



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:

When determining bail, I would consider all of the circumstances, including the charge, and act accordingly. For instance, in the event that an individual is accused of a crime against another person - a reasonable condition of their bail would be an order to stay away from the victim.

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

Check one: Yes No

Explain:

There are many factors that would determine the conditions of bail. I would consider all of the merits of the case and the defendant. I would weigh the risk to society and the rights of the accused. I would also take into account the county risk assessment tool.

- 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:

Cash bail is intended to be used as collateral to ensure an individual shows up for a subsequent court date. It was not designed to keep the indigent incarcerated until trial. I would seek to utilize other conditions of bail where appropriate in lieu of cash bail.

- 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 would only use cash bail when it is necessary to preserve the safety of the public or there are reasonable concerns that the accused will not appear at subsequent court hearings.

- 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: There is evidence correlating higher likelihood of repeated criminality - even for just 36-72 hours of detainment. Low risk defendants were 40% more likely to reoffend as opposed to defendants who were not held. The housing insecurity or job loss resulting can put low risk defendants in a potentially devastating situation - and that is not a responsibility I take lightly.

Racially Discriminatory Practices

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

Check one: Yes No

Explain: I believe there is a racial disparity that exists and that there are many contributing factors, but I do believe it is an issue that needs to be addressed. I know that there are 6 times as many african american males in Allegheny County Jail (according to a report from 2016 from the Criminal Justice Task Force). I believe that one such solution is ensuring adequate legal representation at critical milestones in our criminal justice system, such as preliminary hearings where conditions of bail are set for defendants, would help reduce this discrepancy.

- 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: Understanding that public defenders are not always available to a defendant during a critical moments in the criminal justice system. In the event that an indigent defendant is not represented, I would not hold against an accused that they are not represented. I would consider all resources available to me when deciding cases, including the merits of the case and the our county risk assessment tool to apply the law fairly and equitably.

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:

In the event that a fine is reasonable or necessary alone or in conjunction with an additional sentence to act as a deterrent, I would adhere to the law and relevant statutes as outlined in (42 Pa.C.S. § 9726(c) and (d)) and impose a fine taking into consideration a defendant's ability to pay and the impact it would have on restitution or reparations to the victim of the crime.

Additionally, the above referenced law and supporting statutes also say that the court should also consider how the method of payment would burden an individual.

- 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:

I would release the defendant on their recognizance unless there is reasonable concern that the defendant will not appear at a later hearing. I will work to prevent a backlog in an effort to be able to immediately determine an individual's ability to pay as ordered.

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:

Yes. The intention of setting fines should be to deter the behavior, not to create a scenario that is impossible to comply with or where complying creates a financial burden that leaves you unable to afford basic living expenses. In matters of restitution of or reparations, it would hurt victims if they aren't able to pay and are detained and unable to work. We need to look at what is reasonably doable for an individual and determine terms that are feasible.

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: I would hope to resolve the matter within the 10 day notice of default prior. Per the Rules of Criminal Procedure (456) B -C

(B) If a defendant defaults on the payment of fines and costs, or restitution, as ordered, the issuing authority shall notify the defendant in person or by first class mail that, unless within 10 days of the date on the default notice, the defendant pays the amount due as ordered, or appears before the issuing authority to explain why the defendant should not be imprisoned for

nonpayment as provided by law, a **bench** warrant for the defendant's arrest may be issued.

(C) If the defendant appears pursuant to the 10-day notice in paragraph (B) or following an arrest for failing to respond to the 10-day notice in paragraph (B), the issuing authority shall conduct a hearing immediately to determine whether the defendant is financially able to pay as ordered.

I will work hard with the help of my staff to keep our courtroom running as smoothly as possible in an effort to have time to have immediate hearings to determine a defendant's ability to pay.

Failure to operate in a manner that provides the expediency the law requires results in backlogs that push a hearing that should be immediate to a later date. Doing so then requires a magisterial district judge to determine if the defendant should be released on their own recognizance or if collateral is required, which can make a situation that could have been resolved swiftly much more difficult and costly for that individual.

I would put in the time and energy needed to prevent a backlog and avoid the need to schedule a hearing for a later date to determine ability to pay.

- 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: In cases involving youth, particularly in matters involving truancy, my goal would be to address the underlying causation of the truant behavior and work to resolve the situation. I would have a collaborative approach in an effort to maximize the law's therapeutic potential.

- 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: My goal is to change the behavior, not to be punitive. I like the carrot stick approach referenced in your question - while it still serves as a deterrent, it also gives students the opportunity and incentive to make better choices.

Substance Use Disorder

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

Check one: Yes No

Explain: No, I do not believe jails or prisons are an adequate replacement for treatment.

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:

The DSM-5 does recognize substance use disorder as a mental health disorder and it would be a factor I would consider, in addition to the other merits of the case.

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 procedures of the eviction process have been amended by the higher courts in response to the COVID pandemic. As of March, The Supreme Court of Pennsylvania has declared a judicial emergency through June 30, 2021. This was done with the intention to allow landlords and tenants in Allegheny County to apply and have their applications processed for assistance through the Emergency Rental Assistance Program.

Under the current order, if a tenant indicates they have or intend to submit an application for assistance under the Emergency Rental Assistance Program or other programs that provide rental assistance, that the initial hearing should be used as a status conference. At that point that the submission of such an application has or will be made, a continuance or multiple continuances are to be made in an effort to provide sufficient time to process the application. Per Pa.R.C.P.M.D.J. 518 - if a tenant is making a "good faith effort" to secure assistance and there is a reasonable expectation or likelihood that it would satisfy any potential judgement, a hearing cannot occur.

Currently, there are many specifics and the situation is very fluid - I think we will be able to have a better idea of how we are going to recover from this pandemic and what landlord/tenant law will look like if the current Order isn't extended after the end of June.

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: I would do my best to maximize the law's therapeutic potential. I would also seek to create a more trauma informed culture where we can avoid retraumatization and have a better understanding of ACES (adverse childhood experiences) in an effort to recognize and address trauma before it becomes a pathology.

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 have always believed in a collaborative approach to our justice system. I also believe that it is important to work with our community and leaders to build relationships to connect resources to those that need them. It is also important as a Magisterial District Judge to listen so that I can be effective in my role and better understand the needs to better serve our community.