



Department of Defense INSTRUCTION

NUMBER 5410.01

June 2, 2009

ASD(PA)

SUBJECT: Release of Information Concerning Accidents Involving Military Personnel or Equipment or Concerning Senior Personnel

References: See Enclosure 1

1. PURPOSE. This Instruction:

a. Reissues DoD Directive (DoDD) 5410.1 (Reference (a)) as a DoD Instruction (DoDI) in accordance with the authority in DoDD 5122.05 (Reference (b)) and establishes uniform policy for the release of information concerning military personnel involved in accidents as well as approval authority for release of casualty information concerning senior U.S. and foreign government personnel when the Department of Defense is the responsible Executive Branch Department.

b. Incorporates and cancels DoDD 5410.14 (Reference (c)).

2. APPLICABILITY. This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

a. The provisions of this Instruction cover military accidents occurring inside and outside the United States, its territories, or its possessions.

b. For military accidents occurring outside the United States, its territories, or its possessions, additional guidance is set forth in applicable treaties, intergovernmental agreements, and laws of other nations. Additional coordination with the U.S. Embassy or Consulate is required to ensure proper notification to the host government.

c. The provisions of this Instruction do not cover military accidents involving nuclear weapons, guidance for which is set forth in DoDD 5230.16 (Reference (d)).

d. For release of information on DoD civilians not indicated in this Instruction, refer to guidance set forth in DoDI 1300.18 (Reference (e)).

3. POLICY. It is DoD policy that:

a. Because of national and international interest and implications, the release of casualty information concerning senior U.S. Government personnel or equivalent rank foreign government visitors shall be carefully coordinated. Casualty information on senior personnel when killed, injured, or listed as missing while on a military installation or being transported by military vehicle shall be directed to the offices designated in this Instruction for public announcement.

b. The DoD Components will provide maximum cooperation, consistent with national security responsibilities and Reference (b), to properly identified news media representatives desiring to cover military accidents. When occurring outside military installations, the military authority at the scene of the accident shall follow procedures outlined in this Instruction.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Web site at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This Instruction is effective immediately.



Bryan G. Whitman
Performing the Duties of the
Assistant Secretary of Defense
for Public Affairs

Enclosures

1. References
2. Responsibilities
3. Procedures

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5410.1, "Release of Information Concerning Accidental Casualties Involving Military Personnel or Equipment," May 14, 2004 (hereby canceled)
- (b) DoD Directive 5122.05, "Assistant Secretary of Defense for Public Affairs (ASD(PA))," September 5, 2008
- (c) DoD Directive 5410.14, "Cooperation with U.S. News Media Representatives at the Scene of Military Accidents Occurring Outside Military Installations," October 25, 1963 (hereby canceled)
- (d) DoD Directive 5230.16, "Nuclear Accident and Incident Public Affairs (PA) Guidance," December 20, 1993
- (e) DoD Instruction 1300.18, "Department of Defense (DoD) Personnel Casualty Matters, Policies, and Procedures," January 8, 2008
- (f) DoD Instruction 6055.07, "Accident Investigation, Reporting, and Record Keeping," October 3, 2000
- (g) Sections 793(e), 795, and 797 of title 18, United States Code
- (h) DoD Directive 5400.11, "DoD Privacy Program," May 8, 2007
- (i) DoD Regulation 5400.11-R, "Department of Defense Privacy Program," May 14, 2007

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS (ASD(PA)). The ASD(PA) shall approve the release of news regarding casualty information on the following personnel when killed, injured, or listed as missing while on a military installation or being transported by military vehicle:

- a. U.S. Senators
- b. Members of the U.S. House of Representatives
- c. Secretaries of the Military Departments
- d. The Deputy Secretary of Defense, Under Secretaries of Defense, and Assistant Secretaries of Defense
- e. The Chairman of the Joint Chiefs of Staff, the Vice Chairman of the Joint Chiefs of Staff, and flag officers in the grade of O-9 or above assigned to the Joint Staff
- f. The Chief of Staff, U.S. Army
- g. The Chief of Naval Operations
- h. The Chief of Staff, U.S. Air Force
- i. The Commandant of the U.S. Marine Corps
- j. Combatant Commanders

2. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (USD(AT&L)). The USD(AT&L) shall:

- a. Ensure the policy in DoDI 6055.07 (Reference (f)) is consistent with this Instruction.
- b. Monitor the Services' accident investigation teams to ensure compliance.

3. SECRETARIES OF THE MILITARY DEPARTMENTS

a. The Secretaries of the Military Departments shall be the approving authority for release of information concerning U.S. Military personnel when casualty reporting falls within their area of responsibility.

b. Except as indicated in paragraph 1 of this enclosure, release of information regarding accidents involving military officers in the grade of O-9 or above or civilians of equivalent rank shall be handled by the Services concerned under the provisions of their existing regulations; however, the Directorate for Press Operations, Office of the ASD(PA) (703-697-5131), shall be informed of the accident prior to release.

ENCLOSURE 3

PROCEDURES

1. The White House Press Secretary has sole approval authority for release of casualty information when the following personnel are killed, injured, or listed as missing while on a military installation or being transported by military vehicle:

- a. The President of the United States.
- b. The Vice President of the United States.
- c. The Speaker of the House of Representatives.
- d. The President Pro Tempore of the Senate.
- e. Members of the Cabinet.
- f. Foreign visitors of political or royal rank equivalent to the above list of U.S. Government officials.
- g. Any members of foreign governments below the rank of the preceding category, but guests of the United States and chiefs of foreign military services who are U.S. guests.

2. When military accidents occur outside military installations, the military authority at the scene of the accident shall:

a. Inform news media representatives of the presence of exposed classified material that cannot be removed or covered immediately and ask them to cooperate in its protection. Photographers will be informed that violations of the prohibition on photographing classified DoD material are also violations of Federal criminal statutes in accordance with sections 795 and 797 of title 18, United States Code (Reference (g)).

b. Inform news media representatives and Service members of the sensitivity of using images that identify casualties until after notification of the next of kin.

c. Refrain from using force if news media representatives refuse to cooperate in the protection of classified DoD material, but request:

(1) The assistance of appropriate civil law enforcement officials in preventing compromise of such material and in recovering all photographs, negatives, and sketches that are presumed to contain classified information.

(2) The cooperation of the superiors of the offending news media representatives, informing them that publication of such classified information or refusal to return it to military authority will be a violation of Federal statutes (sections 793(e), 795, and 797 of Reference (g)).

d. Submit to the ASD(PA), through channels, a report concerning refusals of news media representatives or their superiors to cooperate as prescribed in paragraphs 2.c.(1) and 2.c.(2) of this enclosure.

e. Provide access to the accident scene to official DoD photographers and videographers to record imagery for use by the accident investigation board or the on-scene commander.

(1) Imagery will be initially identified as “not cleared for public release” and will be reviewed by the appropriate public affairs officer, as outlined in Enclosure 2 and paragraph 1 of this enclosure, before public release.

(2) Visual images, including photographs or video, of individuals killed in which the casualty may be clearly identified will not be released. Images of those killed in which the individual is not identifiable may be released; however, information concerning the time or circumstances of the accident will only be released in general terms (e.g., morning, afternoon, or a traffic accident).

f. Personally identifiable information (PII) collected and utilized in the execution of this Instruction must be safeguarded to prevent any unauthorized use. DoD Components shall ensure the collection, use, and release of PII complies with the requirements of DoDD 5400.11 and DoD 5400.11-R (References (h) and (i)).

g. Nothing in this Instruction is intended to contradict guidance provided in Reference (f) with regard to protecting privileged safety information from unauthorized release.