

WHO ARE MDJs?

MAGISTERIAL DISTRICT JUDGES

MDJs are the lowest-level judges in the state judiciary, and they are not required to be lawyers. They handle traffic tickets, landlord-tenant disputes, underage drinking, and early criminal matters.

In every county except Philadelphia, MDJs are also the judges who set bail and determine pretrial freedom.



64%

of people imprisoned are pretrial detainees who have not been convicted of a crime.



HOW DO MDJS DRIVE THE RATE OF PRETRIAL INCARCERATION?

MDJs consistently set unaffordable cash bail without asking about an individual's ability to pay, even though this violates Pennsylvania law. Setting unaffordable bail creates wealth-based incarceration and turns bail into a mechanism for detention rather than release.

A study of large urban counties across the U.S. found that judges are more likely to assign unaffordable bail to Black defendants than white.

Cash bail as a driver of pretrial detention could end today if MDJs set cash bail in amounts that people can afford.

MDJs CAN SET 4 OTHER TYPES OF BAIL

- 1) Release on recognizance** (a written promise to show up for court and follow certain conditions).
- 2) Release on non-monetary conditions.**
- 3) Release on unsecured bail** (a promise to be liable for a fixed sum of money if failure to appear in court).
- 4) Release on nominal bail** (a small amount of cash).

Assigning cash bail to a defendant increased the likelihood of future criminal charges by

6 - 9%

6

**MDJs ARE ELECTED
YEAR TERMS. NO TERM LIMITS.**

ACLU
Pennsylvania