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HEADQUARTERS UNITED STATES MARINE CORPS
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WASHINGTON, DC 20350-3000

MCO 5500.6H
PS
26 AUG 11

MARINE CORPS ORDER 5500.6H

From: Commandant of the Marine Corps
To: Distribution List

Subj: ARMING OF LAW ENFORCEMENT AND SECURITY PERSONNEL AND
THE USE OF FORCE

Ref: (a) CJCSI 3121.01B (S), "Standing Rules of
Engagement/Standing Rules for the Use of Force for
US Forces," June 13, 2005 (NOTAL)
(b) DOD Directive 5210.56, "Use of Deadly Force and the
Carrying of Firearms by DOD Personnel Engaged in Law
Enforcement and Security Duties," January 24, 2002
(c) SECNAVINST 5500.29C
(d) MCO 3574.2K
(e) MCO 5580.2B
(f) 18 U.S.C. 922(g)(9)
(g) CJCSI 3110.07C, "Guidance Concerning the Chemical,
Biological, Radiological, and Nuclear Defense and
Employment of Riot Control Agents and Herbicides
(S)," November 22, 2006 (NOTAL)
(h) JAGINST 5800.7E
(i) MCO 3504.2
(j) 49 CFR 1544.219 and 1540.111
(k) DOD 4500.9-R, "Defense Transportation Regulation,"
Part V, 29 September 2006
(l) SECNAV M-5210.1

Encl: (1) Arming of Law Enforcement and Security Personnel and
the Use of Force

1. Situation. This Order is a complete revision and should be reviewed in its entirety. It provides uniform procedures and criteria for the arming of law enforcement and security personnel, the carrying of firearms, and training on the use of force per references (a) through (l). This Order is not applicable to nuclear weapons security which is governed by separate policy.

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2. Cancellation. MCO 5500.6G.

3. Mission. This Order provides policy and procedures for the arming of law enforcement and security personnel and the use of force. Policy and procedures, or "how to", are contained in enclosure (1).

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. This Order is intended to establish Marine Corps policy, guidelines, and procedures regarding the arming of law enforcement and security personnel and the use of force.

(2) Concept of Operations

(a) Marines and civilian personnel of the Marine Corps regularly engaged in law enforcement and security duties shall be armed when actually engaged in such duties. Such personnel may not carry firearms when in an off-duty status unless they are otherwise authorized to do so by Commandant of the Marine Corps (PP&O (PS)).

(b) Failure to arm Marines and civilian personnel of the Marine Corps performing such duties is contrary to tradition and gives rise to the presumption that the purpose of the duties assigned is not properly a law enforcement or security mission and therefore does not require the assignment of a Marine or civilian police officer.

(c) Waivers to the requirement to arm Marines and civilian personnel regularly engaged in law enforcement and security duties can only be granted by PP&O (PS) or the chief of a diplomatic mission.

(d) All Marine Corps organizations shall use and comply with enclosure (1).

(e) Local standard operating procedures may be developed to augment enclosure (1) or to address procedures not included.

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(f) All Marine Corps organizations engaged in security and law enforcement missions shall use and comply with enclosure L of reference (a), Standing Rules for the Use of Force for U.S. Forces.

(g) Exclusions

1. This Order does not apply to Marine Corps personnel performing combat operations outside U.S. territory. Personnel engaged in those missions overseas are subject to the Department of Defense (DOD) Standing Rules of Engagement in reference (a) or mission specific rules of engagement (ROE). Domestic military activities including homeland defense missions and law enforcement and security duties will be conducted consistent with this Order, unless other superseding laws or regulations specifically apply. This Order also applies to law enforcement and security duties conducted outside U.S. territory.

2. Personnel serving under the operational control of another federal agency and authorized or directed to carry firearms in support of the mission are subject to the approval and requirements of both that federal agency and PP&O (PS). Marines and civilian personnel of the Marine Corps will adhere to that agency's firearms policies after being thoroughly trained in applying those policies.

b. Subordinate Element Missions. Commanders shall:

(1) Implement the contents of this Order.

(2) Ensure that local policies, practices, and directives relating to the arming of personnel and the use of less-lethal and deadly force are in compliance with this Order.

(3) Determine the appropriate equipment and techniques for the law enforcement and security mission in the local operational environment and provide the required equipment.

