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Description of document: Federal Bureau of Investigation (FBI) Public Affairs (PA) Manual (POL06-0003-OPA), 2006

Appeal date: 2018

Release date: 12-March-2019

Posted date: 25-March-2019

Source of document: Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
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March 12, 2019

FOIPA Request No.: 1373572-000
Appeal No.: DOJ-AP-2018-001744
Subject: FBI Public Affairs Manual

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemptions boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552

☐ (b)(1)

☐ (b)(2)

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Section 552a

☐ (d)(5)

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☐ (k)(1)

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☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

52 pages were reviewed and 52 pages are being released.

Below you will also find additional informational paragraphs about your request. Where applicable, check boxes are used to provide you with more information about the processing of your request. Please read each item carefully.

- ☐ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
- ☐ This information has been referred to the OGA(s) for review and direct response to you.
- ☐ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.
- ☐ In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following website: <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.



See additional information which follows.

As a result of your administrative appeal to the Office of Information Policy (OIP), Department of Justice (DOJ), material was located responsive to your request for information concerning Public Affairs Manual. Enclosed is a processed copy of the documents, which represent the final release of information responsive to your FOIA request.

This information is provided to you at no charge.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

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Public Affairs (PA) Manual



Federal Bureau of Investigation (FBI)

POL06-0003-OPA

June 28, 2006

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Public Affairs Manual

GENERAL INFORMATION: Questions or comments pertaining to this handbook can be directed to:

HQ FBI/Director's Office/Office of Public Affairs

Division Point of Contact: **Assistant Section Chief:**

b6

(NOTE: Document supersedes MAOP Part 2, Section 5. PRESS – PUBLICITY)

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1. Scope

Purpose: To provide Federal Bureau of Investigation (FBI) personnel with clear guidance on a range of public affairs topics including media relations, use of the Internet, speeches, investigative publicity, and community relations.

Background: Public affairs activities support investigations both directly, through investigative publicity efforts, and indirectly, by improving public perceptions about the FBI. If members of the public view the FBI as effective and trustworthy, they are more likely to call in tips, or return a Special Agent's telephone call, or otherwise cooperate with the FBI. Simply increasing public knowledge about the FBI's role can lead to more individuals reporting crimes, more tips, and more general assistance from the public. Effective use of the FBI's Internet web site solicits public information on FBI cases that directly support investigations in all operational areas. Efforts to publicize successful investigations have a deterrence effect that may prevent future crimes and acts of terrorism.

At the same time, the need to preserve the integrity of ongoing investigations, protect the privacy of individuals, and defer to the discretion of United States Attorneys on matters subject to prosecution, places proper restrictions on the FBI's ability to share information of interest to the media and to the public. In order to be responsive to the press and the public without violating these restrictions, FBI personnel need a user-friendly reference guide which addresses the basic rules and situations most frequently encountered.

Intended Audience: This handbook is for use by all FBI employees. All FBI employees should be familiar with the general framework of the Bureau's public affairs programs and the guidelines on who may speak for the FBI and what information can and cannot be disclosed to the public. While many employees may have occasion to communicate with the public or be called upon to respond to an inquiry from a member of the news media, this responsibility falls primarily on the Office of Public Affairs, executives at Headquarters and in the field, and field office media representatives, or others, as designated by the Special Agent in Charge (SAC).

2. Roles and Functional Responsibilities

2.1. Department of Justice Office of Public Affairs (DOJ-OPA)

DOJ-OPA advises the Attorney General and other DOJ officials on communications issues and coordinates with the public affairs units of all DOJ component organizations. DOJ-OPA prepares and issues news releases for DOJ and approves certain releases issued by component agencies. DOJ-OPA also responds to media inquiries, arranges interviews with DOJ officials and holds news conferences.

2.2. United States Attorneys (USA)

While DOJ-OPA has final responsibility for all matters involving the national news media, responsibility for matters involving local media is vested in the 93 USAs. Each USA will exercise independent discretion as to matters affecting their own districts. USAs are responsible for coordinating their news media efforts with the Director of DOJ-OPA in cases that transcend their immediate district or transcend their immediate district or are of national importance.

Each USA's Office and each field office of the various DOJ components shall designate one or more persons to act as a point of contact on matters pertaining to the media. In USAs' offices or field offices where available personnel resources do not permit the assignment of a full time point of contact for the media, these responsibilities should be assigned to a clearly identified individual.

2.3. FBI Office of Public Affairs (OPA)

The OPA supports FBI operations, provides direct service to the public, and enhances and maintains public trust, by sharing information about the FBI's responsibilities, operations, accomplishments, policies, and values. The OPA also supports efforts to educate, inform, and motivate FBI personnel through a wide range of internal communications.

The OPA achieves its mission through management of the FBI's Media Relations and Community Outreach Programs; by serving as the FBI's liaison to the news media, entertainment and publishing industries, researchers, and community-based organizations; by providing up-to-date information on the FBI's Internet web site, the FBI Intranet homepage, and the OPA Intranet web page; and through speeches, events, publications, and presentations.

As the headquarters level public affairs office, OPA is responsible for coordinating the FBI's news media effort with DOJ-OPA.

2.3.1. National Press Office (NPO)

The NPO manages daily media relations with the national and international press corps and ensures timely response to all media requests (with the exception of requests from monthly publications and non-traditional media outlets which are handled by the

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Investigative Publicity and Public Affairs Unit). The NPO coordinates interview requests, drafts and issues written press releases and responses, a provides on-site assistance for major media events involving the FBI. It serves as the FBI's external public communication center during a major incident or crisis, managing dissemination of all FBI public information. The NPO designs and recommends media strategies to the Assistant Director, and executes those strategies. The NPO also produces analytical and briefing products for executives as well as crafts talking points, Questions and Answers (Q&A), and other materials to help guide FBI communications on issues in the news.

The NPO coordinates advanced media relations training for Special Agents in Charge and their Media Representatives and serves as their point of contact for the support and coordination of issues pertaining to the media. The NPO maintains staff-level liaison contacts with the public affairs offices of the DOJ, the White House, the Department of Homeland Security (DHS), and the Office of the Director of National Intelligence (ODNI).

2.3.2. Investigative Publicity and Public Affairs Unit (IPPAU)

The IPPAU is responsible for oversight and management of publicity efforts that directly support investigations or intelligence activities. The unit is also responsible for media relations with monthly publications and outlets not traditionally handled by the NPO, such as "soft" news sources, and publications or television or radio programs that are in foreign languages or aimed at women, ethnic, religious, industry, or age groups. The IPPAU responds to requests for assistance from the publishing, motion picture, television, radio and entertainment industries, and supports FBIHQ divisions in accommodating these requests. The unit also supports ongoing liaison with television series depicting FBI personnel, investigations, or services.



The IPPAU is responsible for radio productions and for organizing proactive initiatives aimed at increasing public awareness of the FBI, its personnel, priorities, activities, and accomplishments. These include production of "electronic briefings," presentations, talking points, Q&As, fact sheets and other background materials, and organizing briefings and press conferences aimed at educating reporters and producers and promoting development of positive feature stories about the FBI.

2.3.3. Online/Print Media Unit (OPMU)

OPMU manages the content of the FBI's Internet web site (www.fbi.gov), selects and posts information from all field offices and FBIHQ divisions; and writes original stories to keep the public informed on FBI news and issues.

The OPMU is also home to the FBI Historian who maintains and builds the FBI's history archive; conducts academic research, gives lectures on FBI history, and serves as the FBI's liaison to history programs throughout the Law Enforcement and Intelligence Communities.

2.3.4. Executive Writing Unit (EWU)

The EWU supports the efforts of FBI executives to formulate and disseminate critical information both internally to FBI employees and externally to the national and international public through communications for public speaking forums, presentations to the media, executive meetings, Congressional hearings, and internal forums with FBI employees. The EWU produces speeches, talking points, op-eds, letters, research, analysis, reports, employee messages and other communications to support the OPA and FBI mission. The EWU makes recommendations to the Director's Office on accepting speaking invitations that will offer the best opportunities for FBI executives to deliver a positive message about the FBI. The EWU also produces unique presentation materials for use by FBI executives.

2.3.5. Community Relations Unit (CRU)

The CRU supports the FBI's priorities by improving understanding and building partnerships between the FBI and minority, ethnic, community-based, and industry groups and organizations, and members of the general public.

The CRU fulfills this mission by: (1) providing management oversight, guidance, and support to community relations programs throughout the FBI, including Citizens Academies, minority outreach programs, and youth-oriented programs; and (2) acting as the FBI's liaison to national minority and community organizations and supporting outreach efforts by FBI Headquarters executives.

2.3.6. Employee Communications Unit (ECU)

The ECU has oversight of Bureau-wide internal communications, and executes coordinated communications strategies to drive organizational change and improve the effectiveness, morale, and retention of FBI employees. It coordinates with other Headquarters divisions to ensure that messages are in strategic alignment. It also serves as a focal point for two-way communications, working closely with the Ombudsman and Advisory Groups to gauge the success of communications strategies, and to collect input and ideas from employees.

The ECU crafts original content for the FBI Intranet and employee publications such as weekly briefings and the *Investigator* magazine. The ECU also assists Headquarters divisions with development and execution of communications strategies using the Intranet, communications kits for managers, video messages, publications, and other tools, to ensure that policy changes and directives are communicated effectively, understood by personnel throughout the Bureau, and ultimately implemented.

2.3.7. Special Events Group

The Special Events Group coordinates meetings, special events, and public appearances by the Director and senior executives. The Group also works to strengthen the cultural awareness, morale and *esprit de corps* of FBI personnel through special programs.

2.4. Headquarters Entities Outside of OPA

Individuals and units engaged in public affairs activities who are not in a field office or OPA, such as those in the Criminal Justice Information Services Division, the Laboratory, the National Security Branch, or any operational division, are considered part of Headquarters and do not have the autonomy afforded to field offices pursuant to these guidelines to conduct liaison with the news media. Accordingly, such entities should maintain close working relationships with OPA and must coordinate all press and news media relations with OPA.

2.5. Field Offices

2.5.1. The Field Office Media Representative

All FBI field offices have at least one media representative who functions as a liaison for the field office and as an official spokesperson.

2.5.1.1. Choosing a Media Representative

The media representative should be an experienced Special Agent or experienced Public Affairs Specialist with excellent verbal and written communications skills. Special Agents bring investigative experience and perspective to media relations and can provide instant credibility when responding to questions from the press. In cases where staffing limitations preclude appointment of such a Special Agent, or where the needs of the Field Office call for specialized public affairs experience, the position may be filled by an experienced Public Affairs Specialist recruited from the support ranks, or from the outside, for example from the news business or a public relations firm.

