
Media Relations Guide

U.S. Department of Justice
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The Media Relations Guide

The public needs and deserves to be informed about the activities of the U.S. Attorneys Offices' ("USAOs") as well as the priorities and policies of the Attorney General. It is the Department of Justice's ("DOJ") responsibility however to educate the public without jeopardizing investigations and prosecutions, violating the rights of individuals or compromising national security interests. At the same time, it is in the DOJ's interest to tell the public about its law enforcement efforts.

This guide begins with a brief section on the basics of media relations. The second section of the guide identifies and describes some of the resources within DOJ that might be useful to USAOs when dealing with the media. The third section provides an overview of the several rules and regulations that are relevant to USAO personnel's contact with the media. The last three sections of this guide are a media relations "cookbook" on working with the media in their news gathering, starting a media program and making use of different publicity techniques. These three sections offer detailed information on how to make the most of an USAO's interaction with the media.

This guide does not promulgate new Department policies. Rather, it is intended to synthesize existing Department policies, federal regulations, bar rules, and other authority which bear on the appropriate interface between Department officials and the media. Accordingly, not all of the relevant rules and standards appear in this guide. Department personnel should take care to familiarize themselves with all relevant authority in this arena as well as local rules in the district. This includes the following sources: 28 C.F.R. §50.2; R. Fed. Crim. Proc. 6(e); USAM Sections 1-7.000 *et seq*; 18 U.S.C. §5038; ABA Model Rules 3.6 and 3.8; 5 U.S.C. §552; and other Department guidance and memoranda.

I. The Basics of Media Relations

A. *What is News?*

American Heritage Dictionary defines news as information previously unknown; recent information different and distinct from what it was before. Generally speaking, an event or piece of information that is either really good, really bad, or really unique is news.

Do not assume that the media will automatically be interested in everything done by the USAO. When determining if an event is worth publicizing, consider if it has any social value, is of local or perhaps national interest, or is a "first" of some kind. The media ultimately determines what is newsworthy. The likelihood of coverage increases with the news value of the event or information as perceived by the media. Using gimmicks may adversely affect the outcome. It may also negatively affect the USAO's future credibility with the media.

B. *General Rules in Media Relations*

1. Ensure that all interactions with the press are coordinated through designated USAO personnel, such as the U.S. Attorney or Public Information Officer. All

- AUSAs and other staff must process all request for interviews through appropriate USAO representative prior to conducting an interview
2. Learn the needs and the roles of the media. Good media relations can only be fostered by meeting the media's needs.
 3. Cultivate good relations with reporters.
 4. Return media calls promptly.
 5. Find stories for the media. Give them written news releases and legitimate leads regarding court cases (provided these leads are a matter of public record and do not violate DOJ regulations, local court rules, or applicable ethical standards.)
 6. Keep interesting, factual reports handy for situations when reporters are actively looking for news.
 7. The vast majority of news persons are ethical. Do not blame them for what others in the media may have done in the past.
 8. Do not play favorites with the media. Avoid giving exclusives. Distribute information equally and without prejudice to all members of the media.
 9. Do not attempt to create a story where one does not exist. It is the content, not the amount of publicity that the public remembers.
 10. Always tell the truth.
 11. Never attempt to answer an unanticipated question. It is better to get the information and get back to the media with an accurate response later.
 12. If there is a better source for some information, say so, and then tell the reporter whom to contact.
 13. Make certain not to tell the media anything that is not public information or could violate DOJ regulations, local court rules, or applicable ethical standards.
 14. Do not leak information, talk "off the record," or speak "not for attribution" to a reporter under any circumstances. Practice caution—always remember that when speaking with a reporter, it is "on the record," even when the conversation is disguised as a friendly chat.
 15. Avoid technical jargon and acronyms unless they are understood by the average person. For example: "FBI" is recognized by most people as representing the Federal Bureau of Investigation. However, most people do not understand the acronyms "SAC" or "AUSA." If using an abbreviation for an agency in a written news release, always spell out the name first and in parenthesis following the name, place the abbreviation that will be used throughout the remainder of the release.
 16. Be professional at all times. The way a reporter is treated reflects upon the image of the USAO and the USA. Remember the media have jobs to do, and their job consists of asking questions.
 17. When naming people as contacts for follow-up questions, be sure that they have time and approval for answering the media's questions.
 18. Many people, particularly those new to the courthouse beat, do not understand many of the terms and activities related to court appearances. Take the time to explain the mechanics of the federal judicial system or prepare a guide for the media explaining the federal court system.
 19. Not all articles published on the USAO or its cases will be positive. Determine in

advance who in the office will handle adverse publicity. If a negative issue arises, do not attempt to conceal it. Face the issue head on and above all else, tell the truth. Be patient. Getting upset will only make a bad situation worse.

II. Department of Justice Components that Can Assist United States Attorneys' Offices in Working with the Media

The public needs and deserves to be informed about DOJ's activities and the priorities and policies of the Attorney General. It is DOJ's responsibility, however, to optimize disclosure without jeopardizing investigations and prosecutions, violating the rights of individuals or compromising national security interests. There are several offices within DOJ available to assist the USAOs with this obligation. These offices can help interpret the rules and regulations, discussed *infra*, that govern USAO personnel's interaction with the media.

A. *The Office of Public Affairs*

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

The USAOs must notify OPA and the Executive Office for United States Attorneys ("EOUSA") immediately about national press interview requests and major law enforcement press announcements so that there will be a coordinated response.

OPA has press officers, including an FBI liaison, and additional support staff to handle media inquiries for DOJ. Each press officer is assigned a particular set of issues also known as a "beat." OPA works with the USAOs through the Public Affairs Liaison Program. Under this program, each of the press officers is assigned approximately 10 USAOs for which s/he will be responsible for being aware of any cases that may receive national press attention.

The press officers at OPA are available to provide USAOs with guidance and support on any press related matter. The press officers have extensive experience in handling a variety of press matters. They are especially good at helping put out fires. Each district's designated press information officer will receive phone calls and e-mails from an OPA Press Officer inquiring about upcoming press matters of national interest. OPA is most helpful to all the USAOs if it is informed in advance of any significant matter of national press interest.

