



MANAGEMENT

1.3 Information Dissemination

MEDIA

A. Media Policy

1. **Purpose:** This directive contains U.S. Marshals Service (USMS) policy concerning the release of information, including photographs, by service employees to news outlets, television broadcasters, authors and film studios (hereafter referred to as media), and provides procedures for media seating at court proceedings
2. **Authority:** The Director's authority to supervise the USMS and issue written directives is set forth in 28 CFR 0.111 and 28 USC 561 (g). Department of Justice (DOJ) policy governing the release of information relating to criminal and civil cases is set forth in 28 CFR 50.2 and USAM 1-7.000.
3. **Policy**
 - a. **Office of Public Affairs:** The Office of Public Affairs (OPA), Office of Communications, is the focal point for media queries about the USMS and its operations. This centralization ensures a timely and consistent response, facilitates the appropriate coordination with the DOJ, and ensures conformity with USMS, DOJ, and administration policies.
 - (1) The OPA must review and approve all USMS publications and articles employees write about the service and that are intended to be released to external publications. It also handles all national print and electronic media requests and coordinates with the media on high-profile district trials and other events involving significant media coverage.
 - (2) Headquarters employees will refer all media requests immediately to the OPA. The reporter should be told to call the OPA and ask to speak with a public affairs specialist. Employees should not respond to media questions until OPA has been consulted as to who will represent the USMS and what that individual will say. The OPA specialist will work with the employee to ensure a coordinated and timely response to media inquiries.
 - (3) Incidents in a district, division, or Regional Fugitive Task Force (RFTF) that may generate regional or national media interest are to be reported to the Chief, OPA, and the appropriate Assistant Director as soon as possible. Whenever possible, contact should be made in advance so that OPA may coordinate with the DOJ or U.S. Attorneys' offices. Prior coordination with OPA is required for news conferences of national significance.
 - b. **District Offices and Regional Fugitive Task Force (RFTF)**
 - (1) U.S. Marshals (USMs), Chief Deputy U.S. Marshals (CDUSMs) and RFTF commander are authorized to respond to media and public inquiries concerning their districts/task force, as long as they follow the policies of this directive. The

USM and CDUSM are encouraged to release information to the media about significant district accomplishments and activities. Questions regarding a particular media issue or the media affairs program in general should be directed to the OPA.

- (2) The USM or CDUSM shall assign at least one operational employee as a collateral duty public affairs officer (PAO) for the district office and, if necessary, for each large sub-office in the district and each task force. The designated district PAO(s) must be trained and certified by the USMS Training Academy within one year of assignment. The PAO must provide to the OPA pertinent contact information, including work and home telephone numbers, cellular phone or pager numbers, and email addresses.
- (3) The USM, CDUSM, RFTF commander, or a collateral duty public affairs officer (PAO) may serve as the district/task force spokesperson. Other employees must direct media inquiries to one of the above. If an employee is assigned media relations duties as the district/task force public affairs officer, the USM, CDUSM, or RFTF commander will provide the name and telephone number/e-mail address to the OPA and ensure that the individual is fully knowledgeable about this media policy.