In choosing a media representative, the Special Agent in Charge (SAC) should consider the following:

- The candidate's personality, motivation and liaison skills
- The candidate's willingness to work long and unpredictable hours
- The candidate's ability to operate under stress
- The candidate's knowledge of the FBI and the media
- Whether the candidate personifies the FBI and its Core Values
- Whether the needs of the office and the local or regional media market call for a full-time or part-time media representative
- Whether the needs of the office would be better served by a media representative who is a Special Agent with extensive knowledge of the FBI or an experienced Public Affairs Specialist with strong public relations skills or ties to the media
- Whether the candidate has other duties, such as that involving crisis response, that would prevent his or her availability in an emergency

2.5.1.2. Back-Up Media Representative

SACs should assign a Special Agent to serve as a back-up media representative who can support the regular media representative as needed, fill-in when the regular media representative is unavailable, and/or be on call at night or on weekends. SACs involved in ongoing major cases may also request assistance from OPA or from experienced media representatives from surrounding field offices.

2.5.1.3. Chain of Command

Media representatives should report directly to the SAC. The media representative requires regular access to decision-making and must be kept apprised of major activities in the Field Office so that he or she can ensure the accuracy of information released to the press or news media.

2.5.1.4. Provision of Training

Media representatives, and particularly those with little or no experience in dealing with the news media, should be provided with immediate media relations and crisis management training. This training should assist the media representative in maximizing the volume and quality of information provided to the press, the news media, and the public, while continuing to abide by Department of Justice and FBI guidelines, protecting privacy rights, the investigatory process, and sources and methods of gathering information. New media representatives should receive training as soon as possible to ensure that the Field Office is prepared to handle extensive press and media inquiries in the event that a major incident occurs in their territory.

2.5.1.5. Scope of Responsibilities

(See Procedures and Processes, sections 4.1. Handling of News Inquiries, 4.2.1 News Conferences, and 4.2.2. News Releases.)

The media representative responds to requests for information or comment from members of the press and news media, coordinates press conferences, drafts press releases, and may provide materials such as speeches and talking points to assist the SAC with press events and other public affairs efforts. The media representative should not be the sole spokesperson for the Field Office and to the extent practicable should respond to requests for information by coordinating interviews with senior executives, managers, and case or issue experts. SACs should make available to the news media Assistant Special Agent in Charge (ASAC)s, supervisors, and in some situations, case agents.

- **Liaison Responsibilities**

As part of his/her liaison responsibilities, the media representative should spend time with reporters, producers, and editors who cover the FBI or law enforcement beat, and with law enforcement public information officers, either in person or over the telephone.

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- Media representatives should have regular meetings in person with the news directors, editors and reporters of the major television and newspapers in the areas both to educate them on FBI/DOJ policy and to develop a professional relationship.
- Consideration should be given to creating a Memorandum of Understanding (MOU) with the local news media to set ground rules concerning media coverage of emergency law enforcement operations.
- Media representatives should also meet regularly with other federal, state, and municipal law Public Information Officers to develop strategies and protocols in responding to the news media in joint law enforcement operations.
- Responsibilities at News Conferences

At news conferences, the media representative is responsible for the following:

 - Choosing a time, location, and physical layout that accommodate both spokespersons and the news media.
 - Alerting the media to the press conference and inviting them to attend via mass e-mail, facsimile, or individual telephone calls.
 - Providing press releases, media packets or other materials before the news conference begins.
 - Explaining any special ground rules (e.g., whether the event is on or off the record or whether cameras are permitted).
 - Introducing the names and titles of the people who will speak and take reporters' questions.
 - Closing the press conference when a pre-set time is reached or when questions taper off.
 - Coordinating and setting up individual interviews following the press conference, if appropriate.
- Briefing

The media representative should brief all employees in their respective field offices about FBI policy if they are contacted by members of the media.

2.5.1.6. Availability

The media representative should be available or on call 24 hours per day, seven days a week to respond to breaking news or other emergencies.

The 24-hour news cycle and competition between cable news channels and Internet news outlets has resulted in the frequent airing of rumors and unfounded speculation and can be difficult to counter if not corrected quickly. Availability to provide quick responses is

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also important to ensure that there is an opportunity to present the FBI's perspective in every story that mentions the FBI.

Media representatives must be available to coordinate media issues in the event of a crisis. He/she cannot be a hostage negotiator, SWAT (Special Weapons and Tactics), or in any other position that will take him or her away from dealing with the media during a crisis situation.

2.5.2. Media Liaison Responsibilities of All FBI Field Office Employees

All FBI Field Office employees should have an understanding of the FBI's media guidelines and policies.

All FBI Field Office employees are responsible for informing the media representative when there is an issue with the potential to make news; when there is an opportunity to promote a favorable news story; or when a problem involving the press or media arises.

Managers and supervisors should ensure that their personnel function as a team with the media representative.

2.5.3. Community Outreach Liaison Coordinator

Each field office should have at least one individual dedicated full or part-time to community outreach activities that support the FBI's national priorities. This coordinator may be a Special Agent or a Community Outreach Specialist. In smaller offices, this duty may be assumed by the media representative. The coordinator will facilitate established community outreach programs, such as the Citizens Academy, and also seek out new ways to interact with community leaders, local civic organizations, nonprofit, religious establishments or entities of worship, and businesses regarding policies and practices of the FBI.

2.5.4. Speeches

The speech program is the personal responsibility of the SAC, and principal speech commitments within a field office territory should be handled either by the SAC or ASAC. When neither the SAC nor the ASAC are available, speech commitments may be handled by an experienced and well-informed Agent, with the approval of the SAC or ASAC.

3. Policies

3.1. Statutory Guidelines Covering News Media Relations

The FBI's press policy is in strict conformance with instructions issued by the Department of Justice concerning the release of information by employees of that Department relating to criminal and civil proceedings. Those Departmental instructions are contained in Title 28, §50.2, of the Code of Federal Regulations, a verbatim restatement of which can be found in Appendix B: Legal Authorities.

3.2. Department of Justice Policy on Public Comments by Department of Justice Employees to the News Media Regarding Investigations, Indictments and Arrests

In addition to the statutory guidelines contained in Title 28, Section 50.2, of the Code of Federal regulations, a new section 1-7 covering media relations was added to the United States Attorneys' Manual in 2003. It can be found in Appendix B: Legal Authorities.

3.3. Achieving Fairness, Accuracy, and Sensitivity to the Rights of Defendants when Releasing Information to the News Media

The criteria of fairness, accuracy, and sensitivity to the rights of defendants, as well as to the public's right to know, must prevail in all dealings with the news media. Favoritism should not be shown toward any newsperson or news medium. The strategy of releasing selective facts to the news media to stimulate conversation between subjects under lawful Title III surveillance poses no legal problem providing the above-stated criteria are met.

3.4. The FBI's Open Stance with News Media

These instructions are intended to facilitate a more open stance and, thereby, a mutually beneficial relationship between FBI and the news media. The goal in dealing with the news media should be to build trust by sharing information as quickly and widely as possible without compromising Department of Justice and FBI rules and guidelines. SACs, as well as other employees acting for them in news media relations, should be as responsive as practical and possible to inquiries and requests made by news media representatives.

The term "No comment" should be avoided except when its use is absolutely necessary. If an SAC does not know the answer to a news media representative's question, the SAC should have no hesitancy in stating, "I don't know," and/or, depending upon the nature of the inquiry, telling the news media representative that the SAC will contact the news media representative as soon as the SAC has information.

3.5. Accuracy of Responses to News Media Inquiries

No FBI employee should knowingly furnish an erroneous, deceptive, or misleading answer to a news media inquiry.

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3.6. When to Selectively Release Information

The process of selective release of information can be a very sensitive one on policy grounds. It should be employed only on the rarest of occasions and then only under careful supervision and with prior FBIHQ substantive desk, including Office of the General Counsel, approval.

3.7. News Releases Involving Juveniles

(See MIOG (Manual of Investigative Operations and Guidelines), Part II, 4-2.2.4; LHBSA, 3-16.2[7].)

Title 18, USC, Section 5038(e), the Federal Juvenile Delinquency Act, as amended, provides in part: "Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding." The Department has advised that a news release concerning the arrest of a juvenile would not violate any restrictions of the Act if it were carefully worded to contain no identifying information.

3.8. Compliance with the Privacy Act of 1974 (5 U.S.C. 552a)

The Privacy Act prohibits the FBI from disclosing personally-identifiable information about an individual without his or her written consent unless certain conditions are met. One exception to this prohibition is for disclosures made pursuant to a published routine use and for a purpose compatible with the purpose for which the information was collected. The FBI has published various routine uses, one of which is titled "Appropriate Disclosures to the Public." It allows the FBI to disclose information "to the news media or members of the general public in furtherance of a legitimate law enforcement or public safety function as determined by the FBI, e.g., to assist in locating fugitives; to provide notifications of arrests; to provide alerts, assessments, or similar information on potential threats to life, health, or property; or to keep the public appropriately informed of other law enforcement or FBI matters or other matters of legitimate public interest where disclosure could not reasonably be expected to constitute an unwarranted invasion of personal privacy."

The Privacy Act also requires agencies to maintain an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person and agency to whom the disclosure was made, and to retain this accounting for five years or the life of the record, whichever is longer. All disclosures of personally-identifiable information must be so documented.

If there is any doubt regarding the release of information to the press, the release must be coordinated with the Field Office Chief Division Counsel or with the Office of the General Counsel.

4. Procedures and Processes

4.1. Handling of News Inquiries at FBIHQ

In order to ensure a coordinated and uniform response concerning major operations and sensitive issues, notice of all contacts with national news media organizations should be reported to the National Press Office of OPA, as soon as possible. This is in addition to the requirement to coordinate with the U.S. Attorney's Office on matters that may affect that office. (See Section 2.2. Roles and Responsibilities, and Appendix B. Legal Authorities, United States Attorneys' Manual 1-7.)

FBIHQ divisions should keep the National Press Office of OPA advised of any significant cases or programs that could result in national press or media attention at the earliest practicable time.

Inquiries from members of the press or news media related to recent or breaking news or matters requiring a response within a short time frame should be referred to the National Press Office of OPA. Inquiries from members of the press or news media related to long-term projects and requests from authors or filmmakers should be referred to the Investigative Publicity and Public Affairs Unit, OPA.

4.2. Contacts with the News Media

(See MAOP, Part I, 1-26.2[3]; MIOG, Part I, 7-14.11[8], 7-18[2], 91-14[2\]), 256-9[1], Part II, 32-4[2], 34-7.)

