members formulate policy solutions and take appropriate action. The DA’s office also noted that groups typically did not understand the parameters of what the DA could do—for example, what could be accomplished through a practice change versus a legislative change on the state level or, say, a local change through the Commissioners Court.

²⁰ Sam DeGrave. “The Interview: Harris County District Attorney Kim Ogg.” *Texas Observer*, July 26, 2017; <https://www.texasobserver.org/the-interviewkim-ogg/>.

TOP used the visual tool of power mapping to familiarize community members with the system, determine the strongest points of leverage, and develop strategy. Community education and capacity building were prioritized to make sure impacted communities were at the forefront of accountability advocacy.

Together with the Right2Justice coalition, TOP developed ways of both building capacity and systematically engaging community members in criminal justice advocacy and the accountability work.

- *Ongoing organizing:* TOP continued to organize and educate communities on criminal justice after the election through one-on-one conversations on people's doors. During the 2016 DA election, TOP targeted 100,000 eligible voters that had not previously voted to mobilize them on criminal justice issues. TOP continued to engage them after the election, too. "We went back and thanked them for their vote and told them about the election results, and we invited them to an event to get them to participate," Jackson said. "We also invited them to participate on the committees. The organizers canvass every day, and they talk to people from this universe of 100,000 voters."

TOP also organized at sites where they would find impacted community members: the city jail, family visitation centers, and the courthouse. They held petition drives for local criminal justice reforms. Organizers would follow up with those who signed in order to invite them to meetings or trainings or to ask them to participate in campaigns. "This is ultimately how TOP works with impacted communities to build membership and develop leaders," Zermeno said. "We keep working with those individuals as leaders to encourage them to take more action and become consistently involved: to come in and screen candidates, to help us think through certain policy changes we're trying to make, to think through the campaign strategy, and to lead an event in an effort to draw in more people. So that is our model. We go to places where we know our people are, and we go door knocking in neighborhoods."

- *Leadership development:* TOP had also hired directly impacted community members as canvassers to work the election. Many of those community members had never voted before or did not vote regularly. After the election, TOP hired some of the people as organizers, and some became criminal justice program leads.

TOP also sought to engage young men of color and build leadership among them on police accountability issues. The group held know-your-rights and police accountability workshops to create a space where young men of color could discuss what real police accountability should look like and where they could develop strategies to achieve that goal. TOP also organized a mass national kneeling action in Houston and Dallas in support of National Football League players. Hundreds participated in each city.

- *Criminal Justice Organizing Committee:* TOP has community-based committees for each of its issue areas in each of the three counties where the group is based. The Criminal Justice

Organizing Committee consists of 15 to 30 active members who meet monthly to discuss and develop strategies for criminal justice campaigns. The committee creates a structure and a space for community members to engage, advance leadership development, and ensure that impacted communities are driving the advocacy and accountability work.

- *Workshops and trainings:* The DA's office worked with coalition partners to offer trainings to the community on key aspects of the judicial system. For example, the office held a series of workshops on civic engagement and a training on the role of the grand jury. TOP also developed community forums on various aspects of the criminal justice system, including the juvenile justice system.
- *Right2Justice Symposium:* The Right2Justice symposium is an annual all-day public event that brings together hundreds of community members and key criminal justice decision makers: the DA, the sheriff, the police chief, county commissioners, and state senators. The 2017 symposium highlighted the Right2Justice policy platform and emphasized juvenile justice, police accountability, and ending debtors prison. The 2018 event focused on mass incarceration. The goals of the symposia are to educate the community on policy and systems change issues and promote interaction and collaboration with decision makers with a view to advance community-driven solutions.
- *Experiential opportunities:* In addition to trainings, TOP worked with the Right2Justice coalition to create hands-on advocacy experiences for members to help them understand the system and apply that knowledge to the strategy. For example, working with Texas Appleseed, community members watched court proceedings and videos of bail hearings. Members have also provided testimony at the county Commissioners Court regarding bail reform and at the Houston City Council on housing issues. The state policy organizations also benefited from the ability to connect to community members. They reported that those connections improved their advocacy and lent credibility to their work. "We can provide the data, and TOP brings the actual person," Jenkins said. "Tarsha and TOP's reach into community have been a boon to having those stories to tell, and nothing is more effective on a policy paper than having those stories."

