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I, Gregory Weyer, certify that the information provided on this questionnaire is accurate and the opinions stated here accurately reflect my own positions.

/s/ Gregory Weyer

Please complete, sign and return this via email in both Word Doc and PDF format to
phillyjat@gmail.com on or before **March 18, 2019**

The Judicial Accountability Table (JAT) is a coalitional effort comprised of Philadelphia community organizations working to bring more fairness to our courts. We've written this questionnaire to be values-driven and focused on the issues most relevant to the people of Philadelphia, and we've made our questions compliant with the Code of the Commonwealth of Pennsylvania¹. **We ask that you use no more than 250 words to respond to each question.**

¹ Specifically the following section of 207 Pa. Code § 4.1, Political and Campaign Activities of Magisterial District Judges and Judicial Candidates in General:

The making of a pledge, promise, or commitment is not dependent upon, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine whether the candidate for judicial office has specifically undertaken to reach a particular result. Pledges, promises, or commitments must be contrasted with statements or announcements of personal views on legal, political, or other issues, which are not prohibited. When making such statements, a magisterial district judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.

As well as the following section of 207 Pa. Code § 4.2, Political and Campaign Activities of Judicial Candidates in Public Elections:

A judge who is a candidate for elective judicial office shall not make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court.

Thank you for taking the time to complete our questionnaire, and we look forward to your response. The organizations of the JAT include:

Reclaim Philadelphia
Project SAFE
Philadelphia DSA -- LILAC
215 People's Alliance
Philadelphia Community Bail Fund
Youth Art and Self-Empowerment Project
Amistad Law Project
Coalition to Abolish Death By Incarceration (CADI)
The Center for Carceral Communities
ICE out of Courts

Questions

1. What are your top three priorities as an elected judge?

While priorities would change based on what court I would be assigned to, if elected, my top three priorities would be as follows: a. ensure the presence of support structures calculated to produce true growth and opportunity for system-involved juveniles; b. sentence defendants in a manner that prioritizes rehabilitation and reintegration; and c. serve as a discerning gatekeeper for the types of “scientific” and forensic evidence used by prosecutors in the pursuit of convictions.

2. Do you feel that implicit bias plays a role in our courts? If so, how do you think it should be addressed?

100% yes. Step 1 to addressing implicit bias in our courts is electing judges who recognize that the problem exists and, furthermore, who are able and willing to continually recognize and address their own biases on a personal level. While I have been fortunate to have

worked closely with many people who represent the diversity of life experiences of those who have found themselves in Philadelphia's courts, I have often found myself in front of judges who I felt were out of touch with the realities, both good and bad, of those in their courtrooms. To that end, I think it is important for judges to be exposed to trainings on trauma, poverty, and the real-life experiences of the communities who are most frequently involved with Philadelphia's judicial system.

3. What is the role of bail in criminal proceedings? Do you believe the bail system in Philadelphia is fair?

By the letter of the law, in setting bail, a judge is to consider a defendant's status as a flight-risk, while also determining whether he or she is a threat to the community. In practice, while the bail system in Philadelphia has gotten fairer (e.g., ending the practice of keeping 30% of bail paid regardless of the ultimate disposition at trial; defaulting to non-monetary bail for many of the lowest level offenses; etc.), the city still has a ways to go to ensure that all Philadelphians truly realize their constitutionally right to be free from excessive bail. I believe that, as long as bail is effectively punishing poverty in at least one case, as opposed to strictly serving the above-enumerated purposes, there is a constitutional mandate for continued reform.

4. What do you believe is the purpose of incarceration, both pre-trial and post-trial?

As indicated in the answer to the previous question, the purpose of pre-trial incarceration is to ensure someone's presence in court and to ensure the protection of society. With studies showing that the use of pre-trial incarceration has little discernible impact on court appearance rates, for me, the primary issue is whether a defendant's pre-trial release

represents grave danger to the safety of one or more other people in society, a situation that has hardly ever arisen in the many cases with which I've been involved. Post-trial, I believe the purpose of incarceration is to bring about measured and appropriate consequences for crimes performed. Some behavior requires that a person be placed in custody for the benefit of victims, victims' families, and society at large. However, incarceration divorced from the goal of rehabilitation has no place in a humanity-focused criminal justice system. As I said to one client who I advised to take a deal in the face of overwhelming evidence of guilt of a very serious crime in a courtroom of a judge who I knew who would levy a steep "trial tax", "I'm not giving up on you; I'm giving up on your case. I believe in you – that's why I want you home sooner."

5. One in three Philadelphians has a criminal record. In your opinion, how can judges support successful community re-entry?

As an attorney, I have had the benefit of seeing how judges can use the period of parole/probation to very effectively ensure that those under their supervision are on "the right track" with all the supports they need. Obviously, a judge cannot be a social worker more than they are a judge, and too many parole or probation "status hearings" can be onerous to a returning citizen who is now trying to get his or her life back in order. However, I've worked with enough returning citizens to recognize the power of them knowing that their judge really believes in them and is there to help. On the other hand, I've seen the serious injustices from when a judge is looking for a reason to put a returned citizen back in jail for the slightest technical or direct violation. I believe it's important for judges to recognize that personal growth and new behavior patterns take time, and the unique challenges of re-entry can be daunting. I believe a judge who remembers these truths will be best positioned to support

every returning citizen in the way that's best both for the individuals as well as for the community.

6. When, if ever, do you think it's appropriate for a judge to reject an agreement between the District Attorney and the defense?

I think that a judge should reject an agreement *only* if there is strong evidence of impropriety in the formation of the agreement. Otherwise, never.

7. According to a study from Columbia University's Justice Lab, about 44,000 adults in Philadelphia are on probation or parole, which is a much higher figure than many other large cities. Pennsylvania is also one of the leading states in long probation tails, sentencing many people to probation for ten years or more after a jail sentence. What do you see as the long term effects of this?

I believe that there are several negative long-term effects of abuse of the tool of probation. First, it is a giant waste of municipal and state resources, as studies show that effective completion of the first year or two of probation is a strong indicator that a person is highly unlikely to become a repeat offender. Second, for the individual, having probation hanging over one's head for so many years is a blatantly onerous sentence that is not healthy for a person's overall well-being; long periods of probation can be a barrier, psychologically and practically, to a returning citizen's true reintegration once their "debt to society" is more than paid. Third, the current situation with excessive probation and parole is clearly linked to society's mass incarceration problem, as probation effectively serves as a trap to get people sent to jail more often and for longer periods of time. And, finally, having so many people tied up in long probation tails undoubtably means less resources available to truly provide the

supports necessary to newly returned citizens. It is my hope that long probation tails soon become a relic of the criminal justice system, as I genuinely believe that they serve no beneficial purpose to anyone.

8. When, if ever, is it appropriate to incarcerate someone for technical violations of probation when they haven't committed a new crime? What factors would you consider here?

A couple of week's ago at an event I spoke at, a woman asked me if I agreed with her that a judge should never lock someone up merely for a technical violation. I told her that, as a judicial candidate, I couldn't agree with the word "never" because I'm sure there would be some situation in which incarceration for a technical violation was appropriate. She pressed me to name one. I couldn't then, and I can't now.

9. Probation detainees make up over 50% of the city's jail population, and individuals are often held without signed judicial warrants. What do you think of this?

Over the years, I have grown deeply disturbed by the probation detainer situation in Philadelphia. On a practical level, probation detainees backdoor defendants into pre-trial incarceration. As a defense attorney who relies on the partnership with the defendant to present the best possible defense, it is always harder to prepare for trial when your client is in custody as opposed to home. Furthermore, a detainer, like all pre-trial incarceration, makes it more likely that a defendant will plead guilty to a crime he or she did not commit simply to ensure release from custody sooner. As in the case of pre-trial incarceration, detainees can be a necessary tool when the safety of one or more members of the community is genuinely at risk, but such situations are the rare exception.

10. Philadelphia is at the center of the opioid crisis. In order to prevent more deaths, advocates have worked on harm reduction initiatives including needle exchange programs, Narcan distribution, and overdose prevention sites. What can judges do to help expand and protect programs to combat the opioid crisis and continue to reduce harm?

While the actual legality of overdose prevention sites generally rests in the hands of the legislature and the federal courts, I do believe that county judges can be part of the solution by adopting a treatment-first approach to drug offenses and partnering, as appropriate, with the programs working to address the opioid crisis. I know several judges who have thought long and hard about this issue, as well as several people in the substance-abuse treatment and prevention community. If elected, I would seek advice and counsel from these individuals to find out how I can best serve my community as an elected official when it comes to addressing the opioid crisis.

11. According to the National Coalition for Child Protection Reform (NCCPR), Philadelphia now leads the country in removing children and placing them in foster care. What do you see as the long-term effects of this? What can judges do about this?

Even when it is successful in moving a child from a bad situation into a better one, foster care almost always involves tumult, upheaval, and anxiety for any child. I've often said the following during my judicial campaign: "It doesn't take too much research into local or national data to see that we, as a society, are failing our foster kids. By any metric you want to hold up, as compared to non-foster kids, foster kids are falling behind and, generally speaking, have worse prospects in life. And it didn't take me too long as a foster dad to see that the courts

were a part of the problem.” A child’s trauma in being removed from their family and placed with another (and, far too often, several others) cannot be overstated, and the problems of this occurring are often compounded by a lack of continuity of education, loss of friendships and relationships, and severe disruption of the normal processes of individual and social maturation. Judges can do several things about this. First, in some appropriate cases, judges would be wise to prevent removals by utilizing in-home services instead. Second, judges can try to ensure that any and all potential kinship resources are sought out before and after a removal. And, third, judges can work with the professionals involved in a case to make sure that parents are being given all necessary supports to meet their goals as quickly as possible to prevent children from languishing in foster care.

12. What is the “school-to-prison pipeline” and do you see it at work in Philadelphia?

As I understand it, the school-to-prison pipeline is the reality that far too many young men and women of color are being educated in substandard schools that have been increasingly policed over the years and then, as a result of various and race-based factors that lead to both real and alleged criminal activity, wind up in prison. Part of why this pipeline occurs is because, as compared to their white peers, children of color are more likely to face disruptions in their learning and maturation process due to poor quality of schools, increased likelihood of suspensions, and implicit racism in policing in our society. Yes, as someone who has represented far more young men and women of color coming out of Philadelphia’s high schools than their white counterparts, I see the school-to-prison pipeline at work in Philadelphia.

13. According to EvictionLab.org, in 2016 Philadelphia led the country in eviction rates at 3.84%, 1.14% higher than the national average. What do you see as the long-term effects of this? What can judges do about this?

As in the case of foster care placement, evictions represent a situation of great upheaval and stress that severely compromises the ability of families to live in a way that serves the well-being of all involved. Housing insecurity and forced relocations disrupt employment, education, and general stability. Beyond the effects to the evicted individuals, the long-term effects of widespread evictions include the further marginalization of those struggling to pay their rent, as neighborhoods either experience blight or the equally problematic unchecked gentrification. For their part, judges need to bring compassion to bear in making sure that, in every eviction proceeding, tenants have notice, understanding of the proceedings, and adequate knowledge of their rights. At the same time, judges need to ensure that landlords moving for eviction have followed the law at every turn.

14. Would you support the court instituting a uniform policy prohibiting court personnel from contacting ICE and discouraging ICE arrests on court property without judicially signed warrants?

Yes, I would support any uniform policy that limits the ability of ICE to operate in connection with the Philadelphia courts. As much as possible, for the court system to work, both defendants and victims, as well as plaintiffs and defendants, need to be able to go to court without fear of extreme collateral consequences.

15. What should the role of the judiciary be in ensuring equal access to justice for all city residents, regardless of immigration status? What steps would you personally take if elected?

On the county level, judges should strive to uphold the standards Philadelphia has espoused for itself in its self-declaration as a sanctuary city. Judges should ensure that they are upholding the rules of the court in not asking about immigration status and be careful not to do anything that would increase the risk of deportation and/or otherwise place someone at risk for negative immigration action taken against them.

16. 86% of women who enter the Philadelphia courts have experienced some form of trauma, and this is especially true for Black women. How could you use mitigation in your sentencing as a way of reducing harm? What alternatives to incarceration would you consider for women who have experienced trauma?

One of my earliest experiences at a sentencing hearing was when I was representing a young black female in a gun case. I was explaining to the judge the various forms of trauma this young woman had experienced when the judge stopped me and said, "None of this is grounds for mitigation." At the time, part of me literally thought that perhaps I misunderstood the word but, for the most part, what the judge said didn't make any sense to me. And it still doesn't. In determining culpability and, in turn, appropriate punishment, it is vitally important for a judge to take into account trauma. If the judge had chosen to listen, my client's background might have been enough for the judge to understand why my client felt the need to arm herself and, as a result, the judge could have used their discretion to order a non-custodial sentence. Instead, my client spent the better part of a year in custody, where she received inadequate

treatment for mental health issues and was taken away from her child. In my mind, less harm would have been done to this woman, her child, and society at large had the judge used their discretion to order a mitigated sentence including some combination of treatment, counseling, and support.

17. Current PA state law allows children under 18 to be prosecuted as adults in some cases,

despite growing efforts locally and nationally to remove children from the adult system.

Do you believe that children should ever be treated legally as adults? What do you think the long-term impacts are of incarcerating children in adult jails and prisons?

No. The latest Supreme Court jurisprudence makes it clear that children are not under any circumstances the equivalent of miniature adults and any effort to hold onto the remnants of the direct-file juvenile system flies in the face of what we now know from modern psychology and studies into adolescent brain chemistry. I think the long-term negative impacts of incarcerating children in adult jails is incalculable. In doing so, society is effectively putting some of its most vulnerable citizens in what is often a volatile environment at an age in which the juveniles generally lack the maturity, the people skills, and the coping mechanisms necessary to come out of that environment unscathed. A juvenile who is metaphorically discarded by being torn from their home, prevented from having any access to education or many peers, and left with practically no supports is clearly going to have a harder time re-entering society whenever the time comes for him or her to do so.