



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:

As a Magisterial District Judge, I am required to apply the law, including the PA Rules of Crim. Pro., in all cases that come before me. Under the ethical Canons that apply to judicial conduct, I am unable to make pledges/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?

Check one: ☐ Yes

☐ No

Explain:

The Rules of Crim. Pro. require that I consider all of the factors listed in Rule of Crim. Pro. 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))?

Check one: ☐ Yes

☐ No

Explain:

See 1 above.

- 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:

See 1 above.

- 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:

See 1 above.

Racially Discriminatory Practices

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

Check one: ☐ Yes ☐ No

Explain:

As an MDJ, I am required to apply the law w/o regard to a person's race, color, sex or nat'l. origin, in all cases that come before me. Under the ethical Canons that apply to judicial conduct, I am unable to make pledges/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:

See 6 above.

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:

See 1 above.

- 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:

See 1 above,

- 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:

See 1 above,

- 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:

See 1 above,

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- 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 all cases involving potential fines, I consider the financial burden before setting a fine.

- 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:

See 1 above. Additionally, I impose dispositions that focus on behavior, rather than money, to persuade children to increase their attendance.

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 is NOT a form of treatment for individuals with substance use disorders and addiction beyond that it is enforced abstinence. Treatment, rather than incarceration, is a goal that serves everyone's interests better than 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 use disorder, as with other mental health conditions,
are causes of behavior that can lead to criminal charges.
Addressing the underlying causes of these behaviors is a
best practice, 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 can not afford to pay as communities are impacted by the residual effects of the COVID pandemic?

Check one: ☐ Yes ☐ No

Explain:

see 1 above.

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:

within the parameters of Pennsylvania law and
Rules of Crim. Pro., I frequently use alternative
sentencing measures instead of fines and/or 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:

MDJs are elected locally, in part so that community values are incorporated into our decisions. However, the ethical canons applicable to judicial conduct require us to apply the law fairly and impartially, w/o being swayed by public clamor or fear of criticism. See, Rules Governing Conduct of a Magisterial District Judge, # 2.4.