Within the framework of allowable information disclosure, OPA exists to make certain that the public is informed about DOJ's activities and the priorities and policies of the Attorney General. OPA also provides USAOs with talking points, fact sheets, transcripts and other information on DOJ initiatives and policy statements in order to keep the USAOs apprized of what DOJ is saying to the national media. OPA can also help a local story receive national attention by distributing the USAO's press release to DOJ reporters and specialty press.

Public affairs officers at the FBI, DEA, ATF, Bureau of Prisons, U.S. Marshals, Office of Justice Programs and Community Relations Services and all other DOJ Divisions are responsible for coordinating their news media efforts with OPA.

While OPA has final responsibility for all matters involving the national news media, responsibility for matters involving local media is vested in the 93 United States Attorneys ("USAs"). USAs should coordinate efforts with OPA and EOUSA in cases that transcend their immediate districts or are of national importance. Such coordination includes forwarding press clippings to OPA, consulting with OPA before commenting on DOJ policies and initiatives, informing OPA immediately of inquiries from national media or related to matters of national significance, and prior coordination with OPA on news conferences. In turn, OPA and other DOJ Divisions must request approval from the appropriate USA before scheduling a news conference or issuing a news release that relates to a case or matter that may be prosecuted by the USAO. The specific coordination procedure is outlined in the September 1997 policy statement, section 1-7.330-400.¹

B. *The Executive Office for United States Attorneys*

EOUSA provides the 93 United States Attorneys (94 USAOs) with general executive assistance and direction, policy development, administrative management direction and oversight, operational support, and coordination with other components of the Department and other federal agencies.

EOUSA publishes and maintains a United States Attorneys' Manual ("USAM") and a United States Attorneys' Bulletin for the internal guidance of the USAOs and other organizational units of the Department concerned with litigation. The USAM includes several provisions relating to USAOs' interaction with the media.

Another function of EOUSA is to facilitate coordination between the USAOs and other organizational units of DOJ, including OPA. Although USAOs will have direct contact with the Press Officers at OPA, the districts' media inquiries generally pass through EOUSA to OPA. In situations where the national media is involved, the USAOs are required to notify EOUSA and OPA, so that there can be a coordinated response. See USAM 1-7.330, discussed *infra*.

EOUSA also responds to requests under the Freedom of Information Act ("FOIA") and Privacy Act ("PA") on behalf of the USAOs. EOUSA coordinates and responds to litigation arising from these matters, and provides advice and training to the United States Attorneys' staffs relating to FOIA/PA. Sometimes, there are FOIA/PA concerns when dealing with the media. When dealing with the media, be sure to consider this issue. See Freedom of Information Act and Privacy Act section below.

C. *Professional Responsibility Advisory Office*

1. USAM 1-7.000: September 1997 Policy Statement. See Index Section 3.

The Professional Responsibility Advisory Office's ("PRAO") mission is to ensure prompt, consistent advice to Department attorneys and Assistant United States Attorneys with respect to areas of professional responsibility and choice-of-law issues. Many states have rules of professional responsibility governing attorney conduct related to the media. Oftentimes, these rules apply to all those who are working with the attorney, e.g. Press Information Officers.

PRAO provides definitive advice to government attorneys and the leadership at the Department on issues relating to professional responsibility. The office also assembles and maintains the codes of ethics, including, *inter alia*, all relevant interpretative decisions and bar opinions of the District of Columbia and every state and territory, and other reference materials. PRAO serves as a central repository for briefs and pleadings as cases arise. PRAO provides coordination with the litigating components of the Department to defend attorneys in any disciplinary or other hearing where it is alleged that they failed to meet their ethical obligations. It also serves as liaison with the state and federal bar associations in matters related to the implementation and interpretation of 28 U.S.C. 530B, the Ethical Standards for Prosecutors Act, and any amendments and revisions to the various state ethics codes. Finally, PRAO coordinates with other Department components to conduct training for Department attorneys and Assistant U.S. Attorneys to provide them with the tools to make informed judgments about the circumstances that implicate professional responsibility concerns.

According to PRAO, some states have professional responsibility standards that are higher and/or exceptions that are narrower than the C.F.R. or DOJ policy on press relations. For these reasons, it is important for attorneys and staff to know the exact standards to which attorneys and those assisting them will be held in their jurisdiction. PRAO is available to assist attorneys with any professional responsibility concerns they may have.

III. Rules and Regulations Governing U.S. Attorney's Office Personnel's Contact with the Media

There are several rules and regulations in place to guide DOJ in executing its responsibility to the public and to those who go through the criminal justice process. Information disclosure practices regarding criminal and civil proceedings are governed by 28 C.F.R. §50.2. Information dissemination related to grand jury sessions is regulated by Rule 6(e) of the Federal Rules of Criminal Procedure, specifically, those sections related to secrecy requirements. Attorneys and the legal personnel that assist them with their duties are also bound by state bar ethics rules. Lastly, press officers are guided by the same attorney-client restrictions and privileges as DOJ lawyers.

A. Code of Federal Regulations and USAM 1.7.000 et seq.

The Code of Federal Regulations and the USAM section 1-7.000 *et seq.* gives detailed guidance on what information employees of the Department of Justice can release. The regulations help strike a balance between an individual accused of a crime or involved in civil proceedings with the government, and the right of the public to know and the government's

ability to effectively administer justice.

1. Criminal Proceedings

Guidelines apply from an investigation's beginning to its termination, although the rules are not intended to restrict the release of information regarding fugitive defendants. DOJ officials must request the permission of the Attorney General, Deputy Attorney General, or designee to release information beyond the guidelines below. Furthermore, because of the gravity regarding questions of the distribution of conviction records and description of items seized at arrest, 28 C.F.R. §50.2 states that such issues should be the subject to continuing review by DOJ. (See also USAM 1-7.540).

DOJ officials may not disseminate information that could influence the outcome of a trial, or that serves no particular law enforcement function, including information regarding a defendant's prior criminal record. To that end, officials should refrain from distributing 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
- 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 guilty plea, possibility of a plea of guilty to the offense charged, or the possibility of a plea to a lesser offense.

Subject to additional limitations imposed by law and/or court order, certain information may be released. However, officials should avoid releasing subjective observations. Moreover, the released information must not be prejudicial and should serve a law enforcement purpose. Under such limitations, officials may distribute information regarding the following:

- a. The defendant's name, age, residence, employment, marital status and similar background information
- b. The substance or text of the charge, limited to that contained in the complaint, information, indictment, 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 the arrest.

