



## **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:

Factors such as employment, family situation, housing status, and community ties will be critical in the decision-making process when considering setting bail. As the purpose of bail is to ensure the defendant's appearance at court, not to punish anyone before they are convicted due to socioeconomic status, I will be very careful in considering each case that would come before me.

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

Check one: \_\_\_\_ Yes **x** No

Explain:

Factors such as employment, family situation, housing status, and community ties will be critical in the decision-making process when considering setting bail. As the purpose of bail is to ensure the defendant's appearance at court, not to punish anyone before they are convicted due to socioeconomic status, I will be very careful in considering each case that would come before me.

- 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: **x** Yes \_\_\_\_ No

Explain:

If I assign cash bail, I will do so only after careful consideration and in accordance with the Rules of Criminal Procedure (528 (A) & (B)), and do so in an amount that is affordable. However, I will carefully consider if each case eligible for the different types of non-monetary bail, such as ROR, unsecured bond, or a nominal bail of \$1.00, as required by the Rules of Criminal Procedure (528 (A) & (B)).

- 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 **x** No

Explain:

The purpose of bail is to ensure the defendant's appearance at trial, not to keep a person incarcerated until trial.

- 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:

Answering this question falls under making a pledge as to how I would rule in certain cases and could be seen as prejudging a case. Therefore, I, unfortunately, can't answer this question.

### *Racially Discriminatory Practices*

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

Check one: **x** Yes \_\_\_\_ No

Explain:

In Pittsburgh, Black residents make up only 23.2% of the population, yet they experienced 44% of all traffic stops, 71% of frisks, 69% of all warrantless searches and seizures, and 63% of arrests conducted by the Pittsburgh Police. Additionally, while the population of Allegheny County is less than 13% Black, the population of Allegheny County Jail is 67% Black.

- 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:

Answering this question falls under making a pledge as to how I would rule in certain cases and could be seen as prejudging a case. However, I do find it prudent to mention that I have been working hard to educate myself on the experiences of Black Americans in the criminal legal system, as well as the ways that our society has enforced and codified principles of white supremacist and racist ideology into our legislation and culture. This is a lifelong process of unlearning and I will constantly be working to know better and to do better.

### *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:

(42 Pa.C.S. § 9726(c)) clearly states that a fine can only be assigned if the defendant is able to and will pay the fine, while (42 Pa.C.S. § 9726(d)) requires the court to consider the finances and financial burden of the defendant. I will adhere to these requirements.

- 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 rules and regulations set forth by the state. I will not set bail without doing my due diligence and making a determination of the defendant's ability to pay.

- 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:

The purpose of bail is to ensure the defendant's appearance at trial, not to keep a person incarcerated until trial.

- 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:

Justice should not be about revenge, nor should there be an automatic assumption of bad faith. Setting these payment determination hearings ensures people will be given ample opportunity and flexibility so that we can achieve restorative as opposed to punitive justice.

- 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 the pursuit of fairness, impartiality, and equality, I will always consider potential financial burdens before setting fines for anyone.

- 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:

It is important to give youth many chances to get things right, as they are still learning and growing. By showing compassion and giving them opportunity as opposed to demonstrating the harshest side of justice, we can enrich our community by enriching our youth.

### *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 medical treatment for a medical disorder.

- 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:

Chemical dependency is a biochemical process which changes the chemistry of the brain, and as such will have physical and psychological effects. It is very important to take this in consideration when it applies to criminal cases.

### *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:

While I can not answer this question as stated as per the rules of the Magisterial Code of Conduct, which forbids promising a specific ruling on a case, I will adhere to the federal, state, and local eviction moratoriums, recognizing that becoming unhoused poses a more severe public health risk than usual. Unhoused people seeking shelter causes an increase in crowded conditions, which puts everyone involved at risk of COVID-19 infection.

### *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:

Incarceration is only one tool of many in the judicial toolkit. As magistrates are often the community's first exposure to the judiciary, it's paramount to work with community members in order to find and develop solutions so that all magistrates have a wide variety of appropriate solutions to pursue based on the circumstances of each specific case.

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:

In order to build a strong, collaborative relationship with those in my districts, it's absolutely paramount to be proactively seeking feedback and working with all members of the community, not just their leaders.