



Department of Defense

INSTRUCTION

NUMBER 5040.09
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ASD(PA)

SUBJECT: Department of Defense Productions

- References:
- (a) DoD Directive 5122.5, "Assistant Secretary of Defense for Public Affairs (ASD(PA)),” September 27, 2000
 - (b) Deputy Secretary of Defense memorandum, "DoD Directives Review – Phase II,” July 13, 2005
 - (c) Executive Order 12951, "Release of Imagery Acquired by Space-Based National Intelligence Reconnaissance Systems,” February 22, 1995
 - (d) Section 1913 of title 18, United States Code, current edition
 - (e) through (o), see Enclosure 1

1. PURPOSE

This Instruction:

- 1.1. Establishes policy and assigns responsibilities under References (a) and (b) for creating, acquiring, and managing DoD productions throughout their life cycle.
- 1.2. Establishes the DoD Production Management Group as provided at Enclosure 3.

2. APPLICABILITY AND SCOPE

- 2.1. This Instruction applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of 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 in the Department of Defense (hereafter referred to collectively as the "DoD Components").
- 2.2. Exclusions to this Instruction are provided at Enclosure 4 and Reference (c).

3. DEFINITIONS

Terms used in this Instruction are defined in Enclosure 2.

4. POLICY

It is DoD policy that:

4.1. The content of DoD productions shall not:

4.1.1. Support illegal discrimination against individuals on the basis of gender, race, disability, nationality, age, religion, national origin, or sexual orientation.

4.1.2. Influence or attempt to influence a member of Congress or an official of any government or jurisdiction to favor, adopt, or oppose any legislation, law, ratification, policy, or appropriation, according to Section 1913 of 18 United States Code (USC) (Reference (d)).

4.1.3. Influence or attempt to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement according to 32 Code of Federal Register (CFR) part 28.100 (Reference (e)).

4.1.4. Promote the status of any industry, individual, activity, organization, or agency, or provide forums for agency opinions on broad subjects, without reference to specific programs.

4.1.5. Be incompatible or inconsistent with Federal law and DoD policies or doctrine.

4.1.6. Weaken or cast doubt on the credibility of the Department of Defense.

4.2. The following content is prohibited in DoD productions, except when its inclusion is essential to achieving a production's purpose. For example, it may be important to portray behavior a production seeks to change in order to engender such change. Unless this exception clearly applies, the content of DoD productions shall not:

4.2.1. Stereotype individuals on the basis of gender, race, disability, nationality, age, religion, national origin, or sexual orientation.

4.2.2. Portray military or civilian DoD personnel in an unfavorable or undignified manner.

4.2.3. Endorse commercial products or services, either explicitly or implicitly, for example, through visuals of trademarks, labels, or distinctive packaging, or through references to trade or brand names in the narration, dialogue, or titles.

4.3. DoD productions shall be made accessible to individuals with disabilities according to Section 794d of 29 U.S.C. (Reference (f)) and Enclosure 5 to this Instruction.

4.4. DoD productions shall be created or acquired only when:

4.4.1. The unique communicative properties of the production medium are required to satisfy communication requirements.

4.4.2. The message content of existing DoD productions is not duplicated.

4.5. DoD productions shall be created, acquired, stored, accessed, shared, distributed, archived and otherwise life cycle managed in compliance with DoD Instruction 5040.7 (Reference (g)), DoD Directive 8320.2 (Reference (h)), and DoD Directive 5015.2 (Reference (i)).

4.6. DoD productions shall be acquired in accordance with the Federal Acquisition Regulation and its supplements. Judicious acquisition of taxpayer-funded productions is imperative. Without exception, DoD productions shall be created or acquired at the lowest possible cost that achieves communication objectives. All productions shall be essential to mission accomplishment.

4.7. With the exception of productions intended for local use only, DoD productions shall:

4.7.1. Be created, acquired, managed, and controlled in a manner that satisfies as many different communication requirements as practical.

