



## 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 am not in favor of cash bail. I believe decisions are to be made holistically, especially when ruling on things that can significantly affect a person's life. Our courts need more person-centered dynamics. A core principle of being person-centered is considering the full experience of an individual.

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

Check one:  Yes  No

Explain:

Understanding a situation should be priority. We have to remember that people are innocent until proven guilty. Monetary bail should not be a first option if a person is not dangerous.

- 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 intend to consider the person's circumstances in any decision I make. I have a serious interest in not punishing poverty or marginalized communities, which have been disproportionately affect by things like monetary bail.

- 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 plan to advocate against the use of monetary bail. There are other ways, within the law, to address offenses. We have to be more restorative and person-centered.

- 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:

The system seems to have bias towards offense. Judges have the ability to find those biases and address them. That's what I plan to do. I want to move us away from a "corrections" model and towards restorative justice.

### *Racially Discriminatory Practices*

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

Check one:  Yes  No

Explain:

It is not a matter of belief. It is a fact. Citing statistics would not do the issue justice because statistics to support this notion are in abundance. Systemic racism is, and has been, alive and well.

- 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:

Impetus of this campaign is the desire to improve the equity in our community as it pertains to the judicial system. I believe addressing discriminatory practices should be a priority for our courts.

### *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:

When setting discretionary fines, considering a defendant's financial resources is important, especially in urban communities. We should be aware of the concept of "punishing poverty".

- 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:

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:

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 believe Mik Pappas ran good program to help community members with payments. We intend to expand on that type of altruistic work in the courts.

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 have experienced and witnessed how the penalties for you have a negative impact. Whenever possible youth should be connected with resources to improve their development. Fines and fees are counterproductive in regards to youth.

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 above.

### *Substance Use Disorder*

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

Check one:  Yes  No

Explain:

Those who struggle with addiction should be helped through restorative means. I have worked as a drug and alcohol therapist so I understand how complex the circumstances can be. I see the MDJ position as an opportunity to provide accessibility to programs and resources for those who struggle with these issues. I plan to make our court prioritize alternatives rather than incarceration and costs.

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 respect the DSM-V and have a significant amount of experience with it. Although we recognize substance use disorder as a mental illness, I have found it more useful to ask the individual how they define their experience. That transparency gives me the tools necessary to interact in a way that makes sense for the individual.

### *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:

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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?

Check one: Yes  No

Explain:

I absolutely plan to do that. That is the foundation of our campaign. Our campaign is about innovating and creating new ways for people in our community to thrive.

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 urge individuals throughout the community to hold me accountable. I plan to work with various community leaders to ensure that the Northside sets the example for how a community can operate. Interprofessional collaboration is of the utmost importance.