

DEPARTMENT OF HOMELAND SECURITY
Office of Inspector General

Letter Report:

**DHS Compliance with
Prepackaged News Prohibition**






Homeland
Security

September 2, 2008

MEMORANDUM FOR: J. Edward Fox
Assistant Secretary
Office of Public Affairs

FROM: 
Richard L. Skinner
Inspector General

SUBJECT: *Letter Report: DHS Compliance with Prepackaged News Prohibition*

We initiated a review to determine the Department of Homeland Security's (DHS) compliance with the prohibition against producing prepackaged news stories without clear notification that the prepackaged news story was prepared or funded by the department. The House and Senate Committees on Appropriations required that we conduct this review.

We reviewed how DHS headquarters and a selection of its components provide information to the public and, specifically, whether their activities include producing and distributing prepackaged news stories. The selected components include U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the Federal Emergency Management Agency (FEMA), the Transportation Security Administration (TSA), and the U.S. Coast Guard. We determined that the department does not produce prepackaged news stories for broadcast or distribution within the United States.

Should you have any questions, please call me, or your staff may contact Carlton I. Mann, Assistant Inspector General for Inspections, at (202) 254-4100.

Background

The *Consolidated Appropriations Act, 2008* (Public Law 110-161) includes a government-wide prohibition against the use of appropriated funds to produce unattributed prepackaged news stories. Similar prohibitions have appeared in annual appropriations bills since 1951. According to the 2008 Act,

Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.¹

The Government Accountability Office (GAO) reviewed a number of instances of federal agencies producing and distributing prepackaged news stories, and in February 2005, issued an opinion to federal agencies reminding them of the prohibition and providing a description of prepackaged news stories. According to the opinion,

Prepackaged news stories are complete, audio-video presentations that may be included in video news releases They are intended to be indistinguishable from news segments broadcast to the public by independent television news organizations.²

This description is the clearest explanation we have found for prepackaged news stories. DHS public affairs officials agreed with this description and emphasized that transparency is crucial when providing information to the public. Because the *Consolidated Appropriations Act, 2008* does not specifically define prepackaged news stories, we used the GAO description for the purpose of determining DHS compliance with the prohibition.

¹ P.L. 110-161, Division D, Title VII, § 741, 12/26/07.

² Government Accountability Office, *Prepackaged News Stories*, B-304272, p. 1.

FEMA's October 2007 Press Conference

On October 23, 2007, FEMA held a press conference at which no media were in attendance because they were given very short notice of the event. Reporters could call in to listen, but were unable to ask questions during the press conference. Instead, only FEMA public affairs staff attended and asked questions of FEMA's Deputy Administrator. While the press conference was widely criticized as inappropriate, it was not an instance of a prepackaged news story.

A DHS review of the incident determined that the inadequate planning and execution of this press conference was an exception, and that there was no intent to deceive the media or the public. The review identified several factors that contributed to the incident: a lack of leadership and oversight within FEMA's Office of External Affairs, poor communication within the office, and a series of questionable staff decisions, including not pushing back the press conference start time and instructing staff to be prepared to "spur discussion." Since the incident, FEMA has implemented several reforms, including instituting standard operating procedures for press events, defining roles and responsibilities for staff, providing training, and promoting a culture of transparency, responsibility, and accountability from senior management to staff. In addition, FEMA apologized for its actions and bad judgment at the press conference, and disciplinary action was taken, as appropriate, against the individuals involved.

DHS Does Not Produce Prepackaged News Stories

DHS public affairs officials are committed to providing reliable and timely information to the public in a transparent manner. To do this, DHS and its component organizations produce and distribute a variety of products. The department, however, does not produce prepackaged news stories.

DHS, CBP, ICE, FEMA, TSA, and the Coast Guard produce a number of products for external distribution. Examples include press releases, fact sheets, informational brochures, and photographs. Other public relations activities include public service announcements, interviews, and press conferences. In addition, some component organizations produce videos and b-roll, or raw video footage, of DHS employees performing their duties. None of the components add narration to their b-roll footage, and most remove all audio before releasing the footage to the media or public. Occasionally, the Coast Guard releases video footage including technical explanations by Coast Guard personnel. All products are clearly identified as having been produced by DHS or the specific component, and most include the DHS seal.

DHS distributes public affairs products and department information to the media using a number of methods, including media advisories, websites, tapes or discs, and links to satellite downloads. Ultimately, the media decides what is newsworthy and creates news stories using the information received from the department. Once the media obtains DHS video footage, the department does not control how the media uses it. For example, the media can edit the footage—select specific video clips from a larger video or add narration—and then broadcast or distribute their news report. The department may or may not be identified as the source of the video footage used in the broadcast report.

