



## Magisterial District Judge Candidate Questionnaire

The ACLU of Pennsylvania's Campaign for Smart Justice announced its Allegheny County launch in June of 2018. Since that time, a coalition of community-based justice organizations and ACLU-PA has been working to educate and engage elected officials, voters, and other stakeholders in the criminal legal system and its impact on issues such as pretrial detention and debtor's prisons, as well as substance use disorder and evictions - issues which disproportionately impact Black and brown Pennsylvanians in Allegheny County and across the commonwealth.

***Disclaimer:** The ACLU is a nonpartisan organization and we do not endorse candidates for election. The responses gathered from this questionnaire will be made available to the public on our website as voter information.*

The following 18 questions address issues and practices that would be under your authority if you are elected/re-elected to the position of Magisterial District Judge.

### **Questions**

#### *Bail*

*The Pennsylvania Constitution and Rules of Criminal Procedure delineate a thorough and rigorous procedure for setting bail. Please answer the following about how you will proceed with setting bail if elected Magisterial District Judge and entrusted with the power to set bail.*

- 1) If elected Magisterial District Judge, prior to setting any condition of bail, will you conduct a careful, individualized hearing and look at all of the factors listed in the Rules of Criminal Procedure (523), which include a person's employment status and community ties?

Check one:  Yes  No

Explain:

*I believe conducting a careful and individualized examination is required for all determinations including setting bail.*

- 2) If elected Magisterial District Judge, will you set bail based on a person's charge alone?

Check one:  Yes  No

Explain:

*The totality of the circumstances, review of the person's charge as well as the person's circumstances is required.*

- 3) If elected to the position of Magisterial District Judge, will you assign cash bail in an amount that a person can afford, as required in the Rules of Criminal Procedure (528 (A) & (B))?

Check one:  Yes  No

Explain:

*If I did find a cash bail as appropriate, (which I believe in most circumstances will not be necessary) I would review & apply the Rules of Criminal as required.*

- 4) If elected to the position of Magisterial District Judge, will you use cash bail as a way to keep a person incarcerated until trial pursuant to Rules of Criminal Procedure (524)?

Check one:  Yes  No

Explain:

*I believe it is inappropriate to use cash bail as a means to unjustly incarcerate individuals with less means to post cash bail.*

- 5) If elected to the position of Magisterial District Judge, will you make pretrial

liberty the norm and pretrial detention the exception? For example, not arbitrarily denying bail?

Check one:  Yes  No

Explain:

*Pretrial liberty is my expectation to be the norm; especially in review of the history of my District.*

### *Racially Discriminatory Practices*

- 6) Do you believe racial discrimination in Pennsylvania's criminal legal system is an issue?

Check one:  Yes  No

Explain:

*I have represented the immigrant population in local, state and federal courts and definitely have witnessed racial ignorance & racial discrimination.*

- 7) If elected to the position of Magisterial District Judge, will you work towards making sure you aren't deciding cases in a way that is discriminatory towards black and brown communities?

Check one:  Yes  No

Explain:

*I am proud to be a member of a multi-cultural family inclusive of white, black & brown and will without question decide cases in a non discriminatory manner.*

### *Fines & Costs*

- 8) If elected Magisterial District Judge, will you comply with the requirements in the relevant statutes (42 Pa.C.S. § 9726(c) and (d)) for setting discretionary fines, and will you consider a defendant's financial resources when imposing such fines?

Check one:  Yes  No

Explain:

*If a fine is being considered for means of deterrence or punishment, it only makes sense to consider a defendant's resources so that the fine is imposed in a fair and equitable manner.*

- 9) If elected Magisterial District Judge, in cases in which you cannot immediately hold a payment determination hearing pursuant to the Rules of Criminal Procedure (456) ( ), will you schedule a new hearing and determine if a defendant can be released on their recognizance without requiring collateral?

Check one:  Yes  No

Explain:

*In recent case reviews, it has been proven that release on recognizance is effective and collateral is unnecessary.*

- 10) If elected Magisterial District Judge, will you and your staff comply with the Rules of Criminal Procedure (456) and statute (42 Pa.C.S. § 9730) by setting affordable payment plans for defendants?

Check one:  Yes  No

Explain:

*I hope to create a collaborative and approachable office environment and to provide payment plans, and other helpful information and resources to everyone that interacts with the court.*

- 11) If elected to the position of Magisterial District Judge, will you schedule payment determination hearings for defendants who have fallen behind on payment pursuant to the Rules of Criminal Procedure (456), rather than immediately issuing a discretionary warrant for arrest?

Check one:  Yes  No

Explain:

*It is important to determine what the defendant's situation is before making their situation worse.*

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12) If elected to the position of Magisterial District Judge, with regards to cases involving youth (truancy cases and summary citations), will you consider the potential financial burden before setting fines for students?

Check one:  Yes  No

Explain:

*I will always consider the potential financial burden in all cases, students and their parents included.*

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13) If elected to the position of Magisterial District Judge, with regards to cases involving youth (truancy cases and summary citations), will you permit both fines and costs to be waived if the student returns to school, as allowed by statute (24 P.S. § 13-1333.3(b))?

Check one:  Yes  No

Explain:

*The objective is to have the student in school not collect fines and costs.*

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### *Substance Use Disorder*

14) Do you think incarceration is a form of treatment for individuals with substance use disorder?

Check one:  Yes  No

Explain:

*I know that it is not. As a family member recovering addict, I am acutely aware of substance abuse issues and treatment.*

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15) Do you believe substance use disorder is a mental health disorder (as it is recognized by the American Psychiatric Association in the DSM-V) and must be taken into consideration when handling criminal cases?

Check one:  Yes  No

Explain:

*I have seen first hand the disorders of alcohol + drug addiction*

### Evictions

16) If elected to the position of Magistrate District Judge, will you evict those who can not afford to pay as communities are impacted by the residual effects of the COVID pandemic?

Check one:  Yes  No

Explain:

*The Covid pandemic has created an unprecedented time and I hope we are on our way to recovering + normalizing the economy. Individuals should not be evicted as a result of circumstances beyond their control, but a plan does need to be brokered between all parties - landlords cannot be left without a remedy for indefinite periods of time.*

17) If elected to the position of Magisterial District Judge, will you develop and seek out alternatives to incarceration in collaboration with the community you are serving?

Check one:  Yes  No

Explain:

*I believe our future requires our justice system to start seeking alternatives to incarceration and should focus on recovery and rehabilitation.*

18) If elected to the position of Magisterial District Judge, will you be open to hearing feedback and working with community leaders in the community you plan to serve?

Check one:  Yes

No

Explain:

I hope to work closely with the school administrations, police departments, local officials of Mt Lebanon & Dormont, racial, ethnic & LGBTQ organizations, and non profit organizations to create a broad community based approach to providing justice and having a positive impact in my District. I will strive to become a collaborative partner and true leader to help address concerns before they become an issue before the court.