

Media Subpoena

28 C.F.R. § 50.10

USAM 9-13.400

Policy and Statutory Enforcement Unit
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Last updated: 12/2011

Date of Submission:

Date Response Requested/Required:

AUSA/Contact Name:

Phone:

District:

Fax:

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Please indicate if this matter concerns: OCDETF or Forfeiture

Media Subpoena Requests

The approval of the Attorney General is required before a government attorney can issue a subpoena to a member of the news media, except when the material sought has been published or broadcast and the member of the news media expressly agrees to provide the material sought. 28 C.F.R. § 50.10(e).

Department attorneys seeking to issue a subpoena to a member of the news media, or for telephone toll records of a media member, must submit a written request signed by the United States Attorney for such authorization to the PSEU.

The request must contain the following:

- A summary of the facts of the prosecution or investigation as it relates to the information sought to be subpoenaed.
- An explanation as to how the information sought to be subpoenaed is essential to the investigation or prosecution.
- A discussion of possible alternative non-media sources and/or alternative investigative steps that were or could be employed to obtain the information sought to be subpoenaed.
- A description of the attempts to obtain the voluntary cooperation of the news media through negotiation. Negotiations typically should have occurred prior to submission of the request to the PSEU. If negotiations have not occurred, please provide the reasons why.
- An explanation as to how the proposed subpoena will be narrowly fashioned to obtain the necessary information in a minimally intrusive and burdensome manner.

***Requests should be submitted as far in advance of a relevant proceeding as possible.**

***Please attach the documentation to the e-mail request.**