2. Civil Proceedings

DOJ officials may not make public statements referencing any information not in the public record or that could interfere with a fair trial (See 28 C.F.R. §50.2 and USAM 1-7.500, 520, and 550). Examples of prohibited activities include:

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

B. *Federal Rule of Criminal Procedure Rule 6(e), Grand Jury*

Rule 6(e) of the Federal Rules of Criminal Procedure provides that government agents (e.g., interpreters, stenographers, recording device operators, typists, attorneys, etc.) and grand jurors are prohibited from disclosing information related to matters before the grand jury.

Rule 6(e) prohibits the disclosure of any information that would reveal “matters occurring before the grand jury.” It does not apply to information obtained or created independently of the grand jury activity, nor to information that has become a matter of public record. Attorneys should consult local case law to determine what constitutes “matters occurring before the grand jury,” in their jurisdiction. It is not always clear which documents fall within the definition, because relevant case law and local rules play a large part in the definition of the phrase. Additionally, Rule 6(e) prohibits the disclosure of witness’ identities.

C. *United States Attorneys’ Manual Section 1-7.000 et seq.*

The United States Attorneys’ Manual is published by EOUSA and offers guidance to USAOs on a variety of topics, including media related issues. Section 1-7.000 covers media relations. Section 1-7.330 discusses how USAOs shall work with OPA, when necessary.

1-7.330 Procedures to Coordinate with OPA

1. As far in advance as possible, OPA should be informed about any issue that might attract international, national, or major regional media interest. OPA will coordinate a response with the U.S. Attorneys office.
2. News Conferences – Prior approval by OPA is required of news conferences of national significance.
3. 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 *60 Minutes*), national wire services, national news magazines and papers (such as *The New York Times*, *USA Today*, and the *Wall Street Journal*) regarding in-depth stories and matters affecting the Department of Justice, or matters of national significance. Television interviews on national shows must be approved by OPA, and U.S. Attorneys staff should seek guidance from OPA before responding to requests from other national media outlets.

4. Media coverage affecting DOJ – When available, press clippings and radio/television tapes involving matters of significance should be forwarded to OPA.
5. Comments on specific issues (i.e., new policies, legislative proposals, budget) – OPA should be consulted for guidance and approval must be obtained prior to commenting on new policies and initiatives, legislative proposals or budgetary issues of the Department.
6. Op-eds written by U.S. Attorneys on issues of national importance on DOJ policy must be cleared by OPA.
7. Speaking at Open Press Events – U.S. Attorneys or staff who are invited to speak on issues of DOJ policy or issues of national significance in open press settings should contact OPA for guidance on messaging these issues.

D. Department of Justice Regulations

There are some practices within DOJ that can also serve as guidelines in dealing with the media.

1. Juvenile Records

During the course of any juvenile proceeding, all information and records relating to the proceedings shall not be disclosed to anyone other than those outlined by 18 U.S.C. §5038. DOJ does not disclose juvenile records to the media, unless the juvenile in question is being prosecuted as an adult.² In that case, fingerprints and photographs of the juvenile shall be made available in the manner applicable to adult defendants, under the restrictions outlined in 28 C.F.R. §50.2.

In extraordinary circumstances, seek the guidance of and approval of OPA and the USA.

2. Ongoing Investigations

DOJ does not generally respond to questions about the existence of ongoing investigations, including issues related to the serving of subpoenas prior to the public filing of

² 18 USC§ 5038: Youthful Offenders and the use of Juvenile Records. See Index Section 4.

the document. However, the USAM at Section 1-7.530 allows for an exception: “[i]n 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” situations, USAO personnel and the investigative agency must obtain prior approval from the U.S. Attorney or the Department division handling the matter prior to dissemination of information. In matters of national significance, OPA must be consulted.

3. Qualifiers:

DOJ guidelines stipulate that a news release contain a statement explaining that the charge is merely an accusation and that a defendant is presumed innocent until and unless proven guilty (See USAM 1-7.600).

4. Factual Disclosures

All disclosures should be factual and should not include subjective observations

5. Information That Cannot Be Released

Certain information has the potential to create prejudice without serving a law enforcement function (See USAM 1-7.550 for a full list of factors). The following are examples of such information:

- a. Information concerning a defendant’s prior criminal record unless prior convictions are an element of the current charge i.e. a felon in possession of a firearm, and if the information is part of the public record
- b. Photographs, unless they serve a law enforcement function
- c. Names and addresses of victims and/or witnesses

6. Disclosure of Evidence

Department of Justice 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 U.S. Attorney or Assistant Attorney General, who shall consider applicable regulations and policy, unless upon a court order directing such production.

7. Assisting the Media

- a. Other than by court order, Department personnel shall not prevent lawful efforts of the media to photograph, tape, or televise a sealed crime scene from outside the sealed perimeter
- b. With prior approval of the U.S. Attorney, you may assist media in photographing, taping, or televising a law enforcement activity, unless it endangers or prejudices an individual and is not otherwise proscribed by

- law
- c. In cases where a search warrant or arrest warrant is to be executed, no advance information should be provided to the media, nor should they be invited to attend
- 8. Other Agencies and Departments

Any agency or department jointly issuing a new release with the USAO or jointly hosting a news conference, must abide by the guidelines established by the Department of Justice. See USAM 1-7.400 and 28 C.F.R. § 50.2.

E. *Bar Ethics Rules*

State Bar ethics rules vary from state to state. All attorneys should be aware of their jurisdiction's particular rules. The Professional Responsibility Advisory Office offers advice on the specific requirements of each state's bar. PRAO is available to assist attorneys with any professional responsibility concerns they may have.

Most states's bar rules relating to the media derive from the American Bar Association Model Rules (ABAMR). In media relations, Model Rules 3.6 and 3.8 are particularly important. Please note however that some states have not adopted the Model Rules or have significantly changed them. It is the responsibility of the attorneys and those who assist them to be aware of the particular rules of their jurisdiction.

1. ABAMR Rule 3.6

ABAMR Rule 3.6 relates to trial publicity, specifically extrajudicial statements. The essence of the rule is that attorneys (and those assisting them) shall not make statements that a reasonable lawyer knows or should know will have a substantial likelihood of materially prejudicing the proceeding.