Information concerning the FBI, including information regarding arrests and other developments in cases investigated by the FBI, is disclosed to news media, including newspapers, news magazines, news services, and radio and television networks or stations, by one of the following means:

- News conferences
- News releases or announcements initiated by the FBI
- Verbal or written responses to inquiries from members of the news media

4.2.1. News Conferences

See Section 2.2. U.S. Attorneys and Section 2.5. Field Offices, and the United States Attorneys' Manual 1-7 in Appendix A: Legal Authorities.

4.2.1.1. Definition

For FBI purposes, a meeting with or interview by two or more competing representatives of the news media will be considered a "news conference." This definition also relates to news conferences in which the FBI might participate with other law enforcement agencies, groups, or other components of the criminal justice system.

4.2.1.2. Approval To Hold News Conference

Under all circumstances, unusual or not, notification should be provided and approval obtained from FBIHQ, OPA, before holding or participating in any news conference. This is in addition to the requirement to seek approval from the United States Attorney's Office for news conferences that may affect that office. See Section 3.5, Coordination with the United States Attorneys. (previously MAOP [Manual of Administrative Operations and Procedures], Part II, Sec. 2, 5-1.3(V)). The purpose of this policy is not to discourage contacts between field offices or Headquarters divisions and the news media, but rather to promote coordination with OPA so that OPA can advise and coordinate with the Department of Justice on matters of interest to the news media.

4.2.2. News Releases

News releases made by the FBI fall into three general categories: One-Office news release, Multi-Office news release, and National news release.

4.2.2.1. One-Office News Release – Instructions

4.2.2.1.1. Coordination with FBIHQ

Most news releases made by field offices are issued to announce arrests in FBI cases. The provisions of the Code of Federal Regulations (CFR), Section 50.2 and the Attorney General's directive of January 14, 1993, clearly apply to all of these. If an SAC believes that an exception to those provisions should be made in any individual case, this view should be made known to BOTH the Assistant Director of the substantive division involved and OPA. Exceptions to the instructions provided in Section 50.2, CFR, can be approved ONLY by the Attorney General or the Deputy Attorney General, NOT by any official of the FBI.

4.2.2.1.2. Issuance of Releases in the Name of the SAC

News releases should be issued to all interested news media in the field office territory as simultaneously as possible, and they should provide as full an account of the facts as can be disclosed within the provisions of Section 50.2, CFR.

4.2.2.1.3. Personnel Authorized To Make News Releases

Although news releases are now handled in many field offices by a designated media representative, SACs may authorize other experienced employees, including ASACs or Resident Agents, to read or deliver news releases issued over the SAC's name to the news media. If the SAC has not authorized the designee to expand upon the information in the news releases, he/she should answer any inquiry or request for additional information by courteously telling the journalist involved that his/her inquiry or request will be brought to the attention of the SAC or the appropriate field office media representative as quickly as possible for consideration and action. The reason for the policy of referring such matters to the SAC or media representative is to ensure the uniformity, accuracy, and appropriateness of any supplemental information that is provided to the news media.

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4.2.2.1.4. News Releases Arising from Joint Investigations

In news releases announcing arrests or other developments attributable to the joint efforts of the FBI and other law enforcement agencies, appropriate recognition is to be given to those other agencies.

4.2.2.1.5. Releases Dealing with Noninvestigative Matters

On occasion, SACs issue news releases or make announcements dealing with administrative matters such as transfers of the SAC or ASAC of the field office or presentation of service awards to personnel of the field office. Requests for photographs and biographical sketches of the personnel involved, and request to interview these employees about their duties and experiences, should be carefully considered by the SAC before approval is granted, giving consideration to the nature of their assignment and the need to protect their identity. (See also MAOP, II, 8-3.4.)

4.2.2.1.6. Field Office Publicity of Appointment of New Special Agents

- Special Agent (SA) appointment letters (3-302) specifically request that the appointment letter be considered strictly confidential by the appointee and given no publicity.
- Since the new SA is to avoid publicity regarding his/her appointment, no promotional publicity is to be afforded any new SA entering on duty by field offices.
- The use of publicity regarding new SAs entering on duty as a recruitment technique is recognized; however, it should only be used after the new SA has successfully completed his/her training at the FBI Academy and only when the anticipated investigative assignments of the new SA have been evaluated. Assignments to sensitive criminal and/or security investigations would automatically preclude any type of publicity.
- If a decision is made to afford publicity to a particular SA, the field office should consider corresponding with the Training and Development Division regarding personal achievements of the SA during the training period.

4.2.2.2. Multi-Office News Release

Arrests or other important developments in wide-ranging investigations often require close coordination and simultaneous releases to the press by two or more field offices. The OPA should be consulted before any multioffice news release is made. Consideration should be given to the question of whether a national news release is merited.

4.2.2.3. National News Release

As a general rule, national news releases announcing arrests or other investigative developments are issued only in exceptional cases such as the following:

- Prominent persons, including well-known business and civic leaders, entertainers, athletes, or officials of local, county, state, or federal government.

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- Persons of national notoriety, such as members of the “Ten Most Wanted Fugitives.”
- Persons arrested for crimes that have attracted nationwide interest.
- Persons whose crimes have international ramifications, such as terrorists, individuals engaged in espionage, or fugitives who have fled abroad.

On a continuing basis, the OPA should be kept advised by FBIHQ substantive divisions and by field offices of the essential facts of all such cases enumerated above, including anticipated developments therein.

National news releases are issued by OPA. Any field office or Headquarters division wishing to issue a national news release must coordinate that release with OPA as follows:

- Supervisors should notify OPA whenever it appears that a news release may be necessary. This notification must be given at the earliest practicable time. Necessary research, including detailed background data, should be furnished to OPA well enough in advance that the news release may be prepared and any resultant inquiries may be properly handled. Supervisors should also consider making themselves or other issue experts available to provide further information.
- Copies are made available to interested field offices via e-mail, the OPA Intranet web site, or the FBI Internet web site (FBI.gov), so that those offices can make them available to local news media within minutes of their release to the national news media.

Neither SACs nor media representatives should expand upon the contents of national news releases without the approval of both the substantive FBIHQ division involved and the OPA.

4.2.2.4. Field Office Filing of News Releases

- Each field office should maintain a control file containing all news releases issued by the office since the last inspection.
- On each occasion when a field office issues a news release, a copy of that release should be placed in the case file. A record should be made in the case file indicating the time and date the release was made. If the press release contains information regarding an individual, a record should also be made of the identity of the person to whom the release was made, the e-mail address to which the release was sent, or the web site to which the release was published. Such a record may be accomplished by a memorandum to the case file, or by making the appropriate notations on the file copy, or by other appropriate means which are acceptable to the field office.
- Field offices should immediately provide the National Press Office, OPA, with a draft copy of news releases that may generate national news interest.

4.2.3. Inquiries from News Media

4.2.3.1. Routine Media Inquiries

Routine press inquiries received at the field office regarding either investigative or administrative matters should be answered by the SAC, ASAC, or media representative within the guidelines set forth in this section.

In responding to such inquiries, SACs, ASACs, and media representatives should be courteous, factual, and as helpful as possible. They should refrain, however, from answering hypothetical questions or expressing personal opinions.

4.2.3.2. Media Inquiries Received in Emergency or Fast-Moving Situations

Frequently, press inquiries will be received by Special Agents at the scenes of arrests, gun battles, or other fast-moving developments in investigations. Unless undercover assignments or similar overriding circumstances dictate otherwise, Special Agents who are approached by journalists at the scene of fast-moving developments in FBI cases may make the following responses:

- Identify themselves as “a Special Agent of the FBI”;
- Furnish the name of the field office to which they are assigned; and
- State the general nature of the investigative operation, such as, “We are here to serve an arrest (or a search) warrant.”

Requests for additional information should be answered by courteously referring the journalist to the field office or to the temporary field office headquarters, if such a temporary field office headquarters has been established in the area.

Only SACs, ASACs, or media representatives should participate in question-and-answer interviews with representatives of any news medium at the scenes of fast-moving developments in FBI cases. In emergency situations, however, Special Agents can relay reporters’ questions to the SAC by telephone or radio, and the SAC’s responses thereto can be furnished to the reporters in the SAC’s name by a Special Agent. In other than such emergency situations, Special Agents should courteously refer journalists to the SAC, ASAC, or media representative for answers to their questions.

Special Agents’ investigative responsibilities attendant to such fast-moving developments must take precedence over questions or inquiries of journalists.

4.2.3.3. News Media Inquiries - Kidnap-for-Ransom Cases

In kidnap-for-ransom cases and related crimes involving a threat against human life, neither the fact that the crime has occurred, nor the fact that the FBI is investigating it, should be disclosed or confirmed without the approval of the substantive investigative division and the OPA.

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4.2.3.4. News Media Inquiries - Cases Involving Banking-Type Institutions

Due to the sensitivity of many banking-type institutions to publicity concerning the amount of money or property obtained in robberies, burglaries, and larcenies of financial institutions, such information should not be disclosed to news media without the concurrence of the Criminal Investigative Division and the OPA.

4.2.3.5. News Media Inquiries – Shooting Incident

Names of Agents involved in shooting incidents should neither be volunteered to news media nor, except under the circumstances described in MIOG, Part II, 12-11.6, should their identities be verified in response to inquiries by news media.

4.2.3.6. News Media Inquiries - Requests to Withhold Information

Under no circumstances should any employee of the FBI ask or suggest that a journalist withhold information from the public without the concurrence of the substantive investigative division and the OPA.

4.2.4. Media Relations During Crisis Situations

(See MAOP (Manual of Administrative Operations and Procedures) Part 1, 5-2.2.2)

4.2.4.1. Field Office Crisis Response Plans

Field office Crisis Response Plans should include an outline of how the office will deal with the media during the course of a crisis. This outline will help prevent the SAC from having his/her attention unnecessarily diverted to media issues during a crisis and ensure that resources are available to refute inaccurate reports that could lead to widespread panic and potential loss of life. Such plans should anticipate the following:

- Additional personnel may be needed to handle inquiries from the news media. If necessary, assistance may be provided by the National Press Office or by personnel from other field offices.
- Extensive coordination with other federal, state, and local agencies may be required.
- In the event of a major incident, personnel may be required to staff an inter-agency Joint Information Center.

4.2.4.2. Field Office Continuity of Operations Plans (COOP)

Field Office Continuity of Operations Plans (COOP) should take into account media relations issues.

4.2.4.3. Operations Consideration

In addition, plans for specific operations should take into account how the media will be dealt with if they arrive on the scene in order to avoid disruption of the operation or endangerment of any individuals involved.