(4) Ensure that all armed personnel receive adequate and recurring training in the use of force as described in enclosure (1) of this Order.

(5) Ensure that all armed personnel are fully trained in the safe handling and use of the weapons with which they are

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(6) Specifically classify in writing appropriate property that is considered Inherently Dangerous Property, as that term is defined in Enclosure L, of reference (a).

(7) Determine when individuals may retain firearms overnight per enclosure (1), and ensure appropriate security is provided for the firearms to include proper safety lock devices.

5. Administration and Logistics

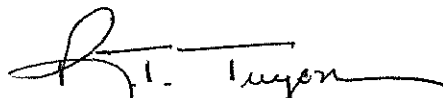
a. Records Management. Records created as a result of this directive shall include records management requirements to ensure the proper maintenance and use of records, regardless of format or medium, to promote accessibility and authorized retention per the approved records schedule and reference (1).

b. Recommendations concerning this Order are invited and will be submitted to PP&O (PS) via the appropriate chain of command.

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order is effective the date signed.



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Chapter 1

Arming of Law Enforcement and Security Personnel and the Use of Force

1. Arming of Personnel

a. References (b) and (c) authorize the Commandant of the Marine Corps to arm military and civilian personnel whose assigned duties require them to carry weapons. Marine Corps military and civilian personnel regularly assigned to law enforcement or security duties may be given authorization to carry firearms in the performance of duties provided they pass/complete the required annual qualification and training requirements/standards per paragraph 3 below and chapter 2.

b. Per references (b) and (c), authority to arm military and civilian personnel of the Marine Corps for personal protection outside the Continental United States (CONUS) rests with PP&O (PS). In addition, military and civilian personnel of the Marine Corps who are involved in full time law enforcement and security duties shall not carry government-issued firearms for personal protection within the CONUS when not actually engaged in law enforcement or security duties unless specifically authorized by the PP&O (PS).

c. Per references (b) and (c), Marines and civilian personnel of the Marine Corps not involved in full time law enforcement or security duties shall not carry government-issued firearms for personal protection within the CONUS or when they have been provided an official protective service detail, unless specifically authorized by PP&O (PS).

d. Certain law enforcement and security personnel, such as those performing civil disturbance missions, crowd control and brig duties, are exempt from the requirement to be armed with loaded weapons. Instead, they may be armed with equipment consistent with the operating environment and which meets the principle of using the minimum force necessary to accomplish the mission.

e. Listed firearms carried by Marines and civilian law enforcement and security personnel will conform as depicted in figure 1-1:

WEAPON	CARRYING CONFIGURATION	ADDITIONAL AMMUNITION
M9 SERVICE PISTOL	FULLY LOADED MAGAZINE INSERTED ROUND IN CHAMBER SLIDE FORWARD HAMMER DOWN SAFETY ON	MINIMUM OF ONE ADDITIONAL FULLY LOADED MAGAZINE
M16A2/M16A4/M4 RIFLE	FULLY LOADED MAGAZINE INSERTED CHAMBER EMPTY BOLT FORWARD SAFETY ON EJECTION PORT COVER CLOSED	MINIMUM OF ONE ADDITIONAL FULLY LOADED MAGAZINE
SHOTGUN	FULLY LOADED TUBE CHAMBER EMPTY BOLT FORWARD SAFETY ON	AT LEAST FIVE ADDITIONAL ROUNDS

Figure 1-1.--Authorized Weapons, Carrying Configuration, and
Ammunition

f. When armed with firearms that are not routinely carried with chambered rounds, rounds will not be chambered unless the immediate threat makes it reasonable and prudent to believe that the use of deadly force may be necessary.

g. During training such as reaction drills, the manner in which firearms are carried will be governed by considerations for safety and the operating environment. Commanders will exercise common sense in arriving at a balance between training realism and safety.

h. As outlined in references (b) and (c), per reference (f), it is a criminal felony offense for anyone who has ever been convicted of a misdemeanor crime of domestic violence to possess any firearm or ammunition whether Government-issued or privately owned. Penalties may include a sentence of imprisonment of up to 10 years and a fine of up to \$250,000, as well as administrative actions. There is no exception for law enforcement and security personnel. DD Form 2760, Qualification to Possess Firearms or Ammunition, must be completed by each individual being armed and retained by the command. Law enforcement or security personnel who have qualifying convictions:

- (1) May not possess any firearm or ammunition.

(2) Must immediately return any Government-issued firearm or ammunition to their supervisor.

i. All accredited Marine Corps Criminal Investigators (Marines with MOS 5805/5821 and civilians with occupation series 1811) shall be armed with a compact pistol for concealment in civilian attire when assigned to duties in the supporting establishment meeting requirements determined by CMC (PS) including a maximum overall length of 7.1 inches, overall height of 5.4 inches, and overall width of 1.5 inches.

j. Marine Corps civilian employees (not assigned to law enforcement duties) whose duties require the carrying of firearms shall be issued OPNAV Form 5512/2. Military police/civilian police officers and criminal investigators not issued authorizing credentials by CMC (PS) whose duties require the carrying of concealed firearms shall be issued OPNAV Form 5512/2. OPNAV Form 5512/2 shall be signed by the appropriate authorizing official (PP&O (PS) for PS personnel, commanding officer or individual designated in writing by the commanding officer for personnel assigned to Marine Corps units). This form shall be in the possession of the individual while armed as required above. Exceptions are Marine Corps Criminal Investigators and Marine Corps protective service personnel whose credentials authorize the carrying of firearms. The authorization must be withdrawn whenever the person to whom issued no longer meets the training, qualification or proficiency requirements, or no longer needs to be armed.

k. For contract security forces, use of deadly force criteria shall be established consistent with this Order and applicable law or regulation.

l. Unless otherwise authorized in writing by PP&O (PS), firearms will be returned daily to an authorized armory/ready for issue arms room. Exceptions to this are accredited Marine Corps Criminal Investigators. Military Police Investigators and civilian police investigators assigned to a CID office may also be exempt only while in an on-duty/call status when approved by the provost marshal/police chief. Individuals authorized to retain a firearm must unload the firearm, lock the firearm's action with a locking device, lock the firearm in a secure container, and store ammunition in a separate and secure location when not physically carrying the firearm.

m. Only Government-owned and issued weapons and ammunition are permitted to be carried by Marines and civilian personnel of the Marine Corps performing law enforcement and security duties.

n. Weapons may be carried off base by law enforcement and security personnel only while engaged in official duties. In general terms, MPs/police officers, are prohibited from enforcing the law, or conducting law enforcement activities off of their assigned installation, except in the case of CID or the Investigations Branch where logical investigative steps extend outside the installation and OCONUS locations where off base response is governed by a Status of Forces Agreement (SOFA). Except for CID, the installation staff judge advocate will be consulted before conducting law enforcement or security duties off a military installation. See reference (e) for more information.

o. Paragraph 6 below, per references (b) and (c), provides instructions regarding carrying firearms while embarked aboard aircraft.

2. Definitions

a. Armed Personnel. Marine Corps military and civilian law enforcement and security personnel when in possession of both the firearm prescribed for the performance of assigned duties and ammunition for the firearm.

b. Competent Authority. Superiors in the chain-of-command and those who are specifically designated in writing to issue orders to law enforcement and security personnel.

c. Continuum of Force. The concept that there is a wide range of possible actions ranging from voice commands to application of deadly force that may be used to gain and maintain control of a potentially dangerous situation.

d. Deadly Force. That force which a person uses with the purpose of causing death or serious bodily harm or which a reasonable and prudent person would consider likely to create a substantial risk of causing death or serious bodily harm.

e. Law Enforcement/Security Personnel. For the purpose of this Order, the term law enforcement/security personnel encompasses unit guards, military police (MP), criminal investigators, civilian police officers, command duty personnel, and military and civilian civil service personnel performing security duties.

f. Lawful Order. An order received from competent authority which a person of ordinary sense and understanding would know is not contrary to law.

g. Nonlethal Weapons (NLW). Weapons that are explicitly designed and primarily employed so as to incapacitate personnel or materiel, while minimizing fatalities, permanent injury to personnel, and undesired damage to property and the environment. NLW are intended to have relatively reversible effects on personnel or material.

h. Official Duties. Official duties are those activities performed by personnel as part of, or an extension of, regular official responsibilities. For civilian employees, official duties are the execution of responsibilities per the position description. For military personnel, official duties are the execution of the duties for which assigned.

i. Rules of Engagement. Directives issued by competent military authority that delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered.

