



U.S. Department of Justice

United States Marshals Service

Office of General Counsel

Washington, DC 20530-1000

August 10, 2005

MEMORANDUM TO: All United States Marshals
All Chief Deputy U.S. Marshals
All Assistant Directors

FROM: Gerald M. Auerbach *bmtk*
General Counsel *by TEL*

SUBJECT: USMS Directive 1.12 - Release of Mug Shots
to the Media

Based on guidance from the Department of Justice (DOJ), Office of Information and Privacy (OIP), by Memorandum dated August 19, 2004, the Office of General Counsel (OGC) notified you that mug shots would no longer be disclosed to the media in the Sixth Circuit. However, due to recent litigation and review by the Department of Justice, Civil Division, and the Solicitor General's office, we are informed that the Department of Justice, OIP will be retracting its guidance calling for the non-disclosure of mug shots in the Sixth Circuit. Accordingly, OGC's August 19, 2004 Memorandum to you is now rescinded and the Sixth Circuit exception to the non-disclosure of mug shots to the media must be reinstated, i.e., mug shots will once again be disclosed in response to Freedom of Information Act (FOIA) requests in the Sixth Circuit.

OGC will implement this change directly, and will henceforth handle all FOIA requests for mug shots received by any district. Thus, all requests for booking photographs (mug shots) directed to district personnel in the Sixth Circuit and elsewhere, should be forwarded to the Office of General Counsel (OGC) for appropriate response. Should you have any questions or concerns, please contact Ed Bordley, United States Marshals Service, FOIPA Officer at 202-307-9054. Your assistance is greatly appreciated.

Exhibit A