The comments to this ABAMR offer the following factors to assist in the determination of the potential prejudice of an attorney's extrajudicial statements. Whether the trial is criminal or civil, jury or non-jury will affect the potential prejudice of an extrajudicial statement. The possibility of prejudice is greatest in criminal jury trials. Second, an extrajudicial statement that involves information already in the public records creates substantially less possibility of prejudice than a statement involving information that is first being brought to the attention of the trier of fact. Statements made immediately before or during a proceeding have a much greater chance of prejudicing the proceedings than those made substantially pre- or post- proceedings. Attorneys may reasonably expect a jury to rely upon a judge's instruction to a jury to avoid media accounts of a proceeding and to disregard what information they already have obtained. Another factor that is relevant in determining whether the statement was unduly prejudicial to the proceedings is whether the attorney intended to create an atmosphere of "trial by media" or was responding to adverse prejudicial publicity. Lastly, the standard of "substantial likelihood of material prejudice" does not require a finding that a particular statement actually prejudiced a particular proceeding to impose discipline.

2. ABAMR Rule 3.8

ABAMR Rule 3.8 addresses the special responsibilities of a criminal prosecutor. This rule requires prosecutors to exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6. Excluded from this rule are statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose. The prosecutor also must refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused. Essentially, this rule obligates the attorney to prevent all of his/her associates on a case from making the type of statements that s/he is prohibited from making under ABAMR 3.6.

3. DR 7-107

Disciplinary Rule 7-107 of the ABA Model Code of Professional Responsibility (the precursor to the ABA Model Rules) contains the Model Code's trial publicity rule. A number of states have not adopted the ABAMR and instead rely on the Model Code. While DR 7-107 likewise prohibits attorneys from making extrajudicial statements that a lawyer reasonably knows or should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter, DR 7-107's provisions also are more restrictive than ABAMR 3.6 in certain respects. First, DR 7-107 applies not only to attorneys who themselves participate in a criminal or civil matter, but it extends to attorneys who are "associated with" the criminal or civil matter and who are "associated in a law firm or government agency with a lawyer participating in or associated with the criminal or civil matter." (Emphasis added). The DR also contains a list of circumstances in which a statement is presumptively prejudicial, including statements about test results, physical evidence that is expected to be presented, and anticipated testimony of witnesses. One circumstance in which DR 7-107 is more permissive than ABAMR 3.6 is that it permits, without elaboration, a statement in a criminal case concerning a description of physical evidence seized.

4. Local Federal District Court Rules

Virtually every federal district court has adopted rules that govern the professional responsibility obligations of the attorneys that practice before the court. In some jurisdictions the federal district court rules adopt the attorney conduct rules – with or without modification – of the state in which the court is located; some federal district court rules adopt the ABA Model Rules; some federal district court rules adopt both the state's attorney conduct rules and the ABA Model Rules; and in at least one jurisdiction the federal district court has drafted its own set of rules. Department attorneys and Assistant U.S. Attorneys are required to comply with the rules of the tribunal before which they are appearing. You should keep in mind that in several federal districts the local court rules contain provisions concerning public statements.

5. Other Provisions

Neither 28 C.F.R. §50.2 nor USAM 1-7.000 contain the provisions of ABAMR 3.8, which are included in many state bar rules. Once again, please contact PRAO with any questions about a particular jurisdiction.

Another element that may be of interest to attorneys in particular jurisdictions relates to 28 C.F.R. §50.2 and USAM 1-7.520D. Presently, these guidelines authorize DOJ personnel to make public 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 the arrest.*” (as discussed above) (emphasis added). Under DR 7-107(C)(7), the predecessor to ABAMR 3.6, attorneys were permitted to disclose *inter alia* “at the time of seizure, a description of the physical evidence seized, other than a confession, admission or statement.” This rationale, though no longer included in ABAMR 3.6, has been adopted by several state courts which adopted Rule 3.6. However, the trend in many state bar rules is to prohibit or restrict any description of physical evidence seized. This is contrary to 28 C.F.R. §50.2(b)(3)(iv) and USAM 1-7.520D. PRAO can advise about the status of this rule in particular districts.

F. *Freedom of Information Act & the Privacy Act*

The restrictions listed above are not intended to restrict access to materials readily available under the Freedom of Information Act, 5 U.S.C. §552 (“FOIA”).

However, FOIA does not give members of the media access to sensitive information, information covered by civil discovery privileges, records where disclosure would interfere with law enforcement or national security, records that are classified, trade secrets, records where disclosure would circumvent agency regulation or statute, or information (covered by personal privacy) the release of which would constitute an unwarranted invasion of personal privacy. In addition, even if certain information was once disclosable, it may become protected from disclosure by simple passage of time.

The Privacy Act (5 U.S.C. § 552(a)) requires that any records retrievable by name or other personal identifier not be disclosed to the media or another agency, except with the prior written consent of the individual to whom the record pertains. Exceptions to the Privacy Act include a “need to know” within the requesting agency, required disclosure under FOIA, (or) disclosure to a Congressional committee with direct subject matter jurisdiction,³ or disclosure in accordance with an agency’s routine uses.

USAOs are reminded that all FOIA and Privacy Act requests are processed by EOUSA’s FOIA/PA staff.

IV. Working with the Media in News Gathering

3. DOJ FOIA and Privacy Act Summary. See Index Section 5.

A. Media Access

Per the September 1997 Department policy statement, other than by reason of a Court order, DOJ personnel shall not prevent the lawful efforts of the media to photograph, tape, record or televise a sealed crime scene from outside the sealed perimeter.⁴

Under the guidelines of 28 C.F.R. §50.2, officials may, with prior approval from the U.S. Attorney, assist the media in photographing, taping or recording a law enforcement activity. Such assistance must not violate 28 C.F.R. §50.2 or unreasonably endanger any individual. In cases in which searches or arrests are to be executed, OPA and other DOJ officials may not provide advance information to the media.

DOJ officials may request news media to withdraw from a situation voluntarily, if their presence puts the operation or safety of individuals participating in jeopardy. Should the media decline to withdraw, DOJ officials should consider canceling the action.

Exceptions to this policy may be granted in extraordinary circumstances by OPA.

B. Speaking "Off the Record," "Not for Attribution," and "Background"

"Off the record" refers to conversations and information given to the media as background or clarification which is not meant to be published or aired.