j. Serious Bodily Harm. Injuries which have the strong potential to be life threatening or to result in permanent loss of use of an organ or limb, including fractured or dislocated bones, deep cuts, torn members of the body and serious damage to internal or sensory organs.

k. Assets Vital to National Security. For the purposes of DOD operations, defined as President-designated non-DOD and/or DOD property, the actual theft or sabotage of which the President determines would seriously jeopardize the fulfillment of a national defense mission and would create an imminent threat of death or serious bodily harm. Examples may include, but are not limited to, nuclear weapons; nuclear command and control facilities; and designated restricted areas containing strategic operational assets, sensitive codes or special access programs.

l. National Critical Infrastructure. For the purposes of DOD operations, defined as President-designated public utilities, or similar critical infrastructure, vital to public health or safety, the damage to which would create an imminent threat of death or serious bodily harm.

m. Inherently Dangerous Property. Property is considered inherently dangerous if, in the hands of an unauthorized

individual, it would create an imminent threat of death or serious bodily harm. Examples may include, but are not limited to: portable missiles, rockets, arms, ammunition, explosives, chemical agents and special nuclear materials. On-scene DOD commanders are authorized to classify property as inherently dangerous.

3. Training

a. All personnel subject to this Order must complete qualification/re-qualification training, firearms familiarization training, proficiency testing, and use of deadly force training within the preceding 12 months before being granted authorization to carry firearms in the performance of duties per references (b) and (c). Written certification of qualification/re-qualification must be entered in each individual's personnel/training file/record.

b. Successful qualification or re-qualification with the assigned weapon will be conducted annually per references (d) and (e) as appropriate for Marines and civilian personnel.

c. See chapter 2 for additional training information.

4. Use of Force

a. Although this Order is specifically directed at personnel armed with firearms, the principles apply equally to personnel armed with weapons or equipment (such as Military Working Dogs/Civilian Police Working Dogs) which, when applied, could cause death or serious bodily harm.

b. Inherent Right of Self-Defense. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, service members may exercise individual self-defense in response to a hostile act or demonstrated hostile intent. When individuals are assigned and acting as part of a unit, individual self-defense should be considered a subset of unit self-defense. As such, unit commanders may limit individual self-defense by members of their unit.

c. Imminent Threat. The determination of whether the danger of death or serious bodily harm is imminent will be based on an assessment of all facts and circumstances known to DOD forces at the time and may be made at any level. Imminent does not necessarily mean immediate or instantaneous. Individuals with the

capability to inflict death or serious harm and who demonstrate intent to do so may be considered an imminent threat.

d. Hostile Act. An attack or other use of force against the United States, U.S. forces or other designated persons or property. It also includes force used directly to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel or vital United States Government property.

e. Hostile Intent. The imminent threat of the use of force against the United States, U.S. forces or other designated persons or property. It also includes the threat of force to preclude or impede the mission and/or duties of U.S. forces, including the recovery of U.S. personnel or vital U.S. Government property.

f. When a firearm is discharged, it will be fired with the intent of rendering the person at whom it is discharged incapable of continuing the activity or course of behavior prompting the individual to discharge a weapon.

g. Warning shots are not authorized within U.S. territory (including U.S. territorial waters), except when in the appropriate exercise of force protection of U.S. Navy and Naval Service vessels within the limits set forth in Enclosure M, of reference (a), or unless specifically authorized in overseas locations according to host-nation laws or status of forces agreements.

h. All use of force shall be documented using a Statement of Force/Use of Detention Space (1630), NAVMC 11130, available through the Marine Corps Electronic Forms System. Marine Corps electronic forms are available through www.usmc.mil by clicking on the Marine Corps Publication tab and then clicking on the Marine Corps Electronic Forms System (MCEFS) link or using the following IP address:
<http://192.156.19.109/ar/mcefs.nsf/welcome?opennavigator>

5. Procedures

a. Force Continuum. There is no requirement to sequentially increase force to resolve a situation or threat. Military police/police officers and security personnel shall use the continuum of force per chapter 2, paragraph 2b, and figure 2-1.

b. De-Escalation. When time and circumstances permit, the threatening force should be warned and given the opportunity to withdraw or cease threatening actions.

c. Use of Non-Deadly Force

(1) Normally, force is to be used only as a last resort, and the force used should be the minimum necessary. The use of force must be reasonable in intensity, duration, and magnitude based on the totality of circumstances to counter the threat. If force is required, non-deadly force is authorized and may be used to control a situation and accomplish the mission, or to provide self-defense of DOD forces, defense of non-DOD persons in the vicinity if directly related to the assigned mission, or in defense of the protected property, when doing so is reasonable under the circumstances.

