

Rule 57 – District Court Rules

LCrR57. Miscellaneous Rules.

57-1 Release of Information by Courthouse Personnel.

All court-related personnel, including the Clerk's Office, Chambers staff, U.S. Marshal's Office, Court Reporters, and Court Security Officers shall not release any information pertaining to a criminal case that is not part of the public records of the court or divulge any information concerning proceedings held outside the presence of the public. Court officers will not voluntarily testify before a Grand Jury or in any court proceeding without the express approval of the judge presiding over the matter.

57-2 Release of Information by Attorneys.

- (a) **Release of Information or Opinions.** It is the duty of the lawyers or law firm not to release or authorize the release of information or opinions which a reasonable person would expect to be disseminated by any means of public communication, in connection with pending or imminent criminal litigation with which a lawyer or law firm is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.
- (b) **Extrajudicial Statements During Investigation.** With respect to a grand jury or other pending investigation, a lawyer participating in or associated with the investigation shall refrain from making any extrajudicial statement which a reasonable person would expect to be disseminated, by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.
- (c) **Extrajudicial Statements After Investigation.** From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment until the commencement of trial or disposition without trial, a lawyer or law firm associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement which a reasonable person would expect to be disseminated by any means of public communication, relating to that matter and concerning:
 - (1) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the lawyer or law firm may make a factual statement of the accused's name, age, residence, occupation, and family status and, if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his or her apprehension or to warn the public of any dangers he or she may present;
 - (2) The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;
 - (3) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

- (4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer or law firm may announce the identity of the victim if the announcement is not otherwise prohibited by law;
 - (5) The possibility of a plea of guilty to the offense charged or a lesser offense;
 - (6) Any opinion as to the accused' s guilt or innocence or as to the merits of the case or the evidence in the case.
- (d) **Statements Permitted.** The foregoing shall not be construed to preclude the lawyer or law firm during this period, in the proper discharge of his or its official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him.
- (e) **Extrajudicial Statements During Trial.** During a jury trial, including the period of selection of the jury, no lawyer or law firm associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview relating to the trial or the parties or issues in the trial, which a reasonable person would expect to be disseminated by means of public communication, if there is a reasonable likelihood that such dissemination will interfere with a fair trial, except that the lawyer or law firm may quote from or refer without comment to public records of the court in the case.
- (f) **Special Situations.** Nothing in this Rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him or her.

57-3 Release of Information by and Testimony of Probation Officer.

- (a) **Confidential Records.** Records of the court, to include pretrial services, presentence, probation reports, records, and correspondence are maintained by the probation office as custodian of the court record and, unless otherwise excepted, may be disclosed only upon a written request to the Court which establishes a need for the specific information. Excepted reasons for disclosure without permission from the Court include routine disclosure of demographic and collateral contact information to other law enforcement agencies for investigative purposes, as well as the disclosure of presentence reports in accordance with LCrR 32.11.
- (b) **Release of Information and Witness Appearance.** Except for testimony related to release or detention pursuant to 18 U.S.C. § 3142, or testimony concerning orders on release, probation, or supervised

release, no current or former probation officer shall respond to any request for information or for witness appearance and testimony as to any matters arising out of the performance of their official duties unless approved in advance by the Court. Unless excepted as described herein, any request for information or appearance and testimony may be granted upon written request to the Court which establishes a need for the information or testimony. Any request for information or appearance and testimony shall follow the procedures established by the Director of the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, as set out in Testimony of Judiciary Personnel and Production of Judiciary Records in Legal Proceedings, modified in one respect as follows: the presiding judge, not the Chief Probation Officer, shall determine the proper response to a request for information or testimony.

57-4 Plan for Implementing the Criminal Justice Act (18 U.S.C. § 3006A)

Pursuant to 18 U.S.C. § 3006A, this Court's Criminal Justice Plan (CJA Plan) is available on the website of this Court.