4.7.2. Be assigned a DoD-standard identifying number, at the point of conception.

4.7.3. Display to users, in their initial screens, information such as purpose, accessibility, restrictions on release (if any) and intended audience that could improve the productions' use. Such information shall be presented in a consistent, predictable, DoD-standard manner.

4.7.4. Be managed and made available centrally following initial distribution. Information about and access to these "Defense Inventory Productions" shall be provided by or through central DoD information systems.

4.7.5. Be examined for effectiveness after distribution and use. The complexity and cost of evaluation shall be proportionate to the cost of creation or acquisition, and to program impact.

4.8. Where appropriate, based on content:

4.8.1. DoD productions may be provided to allied nations.

4.8.2. Allied nation productions may be adapted and adopted for use by the Department of Defense.

4.9. The content of productions in the DoD inventory shall be reviewed regularly to ensure:

4.9.1. Security classification or restrictions on release to the public, if any, remain appropriate.

4.9.2. The policies, procedures, or doctrine contained in the productions remain current.

4.10. The appropriate intellectual property rights shall be obtained and documented when creating or acquiring DoD productions.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Public Affairs (ASD(PA)) shall:

5.1.1. Establish, monitor the implementation of, and serve as the OSD Principal Staff Assistant for policies and procedures related to the creation, acquisition, and life cycle management of DoD productions.

5.1.2. Ensure that the Deputy Assistant Secretary of Defense for Public Affairs (Joint Communication):

5.1.2.1. Establishes and implements such DoD production management or control measures as may be required to minimize duplication of effort and inappropriate use of the production medium.

5.1.2.2. Operates and maintains central information systems to provide information about and access to Defense Inventory Productions. Such information systems shall make information available about existing and proposed Defense Inventory Productions to minimize duplication of effort and maximize use of existing productions to satisfy new communication requirements.

5.1.2.3. Satisfies orders/reorders centrally for each production created or acquired by a DoD Component that has a target audience broader than the audience at the creating or acquiring installation or activity.

5.1.2.4. Chairs or selects a designee to chair the DoD Production Management Group according to Enclosure 3.

5.1.2.5. Promotes and encourages production sharing with allied nations.

5.1.2.6. Promotes, rewards, and publicizes effective, purposeful use of the production medium within the Department of Defense.

5.2. The Heads of the DoD Components shall:

5.2.1. Create, acquire, and manage productions throughout their life cycle according to this Instruction.

5.2.2. Provide the following to the Director, Defense Visual Information for each production created or acquired that has a target audience broader than the audience at the creating or acquiring installation or activity:

5.2.2.1. Production discovery data for use in central DoD information systems.

5.2.2.2. Shelf stock and/or by other means of centrally satisfying production orders/reorders.

5.2.3. Provide qualified representatives to the DoD Production Management Group at the request of the ASD(PA).

5.2.4. Conduct regular reviews of productions held in the DoD inventory to ensure they are current, properly classified, and that any restrictions on release to the public are justified.

6. EFFECTIVE DATE

This Instruction is effective immediately.



Dorrance Smith
Assistant Secretary of Defense
for Public Affairs

Enclosures – 5

- E1. References, continued
- E2. Definitions
- E3. Department of Defense Production Management Group
- E4. Exclusions
- E5. Accessibility

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Title 32, Code of Federal Regulations, Part 28.100, “New Restrictions on Lobbying,” current edition
- (f) Section 794d of Title 29, United States Code, current edition
- (g) DoD Instruction 5040.7, “Visual Information (VI) Production Procedures,” August 30, 2005
- (h) DoD Directive 8320.2, “Data Sharing in a Net-Centric Department of Defense,” December 2, 2004
- (i) DoD Directive 5015.2, “DoD Records Management Program,” March 6, 2000
- (j) DoD Directive 1015.14, “Establishment, Management, and Control of Non-appropriated Fund Instrumentalities and Financial Management of Supporting Resources,” November 22, 2005
- (k) DoD Instruction 1322.20, “Development and Management of Interactive Courseware (ICW) for Military Training,” March 14, 1991
- (l) DD Form 2568, “Defense Instructional Technology Information System Report,” January 1991
- (m) Section 11103 of Title 40, United States Code (formerly section 5142 of the Clinger Cohen Act of 1996)
- (n) Title 36, Code of Federal Regulations, Part 1194, “Electronic and Information Technology Accessibility Standards,” current edition
- (o) DD Form 1995, “Visual Information (VI) Production Request and Report,” April 1998