(2) The use of Service-approved, unit issued non-lethal weapons and riot control agents (RCA), including oleoresin capsicum (OC) pepper spray, and 2-chlorobenzalmalononitrile gas, is authorized in operations other than war. Detailed guidance for use of RCA is governed by reference (g).

d. Use of Deadly Force. Reference (a) provides detailed guidance on the use of deadly force. Deadly force is to be used only when all lesser means have failed or cannot reasonably be employed. Deadly force is authorized under the following circumstances:

(1) Inherent Right of Self-Defense. Deadly force is authorized when DOD unit commanders reasonably believe that a person poses an imminent threat of death or serious bodily harm to DOD forces. Unit self-defense includes the defense of other DOD forces in the vicinity.

(2) Defense of Others. Deadly force is authorized in defense of non-DOD persons in the vicinity, when directly related to the assigned mission.

(3) Assets Vital to National Security. Deadly force is authorized when deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of assets vital to national security.

(4) Inherently Dangerous Property. Deadly force is authorized when deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of inherently dangerous property.

(5) National Critical Infrastructure. Deadly force is authorized when deadly force reasonably appears to be necessary to prevent the sabotage of national critical infrastructure.

e. Additionally, when directly related to the assigned mission, deadly force is authorized under the following circumstances:

(1) Serious Offenses Against Persons. Deadly force is authorized when deadly force reasonably appears to be necessary to prevent the commission of a serious offense that involves imminent threat of death or serious bodily harm (for example, setting fire to an inhabited dwelling or sniping), including the defense of other persons, where deadly force is directed against the person threatening to commit the offense. Examples include murder, armed robbery, and aggravated assault.

(2) Escape. Deadly force is authorized when deadly force reasonably appears to be necessary to prevent the escape of a prisoner, provided there is probable cause to believe that such person(s) have committed or attempted to commit a serious offense, that is, one that involves imminent threat of death or serious bodily harm, and would pose an imminent threat of death or serious bodily harm to DOD forces or others in the vicinity.

(3) Arrest or Apprehension. Deadly force is authorized when deadly force reasonably appears necessary to arrest or apprehend a person who, there is probable cause to believe, has committed a serious offense (as indicated in subparagraph 5d above).

f. DoD forces will show due regard for the safety of innocent bystanders when using force.

h. The killing of an animal is justified for self-defense or to protect others from serious injury. This section is not intended to restrict the legitimate pest control and euthanasia function of installation animal control personnel.

i. There is no requirement for a special investigation and reporting of negligent discharges beyond that required by reference (h) pertaining to line-of-duty/misconduct investigations and serious incident reporting as addressed in reference (i).

j. A Statement of Force/Use of Detention Space (1630), NAVMC 11130, must be completed by all military police, police officers, security personnel, and criminal investigators each time force is

used. This includes acts preliminary to using deadly force such as chambering rounds for weapons not authorized to be carried with rounds chambered, drawing a pistol from the holster, and pointing firearms, even when firearms are not discharged. Use of this form by all other security forces, for all forms of force used, is recommended.

6. Guidance for Marine Corps Personnel who Carry Firearms while Aboard Commercial and Military Aircraft

a. Per references (b), (j) and (k), this paragraph will be followed when carrying firearms and ammunition aboard commercial and military aircraft.

b. Carrying Firearms Aboard Commercial Aircraft. All DOD personnel shall comply with applicable provisions of sections 1544.219 and 1540.111 of reference (j) for Transportation Security Administration regulations and guidance.

(1) All DOD personnel authorized to carry a firearm aboard commercial aircraft shall meet the requirements of section 1544.219 of reference (j). For training requirements and other information, contact the Transportation Security Administration Contact Center at www.tsa.gov.

(2) All DOD personnel authorized to transport a firearm in checked baggage shall meet the requirements of section 1540.111 of reference (j). For additional information, contact the Transportation Security Administration Contact Center at www.tsa.gov.

