



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

News for Immediate Release

June 22, 2012

Pennsylvania Supreme Court Strengthens Witness Protection

The Supreme Court of Pennsylvania is allowing indicting grand juries to be used statewide in certain cases to enhance safeguards against witness intimidation.

Under a new set of Rules of Criminal Procedure, an indicting grand jury would be permitted in lieu of preliminary hearings in cases in which witness intimidation has occurred, is occurring or is likely to occur. Judicial districts abandoned the use of indicting grand juries nearly 20 years ago in favor of other procedural options authorized under an amendment to the Pennsylvania Constitution. The new rules permit their resumption.

Any of Pennsylvania's 60 judicial districts could petition the Supreme Court for approval to use the new procedures under the rules that take effect in 180 days. Once Supreme Court approval is given to a district, a prosecutor could seek approval of the president judge on a case-by-case basis to use an indicting grand jury, but only in cases involving witness intimidation.

"The intimidation of witnesses in criminal proceedings threatens the integrity of the criminal justice system and puts justice at risk," Chief Justice of Pennsylvania Ronald D. Castille said in announcing the new rules. "Providing more flexibility to ensure the safety of witnesses who come forward to testify in cases involving violent acts recognizes their personal safety and promotes greater trust and confidence in the judicial system."

A "grand" jury is so named because 23 jurors and up to 15 alternates would serve on the panel, rather than the standard 12-member trial jury. An indicting grand jury determines whether to indict the defendant, so that the defendant would face trial in the Court of Common Pleas. The new rules do not impact the defendant's constitutional right to confrontation since the defendant is still entitled to confront his or her accusers at trial. Indicting grand juries are used in a number of other states and federal courts.

The effort to curtail witness intimidation came from a panel of legal experts the Supreme Court appointed to address issues challenging the Philadelphia criminal court system. The commission of judges, prosecutors and defense lawyers, led by Supreme Court Justice Seamus P. McCaffery, recommended re-instituting the indicting grand jury in Pennsylvania as a way to address the problem of witness intimidation.

The comprehensive set of new rules and related rules changes incorporating the recommended procedures was developed by the Supreme Court's advisory Criminal Procedural Rules Committee.

(For a copy of the new rules: <http://www.pacourts.us/T/SupremeCourt/SupremePostings.htm>)

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