"Not for attribution," refers to situations where an individual provides information but wishes not to be identified as the source.

"Background" refers to situations where information provided may be used but can be attributed to a variety of sources. For example, Department Official, senior government official, etc.

A major concern of providing information that is "off the record" is that there are various ways to verify information and there exists a high risk that "off the record" information will be placed "on the record." Always remember that when speaking with a reporter you are "on the record," even when the conversation is disguised as a friendly chat. Never say anything to the press that you would not want to see your name next to in the paper. At the same time, however, do not be afraid to make someone available to a reporter on background with agreed upon attribution, to explain a charge, laws, possible penalties. The extra information may help make their story more accurate. However, you should always go over the ground rules with reporters before providing information as each reporter interprets "off the record," "background," etc. differently.

C. The "No Comment" Rule

4. USAM 1-7.600: Assisting the News Media. See Index Section 3.

People generally read a "no comment" as a negative response. An appropriate response instead would be either:

1. "Department of Justice policy does not allow us to confirm or deny the existence of an investigation."
2. "When the information becomes public, I will be glad to notify you."

You can also refer the reporter to another source who may be able to assist them in obtaining the information for which they are looking. Responses such as these will prevent the media from stating that we were unwilling to comment on the situation.

D. *Errors*

Above all else, reporters seek accuracy in their stories. Do not let an error pass that will tarnish the validity of the article. Alerting reporters to an error will not discredit you or the office.

1. If the error originated from the distribution point, IMMEDIATELY alert reporters (or their editor, if the reporter is unavailable) to an error or to provide clarification to a point of confusion in the news release.
2. If the error is from the media:
 - a. First review the material sent by your office to determine whether the information provided was factual. It may have just been rephrased in different quality and tone
 - b. Consider how damaging the error is (best done by the AUSA and/or U.S. Attorney).
 - c. If concern has arisen from what was printed, generally a brief conversation with the reporter will suffice. Talking to a reporter's editor should only be done in exceptional circumstances.
 - d. Handle all errors professionally so you will not antagonize a sensitive reporter. Many adverse situations can be turned into positive ones for your office, if the reporter is treated professionally.
 - e. If the error is completely outlandish, the AUSA and/or the U.S. Attorney should decide if a printed or aired correction is warranted.

V. Starting a Media Program

A. *Launching a Media Program*

Increased cooperation with the media can only contribute to the enhancement of our programs, accuracy of news accounts, recognition of prosecutions, a positive community image, and enhanced coverage of the U.S. Attorney's Office. When starting a media program in your office, certain questions should be answered and objectives laid out.

The objectives of a media relations program should be to provide accurate, useful and timely information. Parenthetically, any program established to promote the U.S. Attorney's Office must be careful not to tip the balance of justice—we must exercise caution when disseminating information so that our statements and actions do not conflict with the policies outlined by the Department of Justice or impede the judicial process. We do not want cases being caught up in technicalities resulting from a news release.

When starting a program certain questions should be answered:

1. Are procedures for interaction with the media clear?
2. Who is to be quoted in news releases?
3. Who will write the news release?
4. Who will approve and authorize news releases?
5. Are the AUSAs allowed to give interviews?
6. Who is to be the contact person?
7. Are the investigative agencies and the U.S. Attorney relaying the same information and speaking in a coordinated manner?

An umbrella goal should be to develop a centralized media program for efficiency. This will assure that the various facets of the media receive similar information and can turn to one individual with questions. However, each district is different and should adapt a program which best meets their needs.

B. Useful Media Directories

Any large public library should have some, if not all, of the following media directories to start your media list. A helpful hint, reporters and editors change frequently, keep your mailing list updated to so you know how the appropriate contacts are.

1. Newspaper Association: Newspaper Association publishes directories each year listing all newspapers (daily and weekly) in each state
2. Association Directories: Lists all the professional and trade associations in each state. This is a great source for special cases, i.e. insurance, agriculture, banking etc. In addition, state press and broadcast associations publish membership directories each year
3. Media Directories: (Bacon's Directory – newspaper, television, and radio directories)
4. Ayer's Directory of Publications: Includes daily and weekly newspapers, general circulations, trade and special interest magazines
5. Broadcasting Yearbook: Provides information, including addresses and phone numbers, for radio and television stations
6. Editor and Publisher Yearbook: Lists newspapers (daily, weekly, national and college) across the nation
7. Hudson's Washington Directory: Washington D.C. News Media contacts directory.

C. Media Lists

Keep the telephone, facsimile, and e-mail contact list up to date. Consider getting home phone numbers, to be used in cases where breaking news happens after regular business hours. Keeping track of newspapers, television stations, and/or radio stations and their associated reporters is difficult, particularly in large districts, but essential.

A media list can be organized according to the type of media: radio, television, daily, and weekly newspapers. The list can also be organized by county: a list of each county, the daily papers which penetrate that county, local and weekly newspapers, television stations, all radio stations located in that county.

D. Disseminating Information to the Media

How a news advisory or release is distributed is just as important as what is contained in the advisory or release. The fastest means of distributing information is via e-mail. E-mail news releases, indictments or affidavits and complaints.

Larger newspapers have reporters assigned to specific topics. Find out who these people are so you contact the appropriate person. Always send the releases and other materials to the attention of a specific person or reporter. If that individual is unknown, send the material to the attention of the city/managing editor. Call the reporter or editor to let them know that a e-mail or fax has been sent to him or her. This call creates an opportunity to explain the story to them.

Some larger U.S. Attorney districts have press corps located within the courthouse. However, for smaller districts that do not have a press corps stationed in the courthouse, e-mail is probably the most convenient way of getting the information to the press.

Get to know the regular reporters of the press corps located within the courthouse (if any). Consider having a media relations exchange. An exchange will allow the office to get to know the media and vice versa. This will most likely make both parties more comfortable with each other.

Be aware of deadlines. The absolute worst time to issue a release (unless there is no alternative) is in the late afternoon, particularly on a Friday. If at all possible, notice of the late news arrival should be given to the reporters earlier in the day.

OPA should be informed of any case which might attract national or major regional interest.