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Issues to consider in operational and crisis planning include:

- In the event of a terrorist incident, hostage-taking, explosion, or other crisis situation, it may be necessary to coordinate the establishment of a "broadcast area" for the news media near the scene of an incident, but apart from a regular law enforcement perimeter. The news media, including reporters and photographers, should be allowed access to the best possible location no further from the scene than the general public to report on a crisis as determined by the On-Scene Commander.
- Where a large number reporters and crews at the scene may hinder operations, use of a "pool" reporter should be encouraged to limit the number while allowing for media coverage of the event.
- A designated law enforcement official from the lead agency should be assigned as a spokesperson to keep the news media briefed at the appropriate time.
- In cases in which a search or arrest warrant is to be executed, no advance information will be provided to the news media about actions to be taken by law enforcement personnel, nor shall the representatives be solicited or invited to be present.
- Media access to crime scenes will be coordinated by the lead law enforcement agency. No access will be granted until it is determined by the On-Scene Commander that the news media will not interfere with emergency and evidence response teams in their efforts to carry out their responsibilities. Access must also be approved by the appropriate prosecutive entity and approval obtained from the appropriate FBIHQ division.

4.2.4.4. Memorandum of Understanding (MOU)

In order to ensure the safety of victims, law enforcement personnel, and the news media, SACs are encouraged to negotiate an MOU or similar agreement with members of the local media addressing issues that may arise in the event of a hostage-taking, barricade, and other crisis situation. Sample MOUs are available from the National Press Office, OPA. Such agreements may address the following:

- Agreement by the news media not to telephone or otherwise attempt to contact a hostage-taker or hostage. (See National Association of Broadcasters' guidelines.)
- Immediate notification of law enforcement by reporters of any calls from hostage-takers or hostages.
- No publication of such conversations without first coordinating with the media representative to obtain the advice and approval of the On-Scene Commander and hostage negotiators.
- Limited use of live broadcasting with no close-ups of the locations of tactical personnel during the course of the incident.
- No identification by the news media of groups claiming responsibility for bombings.

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- Educate reporters about the danger of speculation about a tactical situation by the news media and encourage reporters to confine reports to facts released by law enforcement authorities.
- Instruct media personnel to exercise judgment in the use of night vision equipment during hours of darkness. Tactical personnel should also be prepared for instant bright camera lights from the media at night.
- News media organizations should not be provided with access to a crime scene during a crisis situation. They should also be instructed not attempt to violate a law enforcement perimeter to cover a story because it risks endangering their lives and the lives of innocent victims and law enforcement personnel.

4.3. Fugitive Publicity

4.3.1. Coordination with FBIHQ

Field offices should coordinate all fugitive publicity with the appropriate operational division and the Investigative Publicity and Public Affairs Unit, OPA, and should not hesitate to consult the OPA regarding questions or problems that arise in any area of news media relations.

4.3.2. Scope of News Releases Regarding Fugitives

News releases and other public disclosures designed to solicit public cooperation in the apprehension of FBI fugitives may contain more facts about the fugitive's criminal background than are permissible in news releases and announcements regarding arrests.

4.3.3. Avoidance of Prejudicial Statements

In publicity regarding FBI fugitives, extreme care should be taken to avoid statements that brand a fugitive as guilty of a crime for which he/she has not been convicted. Arrest numbers or other data that identify a photograph as having been made in connection with a past arrest or imprisonment should not appear in photographs of fugitives that are furnished to news media.

4.3.4. Radio and Television Broadcasts - Fugitive Matters

Radio and television broadcasts without advance FBIHQ approval may be made at the discretion of the SAC in hot-pursuit fugitive cases. Care must be exercised in broadcasting a license number believed used by a fugitive as it may be disposed of to an innocent third person.

4.3.5. Instructions for Submitting Cases

Requests for publicity related to a fugitive should be submitted by an electronic communication (EC) to the Investigative Publicity and Public Affairs Unit, OPA, and to the Violent Crimes/Fugitive Unit, Criminal Investigative Division (CID) or to any other applicable unit of the CID or other operational division.

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Within the Details section of the EC, do the following:

- Include a detailed synopsis of the case.
- Provide descriptive information about the fugitive to include eye and hair color, height, weight, date and place of birth, scars, tattoos or other marks, medical problems, locations where the fugitive might travel, hobbies or habits, occupations, and aliases.
- Indicate if the fugitive should be considered armed and dangerous.
- Include information on any rewards being offered by the FBI.
- Within the Synopsis section of the Electronic communication, indicate the particular “page” of the FBI.gov web site where information related to the fugitive should be placed.
- The “Ten Most Wanted Fugitives” web page is reserved for those criminals considered to be the most dangerous and detrimental to society.
- The “Most Wanted Terrorists” web page includes profiles of suspects sought in connection with terrorist activities who may pose a threat to U.S. citizens and interests worldwide.
- The “Crime Alerts” web page profiles recent FBI cases to heighten nationwide publicity.
- The “Monthly Fugitives” web page profiles alleged crimes including murder, fraud, and bank robbery.
- The “Kidnappings and Missing Persons” web page profiles kidnappings and missing persons cases other than suspected parental kidnappings.
- The “Parental Kidnappings” web page includes publicity of cases to assist law enforcement in bringing children home to their legal guardians.
- The “Unknown Suspects” web page includes photographs or sketches of suspects whose identities are unknown.
- The “Seeking Information” web page includes information about unsolved cases.

Copies of any applicable state or federal warrants should be submitted with the request. Indicate when, where, and in which judicial districts the state and federal warrants were issued. Sealed indictments and warrants should not be submitted.

Photographs of the best possible quality should be submitted electronically or on a disk and should be in jpg format. If available, provide the date(s) when the photographs were taken.

Submit video tapes and/or newspaper articles if available. These items are extremely beneficial when referring cases to be considered for “America’s Most Wanted” and other television programs.

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The request must contain a certification that "All other law enforcement authorities involved with this investigation have been contacted and have no objections to the requested national/international publicity." This should include contact with FBI Legal Attaché office and foreign authorities, as appropriate.

Request for Identification Orders or Wanted Flyers should be directed to the Criminal Investigative Division.

4.4. Investigations Involving Members of the Media

(See MIOG, Part 2, 7-3, 10-8.2; LHBSA, 3-13.)

4.4.1. Issuing a Subpoena

Before a subpoena may be issued to representatives of the news media in any criminal or civil case or for the telephone toll records of a representative of the news media, Department of Justice regulations require prior authority of the Attorney General. An exception to this would be if a member of the news media with whom negotiations are being conducted for material within his/her possession expressly agrees to provide the material sought and if that material has already been published or broadcast, the United States Attorney or the responsible Assistant Attorney General, after being personally satisfied these conditions are met, may authorize issuance of a subpoena.

4.4.2. Seeking an Arrest Warrant

Prior Attorney General authority is also required before seeking an arrest warrant for, securing indictments of, or questioning a member of the news media who is suspected of an offense committed in the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of his/her official duties as a member of the news media. In emergency circumstances, a news media representative may be questioned or arrested without prior authority, but subsequent justification must be furnished to the Attorney General and the Department's Director of Public Information. Requests for authority for subpoenas, indictments or arrest warrants should be submitted to the Department by the United States Attorney. Requests for questioning and subsequent justification for questioning without prior authorization or arrest without a warrant will be handled by the Bureau, and sufficient facts should be promptly furnished to the OPA at FBIHQ.



4.5. Requests for Assistance with Television Productions, Motion Pictures, and Books

4.5.1. Television Series, Movies, Documentaries, Movie Industry and Radio Broadcast Requests for FBI Assistance and Cooperation

- All requests for FBI assistance and cooperation should be sent in a timely manner to the OPA, Investigative Publicity and Public Affairs Unit (IPPAU) for consideration.

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- Writers, producers, researchers, freelancers or representatives must submit their requests in writing by mail or facsimile, and provide a detailed description of the degree of assistance or cooperation needed.
- Upon receipt, the IPPAU will prepare a communication to OPA, FBIHQ Division and/or office of origin (OO) for their recommendations as to appropriate action.
- Movie industry representatives must submit a draft of the script to the IPPAU for review. A letter of final intent on company letterhead from the production studio must be received by the OPA for FBI cooperation to be extended.

4.5.2. Author's Request for FBI Assistance

- Unless sent directly to FBIHQ, all requests from authors for FBI assistance should immediately be forwarded to the OPA, IPPAU for consideration.
- Authors are required to submit their request in writing, either by mail or facsimile, and provide a detailed description of both their previous work and what kind of assistance they are requesting.
- Authors are bound by the same Department of Justice guidelines governing media policy. Upon receipt, IPPAU will forward a communication to the appropriate division and/or office of origin for review and recommendation for cooperation and assistance.

4.5.3. Requests to Sign Release Forms or Waivers

FBI personnel who participate with television and film projects are occasionally asked by producers to sign a release or waiver form. Such forms generally authorize the production company to record or photograph the individual and authorize the use of an individual's name, as part of the project.

4.5.3.1. When Not To Sign Release Waivers

FBI personnel are not required to comply with production-company requests to sign releases and should not sign them with inappropriate provisions, which include the following:

- Unlimited future-use authorizations or the relinquishment of all rights of inspection or approval of appearance and uses, thus presenting the possibility that FBI personnel or the FBI name could be inappropriately use, e.g., in commercial endorsements, unsavory contexts, etc.
- Obligations for the signer to disclose all he/she knows about a particular matter as an FBI employee is not authorized to make such a commitment regarding FBI matters, e.g., the Privacy Act prohibits certain disclosures.
- Provisions for compensating FBI personnel for their contributions, as such provisions could conflict with statutory or regulatory limitations on outside employment or acceptance of outside compensation for performing official duties.

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- Provisions purporting to authorize commercial endorsements inappropriate for federal employees, or use of the production in some other inappropriate context.

4.5.3.2. When To Sign Release Waivers

Employees may sign, but are under no compulsion to sign, forms that include privacy releases and depiction authorizations and acknowledgments of the anticipated uses of the work.

Employees should use their own judgment whether to sign non problematic releases. It is an employee's responsibility to ensure that he/she fully understands the nature and scope of the obligations and concessions involved. Where there is any question as to a provision's propriety, consult with the Office of the General Counsel before signing. Any exceptions to this policy require the prior approval of the Office of the General Counsel.