"Step one: Make sure that someone who agrees with our values and agrees with our policies gets elected. Step two: Make sure those policies actually happen. Remember that there is a lot of pressure when somebody gets elected, and if our pressure is not one of the biggest pressures, then those policies don't happen."

– Michelle Tremillo, TOP Executive Director

4. Monitoring and Highlighting Problems

The coalition grounded its monitoring activities in data and technical policy support. Texas Appleseed, the ACLU, and TCJC were key coalition partners in that work. The ACLU played a leading role in the bail reform lawsuit. TCJC was central in tracking the jail population, tracking policy implementation, and educating community members. Finally, Appleseed was an important partner on juvenile justice issues and school discipline reform. Policy organizations provided policy education and support both before and after the election.

The policy organizations provided technical support once Ogg was elected. They used data collection and tracking to identify challenges with policy implementation and issues in the system for the DA's office to address. That work positioned the coalition as a vital resource and partner for the DA.

Unlike many jurisdictions in which data does not exist or is not made readily available to the public, Harris County had data, but it was neither analyzed nor used. That suggested an important role for the coalition and, in particular, for policy partners such as TCJC which systematically collected data and tracked and analyzed existing data. "In Harris County, nobody is looking at data except us," Jenkins said. "As a result, a lot of times we know a lot more about what is going on in Ogg's office than she does. So she sees us as a resource and not as a threat."

The data helped the coalition identify problems to raise for the DA's attention. "I have been compiling data since I got here on anything I can find," Jenkins said. "I get access to all court cases that have been filed monthly. We can go to the DA and say, for example, that there were a larger number of marijuana arrests this month, and why was that? This has been really helpful on both sides. It's a way for us to put stuff on the radar. It's also a way to show her the trends and not just individual cases." And according to Jenkins, the DA has been receptive.

Policy partners also gathered data in support of the DA and policy reform. For example, TCJC has been doing research on drug policy, and it pulled together the budget numbers on the cost of marijuana arrests. When Ogg announced her decision to not prosecute most marijuana arrests, she cited that data when she explained that the policy would save the department \$26 million per year. Ogg likes to say she is "smart on crime" rather than "tough on crime." This type of policy support helped her make that case.

When possible and appropriate, organizations also collected data through community members. Through the court-watching program, community members identified instances when assistant district attorneys asked for higher bail amounts, and they then reported those instances to the DA. In response to SB4—described as Texas's version of the show-me-your-papers-on-steroids law, TOP collected and tracked complaints from community members who had reported being racially profiled by the police. TOP then shared that information with the sheriff and the police chief to inform them of the impact of the new law and hold them accountable.

5. Inside-Outside Strategies and Direct Action

The accountability work occurred on a continuum: on one end were support, shared development of solutions, and coordination on inside-outside strategies, and on the other end were direct actions against the system and decision makers in order to hold them publicly accountable. They were not mutually exclusive strategies; both of them were necessary.

TOP and the coalition developed a reciprocal relationship with Ogg, who had an open-door policy and for the most part, was responsive to their policy priorities. Conversely, Ogg would contact them to discuss challenges and pushback she was getting. “She will tell us she needs us to have her back,” said Jackson. “It’s up to us to come up with an external strategy. She lets us know if they’re trying to sabotage us.”

The coalition’s ability to develop and implement inside-outside strategies was a function of the group’s relationship with the DA. It also reflected the understanding that the newly elected officials needed support and, furthermore, that adversarial accountability strategies alone would not be sufficient to bring about reforms. TOP’s investment in a candidate extended past the election victory to governance. TOP acknowledges the relationship must be collaborative to achieve policy reform. “With good elected officials, we are part of their team,” Tremillo said.

The realities of systems change and administrative advocacy are that the endeavors must consider the political environment and the history and culture of the existing system as well as the many moving parts and players of the system that produce barriers to change. A newly elected official, regardless of how progressive and motivated, cannot single-handedly produce reforms. The official has to have external collaboration and be pressured. In an example, Tremillo talked about the sheriff’s response to a coalition demand: “I wish I could, but I can’t do that, so why don’t you sue me so we can force it to happen.”