c. **Assisting the Media**

- (1) It is the policy of the USMS to cooperate fully and impartially with authorized media representatives in their efforts to gather factual, public information about service activities, as long as these individuals do not excessively interfere with USMS operations, infringe upon individual rights or violate the law. The USMS recognizes authorized identification from all local, national and international news organizations, and media personnel without proper credentials may be denied requested information or access to incident scenes.
- (2) Except as indicated in the section on Ride-alongs, an employee may assist the media in photographing, taping, recording or televising a law enforcement activity, to promote the aims of law enforcement, including the deterrence of criminal conduct and the enhancement of public confidence. The U.S. Attorney may determine whether such assistance would unreasonably endanger any individual, prejudice the rights of any party, or otherwise be prohibited by law.
- (3) During an arrest and/or search warrant situation, the safety of law enforcement officers and agents as well as the public is of paramount concern. Without a court order, however, an employee will not prevent the law efforts of the media from outside the sealed perimeter or sealed crime scene if they act in a lawful manner. Even so, the presence of the media during such situations should not be allowed to put the operation or any individual in jeopardy.
- (4) When media representatives are photographing or videotaping a law enforcement activity, USMS employees should direct them to conceal the faces of individuals whose investigative effectiveness, safety or legal rights may be compromised. Additionally, employees are not required to appear in photographs or videotape that will be aired or printed. In any filming conducted or sponsored by the USMS, faces of subjects and third parties (e.g., family members) must be blurred to prevent recognition before the tape is released to the media or shown publicly.
- (5) USMS employees will not assist the media in photographing or televising a defendant or accused person being held or transported in federal custody. Post-arrest photographs of a prisoner will not be released to the news media unless a law enforcement purpose is served. Information about extraditions or the movement of prisoners in USMS custody will not be given to the media in advance; however, it is permissible to confirm that someone is in USMS custody as well as to reveal the place of confinement, as long as revealing that

information does not jeopardize security.

- (6) Prisoner interview requests may only be approved upon the permission of the U.S. Attorney, the judge, the prisoner, the defense attorney and the management of the detention facility where the prisoner is located. It is the responsibility of media representatives to obtain the approval of the aforementioned, making sure that all parties indicate their approval to the USM or CDUSM, who may require written approval.

d. **Ride-alongs**

- (1) The DOJ and the USMS do not permit media "ride-alongs," including air or bus transport of prisoners. Exceptions to this policy may be granted by DOJ. Requests for such an exception must be sent to the USMS Chief, OPA.
- (2) If a search or arrest warrant is to be executed, no advance information will be provided to the media about actions to be taken by law enforcement personnel, nor will media representatives be invited to attend. This prohibition also applies to operations in preparation for a warrant execution and to any multi-agency action in which USMS personnel participate.

e. **Release of Criminal or Civil Information**

- (1) The USMS recognizes the need for limited confidentiality in:

- Ongoing operations and investigations
- Grand jury and tax matters
- Certain investigative techniques
- Other matters protected by law

If an employee has any doubt about whether a situation requires limited confidentiality, he or she should contact the OPA.

- (2) Employees will not supply any statements or information that they know or suspect will prejudice a legal proceeding.
- (3) Subject to specific limitations imposed by law, or by court rule or order, a USM, CDUSM or PAO may make public the following information in any criminal case in which charges have been brought:
 - The defendant's name, age, hometown, occupation, name of employer, marital status and similar background information.
 - The substance of the charge, limited to that contained in the complaint, indictment or other unsealed, public court documents.
 - The identity of the investigating and/or arresting agency.
 - If a USMS case, the circumstances immediately surrounding an arrest, including the time and place of arrest, and whether resistance and pursuit occurred.
 - Information concerning weapons and a description of items seized at the time of arrest will be referred to the lead law enforcement agency if not the USMS. Personal observations will not be disclosed.
- (4) In civil cases, similar identifying material regarding defendants, the concerned

government agency or program, a short statement of the claim, and the government's interest may be released in coordination with the U.S. Attorney's office.

(5) Because the following information related to a defendant could prejudice a legal proceeding, it will not be provided in a public statement or released to the media:

- Observations about a defendant's character
- Statements, confessions or alibis attributable to a defendant, or the refusal or failure of the accused to make a statement
- References to investigative procedures, such as fingerprints, polygraph examinations, ballistic tests, and forensic or laboratory services, the defendant's refusal to submit to such tests, or results of any investigative procedure
- Statements concerning the identity, testimony or credibility of prospective witnesses
- Statements concerning evidence or arguments in the case
- Any opinion as to the defendant's guilt or the possibility of any type of guilty plea

f. **Release of Juvenile Information**

(1) Juvenile records and information, including the name of the juvenile and details of the arrest, will not be released to the media except in the circumstances set forth in this section. When a person is prosecuted as a juvenile, records or information will not be disclosed to the media or unauthorized persons. Those considered authorized are outlined in 18 USC 5038.

- When a judge or magistrate has approved the prosecution of a juvenile as an adult, information about the juvenile may be released to the media as it would be for an adult defendant and in accordance with this directive. However, release of information about the juvenile must be authorized by the U.S. Attorney (or appropriate representative) to ensure that the requirements for release of information have been met.
- Questions from family, friends, or relatives of a juvenile held in USMS custody should be directed to the pretrial services officer (Administrative Office of the U.S. Courts) assigned to the case unless the juvenile has been charged as an adult.

g. **Release of Investigative Information**

(1) Information about an ongoing investigation (including such matters as the issuing or serving of a subpoena) will not be released prior to the public filing of the charging document(s).

(2) Information concerning a defendant's or suspect's prior criminal record, either during an investigation or pending litigation, will not be released to the media. This policy is not intended to restrict the release of information concerning a defendant who is a fugitive from justice. In fugitive or extradition cases, an employee may confirm the identity of defendants or suspects, the offenses for which they are wanted, and the nature of past convictions.

(3) When a prior conviction is an element of the current charge and when such information is part of the public record (as in the case of a felon in possession of

a firearm), an employee may confirm the defendant's identity and the general nature of the prior conviction. Information about prior convictions may also be released when discussing career criminal cases. The U.S. Attorney will be consulted in these cases.

- h. Information concerning an investigation, arrest, release, prosecution, adjudication of charges, or correctional status is not to be disclosed if it is not currently relevant to the event. For example, if a convicted felon has served his or her sentence and resumed a place in society, it is not appropriate to release information about a prior record or incarceration without a specific law enforcement purpose.
- i. Booking photographs may be released only for fugitives in order to aid in their capture. Prisoner bookings are confidential, and media representatives will not be advised of, or allowed to be present during, the proceedings.

4. **Procedures**

a. **Printed and Electronic Media Issues**

- (1) Each district office/RFTF is required to send the OPA all media releases issued and any clippings of newspaper articles about activities within the district that mention the U.S. Marshal's office, Deputy Marshals or USMS operations. The article may be faxed to the OPA (FAX 202/307-8729) on the day it appears, or a copy should be mailed. If there is local television coverage of a district office, its employees or its activities, an effort should be made to videotape the program and forward a copy to the OPA as soon as possible.
- (2) The Chief, OPA, is responsible for coordinating all USMS communications with national television and film companies and commercial publishers and/or authors. Requests from producers and authors for story ideas or other assistance should be referred to the OPA.
- (3) Articles or papers written by an employee that pertain to the USMS but are to be published outside the DOJ must be approved in advance by the Chief, OPA. An employee may not accept compensation for an article or speech when the topic relates to his or her duties or concerns a USMS policy or mission.

b. **Media Seating-Court Proceedings:** Frequently, a courtroom will not accommodate all the media representatives seeking access; thus, consistency and fairness concerning access is critical. The following procedures apply:

- (1) When it is likely that a proceeding will attract significant media coverage, the clerk of the court should be informed. The U.S. Attorney will be asked to ascertain the number of government officials who will need to attend so that available seating can be determined. The OPA should be notified as soon as possible regarding details concerning the handling of the press.

c. The district may assist the court by participating in sessions to allocate seats. The district should provide guidance regarding security issues and assist in administering the seating plan.

d. Seats may not be reserved or otherwise set aside without the trial judge's prior approval. Multiple media organizations requiring seating should be handled on a first-come, first-served basis to the extent that they can be reasonably accommodated. This policy must be strictly enforced. Press pools should be considered if the amount of available seating is significantly less than the number of media representatives seeking to attend. In such cases, the establishment of a press room with an audio feed from the courtroom may be considered if the trial judge approves. The media organizations covering the trial will pay the costs of setting up a press room.

e. When preparing for a major trial that will generate substantial media coverage, a district

should advise the OPA of the details. If a situation threatens to overwhelm a district's ability to handle media requests, OPA can provide guidance and, in some instances, temporarily detail a public affairs specialist to the district.

5. **Definitions**

- a. **Media:** comprises all forms of print and electronic news media, journalists, authors, and television and motion picture companies.
- b. **News Media Representatives:** individuals who are directly employed by agencies of the electronic or print media. Free-lancers are to be regarded as other members of the general public unless otherwise designated by the Chief, OPA.

B. Release of Information to Media About Joint Task Force Operations

1. **Purpose:** The purpose of this directive is to provide guidelines to the field regarding the release of information to the media about a joint task force operation involving other law enforcement agencies.

2. **Procedures**

- a. Whenever the USMS is leading a joint law enforcement operation, the following procedures should be adhered to when releasing information about the operation to any media source:
 - (1) Before distributing news releases to the media, the public affairs officer or spokesperson should make a good faith effort to have the documents reviewed by the other agencies mentioned in the release to ensure accuracy and to avoid disclosing inappropriate details. Distributed news releases will be faxed to the Office of Public Affairs at headquarters.
 - (2) Prepared news releases should be reviewed promptly by the involved agencies so that they can be sent out to the media as soon as possible (on the same day that an arrest or other significant incident occurs).
 - (3) Prepare a list of names, locations, e-mail addresses, and phone numbers of contact people who can review and approve information about each agency mentioned in prepared news releases, and provide copies of the list to each agency on the task force.
 - (4) To ensure timeliness in sending out news releases, a list should be kept of area media organizations, their phone numbers, email addresses, fax numbers and their principal reporters covering law enforcement.
 - (5) Identify one individual on the task force or operation who will serve as the media contact and spokesperson. It is also advisable to designate a second individual to serve as a backup spokesperson.
 - (6) Any news coverage initiated by the task force should be coordinated ahead of time with the U.S. attorney or other prosecuting officials who might be impacted by it.
 - (7) Ensure that copies of news releases prepared by the task force or other operation are available to all agencies represented on it.

C. Media Filming Requests

1. **Required Process to Approve Filming Requests from Media Organizations**

- a. **Purpose:** This directive provides additional guidelines and procedures when advance requests are made by national, regional or local electronic media to film the activities of

the U.S. Marshals Service (USMS) or events in which its employees participate.

b. **Policy:** The following procedures apply to media filming requests:

- (1) If a media organization wishes to film USMS activities, it must submit a written request. Requests from national or regional media should be sent directly to the Office of Public Affairs (OPA), Office of Communications, ATTN: Chief, Public Affairs, by mail or fax (202-307-8729). Districts should forward filming requests to the OPA on the day they receive them.
- (2) The written request should be submitted on business letterhead and contain sufficient information on the purpose of the filming, the activities to be filmed, interviews planned and the nature of interview questions, the venue (nightly news show, feature show, documentary, etc.) for airing the segment, and all other relevant details. The requested filming dates (or a range of dates) should also be stated, along with a contact person and phone number.
- (3) The Chief, OPA, or designee will review the request and call the media contact to verify the information and receive any necessary clarification. For national/regional media requests, Public Affairs will prepare a written summary of the request, including a recommendation on whether the USMS should approve it and if a headquarters representative should be present at the filming. Notification of the request and OPA recommendation will then be sent to the following offices:
 - (a) For national/regional media programming: Department of Justice Public Affairs, Director and Deputy Director, General Counsel, Assistant Director of the affected division(s), and the U.S. Marshal and Chief Deputy U.S. Marshal of any district offices that might be involved in the filming
 - (b) Local media programming: the U.S. Marshal and Chief Deputy U.S. Marshal for the district involved in the filming
- (4) The Director or Deputy Director will approve or disapprove national/regional media requests, or delegate that authority to the Chief, OPA. The Chief, OPA, will have the authority to approve or reject local media requests. If approval is granted, the OPA or district USM or CDUSM will prepare a letter to the media outlet, including any restrictions or other guidelines for the filming. A copy of the letter will be sent to any district office or division affected by the filming. If the request is turned down, a letter will be sent to the requester.