4.6. Speeches

4.6.1. Speech Program - Field

The speech program is the personal responsibility of the SAC, and principal speech commitments within a field office territory should be handled either by the SAC or ASAC. When neither the SAC nor the ASAC are available, speech commitments may be handled by an experienced and well-informed Agent, with the approval of the SAC or ASAC. When making a speech, individuals should refrain from answering hypothetical questions or questions that would require them to express personal opinions. Good judgment should dictate when a manuscript should be submitted to FBIHQ for approval in advance of a speaking engagement, particularly in regard to radio and television appearances.

SACs should obtain FBIHQ authority prior to making public appearances wherein Foreign Counterintelligence (FCI) Programs are to be discussed. This policy is necessary because of the classified nature of our FCI Programs and their impact on the foreign policy of the United States. This does not preclude SAC appearances before military groups, defense contractors, and forums in which the audience holds proper security clearances. There is no objection to explaining our FCI responsibilities in general terms in response to inquiries from the press and/or the general public.

4.6.1.1. Accounting and Recording of Field Office Speeches

Each office will maintain a speech control file that includes records of both acceptances and declinations of speech invitations. These records are not authorized for destruction by the National Archives and Records Administration. Records may not be destroyed until approval is received. This file serves as a helpful reference for determining whether to accept or decline incoming invitations and may be used to respond to requests for data from OPA or the Inspection Division.

It is not necessary to advise FBIHQ of each speaking engagement.

4.6.2. FBIHQ Supervision

4.6.2.1. Coordination and Correspondence of Speech Matters

All correspondence relating to speeches and public appearances by the Director will be handled by OPA.

4.6.2.2. Review of Manuscripts for Speaking Engagements

In connection with major speeches, when good judgment dictates, Bureau officials and supervisors may submit manuscripts or detailed outlines to the Executive Writing Unit, OPA, in sufficient time to permit appropriate review prior to speaking engagements.

4.7. Review of Newspapers in Field Offices

4.7.1. When To Clip Newspaper Items

Major newspapers published within a field office territory should be regularly reviewed, and newspaper items may be clipped at the discretion of the SAC in the following instances: (Previously MAOP, Part 2, 5-5.1.)

- Matters appearing in the press about the FBI.
- Stories or articles dealing with investigative matters within the FBI's jurisdiction, so long as those stories are both RELEVANT and NECESSARY to the discharge of the Bureau's responsibilities.
- Stories or articles deemed by the SAC to be of interest to the FBI, so long as the subject matter meets the tests of relevancy and necessity required by the Privacy Act of 1974.

4.7.2. How To Retain Newspaper Items

Newspaper items retained in field offices should be kept in a Public Affairs Matters file, classification 80.

4.7.3. Guidelines for Forwarding Newspaper Clippings to FBIHQ

Newspaper clippings as characterized above should be submitted to FBIHQ when, in the judgment of the SAC, the content of the news item would be of interest to FBIHQ.

It is not necessary to submit to FBIHQ items of national importance bearing a national wire service dateline when it is apparent that the item will receive NATIONAL COVERAGE.

4.8. FBI Publications

4.8.1. FBI Law Enforcement Bulletin

4.8.1.1. Nature and Contents of FBI Law Enforcement Bulletin

The monthly FBI Law Enforcement Bulletin is issued for the benefit of law enforcement agencies and consists of the following:

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- Illustrated articles and features designed to inform law enforcement officers of new programs and techniques to enhance their professional capabilities
- Items alerting law enforcement officers to dangerous weapons or techniques utilized by the criminal element

4.8.1.2. Distribution

- Presently, copies of the magazine are sent free of charge to FBI National Academy graduates; heads of law enforcement agencies; directors of police training academies; chief prosecutors; heads of university criminal justice departments; and university and college libraries and Federal Depository libraries. All Agents should have ready access to the current issue.
- The "FBI Law Enforcement Bulletin" is also available through a paid subscription program for those not meeting eligibility criteria as stated in 2.1. The subscription is available from: Superintendent of Documents, Government Printing Office, Post Office Box 371954, Pittsburgh, Pennsylvania 15250-7954. As of 7/21/04, the price is \$36.00 per year in the United States and \$45.00 for foreign orders. Telephone orders and inquiries will be welcomed on (202) 512-1800. Fax orders or inquiries are welcomed on (202) 512-2250.
- The magazine is available for viewing or downloading on a number of computer services, as well as the FBI's home page at <http://www.fbi.gov>.

4.8.1.3. Filing

(See MAOP, Part 2, 2-4.5.23.)

Official filing is not required. Retention, for reference purposes only, should be at the discretion of the field office training coordinator.

4.8.2. The Investigator

4.8.2.1. Nature and Contents of The Investigator

The Investigator consists of items designed to enhance the employee's awareness of the organization and its mission, including the following:

- Illustrated feature articles describing interesting or unusual activities and accomplishments of FBI offices or employees
- Recognition of distinguished service
- Retirements
- Other articles and items of interest to FBI employees

4.8.2.2. Distribution

This publication is issued six times per year and is the official publication of FBI employees. The distribution is also limited to FBI employees.

4.8.2.3. Submissions

All material for the publication should be transmitted to FBIHQ, Room 7230, Attention: Assistant Editor, "The Investigator," Office of Public Affairs.

4.9. Internet/Intranet Publishing

4.9.1. FBI's Internet

4.9.1.1. World Wide Web Presence

The FBI has established a presence on the World Wide Web at www.fbi.gov. This site is commonly referred to as the "FBI Home Page." The FBI uses the Home Page to communicate a positive and accurate image of the FBI and to inform the public on matters, concerns, and investigations of interest to the Bureau. With this presence, the FBI is able to request the public's help in providing information on investigative matters by seeking information on terrorist and criminal matters and locating fugitives.

4.9.1.2. FBI Home Page Responsibilities

4.9.1.2.1. Content and Editorial Support

The OPA, Online/Print Media Unit (OPMU) ascertains whether material published on the FBI's Home Page is acceptable with regard to legality, accuracy, and suitability of the information, as well as overall design considerations. The OPA OPMU also ensures consistency with current FBI and DOJ policy and guidelines.

4.9.1.2.2. Technical Support

The Information Technology Operations Division Internet, Intranet, Service Center Unit (IISCU) provides technical support for the FBI Home Page, which includes server administration and management, technical standards for web publication, and uploading the "web-ready" files to the server.

4.9.1.3. Placement of Text or Graphics on the Internet (Not Exclusive to the FBI Home Page)

Placement of text or graphics on the Internet, which includes all of the following: the FBI Home Page, the World Wide Web, or other Internet mediums, is considered national and international in scope. As such, present FBI and DOJ media guidelines apply to placement of official FBI statements and information on the Internet. All information to be placed on the Internet must be coordinated through OPA.

In general, per the news media guidelines, FBIHQ provides public information regarding national and international matters; field offices provide public information of a local nature. Field offices are authorized by the Director to make more wide-ranging statements on a case-by-case basis.

Prior to placement on the Internet, information must be reviewed and approved by the OPMU, OPA, with concurrence of other appropriate FBIHQ divisions, as needed. This is to ensure consistency with current FBI and DOJ policy and guidelines.

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FBI field offices may request to have their own field office web site accessible through the FBI Home Page. Field offices will be responsible for submitting their respective field office web site information and ensuring that information is updated as needed via the OPMU, OPA. OPMU will be responsible for coordinating the placement and removal of information on the FBI Home Page. The sole purpose of this process is to ensure consistency on national issues and compliance with FBI and DOJ policy and guidelines. Material submitted to the OPMU for placement on a field office's web site should be local in nature, meaning specific to field office activities, and avoid repetition of other information included on the FBI Home Page, such as the history of the FBI. In the event that a local matter would be associated with a national issue within the FBI, hyperlinks between the various pages on the FBI Home Page will be established. Field offices may e-mail their materials to OPMU.

Information placed on the Internet about FBI fugitives, unknown subjects, missing persons, and kidnapped persons is coordinated by the Investigative Publicity and Public Affairs Unit (IPPAU), OPA.

- Field offices must submit the Form FD-61 (with the exception of questions 6 and 8c), photographs, and other necessary information to this unit. IPPAU will prepare the information, to include HTML (Hypertext Markup Language) format and graphics, for posting to the FBI Home Page in the Most Wanted section of the page and on the field office web sites.
- Hyperlinks will be established to the individual field office web sites from the Most Wanted section. This ensures that should the public go directly to a field office site first, they will be able to view the fugitives, unknown subjects, etc., wanted out of that office's area. If they visit the Most Wanted section first, located on the FBI Home Page, they will be able to view all the currently publicized individuals being sought by the FBI.

Materials for publication on the FBI Home Page ideally should be submitted to OPMU in a "web-ready" format on disk or by e-mail, though e-mail and other word processing documents will be accepted for updates to field office sites. The term "web-ready" means the files must be in HTML. Technical standards with regard to HTML and graphic file specifications have been updated, and details will be set out in a future EC in file 242-HP-C1144322. It is the intent that FBI information be placed only on the FBI Home Page, using the process described above. Any exception to this policy requires OPA approval.

In the event of an emerging crisis which necessitates placing information on the FBI Home Page immediately, telephonic requests and approvals may be made to OPA.

4.9.2. FBI's Intranet

4.9.2.1. Content

The Office of Public Affairs maintains the content of the OPA Intranet site as well as the content of the center column "Breaking News" section on the FBI Intranet main page.

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OPA uses these vehicles to keep Bureau employees informed of late-breaking news concerning the FBI and related national security/criminal justice issues; the Bureau's investigative priorities and accomplishments; and important Bureau programs, initiatives, and policies. The OPA Intranet site also houses many documents that reflect the Bureau's public stances (speeches by the Director and occasionally other HQ executives, press releases, congressional testimony, fact cards, reports, etc.), which can be used to assist Bureau employees give speeches and make other kinds of public presentations.

4.9.2.2. Content Submission

Offices are encouraged to submit brief articles, photos, press releases (including U.S. Attorney press releases on Bureau cases), or background materials that can be turned into articles by OPA staff on any or all of the above topics. Written submissions must, for the most part, be made electronically, but can be in virtually any format (e.g., WordPerfect, Word, PDF, HTML). For photos, jpg, tif, or gif formats are preferred. Items for the "Breaking News" section of the FBI Intranet can be e-mailed to FBI-Intranet News, while items for the OPA Intranet can be e-mailed to OPA Web.

4.9.2.3. Final Approval

OPA's Employee Communications Unit reserves the right to select, edit, or place Intranet submissions based on relevance to priority investigative areas, appropriateness, the current news cycle, style, and available space.

