



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 think any individual should be afforded their full rights under the law and to be given all considerations therein. That includes the recommendation of pretrial services and the full breadth of their humanity when assessing pretrial release.

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

Check one: ___ Yes X No

Explain: Bail is to be set based on the individuals' safety and that of the community within which they reside. Other criterion often result in the erosion of an individual's presumption of innocence and their ability to participate in their own defense.

- 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: X Yes ___ No

Explain: Yes because to do otherwise is to criminalize a person's station in life, not their potential actions, and ultimately presupposes their guilt based on their financial capability.

- 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 X No

Explain: Unless pursuant to 524, meaning an individual poses an immediate credible threat to the safety of themselves or their community it is in the best interest of those that

- 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: Unless one is a clear and immediate danger to their community they should not be withheld from their pretrial rights to participate and presumed innocent, as a ward of the people there is a duty to hold the state to its burden as well as preserve the rights of the people.

Racially Discriminatory Practices

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

Check one: Yes No

Explain: Racial discrimination is baked into the country's identity and so it exists in all institutions and must be actively combatted in order to provide equity and true justice.

- 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:

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:

- 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:

- 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:

- 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: In order to innovate and create new access and less of a financial burden on the people I serve, I will rethink the way that MDJ's respond to back payments and find creative ways for individuals to repay that debt. Many of the unpaid court debt is because of a lack of awareness and ability to pay both of which do not rise to the level of criminality, and the process of jailing these individuals have impacts that not only negatively impact the individual but also their family, community and tax payer.

- 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: Fines for summary and truancy offenses are something we need to reimagine to actually have an impact on reducing these kinds of citations. The fine imposed is something that is punishing the parent and family in a way that removes accountability and any level of rehabilitation from the student, which negates the purpose of what the fine is meant to address. So not only is an assessment necessary but also a rethinking of the tools at the disposal of MDJs to reduce and ultimately eliminate childhood interaction with the justice system.

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:

Substance Use Disorder

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

Check one: Yes No

Explain: The ways in which the justice system exists here in the United States does not lend itself to the healthiest and most productive forms of addressing the issues associated with substance abuse. As someone who has worked with folks who were concurrently experiencing both of these phenomena I have a unique perspective on the needs and supports for those struggling with mental health and substance abuse.

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:

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: I will commit to following the CDC, State, City, and local moratoriums, and policies that are meant to support tenants struggling with financial hardship due to the pandemic. In addition, I will develop a restorative community landlord/tenant panel meant to aid and connect tenants and landlords with services and supports that will make eviction more difficult because of the communal accountability by both tenant and landlord.

Other

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: As a Magistrate I hope to support the development of Community Justice Panels that will serve as a bridge from the office to the communities I serve. Together, we can educate, empower, and support the community to create transparency, accountability and trust.

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:
