

From: Hon. Mik Pappas, Co-Chair  
To: Stakeholders of the *ad hoc* committee to Examine Police Use of Force and Rules of Court for Bail, Probation and Incarceration, Administration of Justice Subcommittee  
Date: January 15, 2022  
Re: Proposed Local Rules of Court for Bail – Stakeholder Draft

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**I. Providing For Community Sponsored Release Through Third Party Surety Organizations**

**All.C.R.Crim.P. Definitions. 103.1.**

Third-Party Surety Organization is a public service or charitable agency or organization, and not a Surety Business as defined by these Local Rules, that is approved by the court to act as a Third Party Surety for a defendant pursuant to Pa.R.Crim.P. 524(C)(4), Pa.R.Crim.P.528(C) and All.C.R.Crim.P. 523.2.

**Comment**

This proposed Local Rule is intended to work in conjunction with other proposed Local Rules presented herein, to expand the availability of specialized community-based alternatives for release on bail. *See infra* All.C.R.Crim.P. 523.2, All.C.R.Crim.P. 531.1, *see also* 42 Pa. C.S. § 5741 (defining “Surety” as “A person who pledges security, *whether or not for compensation*, in exchange for the release from custody of a person charged with a crime prior to adjudication”) (emphasis added), 42 Pa. C.S. § 5750 (providing for, *inter alia*, the responsibilities, reporting requirements, and penalties that apply to “Third Party Sureties”), Pa.R.Crim.P. 531(A)(5) (providing for Qualification of Surety and allowing “the defendant or any private individual or organization” to act as sureties). Justice Related Services (“JRS”) of Allegheny County is a local example of such alternatives; JRS provides pretrial services for qualified defendants who have been diagnosed with certain mental health conditions.

**All.C.R.Crim.P. 523.2. Designation of Third-Party Surety Organization as a Condition of Bail.**

- (A) The bail authority, after consideration of the criteria set forth in Pa.R.Crim.P. 523, and these Local Rules, may designate a court approved Third-Party Surety Organization as a condition of bail, where:
- (1) The bail authority, within their discretion, imposes percentage monetary bail as provided for under Pa.R.Crim.P. 528(C), or Release on Nominal Bail pursuant to Pa.R.Crim.P. 524(C)(4);
  - (2) The qualifications or areas of expertise of the Third-Party Surety Organization are uniquely designed to assure the defendant's appearance at all subsequent proceedings and compliance with the conditions of the bail bond; and
  - (3) The defendant and the court approved Third-Party Surety Organization mutually agree to the Third-Party Surety Organization acting as surety for the defendant.
- (B) Pretrial Services of Allegheny County, shall be responsible for making recommendations to the bail authorities regarding the designation of Third Party Surety Organizations, for supervising court approved Third-Party Surety Organizations on behalf of the court, and for administering Release on Nominal Bond pursuant to All.C.R.Crim.P. 530.2.

**Comment**

The first draft of this subsection was modified in this second draft, as shown here, because the Subcommittee expressed concerns regarding both the solvency and the supervision of Third Party Sureties. This second draft seeks to address these concerns in two ways.

First, Release on Nominal Bail was added as a type of release on bail. This change would enable bail authorities to designate a Third Party Surety Organization through Release on Nominal Bail, in addition to percentage cash bail. See Pa.R.Crim.P. 531(A)(5) (providing for Qualification of Surety and allowing “the defendant or any private individual or organization” to act as a surety “for percentage cash bail only”), *but see* Pa.R.Crim.P. 524(C)(4) (providing for Release on Nominal Bail as a type of release on bail bond, and requiring “the agreement of a designated person, organization, or bail agency to act as a surety for the defendant”), *see also* Pa.R.Crim.P. 101(C), Pa.R.J.A. 112 (“Rules or parts of rules are *in pari materia* when they relate to the same proceeding or class of proceedings. Rules *in pari materia* shall be construed together, if possible, as one rule or one chapter of rules”).

Second, subsection (B) and All.C.R.Crim.P. 530.2 were added to this second draft of proposed Local Rules, to charge Pretrial Services of Allegheny County with the duty of, *inter alia*, administering and supervising Third Party Surety Organization-programs of behalf of the court. In terms of supervision, it should also be noted that 42 Pa. C.S. § 5750, sets forth substantial responsibilities, reporting requirements, and penalties with respect to Third Party Sureties.

**All.C.R.Crim.P. 530.2. Duties and Powers of the Bail Agency Regarding Release on Nominal Bail.**

In addition to the duties and powers of the bail agency, as provided for by Pa.R.Crim.P. 530 and elsewhere in these Local Rules, the bail agency shall be responsible for administering Release on Nominal Bail when authorized pursuant to Pa.R.Crim.P. 524(C)(4) and All.C.R.Crim.P. 523.2, and evaluating for the bail authority the reliability, qualifications or areas of expertise, and solvency of prospective sureties for Release on Nominal Bail programs.

**Comment**

This proposed Local Rule is derived from Pa.R.Crim.P. 530, and works in conjunction with All.C.R.Crim.P. 523.2 to provide for the coordination and supervision of Third Party Surety Organizations by Pretrial Services of Allegheny County. As described in the Comment to All.C.R.Crim.P. 523.2, this section was added to this second draft of these proposed Local Rules in order to address Subcommittee concerns regarding the supervision of Third Party Surety Organizations.

**All.C.R.Crim.P. 531.1. Qualifications of Sureties And Professional Bondsmen.**

- (A) No surety company or Third-Party Surety Organization shall be qualified to act as surety in Allegheny County in criminal cases except upon petition to and approval by the Administrative Judge of the Criminal Division of the Court of Common Pleas.
- (B) Upon presentation of such petition, the Administrative Judge shall direct the District Attorney of Allegheny County to conduct an investigation of the allegations of fact contained in the petition, to report the results of such investigation and to make any recommendations to the Administrative Judge at such time as may be set for hearing with notice to the petitioner.
- (C) After hearing on the petition, the Administrative Judge shall enter an appropriate order. Denial of the authority to act as surety in Allegheny County shall be deemed a final order.

**Comment**

This proposed Local Rule slightly modifies existing All.C.R.Crim.P. 531.1, to provide for the approval of Third-Party Surety Organizations.

**V. Providing for Bail Generally**

**All.C.R.Crim.P. 115.1. Recording and Transcribing Preliminary Arraignments and Bail Proceedings.**

All preliminary arraignments and bail hearings shall proceed in open court and shall be transcribed verbatim, audio recorded, or both.

**Comment**

This proposed Local Rule seeks to implement a proposal of the Supreme Court of Pennsylvania, while at the same time codifying and expanding the existing local practice of audio recording all preliminary arraignments that are held in Pittsburgh Municipal Court. *See The Philadelphia Community Bail Fund et al. v. Arraignment Court Magistrates of The First Judicial District of the Commonwealth of Pennsylvania*, No. 21 EM 2019, 5 (July 27, 2020) (proposing to amend Pa.R.Crim.P. 115(A) to “require that preliminary arraignments be recorded”).

Notwithstanding the foregoing, the first draft of this proposed Local Rule was modified in this second draft, as shown here. While the Subcommittee agreed that the court is required to maintain a record, meaning verbatim documentation, of what occurs during all preliminary arraignments and bail hearings, the Subcommittee also agreed that whether the court maintains written records, audio records, or both, is a policy decision of the court. *See Philadelphia Bail Fund v. Arraignment Court Judges, et al.*, 440 F.Supp.3d 415 (E.D. Pa. 2020) (Granting the plaintiff’s motion for summary judgment against the defendants, and holding that “[Pa.R.Crim.P. 112(C) and Pa.R.J.A. 1910] are declared unconstitutional under the First Amendment [as applied]... as long as the Philadelphia Municipal Court does not make available to plaintiff either official audio recordings or transcripts of bail hearings...”).

#### **All.C.R.Crim.P. 520.1. Bail Generally**

- (A) All defendants shall be presumed bailable, except as provided by All.C.R.P. 520.2(B).
- (B) The bail authority shall explain their rationale for imposing any type, combination of types, condition, or combination of conditions of release on bail:
  - (1) In the presence of the defendant;
  - (2) In open court; and
  - (3) On the ~~audio~~-record pursuant to All.C.R.Crim.P. 115.1.
- (C) At the conclusion of any bail proceedings, the bail authority shall inform the defendant of their right to seek review of the bail determination pursuant to Pa.R.Crim.P. 529 and these Local Rules.

#### **Comment**

The first draft of this subsection was modified in this second draft, as shown here, because the Subcommittee believed that this change was necessary to make the proposed Local Rule consistent with 42 Pa. C.S. § 5701 and Pa. Const. art. 1, § 14. Alternative language is found in Pa.R.Crim.P. 600(D)(2). *Ex.* (“All defendants shall be presumed bailable, except in cases in which the defendant is not entitled to release on bail as provided by law”).

This proposed Local Rule is derived from stakeholder comments (ACLU of PA, Interbranch Commission), and seeks to implement a proposal of the Supreme Court of Pennsylvania. *See The Philadelphia Community Bail Fund et al. v. Arraignment Court Magistrates of The First Judicial District of the Commonwealth of Pennsylvania*, No. 21 EM 2019, 5 (July 27, 2020) (proposing to modify Pa.R.Crim.P. 520(A) “so that the bail authority is mandated to explain [their] rationale for any monetary bail calculation or conditions imposed, instead of the present requirement that reasoning be provided only when bail is refused”).

### **All.C.R.Crim.P. 523.3. Considering Harm to the Accused as Additional Release Criteria**

In addition to the criteria set forth in Pa.R.Crim.P. 523, the bail authority shall consider whether the imposition of a particular type, combination of types, condition, or combination of conditions of release on bail would be likely to cause undue harm to the defendant's employment status, employment history, financial condition, family relationships, reputation, or the defendant's mental, emotional or physical ability, and whether its imposition would likely impair the defendant's ability to appear at all subsequent proceedings or comply with the conditions of bail bond.<sup>1</sup>

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<sup>1</sup> See Megan Stevenson & Sandra Mayson, *Pretrial Detention and the Value of Liberty*, (Feb. 2021) (arguing that "prohibitions against pretrial [detention] mean that the harm experienced by the detainee cannot be discounted in the cost-benefit calculus"), see also Allegheny County Jail Oversight Board, *January 7, 2021 Meeting Minutes*, 17 (available at <https://alleghenycontroller.com/wp-content/uploads/2021/03/January-2021-JOB-Minutes-FINAL-with-Public-Comments.pdf>) (President Judge Kim Clark stating that she requested that the Pre-Trial Services Division and Magisterial District Judge consider the conditions of the jail during a COVID-19 outbreak there when determining whether to recommend or impose bail conditions that could result in pre-trial detention).



**All.C.R.Crim.P. 524.1. Least Restrictive Types and Conditions of Release on Bail Available, Additional Grounds for a Preventive Detention Review Hearing**

- (A) The bail authority, after considering the release criteria set forth in Pa.R.Crim.P. 523 and these Local Rules, shall determine the type, combination of types, condition, or combination of conditions of release on bail that are the least restrictive available, in the bail authority's discretion, to assure that the defendant will appear at all subsequent proceedings and comply with the conditions of the bail bond.
- (B) Any defendant who remains incarcerated after the imposition of any type, combination of types, condition, or combination of conditions of release on bail, shall be provided with a preventive detention review hearing within 72 hours thereafter, consistent with the standards set for in All.C.R.Crim.Pa. 520.2(C).

**Comment**

This proposed Local Rule is derived from stakeholder comments (ACLU of PA, Interbranch Commission), and it seeks to implement a proposal of the Supreme Court of Pennsylvania. *See The Philadelphia Community Bail Fund et al. v. Arraignment Court Magistrates of The First Judicial District of the Commonwealth of Pennsylvania*, No. 21 EM 2019, 5 (July 27, 2020) (proposing to “alter [Pa.R.Crim.P. 524(A)], such that bail conditions must be the least restrictive available rather than the current standard that conditions must be “reasonably necessary, and proposing to “provide for prompt bail review hearings when a defendant is held without bail *or remains in custody due to the imposition of monetary or non-monetary conditions*”) (emphasis added).

**All.C.R.Crim.P. 540.1. Right to Counsel at Preliminary Arraignment.**

At the preliminary arraignment, the defendant shall be afforded the right to be represented by counsel and, if financially unable to obtain adequate representation, to have counsel appointed.

**Comment**

This proposed Local Rule was not part of the first draft. The Subcommittee recommended adding it to the second draft in order to codify and expand an existing local practice, whereby an Attorney for the Office of the Public Defender appears in Pittsburgh Municipal Court, Arraignment Court, to represent defendants at the preliminary arraignment.

**VI. Providing for Standards and Procedures for Denying Bail or Imposing Monetary Bail**

**All.C.R.Crim.Pa. 520.2. Denial of Bail Standards and Procedures**

- (A) No type, combination of types, condition, or combination of conditions of release on bail shall be imposed for the sole purpose of ensuring that the defendant remains incarcerated until trial.
- (B) The bail authority may only deny bail ~~if~~ when the Commonwealth establishes, with evidence that is admissible under either the evidentiary rules, or that is encompassed in the criminal rules addressing release criteria, that it is substantially more likely than not that the accused:
  - (1) Committed a capital offense; or ~~The offense is a capital offense or an offense for which the maximum sentence is life imprisonment; or~~
  - (2) Committed an offense that carries a maximum sentence of life imprisonment; or
  - (3) Presents a danger to any person or the community that cannot be abated by using any available bail conditions. ~~No condition or combination of conditions of release on bail will reasonably assure the safety of any person and the community when the proof is evident or presumption great.~~
- (C) If the bail authority denies bail, the bail authority shall:
  - (1) Make specific factual findings as to why it is substantially more likely than not that the defendant is not entitled to release on bail as provided by law ~~no other condition or combination of conditions will reasonably assure the safety of any person and the community when the proof is evident or presumption great;~~
  - (2) Memorialize these factual findings and the reasons for denying bail in writing and on the audio-record, and when the bail authority that denies bail is a magisterial district judge or a senior magisterial district judge, inform the defendant of their right to a preventive detention review hearing pursuant to All.C.R.Crim.P. 520.2(D); and
  - (3) Enter the written factual findings and the reasons for denying bail on the docket, by inputting them in the Magisterial District Judge System ("MDJS") or the Common Pleas Case Management System ("CPCMS").
- (D) When a magisterial district judge or a senior magisterial district judge denies bail, whether at the time of the preliminary arraignment or subsequently, the defendant shall be provided with a preventive detention review hearing within 72 hours, or the close of the next business day if the 72 hours expires on a non-business day thereafter, excluding court holidays but not weekends. The preventive detention review hearing shall be held before the Motions Judge of the Criminal Division, in open court and on the record.
  - (1) At the preventive detention review hearing, the defendant shall be afforded the following procedural protections:

- (a) ~~have the right to the assistance of counsel.~~ To be present, except as provided by applicable state or local rules;
  - (b) To be represented by counsel, and, if financially unable to obtain adequate representation, to have counsel appointed;
  - (c) To testify, to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise;
- (2) At the conclusion of a preventive detention review hearing, the Motions Judge may only deny bail when the Commonwealth establishes, with evidence that is admissible under either the evidentiary rules, or that is encompassed in the criminal rules addressing release criteria, that it is substantially more likely than not that the accused:
- (a) Committed a capital offense; or
  - (b) Committed an offense that carries a maximum sentence of life imprisonment; or
  - (c) Presents a danger to any person or the community that cannot be abated by using any available bail conditions.

#### **Comment**

This proposed Local Rule is derived from a similar Local Rule that has been adopted by Venango County. It has been modified from Venango County-version to codify and enhance existing local practices associated with denial of bail procedures. It also seeks to implement a proposal of the Supreme Court of Pennsylvania. *See The Philadelphia Community Bail Fund et al. v. Arraignment Court Magistrates of The First Judicial District of the Commonwealth of Pennsylvania*, No. 21 EM 2019, 5 (July 27, 2020) (proposing to “provide for prompt bail-review hearings when a defendant is held without bail or remains in custody due to the imposition of monetary or non-monetary conditions”).

Section A of this proposed Local Rule has been adopted in by Venango County, and it restates current Pennsylvania law. *See* Pa. Const. art. 1, § 14, 42 Pa. C.S. § 5701, Pa.R.Crim.P 524 (comment).

The first draft of section B was modified in this second draft, as shown here, because the Subcommittee recommended that the proposed Local Rule make specific reference to the standard of proof for denial of bail. The language employed here is from a Pennsylvania Supreme Court opinion that was issued on December 22, 2021, which clarified the meaning and proper application of the phrase “proof is evident or presumption great,” as contained in 42 Pa. C.S. § 5701 and Pa. Const. art. 1, § 14. *See Commonwealth v. Tally*, 2021 WL 6062913 (Pa. 2021) (holding that “[U]nder Article I, Section 14, ‘proof is evidence or presumption great’ constitutes its own unique standard, one that lies in the interstice between probable cause and proof beyond a reasonable doubt. Unlike the *prima facie* standard, it requires both a qualitative and quantitative assessment of the evidence adduced at the bail hearing”).

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Subsection (C)(3) of this proposed Local Rule is derived from stakeholder comments (ACLU of PA). It reflects current Pennsylvania law, as well as other proposed Local Rules described herein, which seek to implement a proposal of the Supreme Court of Pennsylvania. *See* Pa. Const. art. 1 § 14 and 42 Pa. C.S. § 5701, *see also supra* All.C.R.Crim.P. 115.1, 520.1.

The first draft of section D was modified in this second draft, as shown here. The Subcommittee recommended that the proposed Local Rule enumerate procedural protections afforded to the defendant at the preventive detention review hearing, beyond the right to counsel only. The language used here to describe these protections is derived from the federal Bail Reform Act, because the procedural safeguards contained therein were determined to satisfy the Due Process Clause of the Fifth Amendment in *U.S. v. Salerno*, 481 U.S. 739, 755 (1987). *See* 18 U.S.C. § 3142(f). In addition, the standard of proof for denial of bail that was set forth in *Commonwealth v. Tally*, 2021 WL 6062913 (Pa. 2021), is expressly articulated.

## **All.R.Crim.P. 528.2. Monetary Condition of Release on Bail**

- (A) Prior to imposing any monetary condition of release on bail under Pa. R. Crim. P. 524(C)(5) and 528, the bail authority shall evaluate the defendant's financial ability to pay.
- (1) This financial evaluation shall include, but shall not be limited to, the defendant's:
- (a) Income and assets;
  - (b) Living expenses including food, rent/mortgage, utilities, medical expenses, child support and familial obligations;
  - (c) Debts; and
  - (d) Any other hardships.
- (2) As part of this financial evaluation, the bail authority may consider the financial resources of the defendant and the defendant's legal spouse, but the bail authority shall not consider the financial resources of the defendant's friends or other family members.
- (a) Notwithstanding the foregoing, if the bail authority determines that the defendant is indigent and does not have the ability to pay any monetary condition of release on bail, the bail authority may impose a percentage cash bail amount that a Third Party Surety Organization agrees to pay on behalf of the defendant pursuant to All.R.Crim.P. 532.2.
- (b) The bail authority shall document its financial evaluation on a Pennsylvania Ability to Pay Evaluation form. The completed form shall be made a part of the court's file, subject to the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.
- (B) The bail authority shall not impose a monetary condition of release on bail unless it finds that:
- (1) The monetary condition is the least restrictive condition available, in the bail authority's discretion, to assure that the defendant will appear at all subsequent proceedings and comply with the conditions of the bail bond; and
- (2) The defendant has the ability to pay the monetary condition of release on bail.
- (C) In making a determination as to whether a defendant is able to pay a monetary condition of release on bail, the bail authority shall consider the following factors as relevant to establishing a presumption that the defendant is indigent and does not have the ability to pay any monetary condition of release on bail:
- (1) Whether the defendant's household income is at or below 125% of the Federal Poverty Guidelines;
  - (2) Whether the defendant qualifies for the services of the Office of the Public Defender;
  - (3) Whether the defendant receives income-based public assistance, including, but not limited to, Supplemental Nutrition Assistance Program (SNAP or food stamps), Medicaid,

Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), veterans' disability benefits, or other state-based benefits;

- (4) Whether the defendant is or has within the past six months been homeless or incarcerated, resided in a shelter for victims of domestic violence, or resided in an inpatient treatment facility; and
  - (5) Whether the defendant is on their own unable to meet basic living expenses, including, but not limited to, food, rent/mortgage, utilities, medical expenses, transportation, and child support.
- (D) The bail authority shall presume that juvenile defendants are indigent and therefore do not have the ability to pay any monetary condition of release on bail.
- (E) If the bail authority imposes a monetary condition of release on bail, the bail authority shall:
- (1) Explain in writing and on the audio record, the reasons for imposing the monetary condition of release on bail and the specific facts indicating that the defendant has the ability to pay the monetary condition to secure their release.
  - (2) This information shall be included with the Pennsylvania Ability to Pay Evaluation form described herein at All.C.R.Crim.P. 528.2(A)(3), and it shall be memorialized on the docket by inputting it in the Magisterial District Judge System ("MDJS") or the Common Pleas Case Management System ("CPCMS").

#### **Comment**

This proposed Local Rule is derived from stakeholder comments (ACLU of PA, Interbranch Commission). A version of it has been adopted in by Venango County. In addition, it seeks to implement a proposal of the Supreme Court of Pennsylvania. *See The Philadelphia Community Bail Fund et al. v. Arraignment Court Magistrates of The First Judicial District of the Commonwealth of Pennsylvania*, No. 21 EM 2019, 5 (July 27, 2020) (proposing to "mandate criteria akin to those used to determine *in forma pauperis status* in the civil context, see [Pa.R.Civ.P.] 240, be employed in making bail determinations," and to "adopt a presumption that juveniles are indigent for purposes of setting bail," and proposing to modify Pa.R.Crim.P. 520(A) "so that the bail authority is mandated to explain [their] rationale for any monetary bail calculation or conditions imposed, instead of the present requirement that reasoning be provided only when bail is refused").

The Subcommittee expressed concerns regarding the specific designation of the Pennsylvania Ability to Pay Evaluation form. Although this form has been recommended to magisterial district judges by the Minor Judiciary Education Board, and it is "akin [to the form that is] used to determine *in forma pauperis status* in the civil context," it is not clear that it has officially been approved or promulgated by the Administrative Office of Pennsylvania Courts.

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The Subcommittee also expressed concerns regarding the form becoming a part of the public record, because it could violate the defendant's Fifth Amendment right against self incrimination, when a court inquires with the defendant regarding their ability to pay, and then documents its findings on the form. For example, the application for a federal public defender is submitted to the court *ex parte* and is not made available to the government. These concerns are acknowledged here, so that they may be addressed in subsequent drafts, if necessary.



**VII. Providing for Accountability to the Conditions of Bail Bond**

**All.C.R.Crim.P. 536.1. Procedure for Requesting Issuance of a Bench Warrant for Violation of Conditions of Bail Bond.**

- (A) In any court case when a bail authority has imposed conditions of release on bail bond, any private individual, surety for the defendant, representative of the surety for the defendant, police officer, Attorney for the Commonwealth, or representative of the Bail Agency Unit may submit a written Request for Issuance of Bench Warrant for Violation of Conditions of Bail Bond form (the "Bench Warrant Request Form"), at Pittsburgh Municipal Court, Arraignment Court, Municipal Courts Building, 660 First Avenue, Pittsburgh, PA, 15219.
- (B) The issuing authority who is on-duty when the Bench Warrant Request Form is submitted, shall promptly decide whether or not to approve the request, at any time before the preliminary hearing or unless bail has been set or modified by a judge in the court of common pleas. Otherwise, the Arraignment Court shall promptly notify the Bail Agency Unit of the submission of the Bench Warrant Request Form, and the Bail Agency Unit shall promptly notify the Motions Judge.
- (C) If the issuing authority or the Motions Judge approves the request, the affiant in the case shall promptly be notified. When the bench warrant is executed or the subject of the warrant has surrendered, the bench warrant hearing shall be conducted pursuant to Pa.R.Crim.P. 150 and All.C.R.Crim.P. 150.1.
- (D) Court Administration of Allegheny County shall promulgate the Bench Warrant Request Form and publish it on the website of the Fifth Judicial District within 30 days of the promulgation of this Local Rule.

**Comment**

This proposed Local Rule was not part of the first draft. The Subcommittee recommended adding it to the second draft in order to establish or clarify local procedures for requesting the issuance of a bench warrant for violation of conditions of bail bond. Pa.R.Crim.P. 536 authorizes the issuance of a bench warrant for violations of conditions of bail bond. In addition, existing state and local rules sets forth procedures for conducting bench warrant hearings. However, the rules are silent or unclear regarding the procedure for requesting the issuance a bench warrant for violations of conditions of bail bond. As a result, victims, witnesses, affiants, and Attorneys for the Commonwealth are left without direct recourse when conditions of release on bail bond have been violated. This problem is perhaps most notable in domestic violence matters where the bail authority imposes "no contact" or "stay away" conditions of bail bond. This dynamic frustrates access to justice and the enforceability of conditions of bail bond, and frequently leads to duplicative proceedings.