



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?

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

Check one: Yes No

Explain:

As a magisterial district judge I am required to apply the law, including the Pennsylvania Rules of Criminal Procedure, in all cases that come before me. Under the ethical Canons that apply to judicial conduct, I am unable to make pledges or promises that are inconsistent with the impartial performance of my judicial duties.

Racially Discriminatory Practices

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

Check one: ☐ Yes ☐ No

Explain:

As a magisterial district judge I am required to apply the law without regard to a person's race, color, sex, or national origin, in all cases that come before me. Under the ethical Canons that apply to judicial conduct, I am unable to make pledges or promises that are inconsistent with the impartial performance of my judicial duties.

- 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:

As a magisterial district judge I am required to apply the law without regard to a person's race, color, sex, or national origin, in all cases that come before me. Under the ethical Canons that apply to judicial conduct, I am unable to make pledges or promises that are inconsistent with the impartial performance of my judicial duties.

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:

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- 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:

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- 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:

As a magisterial district judge I am required to apply the law, including the Pennsylvania Rules of Criminal Procedure, in all cases that come before me. Under the ethical Canons that apply to judicial conduct, I am unable to make pledges or promises that are inconsistent with the impartial performance of my judicial duties.

- 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:

As a magisterial district judge I am required to apply the law, including the Pennsylvania Rules of Criminal Procedure, in all cases that come before me. Under the ethical Canons that apply to

performance of my judicial duties.

- 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, I am committed to identifying alternatives to fines. Community services and other programs aimed at reducing tenancy, and evaluation of the potential financial burden on the youth's family must be taken into consideration when determining rulings for all cases involving truancy.

- 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:

As a magisterial district judge I am required to apply the law, including the Pennsylvania Rules of Criminal Procedure, in all cases that come before me. Under the ethical Canons that apply to judicial conduct, I am unable to make pledges or promises that are inconsistent with the impartial performance of my judicial duties. When reviewing cases involving truancy, I strive to identify alternatives that avoid the need for monetary fines. The priority should be to identify opportunities and services aimed at correcting behavioral issues and barriers that get kids back into the classroom in a consistent manner that is conducive to effective education.

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 does not address the underlying problems that contribute to substance abuse, nor does it provide alleged offenders with appropriate treatment and connection with social services. As a Magisterial District Judge, when appropriate, I evaluate the potential effectiveness of drug and alcohol counseling and mental health treatment when determining conditions of release, as opposed to utilizing arbitrary incarceration.

- 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:

Substance abuse is a mental health disorder that affects many of our neighbors and can often lead to dangerous situations for the offender and the larger community, often resulting in criminal charges. Identifying the underlying causes of these behaviors is imperative when determining the outcome of criminal cases. This approach not only creates an opportunity to connect those suffering from mental health disorders with needed services, but also serves the best interest of the general public as well.

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:

As a magisterial district judge I am required to apply the law in all cases that come before me. Under the ethical Canons that apply to judicial conduct, I am unable to make pledges or promises that are inconsistent with the impartial performance of my judicial duties.

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 am bound to apply the law of Pennsylvania, and the Rules of Criminal Procedure. When appropriate I use community service as an alternative to incarceration or levying fines, eliciting responsibility from the offender and providing a constructive opportunity to repair the negative impact caused by their actions. In recent cases, I have taken an innovative approach by recognizing lawful protesting as a form of service to the community when possible.

- 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?

_____ No