E2. ENCLOSURE 2

DEFINITIONS

- E2.1.1. Accessible. Containing either open or closed captions, and/or audio description.
- E2.1.2. Audio Description. Speech, synchronized with the picture, describing a production's visual content. Audio description is specifically designed for visually impaired and blind persons. Typically, appropriate portions of the audio description are narrated during what would otherwise be natural silences in a production.
- E2.1.3. Caption. Short explanatory or descriptive data accompanying imagery. A caption should answer the "who, what, when, where, how, how many, and why" questions relative to the imagery.
- E2.1.4. Defense Inventory Production. A production created or acquired at any level within the DoD Components that has a target audience broader than the audience at the creating or acquiring installation or activity. Defense Inventory Productions are held at a central DoD inventory point, from which they can be easily ordered. Discovery of such productions, as well as ordering, is through the Defense Automated Visual Information System (commonly called "DAVIS"), which can be searched at <http://dodimagery.afis.osd.mil>. Local-Use-Only Productions expected to have long-term informational or other value may be declared Defense Inventory Productions to facilitate long-term discovery and ordering, even if only by users at the creating or acquiring installation or activity. See also Local-Use-Only Production.
- E2.1.5. DoD Production. Any production a DoD Component creates or acquires. See also: Production.
- E2.1.6. DoD-Standard Identifying Number. In VI, a DoD-wide uniform designator assigned to a VI record for identifying, tracking, and/or controlling inventory. The standard identifying number for Defense Inventory Productions is the Production Identification Number (PIN); and for all other VI records except Local-Use-Only Productions is the Visual Information Record Identification Number (VIRIN). There is no standard DoD identifying number for Local-Use-Only Productions.
- E2.1.7. Distribution. In VI, the process of supplying an end product to its intended end users, by any means.
- E2.1.8. Fundamental Alteration. A change to the basic, essential, or primary characteristics or purpose of a product or service. For example, adding a large display to a small pager would fundamentally alter the device by changing its size to such an extent that it no longer meets the purpose for which it was intended, i.e., to provide a communication device that fits in a shirt or jacket pocket.

E2.1.9. Local-Use-Only Production. A production created or acquired for use at a single installation or activity and assumed to be of no interest or value to audiences beyond the creating or acquiring installation or activity. See also Defense Inventory Production.

E2.1.10. Medium. In VI, any physical object, such as drawing paper, film, videotape, drive or disc that contains or can contain visual information. VI media are typically transportable, to facilitate dissemination of the visual information they contain.

E2.1.11. Production. In VI, a complete, linear or non-linear presentation, sequenced according to a plan or script that is created from original or stock motion or still images, with or without sound, for the purpose of conveying information to, or communicating with, an individual or audience.

E2.1.12. Undue Burden. In the case of productions, a significant difficulty or expense in the context of all agency resources available to the program or DoD Component for which the production is being developed, procured, maintained, or used. The difficulty or expense must be of sufficient magnitude to threaten program success or satisfactory mission accomplishment.

E2.1.13. Visual Information. Information in the form of visual or pictorial representation of person(s), place(s), or thing(s), either with or without sound. VI includes still photographs, digital still images, motion pictures, analog and digital video recordings, and hand- or computer-generated graphic art and animations that depict real or imaginary person(s), place(s), and/or thing(s), and related captions, overlays, and intellectual control data. VI excludes three-dimensional, alphabetic, symbolic, or coded data (such as printed text, signals, signs, maps and other geodetic products, numerical data, and icons), unless these items are part of larger pictorial representations, or contain pictorial representations (such as maps that include pictures). VI also excludes graphic art that depicts abstractions or abstract relationships, i.e., objects other than persons, places, or things (such as organization charts, symbols, process flows, quantitative data, or logical relationships).