(3) Air carriers may have varying requirements regarding firearms and the amount of ammunition that may be placed in checked baggage. Travelers should contact the air carrier regarding its policies.

c. Carrying Firearms Aboard Military Aircraft. Individuals authorized to transport firearms shall comply with applicable provisions of reference (k) for military or civilian military-chartered aircraft requirements.

7. Less Lethal Considerations

a. Law enforcement and security personnel are often armed with weapons or equipment other than firearms. Even though their intended purpose is non-lethal, when applied, they could cause death or serious bodily harm.

b. Nonlethal weapons may be used for less lethal force:

(1) Against persons assaulting other persons or oneself in order to prevent injury and/or continuation of the assault when alternatives to the use of force have failed or are not available.

(2) Against persons offering physical resistance to lawful arrest or apprehension when alternatives to the use of force have failed or are not available.

(3) Against persons passively resisting a lawful, full-custody arrest or apprehension when alternatives to the use of force have failed or are not available.

(4) To prevent the escape of a prisoner.

(5) To prevent the destruction of property.

(6) Against animals menacing or attacking a person, oneself, or Military Working Dogs (MWDs).

c. Nonlethal methods and NLW provide alternatives to firearms and increased options for the use of minimum force. Nonlethal weapons may be used with a reasonable amount of force necessary to overcome the resistance offered to detain or affect a lawful arrest or apprehension and/or accomplish the lawful performance of assigned duties.

(1) Handcuffs. A person who poses an immediate threat of bodily injury or death, destruction of evidence or escape should be handcuffed securely, but not so tightly as to cause the individual injury or pain. Handcuffs, when in use, will be double locked and checked periodically to ensure they are not causing injuries. Suspects should never be handcuffed to objects, to include vehicles. These precautions are also applicable to the use of leg irons.

(2) Nightsticks/Batons. Nightstick/baton blows to the head can cripple or kill. Law enforcement and security personnel must avoid intentionally striking combative suspects in the head or other bony body parts with nightsticks/batons except when circumstances justify the use of deadly force.

(3) Military Working Dogs. Because of the training the MWD has received, it must be treated as a weapon. See reference (e) for more information.

(a) When releasing an MWD to attack, the handler must:

1. Be sure that the MWD will cease an attack upon command.
2. Be sure that the MWD has identified the same target that the handler is releasing it to attack.
3. Warn bystanders to cease all movement.
4. Call the MWD off the attack as-soon as the suspect stops or indicates surrender.

(b) MWDs will not be released:

1. If no suspect is in sight.
2. In areas where children are present, except as a last resort short of the use of a firearm.
3. Into a crowd of people.

(4) Chemical Spray. Chemical spray can be an effective compliance tool. Oleoresin Capsicum (OC) is a type of chemical spray used by DOD. Manufacturer's instructions should be followed regarding methods of employment. See reference (e) for more information.

(5) Vehicles. High speed pursuits are discouraged. The preferred method to high speed pursuit is roadblocks and tire deflating devices where they can be used safely. See reference (e) for more information. In situations where deadly force is authorized, a high speed pursuit could be warranted only when:

(a) Local regulations and procedures are in place.

(b) Pursuing law enforcement and security personnel have communications with supervisors who have the capability to order termination of the pursuit when it is unsafe or unnecessary.

(c) Law enforcement and security vehicles meet state requirements as emergency vehicles (code lights, sirens, etc.).

(d) The pursuit can be performed safely.

(6) Human Electro-Muscular Incapacitation Devices/Future Approved Non-Lethal Weapons Technology/Electro-Muscular Disruption Technology. Human electro-muscular incapacitation devices and

stun guns are an effective alternative to deadly force. All other DOD and Marine Corps non-lethal equipment not listed above shall be utilized in accordance with DOD regulations.

(a) The X26E Taser® is currently the only DOD approved human electro-muscular incapacitation device. The X26E is manufactured by Taser International Inc. The X26E delivers .0021 amperes/50,000 volts to subdue an individual.

(b) See reference (e) for detailed information concerning the training and employment of the X26E Taser for law enforcement and security personnel.

(c) The use of the X26E Taser is authorized for use/continuum of force application, force protection and security purposes in the conduct of major operations and campaigns, in crisis response and limited contingency operations outside the U.S. per reference (a), published ROE and appropriate DOD/CJCSI directives.

