

### 99.3 SPECIAL GRAND JURIES

- (a) **Purpose of Rule.** The purpose of this Rule is to establish directives and procedures calculated to insure compliance with 18 U.S.C. §§ 3331–3334, and to avoid the dissemination of any information concerning or contained in any report submitted by a special grand jury impaneled under those statutory sections until and unless such report has been ordered accepted by the Court and ordered filed as a public record in accordance with those statutory sections.
- (b) **Release of Information Concerning Special Grand Jury Reports.** No member of a special grand jury, and no other person who may have information concerning any special grand jury report, may reveal any information concerning the contents of a special grand jury report, until and unless such report has been accepted and ordered filed by the Court as a public record in accordance with 18 U.S.C. §§ 3331–3334. The release of any information concerning the contents of a special grand jury report before such time presents a reasonable likelihood that the release of such information could interfere with fair trials in pending or future cases and would otherwise prejudice the proper administration of justice.
- (c) **Application of Rule 99.7.** Rule 99.7 fully applies to the release of any information by lawyers and other employees of the federal, state, city or county employees participating in or associated with any investigation being made by a special grand jury. Such persons are expressly prohibited from making any public judicial or extra-judicial statement concerning the contents of any special grand jury report until and unless such report is ordered accepted and ordered filed as a public record in accordance with the provisions of 18 U.S.C. §§ 3331–3334. At that time, such persons’ statements are limited to the contents of the report approved by the Court for filing.
- (d) **Procedures Concerning Submission of Special Grand Jury Reports.** If a special grand jury, upon completing its original term, desire to submit a report authorized by 18 U.S.C. § 3333, it must file a motion in accordance with the following procedures:
1. The proceeding must be entitled “In the Matter of a Report Submitted by Special Grand Jury Impaneled on [INSERT DATE].”
  2. The special grand jury’s motion must allege that its report is submitted upon the completion of its original term, that such report has the concurrence of a majority of its members, and that, in its judgment, such report is based upon facts revealed in the course of an investigation authorized by 18 U.S.C. § 3332(a) and is supported by the preponderance of the evidence.
  3. The special grand jury must place its submitted report in a sealed envelope marked “Exhibit A” and labeled “Report Submitted by Special Grand Jury.” It must place in another sealed envelope, marked “Exhibit B” and labeled “Supporting Data,” the facts revealed in the course of its investigation which it believes supports its report by the preponderance of evidence. The supporting

data may consist of a transcript of proceedings before the special grand jury and exhibits presented to the special grand jury.

4. The motion must pray for an appropriate order either:
    - A. Accepting and filing such report as a public record; or
    - B. If the report is one submitted pursuant to 18 U.S.C. § 3333(a)(1), directing further proceedings to be conducted in accordance with law.
  5. The Clerk must immediately transmit the motion and any attached exhibits to the Court for further proceedings in accordance with. Unless the Court orders otherwise, no person may reveal the contents of Exhibit A or Exhibit B directly or indirectly
  6. The Court must, after direction of in accordance with further proceedings, enter its order as to whether the report submitted by the special grand jury should or should not be accepted and ordered filed as a public record.
- (e) **Sanctions for Violations of this Rule.** If any person violates this Rule in any manner, the Court may initiate contempt proceedings under Fed. R. Crim. P. 42.