

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?

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.

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

Explain:

The Rules of Criminal Procedure require that I consider all the factors listed in Rules of Criminal Procedure 523.

- 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))?

Explain:

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- 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)?

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.

- 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.

Explain:

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Racially Discriminatory Practices

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

Explain:

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- 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?

Explain:

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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?

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?

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?

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?

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.

- 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?

Explain:

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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))?

Explain:

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Substance Use Disorder

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

Explain:

Incarceration is not a form of treatment for substance abuse and addiction. Incarceration becomes enforced abstinence. Treatment, rather than incarceration, is a goal that serves everyone's interests better than incarceration, when possible.

- 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?

Explain:

Substance addiction and abuse, and other mental health conditions are causes of behavior that leads to criminal charges. Addressing the underlying causes of these behaviors is a best practice that is in the best interests of defendants and society in general.

Evictions

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

Explain:

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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?

Explain:

I am bound to apply the law of Pennsylvania, and the Rules of Criminal Procedure. I have frequently used alternative sentences, where appropriate, that involve alternatives 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?

Explain:

District Judges are elected locally partly so that local community values are incorporated into their decisions. The Ethical Canons that apply to judicial conduct require judges to apply the law Fairly and Impartially, without being swayed by public clamor or fear of criticism. Please refer to *Rules Governing Conduct of Magisterial District Judges No. 2.4*.