E3. ENCLOSURE 3

DEPARTMENT OF DEFENSE
PRODUCTION MANAGEMENT GROUP

E3.1.1. The purpose of the Department of Defense Production Management Group is to advise and assist the ASD(PA) on matters pertaining to life cycle management of DoD productions, including their development, creation or acquisition, management, and distribution; the management of records pertaining to them; and the dissemination of information about them. This includes providing relevant information and developing pertinent recommendations.

E3.1.2. The Group shall be chaired by the ASD (PA) or that person's designee, and consist of representatives from the Military Services and the Defense Agencies.

E3.1.3. The Group shall meet quarterly, at the request of the Chair or at the request of a member and with the consent of the Chair.

E3.1.4. Working groups may be established as the Chair deems appropriate.

E4. ENCLOSURE 4

EXCLUSIONS

E4.1.1. Organization-Related Exclusions. The provisions of this Instruction do not apply to the American Forces Radio and Television Service and the broadcasting services of the Military Departments.

E4.1.2. Production-Type Exclusions. The provisions of this Instruction do not apply to:

E4.1.2.1. Productions acquired from commercial sources by or for:

E4.1.2.1.1. Department of Defense Educational Activity.

E4.1.2.1.2. Morale, Welfare, and Recreation activities.

E4.1.2.1.3. Education centers.

E4.1.2.1.4. Non-VI libraries controlled by DoD Directive 1015.14 (Reference (j)).

E4.1.2.2. Productions funded and reported as an integral part of a recruiting advertising contract.

E4.1.2.3. Productions created or acquired as Interactive Multimedia Instruction products according to DoD Directive 1322.20 (Reference (k)), and documented on DD Form 2568 (Reference (l)).

E5. ENCLOSURE 5

ACCESSIBILITY

E5.1.1. Except as provided at paragraph E5.1.4. below, DoD productions that contain speech or other audio information necessary for comprehending the content shall be open or closed-captioned.

E5.1.2. Except as provided at paragraph E5.1.4. below, DoD productions that contain visual information necessary for comprehending the content shall be audio described.

E5.1.3. Reasonable accommodation of requests by disabled persons for access to DoD productions shall be provided in response to such requests, without regard to the exceptions at paragraph E5.1.4. below, if the requestors are otherwise authorized access to the productions.

E5.1.4. The captioning and audio description requirements at paragraphs E5.1.1. and E5.1.2. above do not apply to a DoD production that:

E5.1.4.1. Is intended for distribution exclusively to uniformed members of the Military Services.

E5.1.4.2. Is a “National Security System” because its function, operation, or use according to subsection 794d(a)(5) of Reference (f):

E5.1.4.2.1. Involves intelligence activities.

E5.1.4.2.2. Involves cryptologic activities related to national security.

E5.1.4.2.3. Involves command and control of military forces.

E5.1.4.2.4. Involves an integral part of a weapon or weapons system.

E5.1.4.2.5. Is critical to the direct fulfillment of military or intelligence missions under Section 11103 of 40 U.S.C. (Reference (m)). Systems that are critical to the direct fulfillment of military or intelligence missions do not include systems that are used for routine administrative or business applications.

E5.1.4.3. Involves classified information and is a “National Security System” as set forth in E5.1.4.2.

E5.1.4.4. Is not intended to be distributed.

E5.1.4.5. Cannot be captioned or audio-described:

E5.1.4.5.1. Without fundamental alteration,

E5.1.4.5.2. Without missing a firm, essential delivery deadline, or

E5.1.4.5.3. Without undue burden under 36 CFR part 1194 (Reference (n)).

E5.1.4.6. Does not support the Department of Defense's or a DoD Component's mission.

E5.1.4.7. Is a commercial-off-the-shelf item and not commercially available in accessible form.

E5.1.5. The reason(s) that any production is not captioned and/or audio described per paragraph E5.1.4. shall be documented on the production's DD Form 1995 (Reference (o)) and maintained in the production file folder.