The following are some of the media outlets that would be interested in the U.S. Attorneys' offices press advisories and releases:

1. Major daily newspapers (*The New York Times, The Washington Post, Wall Street*

Journal, USA Today . . .): Daily newspapers penetrate more than just the county where it is located. The media list should contain information on which counties the daily newspapers cover. The readers of daily newspaper are interested in events not only in the county where the paper is stationed but also in the surrounding counties.

2. Local/weekly newspapers (*LA Daily Journal*): Weekly newspapers, usually located in the rural or suburban areas, are a great source. The smaller the paper, the more localized its contents. Thus, when sending releases to local papers, always identify the local angle.
3. Wire services: Every television station, radio station, and major newspaper in the country subscribes to one or both of the major wire services – *Associated Press (AP)*, *Reuters*, *Bloomberg Business News*, and *United Press International (UPI)*. Wire services should be a key receiver of any news advisory because of their issuance of “daybooks.” Daybooks are newswire calendars of events that are distributed around 7:00 a.m. the day before an event. Highly read by news assignment editors. A U.S. Attorney office event can be run in the daybook, if the office sends an advisory to the wires in advance of the event.
4. Televisions stations (ABC, CBS, NBC, CNN, FOX News Channel, MSNBC, etc.): Television has significant time constraints. Send stations only the most newsworthy stories.
5. Radio Stations. (National and local)
6. Trade, professional, and special interest publications.

E. *Tracking News Releases and Press Clips*

Once the press release has been written, approved and distributed, it should be filed in a coordinated manner with corresponding news clips. Some districts maintain releases and accompanying newspaper clips in chronological order or by topic, i.e. forfeiture sharing, environment, drugs, indictments, etc. For example, in the District of Minnesota, a form was designed to monitor each case individually. A sample form is attached. The time involved in the form is minimal. The major benefit of this form is that it provides one location where all the releases, articles, documents, and other items of interest connected with a particular case can be collected. The form also allows for tracking of which reporters are interested in a particular case. The form and all attachments can then be organized in alphabetical order according to the main defendant.

Using such a form reduces phone calls to AUSAs, because the necessary information for any one case is all on one form. It will make answering reporters’ general questions much easier and faster, which is invaluable when they are facing a deadline. In cases with a large number of defendants, more than one sheet should be used to avoid clutter and confusion.

If possible, newspaper clips should be collected on each case for which a news release was issued. Newspaper clips easily demonstrate which cases generated media interest and also allow the office to review stories for accuracy.

PRESS FORM

AUSA _____

INDICTMENT/COMPLAINT

Date:
Basic Charges:
Other Defendants:

INITIAL APPEARANCE

Date:
Magistrate:
Bond:

ARRAIGNMENT

Date:
Magistrate:
Plea:

CHANGE OF PLEA

Date:
Count#:
Cap:
Bail Status:

TRIAL

Tet. Date:
Start Date:
App. Length:
Closings:
Verdict Date:

SENTENCING

Date:
Prison:
Fine:
S.A.:
Probation:
Restitution:

MISCELLANEOUS

Arrest Date:
Judge:
Criminal No.:

VI. Publicity Techniques

There are a variety of ways in which to publicize an event. Depending on the amount of time available and the potential news value of the event, one of the following methods should be used.

A. *News Advisories*

The purpose of a news advisory is to alert the media to an upcoming event. It is NOT the same as a news release. An advisory should cover the essentials of an event, such as the basic who, what, where, when and how questions regarding a news opportunity. A blank example is attached.

News advisories need not be more than one page. Advisories would be appropriate in situations such as the announcing of the estimated time of grand jury returns or a news conference. Be careful not to violate the secrecy requirements of Rule 6(e), Federal Rules of Criminal Procedure.

Reporters and/or editors should be contacted as far in advance as possible keeping in mind not to jeopardize a law enforcement operation. If possible, they should be briefed prior to the event. If this is not possible, then they should be told in brief what will transpire at the event, e.g. indictments are being returned without going into specifics, news conference will be held or events in court such as a sentencing in a major case will be occurring.

The customary format of a news advisory:

1. Paper
 - a. Use only letter size paper, as legal size paper is difficult to store
 - b. If the advisory is more than one page, make it double sided, so that all the information is one sheet of paper. (NB: This is the opposite procedure than that used for news releases.)
2. The slug "over" or "more" should be centered on the bottom of the first page
3. Contact person: An advisory should always have the name and telephone number of a contact person for follow-up questions.
4. An advisory should be sent to the attention of a particular reporter and/or city/managing editor as far in advance of the event as possible.
 - a. Send the advisory to all media which may be interested in the event, e.g. newspapers, television stations, radio stations, and wire services.
 - b. Wire services should be a key receiver of any news advisory, because the information will be put into their "daybooks." Daybooks are newswire event calendars that are distributed around 7:00 a.m. the day before an event.
5. Visuals: If there will be any items on display (e.g. items seized during the execution of a search warrant) or people available for photographs, mention this if possible. This will allow editors to assign a photographer or cameraperson to the

event.

NEWS ADVISORY
(Issue on U.S. Attorney office letterhead)

Contact person:

Date

Title of Event

WHAT: Describe the basics of the event that will be occurring.

Date: State when the event will be occurring.

Time: State when the event will be occurring.

Where: State where the event will be occurring.

Miscellaneous: Include any available information about set-up times (for cameras) or other logistical or special information.

B. News Conferences

A news conference is a media event for a genuinely significant announcement or newsworthy event. Most announcements can be effectively handled with a written news release alone.

Before you call a news conference, ask yourself if the information you are to convey could be covered as easily and thoroughly with a news release instead. Unless the story is genuinely newsworthy, it is best to send a news release rather than calling a news conference.

A USAO event will compete with dozens of other news opportunities. If a reporter or news station is unable to attend, offer to send them information, such as a news release and any other handouts, at the conclusion of the news conference.