DHS and its components work regularly with the media to communicate information regarding incidents or operations to the public. Complete transparency is required in order to maintain credibility when providing information to the media and the public.

Producing news stories that would be indistinguishable from a broadcast news report would undermine that credibility. While there is currently no written policy or guidance within DHS, CBP, ICE, FEMA, TSA, or the Coast Guard regarding prepackaged news stories, the department's unwritten policy is clear and understood by DHS public affairs personnel—DHS does not produce prepackaged news.

The department has committed to issuing written guidance on this policy following our review. Because it does not produce prepackaged news stories, compliance with the prohibition should be assured.

Management Comments and OIG Analysis

We received a written response to our draft report from the DHS Assistant Secretary for Public Affairs. A copy of the comments is included in Appendix A. The Assistant Secretary concurred with our finding that DHS and the selected components do not produce prepackaged news stories.

We conducted our review from April 2008 to June 2008. This review was conducted under the authority of the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspections* issued by the President's Council on Integrity and Efficiency.

Appendix A
Management Response


Office of Public Affairs
U.S. Department of Homeland Security



**Homeland
Security**

August 26, 2008

MEMORANDUM FOR: Richard L. Skinner
Inspector General

FROM: Edward Fox 
Assistant Secretary for Public Affairs

SUBJECT: Response to Draft Letter Report: *DHS Compliance with
Prepackaged News Prohibition*

Thank you for the opportunity to formally respond to the Draft Letter Report: *DHS Compliance with Prepackaged News Prohibition*. We concur with your findings that DHS Public Affairs and its component organizations do not produce prepackaged news stories.

As you appreciate, we take very seriously our responsibility to provide the public with reliable and timely information, and with complete transparency. Credibility is essential to our mission, and it has real world implications for incident communications. Prepackaged news would undercut that credibility and make potentially life-saving communication efforts even more difficult.

We also concur with your decision to rely on the Government Accountability Office's (GAO) 2005 definition of prepackaged news: "Prepackaged news stories are complete, audio-video presentations that may be included in video news releases, or Video News Releases. They are intended to be indistinguishable from news segments broadcast to the public by independent television news organizations."

I previously committed to issuing written guidance, at the completion of your audit, to DHS Public Affairs personnel that expressly prohibits prepackaged news. Please find the enclosed memo that formally prohibits, based upon the GAO definition, what is already understood by DHS Public Affairs personnel: this department does not do prepackaged news.

Enclosure


cc: Carlton I. Mann, Assistant Inspector General, Office of Inspections
Penelope McCormack, DHS GAO/OIG Liaison Staff

Appendix A Management Response

Office of Public Affairs
U.S. Department of Homeland Security



August 26, 2008

MEMORANDUM FOR: DHS Public Affairs Staff (all hands)
FROM: Edward Fox 
Assistant Secretary for Public Affairs
SUBJECT: DHS Public Affairs Policy: Prohibition of Prepackaged News

You may be aware that the DHS Inspector General recently completed a congressionally mandated audit: *DHS Compliance with Prepackaged News Prohibition*. The report found what was already understood by DHS Public Affairs personnel, that this department and its component organizations do not produce prepackaged news stories.

As you well know, we must take very seriously our responsibility to provide the public with reliable and timely information, and with complete transparency. Credibility is essential to our mission, and it has real world implications for incident communications. Prepackaged news would undercut that credibility and make potentially life-saving communication efforts even more difficult.

The Inspector General's audit used the Government Accountability Office's (GAO) 2005 definition of prepackaged news: "Prepackaged news stories are complete, audio-video presentations that may be included in video news releases, or Video News Releases. They are intended to be indistinguishable from news segments broadcast to the public by independent television news organizations."

It is DHS Public Affairs policy that prepackaged news, as defined by the GAO, is strictly prohibited. Please continue to ensure that any audio-video presentation complies with this policy by clearly identifying DHS or a component agency as the production source. Should you have any questions, please contact Deputy Assistant Secretary Russ Knocke at (202) 282-8010.

Thank you for your hard work and commitment to the DHS Public Affairs mission.

Appendix B
Major Contributors to This Report

Douglas Ellice, Chief Inspector
Jennifer Lindsey, Inspector (Team Leader)
Kristine Odiña, Inspector

Appendix C
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