The coalition’s communications and media strategies placed additional external pressure on decision makers and shone spotlights on such issues as bail reform. The coalition also created space for the DA to take action. “On the juvenile side, we talk to her about what we expect and hope, and we are also actively making clear the roles of judges and other actors in the dysfunctional system so we can give her cover to make some of these moves,” Jenkins said. “It is sometimes easier to make some of these moves if the newspaper writes about how terrible the judges are because a judge’s ability to respond is neutralized.”

TOP and coalition partners wrote op-eds, used storytelling, trained members to be spokespersons, and took direct actions to generate earned media. They also used communications and media strategies to shift the narrative away from the criminalization of poverty and people of color and instead toward a new vision of making communities safe.

Coalition partners have anticipated some of the arguments against their policy reforms and have prepared messages, talking points, and supporting data for the DA and the sheriff.

When the coalition has to take a public stance on an issue, it gives the decision maker a heads-up. Sometimes such an action is well received and coordinated. For example, the coalition held an action on 287(g) that was directed at the sheriff. “We weren’t sure Gonzalez was going to follow through on ending 287(g),” Tremillo said. “Trump had just announced the Muslim ban, and members were furious, so we needed to see someone locally showing real leadership. We called him ahead of time and told him we are going to do an action and show up at your office and demand you end 287(g). He said ‘OK, tell me what I should do when y’all get here.’”

“She recognizes she was elected because she promised reform. She speaks openly about how community demand makes it easier for to do her work; it makes it easier for her to go in there and make waves.”

— Michelle Tremillo, TOP Executive Director

Challenges and Lessons Learned

TOP and the Right2Justice coalition made significant progress in their work with Ogg, but the efforts were not without challenges and lessons learned.

- **The system beyond the DA.** During the electoral campaign, TOP had to educate its staff, its membership, and local communities on the role of the DA. The accountability advocacy required an understanding of the criminal justice system and of the DA’s role in it relative to other influential players. A staff member from the DA’s office noted that community groups needed a better understanding of what is within the power of the DA to influence. “Grassroots organizations think that once they have an elected ally in office, we can do everything,” said the DA’s staff member. “But the reality is that some things are not feasible, and some things we can or can’t do. Helping them understand who controls our budget and how we get things done was a challenge.”

TOP acknowledged that producing a more-detailed power mapping earlier in the advocacy would have helped identify the many targets aligned with the group’s policy platform as well as the obstacles to reform.

- **Relationship with the DA.** Some of the community groups TOP partnered with viewed Ogg only as a target of their advocacy to advance their policy agendas. Their notions of how to work with Ogg as a partner were less nuanced and more adversarial because they were not accustomed to having a relationship with the DA. “They were quick to go into attack mode. We have been so busy fighting that we don’t know what to do when we have a relationship,” said Jackson.

Many times, TOP had to mediate between its community partners and Ogg to help the partners see the value in the relationship they were building with Ogg. Ogg ran as a progressive candidate, but the system she entered into was not progressive, and she could not reform it alone. “We have to learn to work with her and stop being so defensive.

That's my job right now: trying to get our partners to calm down and come up with solutions to the problems we are identifying," said Jackson. "We always want to talk about what they're not doing right. At our last meeting, she took our recommendations, and they were shocked. She'll let us know if she can or can't do it. And what she cannot do, we figure out who can make it happen."

- **Organizational capacity.** TOP played a significant role in both the electoral campaign and the accountability advocacy, and that challenged the group's capacity. The dearth of 501(c)(4) organizations meant TOP was spread thin. To address that, TOP is working to build capacity of the field in Texas by raising funds for black- and brown-led organizing groups. And TOP is subgranting to provide technical assistance and training on power mapping, policy, and outreach.

TOP's central role in the work elevated the organization's profile among decision makers and often made the group the go-to organization on criminal justice issues. And although that is a positive indicator of TOP's growing influence, it is also a capacity challenge because it was usually Jackson who played that role. "We do play a connective role across agencies out of necessity, and it's irritating to us that we have to do that," said Jackson. "At times I get asked for data from county employees. Or I get asked by the mayor or council members about legislation and whether I've researched it."

- **Ongoing community engagement.** TOP was effective at maintaining the membership's engagement in criminal justice advocacy, but the group also recognized the importance of keeping the broader community engaged. "We keep our people up-to-date in meetings, but some people don't come to the forums, so we have to connect them and let them know your vote did this. People will vote again if they feel there is progress," said Jackson.

