



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:

Bail decisions should not be made to punish, but rather to protect the public and ensure the person's return for their next court date. If elected, I will consider all factors provided in the Rules, remembering that a person's right to liberty is paramount, and that the statistics show that almost no one is dangerous enough to justify pretrial incarceration.

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

Check one: Yes No

Explain:

If applicable rules and case law mandate consideration of many factors, and I would consider all those factors in setting bail, not just the person's charge(s).

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:

Because cash bail is not mandated under the Rules of Criminal Procedure, I would not assign cash bail if there was any available, legal alternative.

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:

If a person is eligible for bail, setting cash bail to keep a person incarcerated until trial is a violation of that person's rights. I would not set bail in violation of a person's rights. No one should be in jail awaiting trial solely because they are too poor to pay their way out.

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:

Bail should never be arbitrarily denied. If elected, a person's right to liberty will be paramount in my bail decisions.

Racially Discriminatory Practices

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

Check one: Yes No

Explain:

Denying that racial discrimination exists in our legal system would be like denying that the sun rises in the east and sets in the west. There is no room on the benches of our courts for judges who deny the prevalence of discrimination in our legal system. In order to address the problem, we must be willing to admit that the problem exists and then take an active role in eliminating it.

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 will decide each case presented to me on the basis of the facts and law. If elected, my courtroom will be a place where discrimination and bias have no home.

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:

When fines are discretionary, a defendant's ability to pay will be my primary consideration if elected.

- 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:

The text of this rule makes it clear that releasing a defendant on their own recognizance should be the default determination, rather than the exception. I would follow the Rule as written.

- 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:

If elected, I and my staff will follow all Rules of Criminal Procedure and laws of the Commonwealth, including by setting affordable payment plans.

- 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 will follow the Rule as written and will not utilize extreme measures when less onerous ones are available.

- 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 consider the financial burden on both the student and the student's guardian/parent before setting fines for students.

- 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:

I will follow the statute.

Substance Use Disorder

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

Check one: Yes No

Explain:

Incarceration should only be used as a punishment for a crime, or to ensure

public safety ahead of trial. Substance use disorder is not a crime and our jails and prisons should not be used as, and are not equipped or funded to act as, treatment facilities.

- 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 received my undergraduate degree in Psychology; I believe in science. I trust the American Psychiatric Association to make this determination and have no basis to question its inclusion in the DSM-V. Mental health disorders of all types should be taken into consideration by judges, law enforcement officers and prosecutors when handling criminal cases.

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 comply with all federal and state orders regarding Covid-related evictions and will also take an active role in helping landlords and tenants work out a resolution that is fair and equitable under the circumstances.

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:

Where applicable and permitted by law, I would work to find or create every available alternative to incarceration.

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:

Magistrates are intended to be local judges, solving local problems and working with community leaders is an important part of the role of our Magistrates. If elected, I look forward to working with the communities of my district and its leaders.