News Conference Checklist

1. Determine the appropriateness of the news conference. Is it worthwhile?
2. Location: It should be central, uncluttered and attractive. The room should be large enough to accommodate television cameras and reporters.
3. Time: Late mornings or early afternoons are the best times. This allows reporters sufficient time to file stories for the 5 and 6 p.m. newscasts and the next day's papers.
4. Day: The earlier in the week, the better. Late in the day on Friday is the worst time of the week for a news conference.
5. News advisories: News advisories should be sent to reporters, editors, and assignment desks as soon as possible. *See* Advisories section of this guide for more information.
6. Court Security: Notify court security, FPOs and other security officers in the courthouse that a news conference is being held. This is required if the news conference is going to be held in the courthouse.
7. News kits: Prepare the appropriate written background information to distribute to reporters. *See* News Kits section of this guide for more information.
8. Dress for the cameras:
 - a. Males Wear dark blue or grey coats (avoid stripes and checks), a light blue shirt (white often glares under the camera lights), and a dark tie.
 - b. Females Dress in colors similar to those suggested for males: Avoid large metal jewelry items. Blouses and blazers should be solid colored or have simple designs.
9. Visuals: A modest amount of items seized during the execution of search warrants, charts or other visual aids can be used.
10. Sign-In sheets: Provide sign-in sheets at the reception areas for reporters and photographers. This will make it easy to keep track of which media attended the news conference and for follow-up contact with those who did not attend.
11. Prepare law enforcement personnel who are scheduled to appear for a news

- conference. They should be briefed on the types of questions that maybe asked of them by the media. Prepare an anticipated list of questions for their review prior to the interview or news conference. Conduct a mock press briefing if possible.
12. Any agency or department cooperating with the U.S. Attorney's office in the issuance of a news release or participating in a news conference must abide by the guidelines established by the Department of Justice.
 13. Warn undercover agents that they run a high risk of being photographed, if they are present at a news conference.
 14. Review statements of all news conference speakers to ensure that remarks are concise and do not overlap.
 15. Before the press conference begins the lead press officer should brief reporters in the room of who will speak and what will take place.

C. *News Kits*

News kits are designed to provide the media with extensive information regarding a news event. A news kit usually contains, but is not limited to, the following:

1. Copy of news conference statement, court documents, or news release
2. List of participants with the correct spelling of names and titles
3. Fact sheet with a rundown of factual information
4. Background (history of the event) containing more in-depth information about points raised in the news release and about the news event itself
5. Photographs (if allowed under DOJ guidelines) and other visuals such as charts, graphs, etc.
6. Biography of speakers if appropriate

D. *Interviews*

Anyone who answers questions by phone or at a news conference must be prepared. Some points to remember, for anyone from the U.S. Attorney to the media representative, when answering questions from the media, are the following:

1. Be prepared. Do not try to answer questions that were not anticipated. Get a copy of charging documents and speak to the AUSA working on the case. Know the background information on the case. Essentially, be prepared to answer the who, what, where, when and how questions.
2. If the interview is going to be conducted at a news station, arrive early. If the interview is in the U.S. Attorney's office, allow approximately a half hour for the camera crew to set up.
3. If possible, rehearse the answers to anticipated questions.
4. Properly introduce the speaker, using his or her name, title, name of office, etc.
5. Always look at the interviewer, not the camera (unless doing a two-way interview).
6. Address the reporter by his or her first name.

7. Speak in normal tones. Do not shout.
8. Be as brief as possible. Do not wander off the subject. Be positive. Focus on the facts and do not volunteer unnecessary or irrelevant information.
9. Listen to the entire question, before answering. If the question is unclear, ask the reporter to repeat or rephrase the question.
10. Always avoid technical jargon.
11. Tell the truth at all times. Never go "off the record."
12. Do not respond to hypothetical questions. Focus on the facts. Respond only to questions and not statements.
13. Do not give personal views, unless the story is about personal experiences.
14. Speak truthfully, even if it appears one-sided. Practice three main points that you want to get across no matter what is asked of you.

E. *Photographs*

Many newspapers, especially small weekly papers, look for photos for their publications. Examples of photos of USAO related activities are a recent forfeiture distribution ceremony, an LECC speaker and the U.S. Attorney at an event. The following are a few tips to remember, when dealing with photographers:

1. Black and white or color glossy prints can be used. Photos should be cropped no smaller than 3 x 5 inches.
2. There should be no backs of heads in the photos. Also, it is best to have no more than four to five people per photo, with all the faces being larger than a dime.
3. Captions identifying who (from left to right) is in the photo should be permanently affixed to the front of the photo on the bottom border. (If identifying information is placed on the back of the photo it can be easily lost when the photo is pasted down and if the information is not adhered to the photo, labels can be lost, rendering the photo unidentifiable.)
4. Captions should be typed. Self adhesive address labels work well for this.
5. Include a contact name and phone number on the caption label.
6. Also include the date that the photo was taken.
7. When sending photographs to weekly newspapers, identify the local connection in the photo first. For example, Small Town Chief of Police John Smith, center, is presented with a forfeiture check from U.S. Marshal Sam Adams, left, and U.S. Attorney, Dick Tracy, right.
8. When mailing photographs, insert a piece of cardboard the same size as the photo (glossy side of photo should face towards the back) to present the photos from cracking or bending. Write "Photographs: Do not Bend" on the envelope.
9. It is best to obtain the permission and/or release from any individual who appears in the picture (even if only part of the person is shown), no matter what their relationship to the office. A photo release can contain basic information such as name, address, and phone number, and a statement giving permission for use of their image in the photo.

F. News Release

The news release is by far the most popular method of disseminating information to the press.

Good news releases must answer the who, what, where, when, why, and how questions about an event. They should do so in the first one to two paragraphs. A release is not a device which reiterates other documents. Rather, it is an original document meant to stimulate media coverage. The goal of a news release is to entice the reporter to develop a story on the topic.

A news release need not be long, technical, or contain million dollar words for it to be utilized. The more concise, factual and clear the release, the greater the chances of it being used. Keep the release short but be sure to highlight the key factors of the case. Attach a copy of the indictment, complaint, and/or affidavit to the release. The attachment provides the reporter with additional information which may not be included in the release. The reporters are probably going to ask for it anyway, so having the documents already prepared will result in more positive relations with the reporters.

