

## Release of Friendly Fire Death Investigations to Next of Kin

Section 0234 (d) of the JAGMAN states that death investigations will be released to the next of kin, upon request, after the investigation is reviewed by the first flag/general officer in the chain of command. A death investigation shall normally be released to the next of kin unless the release would violate law, would harm the command's mission, would interfere with an ongoing criminal investigation, or good cause exists to not release the investigation.

DoD Inst 6055.7 articulates an additional prohibition to releasing a death investigation resulting from a friendly fire incident. DoD Inst 6055.7 E2.1.16 defines friendly fire as a *circumstance in which members of a U.S. or friendly military force are mistakenly or accidentally killed or injured in action by U.S. or friendly forces actively engaged with an enemy or who are directing fire at a hostile force or what is thought to be a hostile force.*

When a friendly fire death occurs, DOD Inst 6055.7 E4.7 states that the regional Combatant Commander will convene an investigation to determine the facts of the incident and will *guide further actions* relating to the investigation.

In other words, the regional Combatant Commander controls all friendly fire investigations and is the only entity that can authorize release of the investigation. No friendly fire investigation can be released to the next of kin without approval from the regional Combatant Commander. Staff Judge Advocates should seek immediate guidance from the regional Combatant Commander, via the Marine Component Commander (SJA), in the event of a friendly fire death.