(d) All instructors must be properly certified prior to conducting training and users must be properly trained prior to employing the X26E Taser. See reference (e) for training requirements.

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Chapter 2

Training

1. Use of Force Training

a. Annual (at a minimum) use of force training for all law enforcement and security personnel must include the following:

- (1) Instructions on legal and regulatory limitations.
- (2) Training in alternative uses of force.
- (3) Firearms safety.
- (4) Situational/judgmental shooting; to include quarterly firing of assigned weapon.
- (5) Annual and quarterly firearms proficiency testing/training using both fixed and moving targets. See reference (e).
- (6) Annual use of force training and testing per this Order or more frequently if required by local instructions and/or standard operating procedures.
- (7) Written documentation, including dates, signatures of trainer/trainee, must be maintained within the individual's training/personnel file/record.

b. Training must include nonlethal techniques, NLW, firearms safety, continuum of force, and the ability to quickly and accurately make the decision as to what level of force is required and authorized.

c. Use of force training should be realistic, comprehensive, and continuous. It is not enough to simply have armed personnel memorize the list of circumstances for which deadly force is authorized, as identified in chapter 1.

d. Armed personnel need to understand the purposes, alternatives, and concepts of using force and be able to demonstrate their knowledge in periodic written examinations and practical training scenarios.

e. Conduct annual shotgun training per reference (e).

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f. Figure 2-1 is provided as a training tool suitable for use with law enforcement and security personnel. The use of similar forms, locally modified to cover situations that may be encountered by law enforcement and security personnel is encouraged.

FOR OFFICIAL USE ONLY

INDIVIDUAL'S ACKNOWLEDGEMENT OF SPECIFIC INSTRUCTIONS
FOR ARMED SECURITY AND LAW ENFORCEMENT PERSONNEL
REGARDING THE USE OF FORCE

Name (Last, First, M.I.)	Rank	Date
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1. Inherent Right of Self Defense. Unit commanders always retain the inherent right and obligation to exercise unit self-defense in response to a hostile act or demonstrated hostile intent. Unless otherwise directed by a unit commander as detailed below, I may:

a. ____ Exercise individual self-defense in response to a hostile act or demonstrated hostile intent.

b. ____ However, I understand that when I am assigned and acting as part of a unit, my individual self-defense should be considered a subset of unit-self defense. As such, my unit commander may limit my individual inherent right of self-defense.

2. De-Escalation and the Use of Non-Deadly Force. I understand that:

a. ____ When time and circumstances permit, the threatening force should be warned and given the opportunity to withdraw or cease threatening actions.

b. ____ Normally, force is to be used only as a last resort, and the force used should be the minimum necessary. The use of force must be reasonable to counter the threat. If force is required, non-deadly force is authorized and may be used to control a situation and accomplish the mission, or to provide self-defense of DOD forces, defense of non-DOD persons in the vicinity if directly related to the assigned mission, or in defense of the protected property, when doing so is reasonable under the circumstances.

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3. The Use of Deadly Force. Deadly force is to be used only when all lesser means have failed or cannot reasonably be employed. Deadly force is authorized under the following circumstances:

a. ____When DOD unit commanders reasonably believe that a person poses an imminent threat of death or serious bodily harm to DOD forces. Unit self-defense includes the defense of other DOD forces in the vicinity.

b. ____In defense of non-DOD persons in the vicinity, when directly related to the assigned mission.

c. ____When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of properly designated assets vital to national security.

d. ____When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of inherently dangerous property (i.e., explosives, weapons ammunition, etc.).

e. ____When deadly force reasonably appears to be necessary to prevent the sabotage of national critical infrastructure. For the purposes of DOD operations, "national critical infrastructure" is defined as President-designated public utilities, or similar critical infrastructure, vital to public health or safety, the damage to which the President determines would create an imminent threat of death or serious bodily harm.

4. Additionally, when directly related to the assigned mission, deadly force is authorized under the following circumstances:

a. ____When deadly force reasonably appears to be necessary to prevent the commission of a serious offense that involves imminent threat of death or serious bodily harm (for example, setting fire to an inhabited dwelling or sniping), including the defense of other persons, where deadly force is directed against the person threatening to commit the offense. Examples include murder, armed robbery, and aggravated assault.

b. ____When deadly force reasonably appears to be necessary to prevent the escape of a prisoner, provided there is probable cause to believe that such person(s) have committed or attempted to commit a serious offense, that is, one that involves imminent threat of death or serious bodily harm, and would pose an imminent threat of death or serious bodily harm to DOD forces or others in the vicinity.