c. **Office of Public Affairs Responsibilities**

- (1) An OPA specialist (GS-1035 series) will be assigned to each approved filming request. He or she will monitor the overall project, including coordinating with district offices and/or any headquarters divisions involved, visiting the filming sites, escorting media as required, and ensuring that established USMS media policy as well as any special conditions for the filming are followed. This individual will also ensure that the media organization is told about applicable USMS guidelines that may apply to the filming.
- (2) The designated OPA liaison (district public affairs officer) and the Chief for OPA will serve as the primary USMS contacts for members of the media organization involved in the filming. They will authorize, as needed, any direct contact between these individuals and other USMS employees involved in the project.
- (3) The OPA liaison will negotiate and coordinate any proposed shooting schedule of the media organization, ensuring that the schedule does not interfere with any mission of the district office or headquarters division involved. The liaison will send a memo to the Chief, OPA, on the shooting schedule and any other

relevant information before the production starts (a week prior to filming if possible). A copy of this memo will be provided to all USMS offices that received a copy of the summary memo/original request letter.

- (4) Within a week prior to filming, the OPA liaison will review all appropriate ground rules with the media personnel and the district office or headquarters division involved to ensure there are no unresolved issues.
- (5) Unless it is decided that a headquarters staffer is not needed at the filming, the OPA liaison or another headquarters representative will be present.
- (6) If filming is to be done in several segments in different locations or over an extended period in one district, the OPA liaison will confer with the Chief, OPA, on a plan for an OPA or another USMS representative to be present during the filming, or have specific written guidance issued to a district or office if an OPA presence is not deemed necessary.
- (7) At the conclusion of the filming, the OPA liaison will prepare an after-action memo summarizing the activity, any problems encountered, any last-minute changes or departures from the shooting schedule, the date the program will air and other relevant information. The memo will be distributed to all individuals and offices that received a copy of the original request.
- (8) The OPA liaison will also send a notice to USMS employees notifying them of the date and time of the program and the network airing it about a week before the program premieres.

D. USMS Media Guide, Publication 77

E. DOJ Uniforms Distribution of Press Releases

It is important that all news agencies covering the DOJ and its component agencies on a regular basis be treated fairly and evenhandedly. On rare occasions a reporter's longtime interest and continued inquiries into a particular subject matter may warrant special attention. In other cases a promise of early disclosure may be necessary to obtain agreement from a news organization to delay the premature disclosure of law enforcement activity. These special circumstances should be discussed with the Chief, Office of Public Affairs in advance of any release.

In all other instances it is USMS policy to give news agencies an equal and simultaneous access when we are announcing a Department of Justice report or action.

F. Media and JPATS

Media requests to ride on JPATS flights may be granted, subject to the following conditions:

This policy applies to JPATS flights only. It does not affect media policies for other methods of transporting prisoners and aliens, or policy at any BOP facility. Advance notice must be given to BOP Public Affairs and field operations staff. If aliens are aboard a JPATS flight, ICE officials must approve the media's presence on the flight. In securing a spot on a JPATS flight, no member of the media can displace a prisoner or person on government business. Media figures can only be seated next to USMS or ICE staff, not next to prisoners. Furthermore, these guests cannot be identified to prisoners, nor may they interview prisoners or aliens.

Cameras or artists can only be permitted aboard if they agree in advance, in writing, not to photograph or draw from an angle that will show any prisoner's face and not to broadcast or publish any depictions of a prisoner's face they inadvertently obtain.

28 CFR 50.2(b)(7) states: "Personnel of the Justice Department should take no action to encourage or assist news media in photographing or televising a defendant or accused person being held or transported in federal custody. Departmental representatives should not make available photographs of a defendant unless a law enforcement function is served thereby." The Office of Information and Privacy

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agrees that these regulations are designed to prevent the identification of prisoners, so that camera shots that obscure their identities are permissible.