TOP relied on social media to keep people informed but acknowledged that its digital media capacity was lacking. The group has experimented with social media strategies but has not yet been able to achieve the reach and the impact it's striving for to engage a broader base of people.

Conclusion

Since its electoral victory in Harris County with Kim Ogg, the Right2Justice coalition has expanded to Dallas and Bexar Counties. TOP and the coalition had tremendous success in the 2018 midterm elections and helped elect new district attorneys in both of those counties. In Harris County, TOP helped elect 17 African American women to judicial seats, leaving only Democrats on the bench in the civil, criminal, family, juvenile, and probate courts. Additional victories included county clerk and the election of a young Latina for Harris County Judge, defeating a three-term incumbent.

“Our local DA candidates and judges were what most energized people,” said TOP deputy director Brown. “We’ll have more power to engage through the numbers of supporters and voters who have been activated through this election cycle.”

TOP continues to build the electorate with each election cycle and to engage the electorate in local policy issues that motivated that electorate to vote.

APPENDIX

Policy Accomplishments Reported by TOP

Bail Reform

- A public defender is now present at magistrate hearings, which gives low-income residents representation at the first opportunity in front of a judge and which leads to higher likelihood of getting a personal recognizance (PR) bond or lower bail, according to their ability to pay.
- The DA created an internal bail policy that serves as recommendation to judges on when to give PR bonds by judging ability to pay and considering level of offense. That change has resulted in more defendants' getting PR bonds and no longer sitting in jail for months awaiting trial.
- Reform has provided outside support—in close coordination with nonprofit law organization Equal Justice Under the Law, as well as the Civil Rights Corps—at key times during a federal bail lawsuit trial. For example, TOP called the Harris County sheriff—when attorneys presented things counter to bail reform or that hurt the chances of settling a case or reaching a final verdict—and pressured the Commissioners Court to settle the lawsuit rather than allow continual appeals.
- Released, in conjunction with TOP partners and Color Of Change, Harris County bail-hearing videos then set into motion formal complaints against some of the county's magistrate judges. The Texas State Commission on Judicial Conduct sanctioned four judges for denying PR bonds to defendants who had requested them. As a result of the sanction, Judge Lee H. Rosenthal, chief district judge of the US District Court for the Southern District of Texas and the judge in the lawsuit against Harris County bail practices, called a special hearing requiring all judges to appear and answer questions regarding how they made decisions about whether or not to issue PR bonds.

Sentencing and Incarceration Reform

- The DA instituted a cite-and-release policy and robust drug diversion—two of the seven pillars of the Right2Justice policy platform.
- Because of pressure to reduce the number of people sitting in the county jail and through collective work on transition teams, the sheriff created the position of jail population manager, whose sole job is to search for sensitive or special circumstances that will get inmates out of jail and into settings that best fit their situations. For example, an inmate going through chemotherapy or a pregnant woman—when feasible—would work with the DA to amend charges and place the person in a hospital or hospice setting.

- TOP signed on as an institutional plaintiff in a lawsuit filed against Dallas County. The lawsuit alleges a First Amendment violation in Dallas County because there is no public access to bail hearings. In conjunction with multiracial faith movement Faith in Texas, TOP sent a letter requesting access to bail hearings. Local counsel, the Civil Rights Corps, and ACLU of Texas filed the lawsuit and at the same time bailed out three of the plaintiffs; Faith in Texas bailed out another three. There remain an additional three plaintiffs TOP would like to bail out, and the group has made a request to national partners for support covering the three's significant bail amounts of \$15,000, \$50,000, and \$125,000.

Law Enforcement/ICE Collaboration Reform

- The sheriff ended Harris County's participation in the 287(g) program, which meant immigrants are no longer held in jail for extra time based on ICE holds.

Juvenile Justice Reform

- Work to end the school-to-prison pipeline resulted in improvement in school discipline policies and a suspension ban in February 2017 for kindergartners through second graders within the Dallas Independent School District. Then, in coalition with partners across Texas, TOP advocated a similar ban, which was implemented at the state level with passage of House Bill 674, which was signed into law in June 2017.