4.10. Community Outreach

4.10.1. Community Outreach Liaison Coordinator

Each field office should have at least one individual dedicated full or part-time to community outreach activities that support the FBI's national priorities. This coordinator may be a Special Agent or a Community Outreach Specialist. In smaller offices, this duty may be assumed by the media representative. The coordinator will facilitate established community outreach programs, such as the Citizens Academy, and also seek out new ways to interact with community leaders, local civic organizations, nonprofit, religious establishments or entities of worship, and businesses regarding policies and practices of the FBI.

4.10.2. Citizens Academy

Citizens Academies foster stronger relationships and improve understanding between field offices and their communities by providing business, civic, religious and other community leaders with an inside look at the FBI and other federal law enforcement.

4.10.2.1. Classes

Each field office should host at least one class per year, and each class should consist of approximately 20 participants who have been nominated by an FBI employee or a previous Citizens Academy graduate. To qualify for participation, individuals must meet the following criteria:

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- Be a business, civic, religious, or community leader
- Be at least 21 years of age
- Have no prior felony convictions
- Live or work within the jurisdiction of the field office
- Undergo and pass a background investigation and obtain an interim security clearance

4.10.2.2. Curriculum

A Citizens Academy curriculum is available from the Community Relations Unit, OPA, but field offices are encouraged to tailor their programs to highlight issues specific to their office. All information provided during classes must be “unclassified.” The standard curriculum includes the following:

- The FBI’s jurisdiction and congressional oversight
- The structure and operation of an FBI field office and resident agency
- Services the FBI provides to local and state law enforcement agencies
- Practical problems involving the collection and preservation of physical evidence
- Discussions on ethics, discipline policies, communications, drug enforcement, civil rights, and future trends in law enforcement
- Firearms training

4.10.3. InfraGard

InfraGard is a partnership between the FBI and the private sector designed to foster the exchange of information between law enforcement and the owners and operators of our nation’s critical infrastructure. Using a secure web site, InfraGard members receive sensitive, but unclassified, information such as Alerts, Advisories and Information Bulletins from the FBI and DHS. In turn, members provide information relevant to FBI investigations. InfraGard chapters also meet regularly to discuss cyber crime, terrorism, and criminal threats to critical infrastructures. The program provides a mechanism for the FBI to alert companies to threats so they can better protect themselves, and ultimately helps the FBI identify and counter those groups and individuals who threaten critical infrastructures.

- Each field office should organize an InfraGard program, coordinating with the Private Public Alliance Unit, Cyber Division.



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4.10.4. Minority Outreach

Each field office should seek to foster an open and honest dialog with local minority communities. Minority outreach activities should clearly identify the FBI as the primary federal agency that investigates “Hate Crimes” and work to promote a better general understanding of the FBI by community members. Strong relationships with minority communities will lead to improved recruitment and will increase cooperation within these communities in the fight against terrorism and other criminal activity.

4.10.5. Junior Special Agents/Adopt-a-School Program

The Junior Special Agent Program, also known as Adopt-a-School, helps socio-economically disadvantaged students to improve their school attendance, academic achievement, and behavior by exposing them to FBI role models who emphasize an anti-drug and anti-violence message. FBI volunteers help students to understand, appreciate, and develop a positive view of the FBI and law enforcement in general. The Program consists of a variety of classroom and physical fitness activities, presentations by guest speakers, field trips, and mentoring/tutoring programs for students needing additional guidance in routine academic areas throughout the school year. This program serves FBI interests because it has been shown to inspire some students to make good choices, which have led them away from a life of crime. At the same time, this program has spread good will and enhanced trust of the FBI, which has resulted in citizens providing information concerning illegal activities.

- Each field office and Headquarters division should host as many students and schools as practicable.
- A model curriculum and other support related to this program are provided by the Community Relations Unit of OPA.

Appendix A: Summary of Legal Authorities

Coordination with United States Attorney. If you plan to issue a news release, hold a news conference or make contact with a member of the media relating to any case or matter which may be prosecuted by the U.S. Attorney's office, or which may affect the U.S. Attorney or his office, this activity must be approved by the U.S. Attorney.

Disclosure of Information. Do not disclose the existence of an ongoing investigation or comment on its nature or progress, including such things as the issuance or serving of a subpoena, prior to the public filing of the document.

There is one important caveat: In matters that have already received substantial publicity, or about which the community needs to be reassured that the appropriate law enforcement agency is investigating the incident, or where release of information is necessary to protect the public interest, safety, or welfare, comments about or confirmation of an ongoing investigation may need to be made. In these unusual circumstances, consult OPA and obtain approval from the U.S. Attorney or Department Division handling the matter prior to disseminating any information to the media.

In communicating to the news media or to the public about an arrest or investigation, you can disclose incontrovertible, factual information, such as: (1) the defendant's name, age, residence, employment, marital status, and similar background information; (2) the substance of the charge, limited to that contained in the complaint, indictment, information, or other public documents; (3) the identity of the investigating and/or arresting agency and the length or scope of any investigation; (4) the circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of physical items seized at the time of arrest.

In communicating to the news media or to the public about an arrest or investigation, do not make subjective observations. Do not disclose information relating to the circumstances of an arrest or investigation that would be highly prejudicial, such as: (1) information concerning a defendant's prior criminal record; (2) observations about a defendant's character; (3) statements, admissions, confessions, or alibis attributable to a defendant, or the refusal or failure of the accused to make a statement; (4) reference to investigative procedures such as fingerprints, polygraph examinations, ballistic tests, or laboratory tests, or to the refusal by the defendant to submit to such tests or examinations; (5) statements concerning the identity, testimony, or credibility of prospective witnesses; (6) statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial; or (7) any opinion as to the accused's guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea to a lesser offense.

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Specific laws and regulations relevant to the overall handbook topic:

- Title 28, § 50.2 Code of Federal Regulations (See Appendix B: Legal Authorities)

Instructions issued by the Department of Justice (DOJ) concerning the release of information by employees relating to criminal and civil proceedings. The FBI's press policy is in strict conformance with these instructions.

- United States Attorneys' Manual section on Media Relations

In addition to the statutory guidelines contained in Title 28, Section 50.2, of the Code of Federal regulations, a new section 1-7 covering media relations was added to the United States Attorneys' Manual in 2003. It can be found in Appendix B: Legal Authorities.

- Title 18, USC, Section 5038(e), the Federal Juvenile Delinquency Act

Title 18, USC, Section 5038(e), the Federal Juvenile Delinquency Act, as amended, provides in part: "Unless a juvenile who is taken into custody is prosecuted as an adult neither the name nor picture of any juvenile shall be made public in connection with a juvenile delinquency proceeding." The Department has advised that a news release concerning the arrest of a juvenile would not violate any restrictions of the Act if it were carefully worded to contain no identifying information.

- Privacy Act of 1974 (5 U.S.C. 552a)

The FBI's press policy is in strict conformance with the Privacy Act of 1974. The Privacy Act prohibits the FBI from disclosing personally-identifiable information about an individual without his or her written consent unless certain conditions are met. One exception to this prohibition allows the FBI to disclose information "to the news media or members of the general public in furtherance of a legitimate law enforcement or public safety function as determined by the FBI, e.g., to assist in locating fugitives; to provide notifications of arrests; to provide alerts, assessments, or similar information on potential threats to life, health, or property; or to keep the public appropriately informed of other law enforcement or FBI matters or other matters of legitimate public interest where disclosure could not reasonably be expected to constitute an unwarranted invasion of personal privacy."

The Privacy Act also requires agencies to maintain an accurate accounting of the date, nature, and purpose of each disclosure and the name and address of the person and agency to whom the disclosure was made, and to retain this accounting for five years or the life of the record, whichever is longer. All disclosures of personally-identifiable information must be so documented.

Appendix B: Legal Authorities

Title 28, § 50.2 Code of Federal Regulations

1. General

- 1.1. The availability to news media of information in criminal and civil cases is a matter which has become increasingly a subject of concern in the administration of justice. The purpose of this statement is to formulate specific guidelines for the release of such information by personnel of the Department of Justice.
- 1.2. While the release of information for the purpose of influencing a trial is, of course, always improper, there are valid reasons for making available to the public information about the administration of the law. The task of striking a balance between the protection of individuals accused of crime or involved in civil proceedings with the Government and public understandings of the problems of controlling crime and administering government depends largely on the exercise of sound judgment by those responsible for administering the law and by representatives of the press and other media.
- 1.3. Inasmuch as the Department of Justice has generally fulfilled its responsibilities with awareness and understanding of the competing needs in this area, this statement, to a considerable extent, reflects and formalizes the standards to which representatives of the Department have adhered in the past. Nonetheless, it will be helpful in ensuring uniformity of practice to set forth the following guidelines for all personnel of the Department of justice.
- 1.4. Because of the difficulty and importance of questions they raise, it is felt that some portions of the matters covered by this statement, such as the authorization to make available Federal conviction records and a description of items seized at the time of arrest, should be the subject of continuing review and consideration by the Department on the basis of experience and suggestions from those within and outside the Department.

2. Guidelines to Criminal Actions

- 2.1. These guidelines shall apply to the release of information to news media from the time a person is the subject of a criminal investigation until any proceeding resulting from such an investigation has been terminated by trial or otherwise.
- 2.2. At no time shall personnel of the Department of Justice furnish any statement or information for the purpose of influencing the outcome of a defendant's trial, nor shall personnel of the Department furnish any statement or information, which could reasonably be expected to be disseminated by means of public communication, if such a statement or information may reasonably be expected to influence the outcome of a pending or future trial.

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2.3. Personnel of the Department of Justice, subject to specific limitations imposed by law or court rule or order, may make public the following information:

- The defendant's name, age, residence, employment, marital status, and similar background information.
- The substance of text of the charge, such as a complaint, indictment, or information.
- The identity of the investigating and/or arresting agency and the length or scope of any investigation.
- The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of physical items seized at the time of arrest.

Disclosures should include only incontrovertible, factual matters, and should not include subjective observations. In addition, where background information or information relating to the circumstances of an arrest or investigation would be highly prejudicial or where the release thereof would serve no law enforcement function, such information should not be made public.

2.4. Personnel of the Department shall not disseminate any information concerning a defendant's prior criminal record.

2.5. Because of the particular danger of prejudice resulting from statements in the period approaching and during trial, they ought strenuously to be avoided during that period. Any such statement or release shall be made only on the infrequent occasion when circumstances absolutely demand a disclosure of information and shall include only information which is clearly not prejudicial.

