News Media Policy Consultation

USAM 9-13.400
28 C.F.R. § 50.10

Policy and Statutory Enforcement Unit
Office of Enforcement Operations
Criminal Division
U.S. Department of Justice
E-mail: PSEU@usdoj.gov
Phone: (202) 305-4023

Last updated: 7/2016

Date of submission:

Date response requested (allow at least two weeks):

AUSA/Contact Name: **Phone:**

District: SELECT DISTRICT OR DOJ CRM SECTION **Email:**

Please indicate if this matter concerns: ☐ OCDETF or ☐ Forfeiture

Prior submission(s) to PSEU or to the Criminal Division on the same matter/investigation/case (if any).
(box will expand to fit text)

The following information is needed in order for PSEU to draft a recommendation memorandum.

Please provide a detailed memorandum containing the following:

- A summary of the facts of the investigation or prosecution as they relate to your consultation.
- A description of your proposed course of action (e.g., subpoena, question journalist, search warrant, etc.) with a comprehensive analysis of how this course of action will comply with 28 C.F.R. § 50.10, including citations to the relevant subsections of 50.10 and discussion of whether the member of the news media is a subject or target.
- If requesting a consultation as to whether an individual or entity is a member of the news media, provide relevant facts and analyze:
  1. Whether the individual or entity brings to light new information, as opposed to commentary or analysis of issues or information that already have been reported.
  2. Whether the individual or entity regularly engages in investigation and newsgathering.
  3. Whether the individual/entity creates original content, as opposed to re-posting or re-publishing content created by others.
  4. Whether the individual/entity pursues information gathering with independence, as opposed to commissioned/directed information gathering.
  5. Whether the individual or entity presents information derived from investigation or newsgathering, rather than from memory, experience, or expertise.
  6. Whether the individual or entity primarily reports facts, as opposed to expressing opinion.
  7. Whether the individual or entity has independent sources.
  8. Whether the individual is identified as journalist or reporter, as opposed to an expert, pundit, commentator, or editorialist.
  9. Whether the individual possesses press credentials.
  10. Whether the individual is employed by a media organization.
  11. The frequency with which the individual or entity publishes, broadcasts, or disseminates "news."
  12. The name of the entity or individual at issue (i.e., what legal entity controls the material you seek).
- If your consultation involves any websites, please state whether PSEU may view the websites from a DOJ IP address.

*** Attach the memorandum and any supplemental documentation (e.g., screenshots) to your email.**

Submit by E-mail Print Form