

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:

I will follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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

Check one: ☐ Yes ☒ No

Explain:

I will follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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:

I will follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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 will review the risk assessments prepared by the pretrial services department as well as any other relevant information. I will follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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:

I will not be arbitrary. I will follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

Racially Discriminatory Practices

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

Check one: ☒ Yes ☐ No

Explain:

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 keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected.

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:

I will follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer

be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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 will follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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:

I will follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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 all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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 follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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 all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

Substance Use Disorder

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

Check one: ☐ Yes ☒ No

Explain:

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 have been responsible for a DUI Treatment Court which had a 92% success rate in returning individuals able to fully function in society. I believe in treatment programs. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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?

Check one: ☐ Yes ☐ No

Explain:

I will follow all relevant rules regulations and practices. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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 believe that an education component is proper for some offenders. I will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.

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 will keep an open mind and will carry out my adjudicative duties faithfully and impartially if elected. Under no circumstances should my answer be perceived by a reasonable person as undermining my independence or impartiality, or that it might lead to frequent disqualification.