Customary News Release Format

1. Paper
 - a. Use only letter size paper, never legal size because it is difficult to store.
 - b. Printing should be on one side of the paper only. (NB: This recommendation is the opposite of that suggested for news advisories.)
2. Contact person
 - a. A news release should always have the name and telephone number of a contact person for follow-up questions. This information should be placed in the upper right hand corner of the release.
 - b. The contact person should not issue a news release and then leave town or the office. If they are unavailable to answer questions, the name should be deleted from the release. Instead, provide the name of a person who is authorized and will be present to take media inquiries.
3. Releasing information
 - a. Releases should be identified as for "immediate" use or in rare cases, "embargoed" until a specific date and/or time. (NB: Be careful when "embargoing" information. Releases on cases wherein indictments or other documents are sealed, either pending arrest or for another reason, should NOT, under any circumstances, have releases sent in advance to media personnel under the heading "embargoed." Instead, have a release prepared in advance and disseminate it when the information becomes public record. This is particularly important in cases where there is a probability of flight by the defendant or endangerment to arresting agents.)
 - b. The type of information which could be embargoed includes distribution of forfeiture checks and the release of DOJ non-sensitive reports e.g. The Drug Trafficking Report.

4. **Qualifiers:** Department of Justice guidelines stipulate that a news release contain a statement explaining that the charge is merely an accusation and that a defendant is presumed innocent until and unless proven guilty.
5. **Date lines:** Indicates the city where the news originates from. It should appear on the first line of the release.
6. **Margins/spacing**
 - a. A one inch margin should be set for each side of the release.
 - b. A news release should always be typed and double spaced.
7. **Length**
 - a. A release should not go beyond two pages. Be clear and concise in the release. Every paragraph of a document, particularly an indictment, need not be summarized in the news release. As suggested above, it is best to attach the indictment and other papers to the release, so the reporters will have the information for reference.
 - b. Paragraphs should be kept short and directed to a particular point. Do not expect a reporter to spend a great deal of time devouring an eight page release, particularly if it only reiterates other documents. Quality, not quantity, is impressive.
 - c. If the release is more than one page, each page should be identified with a slug and stapled together. On the upper left corner of the second page, use one or two words to identify your release, so if the pages get separated, they can be easily identified.
 - d. If a second page is necessary, try not to break paragraphs or sentences at the page break. Also, do not hyphenate words; Instead, put the entire word on one line.
8. **Slug lines**
 - a. If the release is longer than one page, a "more" should appear on the center bottom of a continuing text page.
 - b. On the upper left corner of the second page, use one or two words to identify the release, so if the pages get separated, they can be easily identified.
 - c. A "####" or "end" denotes the end of a news release.
9. **Timing**
 - a. Be sensitive to deadlines. Try to avoid releasing publicity on a major event shortly before a newspaper's print deadline or a TV reporter's evening news deadline.
 - b. The absolute worst time to issue a release (unless there are no alternatives) is Friday, in the late afternoon.
 - c. Inform the media early in the day to expect something later, if it is anticipated that a release will go out late in the day.
10. **The Written Format**

News releases are written in a style known as the "inverted pyramid." According to this style, the information is organized in manner of decreasing importance, with the least important

information at the end of the release. This enables a reporter to glance quickly at the release and get the facts in the first sentence, determining whether to pursue the story. This is also how the stories are written in the newspapers, so a news release written in this manner is ultimately very useful to a reporter. An outline example is attached.

- a. Determine the four or five most important elements of the event. The elements need not reflect any particular order of the documents. Then rank the elements in the order of importance. Arrange the paragraphs to reflect the established priorities, leaving the less newsworthy items out.
- b. If/When referencing specific data, provide the source of information, so the reporter can site a reference.
- c. At all times, avoid technical jargon and in-house acronyms, unless they are easily understood by the average person. For example, "FBI" is recognized by most people as representing the Federal Bureau of Investigation. However, most people do not understand the acronyms "SAC" and "AUSA."
- d. If/When using an abbreviation for an agency in a written news release, always spell out the name first and then in parenthesis after the name, indicate the abbreviation that will be used throughout the remainder of the release.
- e. Tailor the release to the specific outlet. The smaller a newspaper, the more localized the release needs to be. For example, if the defendant is from that town, be sure to prominently indicate that.
- f. Citing statutes is not necessary. Reporters will not use that information.
- g. Do not forget to recognize law enforcement agencies that participated in the investigation at the end of the release.
- h. In order to have a better chance of your press release getting picked up by a news organization, do not lead with "The U.S. Attorney, the FBI SAC, the DEA RAC, the Head of X Agency,.....announced today the filing of a case against Mr. Jones for violating 18 U.S.C. Section 2113(a)...." Try instead to lead with what actually happened. "A federal grand jury in Florida today indicted a dairy company president for.....announced the U.S. Attorney." This will spell out the story for the reporter and will require less effort on the reporter's part to formulate a story idea, thereby increasing the chances of the story getting picked up.
- i. Include a quote from the U.S. Attorney.

News Release Outline

FOR IMMEDIATE RELEASE
(date).

Contact: (name)
(title)
(telephone number)

Paragraph 1:

Should contain the basic who, what, where, when, why and how of the story. The most important information should be contained in the lead paragraph. Opening lines could be as follows:

(City of origin)-

- A federal grand jury returned an indictment charging defendant with charge....
- Defendant was convicted earlier today of charges by a federal jury. The guilty verdict comes following # days of trial before U.S. District Judge name.
- Defendant was sentenced today to # years in prison and fined \$# for charge.

Paragraph 2 et al.:

Subsequent paragraphs should decrease in news value, leading to the least important information at the end of the release.

- The indictment alleges that....
- According to the indictment....
- Allegedly....
- It is further alleged....
- According to documents filed with the courts....
- Include U.S. Attorney quote.

Conclusion:

Concluding paragraphs can summarize potential penalties, scope of investigation, the investigating agencies, or appearance information.

- The # year joint investigation by agencies centered on....
- United States Attorney name praised the professionalism and dedication of....
- The indictment concludes what has been a # year investigation into a offense and/or defendant in....
- The defendant made an initial appearance today before U.S. Magistrate Judge name. S/he was released on a \$# bond. A preliminary/detention hearing is

scheduled for date and time.

- If convicted, defendant faces a maximum potential penalty of # years and up to # years in prison and/or a \$# fine.
- Judge name has ordered a pre-sentence report. Sentencing is expected in six to eight weeks.
- The defendant is scheduled to be sentenced before U.S. District Judge name on date and time.

Qualifier:

Department of Justice policy requires the adding of a qualifier to all news releases issued by the U.S. Attorney's office and other agencies within DOJ. The qualifier should state the following, "Criminal indictments are only charges and not evidence of guilt. A defendant is presumed to be innocent until and unless proven guilty."

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