2.6. The release of certain types of information generally tends to create dangers of prejudice without serving a significant law enforcement function. Therefore, personnel of the Department should refrain from making available the following:

- Observations about a defendant's character.
- Statements, admissions, confessions, or alibis attributable to a defendant, or the refusal or failure of the accused to make a statement.
- Reference to investigative procedures such as fingerprints, polygraph examinations, ballistic tests, or laboratory tests, or to the refusal by the defendant to submit to such tests or examinations.
- Statements concerning the identity, testimony, or credibility of prospective witnesses.
- Statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.
- Any opinion as to the accused's guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea to a lesser offense.

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- 2.7. Personnel of the Department of Justice 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.
- 2.8. This statement of policy is not intended to restrict the release of information concerning a defendant who is a fugitive from justice.
- 2.9. Because the purpose of this statement is to set forth generally applicable guidelines, there will, of course, be situations in which it will limit the release of information which would not be prejudicial under the particular circumstances. If a representative of the Department believes that in the interest of the fair administration of justice and the law enforcement process information beyond these guidelines should be released, in a particular case, he shall request the permission of the Attorney General or the Deputy Attorney General to do so.

3. Guidelines to Civil Actions

Personnel of the Department of Justice associated with a civil action shall not during its investigation or litigation make or participate in making an extrajudicial statement, other than a quotation from or reference to public records, 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 and which relates to:

- Evidence regarding the occurrence or transaction involved.
- The character, credibility, or criminal records of a party, witness, or prospective witness.
- The performance or results of any examinations or tests or the refusal or failure of a party to submit to such.
- An opinion as to the merits of the claims or defenses of a party, except as required by law or administrative rule.
- Any other matter reasonably likely to interfere with a fair trial of the action.

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1-7 Guidance For Press Conferences and Other Media Contacts

<u>1-7.001</u>	Purpose
<u>1-7.110</u>	Interests Must Be Balanced
<u>1-7.111</u>	Need for Confidentiality
<u>1-7.112</u>	Need for Free Press and Public Trial
<u>1-7.210</u>	General Responsibility
<u>1-7.220</u>	Designation of Media Representative
<u>1-7.310</u>	Department of Justice Components
<u>1-7.320</u>	United States Attorneys
<u>1-7.330</u>	Procedures to Coordinate with OPA
<u>1-7.400</u>	Coordination With United States Attorneys -- Issuance of Press Releases
<u>1-7.401</u>	Guidance for Press Conferences and Other Media Contacts
<u>1-7.500</u>	Release of Information in Criminal and Civil Matters -- Non-Disclosure
<u>1-7.520</u>	Release of Information in Criminal and Civil Matters -- Disclosable Information
<u>1-7.530</u>	Disclosure of Information Concerning Ongoing Investigations
<u>1-7.531</u>	Comments on Requests for Investigations
<u>1-7.540</u>	Disclosure of Information Concerning Person's Prior Criminal Record
<u>1-7.550</u>	Concerns of Prejudice
<u>1-7.600</u>	Assisting the News Media
<u>1-7.700</u>	Freedom of Information Act (FOIA)

1-7.001 Purpose

The purpose of this policy statement is to establish specific guidelines consistent with the provisions of 28 CFR 50.2 governing the release of information relating to criminal and civil cases and matters by all components (FBI, DEA, INS, BOP, USMS, USAO, and DOJ divisions) and personnel of the Department of Justice. These guidelines are: 1) fully consistent with the underlying standards set forth in this statement and with 28 CFR 50.2; 2) in addition to any other general requirements relating to this issue; 3) intended for internal guidance only; and 4) do not create any rights enforceable in law or otherwise in any party.

1-7.110 Interests Must Be Balanced

These guidelines recognize three principal interests that must be balanced: the right of the public to know; an individual's right to a fair trial; and, the government's ability to effectively enforce the administration of justice.

1-7.111 Need for Confidentiality

Careful weight must be given in each case to protecting the rights of victims and litigants as well as the protection of the life and safety of other parties and witnesses. To this end, the Courts and Congress have recognized the need for limited confidentiality in:

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- On-going operations and investigations
- Grand jury and tax matters
- Certain investigative techniques
- Other matters protected by the law

1-7.112 Need for Free Press and Public Trial

Likewise, careful weight must be given in each case to the constitutional requirements of a free press and public trials as well as the right of the people in a constitutional democracy to have access to information about the conduct of law enforcement officers, prosecutors and courts, consistent with the individual rights of the accused. Further, recognition should be given to the needs of public safety, the apprehension of fugitives, and the rights of the public to be informed on matters that can affect enactment or enforcement of public laws or the development or change of public policy.

These principles must be evaluated in each case and must involve a fair degree of discretion and the exercise of sound judgment, as every possibility cannot be predicted and covered by written policy statement.

1-7.210 General Responsibility

Final responsibility for all matters involving the news media and the Department of Justice is vested in the Director of the OPA. The Attorney General is to be kept fully informed of appropriate matters at all times.

Responsibility for all matters involving the local media is vested in the United States Attorney.

1-7.220 Designation of Media Representative

Each United States Attorney's Office and each field office of the various components of the Department shall designate one or more persons to act as a point of contact on matters pertaining to the media.

In United States Attorneys' offices or field offices where available personnel resources do not permit the assignment of a full time point of contact for the media, these responsibilities should be assigned to a clearly identified individual. (This, of course, could be the United States Attorney or field office head.)

1-7.310 Department of Justice Components

The public affairs officers at the headquarters level of the Federal Bureau of Investigation, Drug Enforcement Administration, Immigration and Naturalization Service, Bureau of Prisons, United States Marshals Service, Office of Justice Programs, and Community Relations Service are responsible for coordinating their news media effort with the Director of OPA.

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1-7.320 United States Attorneys

Recognizing that each of the 93 United States Attorneys will exercise independent discretion as to matters affecting their own districts, the United States Attorneys are responsible for coordinating their news media efforts with the Director of OPA in cases that transcend their immediate district or are of national importance.

1-7.330 Procedures to Coordinate with OPA

In order to promote coordination with the OPA, all components of the Department shall take all reasonable steps to insure compliance with the following:

- A. **International/National/Major Regional News** As far in advance as possible, OPA should be informed about any issue that might attract international, national, or major regional media interest. However, the OPA should be alerted not to comment or disseminate any information to the media concerning such issues without first consulting with the United States Attorney.
- B. **News Conferences.** Prior coordination with OPA is required of news conferences of national significance.
- C. **Requests from National Media Representatives (TV, Radio, Wire Service, Magazines, Newspapers)** OPA should be informed immediately of all requests from national media organizations, including the television and radio programs (such as the nightly news, Good Morning America, Meet the Press and Sixty Minutes), national wire services, national news magazines and papers (such as the New York Times, U.S.A. Today, and the Wall Street Journal) regarding in-depth stories and matters affecting the Department of Justice, or matters of national significance.
- D. **Media Coverage Affecting DOJ** When available, press clippings and radio/television tapes involving matters of significance should be forwarded to OPA.
- E. **Comments on Specific Issues (i.e., New Policies, Legislative Proposals, Budget)** OPC should be consulted for guidance prior to commenting on new policies and initiatives, legislative proposals or budgetary issues of the Department. This should not be interpreted to preclude recitation of existing well-established Departmental policies or approved budgets.

1-7.400 Coordination With United States Attorneys -- Issuance of Press Releases By OPA or Headquarters

In instances where OPA or the headquarters of any division, component or agency of the Department issues a news release or conducts a news conference which may affect an office or the United States Attorney, such division, component, or agency will coordinate that effort with the appropriate United States Attorney.

Issuance of Press Release by Field Officers of Any Division. In instances where local field officers of any division or component plans to issue a news release, schedule a

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news conference or make contact with a member of the media relating to any case or matter which may be prosecuted by the United States Attorney's office, such release, scheduling of a news conference or other media contact shall be approved by the United States Attorney. See the DOJ Organizations and Functions Manual at 28 for a discussion of press releases in cases involving the Internal Revenue Service.

1-7.401 Guidance for Press Conferences and Other Media Contacts

The following guidance should be followed when Department of Justice components or investigative agencies consider conducting a press conference or other media contact:

- A. The use of a press release which conforms to the approval requirements of USAM 1-7.400 is the usual method to release public information to the media by Department of Justice components and investigative agencies. Press conferences should be held only for the most significant and newsworthy actions, or if a particularly important deterrent or law enforcement purpose would be served. Prudence and caution should be exercised in the conduct of any press conference or other media contact.
- B. Press conferences about pending cases or investigations that may result in an indictment by all Department of Justice components and investigative agencies must be approved by the appropriate Assistant Attorney General or by the United States Attorney responsible for the case. In joint or multi-district cases the approving official should consult with other districts or divisions affected. If it is a national case, press conferences must be approved by the Director, Office of Public Affairs. See USAM 1-7.320 to 1-7.330.
- C. There are exceptional circumstances when it may be appropriate to have press conferences or other media outreach about ongoing matters before indictment or other formal charge. These include cases where: 1) the heinous or extraordinary nature of the crime requires public reassurance that the matter is being promptly and properly handled by the appropriate authority; 2) the community needs to be told of an imminent threat to public safety; or 3) a request for public assistance or information is vital. See USAM 1-7.530 to 1-7.550 and 28 C.F.R. 50.2.
- D. There are also circumstances involving substantial public interest when it may be appropriate to have media contact about matters after indictment or other formal charge but before conviction. In such cases, any communications with press or media representatives should be limited to the information contained in an indictment or other charging instrument, other public pleadings or proceedings, and any other related non-criminal information, within the limits of USAM 1-7.520, 540, 550, 500 and 28 C.F.R. 50.2.
- E. Any public communication by any Department component or investigative agency or their employees about pending matters or investigations that may result in a case, or about pending cases or final dispositions, must be approved by the

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appropriate Assistant Attorney General, the United States Attorney, or other designate responsible for the case. In joint or multi-district cases, the approving official should consult with other districts or divisions affected. If it is a national case, press conferences must be approved by the Director, Office of Public Affairs.

- F. The use of displays or handouts in either press conferences or other media outreach when it involves a pending case or an investigation that may lead to an indictment requires separate and specific approval by the officials authorizing approval as set forth in section B.
- G. All Department personnel must avoid any public oral or written statements or presentations that may violate any Department guideline or regulation, or any legal requirement or prohibitions, including case law and local court rules.
- H. Particular care must be taken to avoid any statement or presentation that would prejudice the fairness of any subsequent legal proceeding. See also 28 C.F.R. 16.26(b). In cases where information is based directly or indirectly on tax records, care should be taken to comply with any applicable disclosure provisions in the Tax Reform Act, section 6103 of the Internal Revenue Code of 1986. The fact of conviction, sentences and guilty pleas may be reported in a press release based on information uttered in court as opposed to waiting for the publicly filed documents relating to the fact of conviction, plea or sentence. If you have any questions please contact the Tax Division. Special rules apply and should be closely followed to ensure that the identity of minors directly or indirectly is not revealed in juvenile proceedings.
- I. For press releases or other public comment concerning the filing of a request for commutation of a federal death sentence or whether such a sentence should be commuted, special rules apply. In clemency matters, the Department acts both as prosecutor and as advisor to the President on the issue of clemency. In order to ensure clarity about the role in which the Department is making a public comment and to ensure that there is no potential for infringement upon the President's prerogative in exercising his clemency powers or conflict in the Department's role in such matters, press releases or other comment to the press concerning the issue of clemency should be transmitted through the Office of Public Affairs to the Deputy Attorney General for final approval.
- J. Prior to conducting a press conference or making comments on a pending investigation regarding another DOJ component, the U.S. Attorney shall coordinate any comments, including any written statements, with the affected component.
- K. The Office of Inspector General is exempt from any approval requirement for media contacts. However, the Office of Inspector General should inform the Office of Public Affairs on public or other media issues.

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1-7.500 Release of Information in Criminal and Civil Matters -- Non-Disclosure

At no time shall any component or personnel of the Department of Justice furnish any statement or information that he or she knows or reasonably should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding.

1-7.520 Release of Information in Criminal and Civil Matters -- Disclosable Information

Department personnel, subject to specific limitations imposed by law or court rule or order and consistent with the provisions of these guidelines, may make public the following information in any criminal case in which charges have been brought:

- A. The defendant's name, age, residence, employment, marital status, and similar background information;
- B. The substance of the charge, limited to that contained in the complaint, indictment, information, or other public documents;
- C. The identity of the investigating and/or arresting agency and the length and scope of an investigation;
- D. The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of physical items seized at the time of arrest. Any such disclosures shall not include subjective observations; and
- E. In the interest of furthering law enforcement goals, the public policy significance of a case may be discussed by the appropriate United States Attorney or Assistant Attorney General.

In civil cases, Department personnel may release similar identification material regarding defendants, the concerned government agency or program, a short statement of the claim, and the government's interest.

1-7.530 Disclosure of Information Concerning Ongoing Investigations

- A. Except as provided in subparagraph B. of this section, components and personnel of the Department of Justice shall not respond to questions about the existence of an ongoing investigation or comment on its nature or progress, including such things as the issuance or serving of a subpoena, prior to the public filing of the document.
- B. In matters that have already received substantial publicity, or about which the community needs to be reassured that the appropriate law enforcement agency is investigating the incident, or where release of information is necessary to protect the public interest, safety, or welfare, comments about or confirmation of an ongoing investigation may need to be made. In these unusual circumstances, the involved investigative agency will consult and obtain approval from the United

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States Attorney or Department Division handling the matter prior to disseminating any information to the media.

1-7.531 Comments on Requests for Investigations

Individuals, groups, or organizations often send letters to the Department of Justice or a Department component requesting that a person or entity be investigated for violations of law. Sometimes, the requestor then conducts a press conference or releases a statement leaving an implication that an investigation will result. This can cause media inquiries.

Receipt of a request to open an investigation may be publicly acknowledged. Care should be taken to avoid any implication that the referral will necessarily lead to an investigation. It should be pointed out that there is a distinction between "reviewing a request for an investigation" and "opening an investigation."

Any acknowledgment should state that such requests are referred to the proper investigative agency for review but that no decision has been made whether to proceed on the specific request received. Finally, it should be noted that all substantiated allegations are reviewed in light of The Principles of Federal Prosecution (see USAM 9-27.000), and the Department does not ordinarily confirm or deny the existence or status of an investigation.

The same considerations apply if there is an investigation already underway when such a request is received. If the existence of an investigation is not public the same procedure should be followed as outlined above.

1-7.540 Disclosure of Information Concerning Person's Prior Criminal Record

Personnel of the Department shall not disseminate to the media any information concerning a defendant's or subject's prior criminal record either during an investigation or at a trial. However, in certain extraordinary situations such as fugitives or in extradition cases, departmental personnel may confirm the identity of defendants or subject and the offense or offenses. Where a prior conviction is an element of the current charge, such as in the case of a felon in possession of a firearm, departmental personnel may confirm the identity of the defendant and the general nature of the prior charge where such information is part of the public record in the case at issue.

1-7.550 Concerns of Prejudice

Because the release of certain types of information could tend to prejudice an adjudicative proceeding, Department personnel should refrain from making available the following:

- A. Observations about a defendant's character;
- B. Statements, admissions, confessions, or alibis attributable to a defendant, or the refusal or failure of the accused to make a statement;

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- C. Reference to investigative procedures, such as fingerprints, polygraph examinations, ballistic tests, or forensic services, including DNA testing, or to the refusal by the defendant to submit to such tests or examinations;
- D. Statements concerning the identity, testimony, or credibility of prospective witnesses;
- E. Statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial;
- F. Any opinion as to the defendant's guilt, or the possibility of a plea of guilty to the offense charged, or the possibility of a plea of a lesser offense.

1-7.600 Assisting the News Media

- A. Other than by reason of a Court order, Department personnel shall not prevent the lawful efforts of the news media to photograph, tape, record or televise a sealed crime scene from outside the sealed perimeter.
- B. In order to promote the aims of law enforcement, including the deterrence of criminal conduct and the enhancement of public confidence, Department personnel with the prior approval of the appropriate United States Attorney may assist the news media in photographing, taping, recording or televising a law enforcement activity. The United States Attorney shall consider whether such assistance would:
 - Unreasonably endanger any individual;
 - Prejudice the rights of any party or other person; and
 - Is not otherwise proscribed by law.
- C. A news release should contain a statement explaining that the charge is merely an accusation and that the defendant is presumed innocent until and unless proven guilty.
- D. In cases in which a search warrant or arrest warrant is to be executed, no advance information will be provided to the news media about actions to be taken by law enforcement personnel, nor shall media representatives be solicited or invited to be present. This prohibition will also apply to operations in preparation for the execution of warrants, and to any multi-agency action in which Department personnel participate.
- E. Justice Department employees who obtain what may be evidence in any criminal or civil case or who make or obtain any photographic, sound or similar image thereof, in connection with a search or arrest warrant, may not disclose such material to the news media without the prior specific approval of the United States Attorney or Assistant Attorney General, who shall consider applicable regulations and policy, or upon a court order directing such production.

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If news media representatives are present, Justice Department personnel may request them to withdraw voluntarily if their presence puts the operation or the safety of individuals in jeopardy. If the news media declines to withdraw, Department personnel should consider canceling the action if that is a practical alternative.

Exceptions to the above policy may be granted in extraordinary circumstances by the Office of Public Affairs.

1-7.700 Freedom of Information Act (FOIA)

Nothing contained herein is intended to control access to Department of Justice records which are publicly available under provisions of the Freedom of Information Act (FOIA).

(28 U.S.C. 509) (Order No. 469-71, 367 F. 21028, No. 3, 1971. Amended by Order No. 602-75, 40 FR 22119, May 20, 1975)

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Appendix C: Sources of Additional Information

Please view the Office of Public Affairs' web site for additional information:

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Appendix D: Contact Information

OPA Front Office

Assistant Director

Section Chief, Public Affairs Section

Fax



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OPA Units

National Press Office

(202) 324-3691

NPO Fax:

(202)-324-6841/6842

NPO Address:

FBI HEADQUARTERS, ROOM 7436

J. Edgar Hoover Building

935 Pennsylvania Avenue, NW

Washington, DC 20535

Investigative Publicity

On-line/Print Media

OPA Intranet

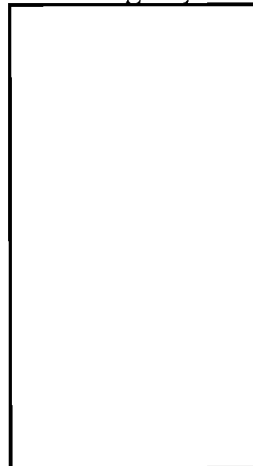
FBI Intranet

FBI.gov/Internet

Community Relations Unit (Unit Chief)

Executive Writing Unit (Unit Chief)

FOIPA



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Appendix E: Key Words and Acronyms

Key Words

Editorial: A statement or article by a news organization (generally a newspaper) that expresses an opinion rather than attempting to report news. Editorials are often not written by the regular reporters of the news organization, but are instead collectively authored without bylines by a group of individuals called the editorial board. If written by the board, editorials represent the newspaper's official position on issues. They are almost always printed on their own page, and are always labeled as editorials to avoid confusion with news coverage.

Op-ed: A piece of writing expressing an opinion. The "op-ed" page of a newspaper is generally opposite the editorial page. However, the term has become a general category to identify opinion from fact regardless of the medium. For example, web pages containing opinion articles may be labeled "op-ed."

Talking Points: An especially persuasive point used to help support an argument or discussion. Talking points are usually prepared by the parent or leadership organization in a memo or other document providing public affairs guidance. They are provided for purposes of creating a consistent message within the organization, emphasizing the same subjects for discussion.

Acronyms

ACDC	Assistant Chief Division Counsels
AD	Assistant Director
ASAC	Assistant Chief Division Counsels
BOP	Bureau of Prisons
CFR	Code of Federal Regulations
CID	Criminal Investigative Division
COOP	Continuity of Operations Plans
CRU	Community Relations Unit
DEA	Drug Enforcement Administration
DHS	Department of Homeland Security
DOJ	Department of Justice
DOJ-OPA	Department of Justice Office of Public Affairs
EC	electronic communication

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ECU	Employee Communications Unit
EWU	Executive Writing Unit
FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation
FCI	Foreign Counterintelligence
FOIA	Freedom of Information Act
HTML	Hypertext Markup Language
IISCU	Information Resources Division Internet, Intranet, Service Center Unit
IISCU	Information Technology Operations Division Internet, Intranet, Service Center Unit
INS	Immigration and Naturalization Service
IPPAU	Investigative Publicity and Public Affairs Unit
MAOP	Manual of Administrative Operations and Procedures
MIOG	Manual of Administrative Operations and Procedures
MOU	Memorandum of Understanding
NPO	National Press Office
ODNI	Office of the Director of National Intelligence
OO	Office of Origin
OPA	Office of Public Affairs
OPMU	Online/Print Media Unit
PDF	Portable Document Format
Q&A	Questions and Answers
SA	Special Agent
SAC	Special Agent in Charge
SWAT	Special Weapons and Tactics
USA	United States Attorney
USAO	United States Attorney's Office
USMS	United States Marshall Service