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c. ____ When deadly force reasonably appears necessary to arrest or apprehend a person who, there is probable cause to believe, has committed a serious offense (as indicated in paragraph 3, above).

5. Additional Specific Instructions:

a. ____ I am prohibited from firing warning shots.

b. ____ I will remove my pistol from my holster only when:

(1) The use of deadly force is imminent, or to affect the apprehension of a suspect I believe to be armed or dangerous, or to gain control of a dangerous situation.

(2) Ordered to do so by competent authority.

(3) Returning it to storage.

(4) Cleaning it in an authorized area.

c. ____ I will show due regard for the safety of innocent bystanders when using force.

6. ____ I will not point any firearm at any person, except:

a. To gain control of a situation.

b. When I intend to use deadly force.

c. During on-duty reaction drill, only after I have checked the firearm and it has also been checked by my supervisor to ensure no rounds are in the weapon.

7. ____ If I chamber a round in a rifle or shotgun, or remove my pistol from its holster, proper notifications will be made and a Statement of Force form completed.

8. ____ When clearing a firearm, I will follow current policies and procedures pertaining to firearms handling, clearing, and safety.

a. No weapon will be cleared without a supervisor (sergeant or above) present and clearing will be accomplished only in the designated area (i.e., clearing barrel).

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b. When drawing a weapon from the armory/arms room, rounds will be drawn after ensuring the weapon is clear.

c. When returning a weapon to the armory/arms room, rounds will always be properly accounted for and turned in prior to clearing the weapon, unless a round has been chambered.

d. I will report any violation of these policies or procedures immediately to the proper authority.

9. ____I am prohibited from using a privately owned firearm or ammunition on duty.

10. ____During training exercises and testing, I will check my firearm and have it double checked by another person, to ensure that no live rounds are in the weapon and that there is no magazine inserted in the weapon.

11. ____I will comply with these principles when using non-lethal weapons or techniques in such a manner that could cause death or serious bodily harm.

12. Acknowledgement. I have been instructed on the use of deadly force and acknowledge that I understand and will comply with the basic rules for the use of force and weapons safety. I acknowledge that failure to comply with the basic rules for the use of force and weapons safety may result in administrative, disciplinary, and/or criminal penalties.

Date

Rank/Printed Name

Signature

Figure 2-1.--INDIVIDUAL'S ACKNOWLEDGEMENT OF SPECIFIC
INSTRUCTIONS FOR ARMED SECURITY AND LAW ENFORCEMENT
PERSONNEL REGARDING THE USE OF FORCE

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g. Paragraph 2 below provides the recommended components of an effective use of force training program. The program is built around the Continuum of Force Model that emphasizes the concept that the decision to employ a particular level of force must be predicated on a reasonable perception of the threat.

h. Paragraph 3 provides guidance for commanders when developing use of force training programs.

i. Paragraph 4 addresses the relationship between ROE and DOD/USMC regulations on rules for the use of force (RUF) for personnel involved in law enforcement and security duties.

2. Use of Force Training Guide

a. Use of Force Training

(1) Expert marksmanship and superior fire discipline are developed through realistic and continuous training.

(2) Marine Corps law enforcement and security personnel must be provided with realistic use of force training to ensure they effectively employ the proper amount and level of force to control potentially dangerous situations.

b. Continuum of Force

(1) Law enforcement and security personnel must understand that, when confronted with a situation where force may be required, the response they select must be appropriate to the perceived threat.

(2) Continuum of force training must emphasize the concept that the decision to employ a particular level of force must be predicated on a "reasonable perception" of the threat.

(3) Recognizing that confrontations are often tense and fast moving, MPs/police officers and security personnel must nonetheless demonstrate the ability to apply the correct level of force to a given threat at any given time. The existence of this continuum of force does not mean MPs/police officers and security personnel must comply with each step before proceeding to the next. For instance, if an MP is faced with an imminent threat of death or serious bodily harm, the MP may respond immediately with deadly force. Figure 2-2 illustrates the continuum of force concept:

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Continuum of Force Model

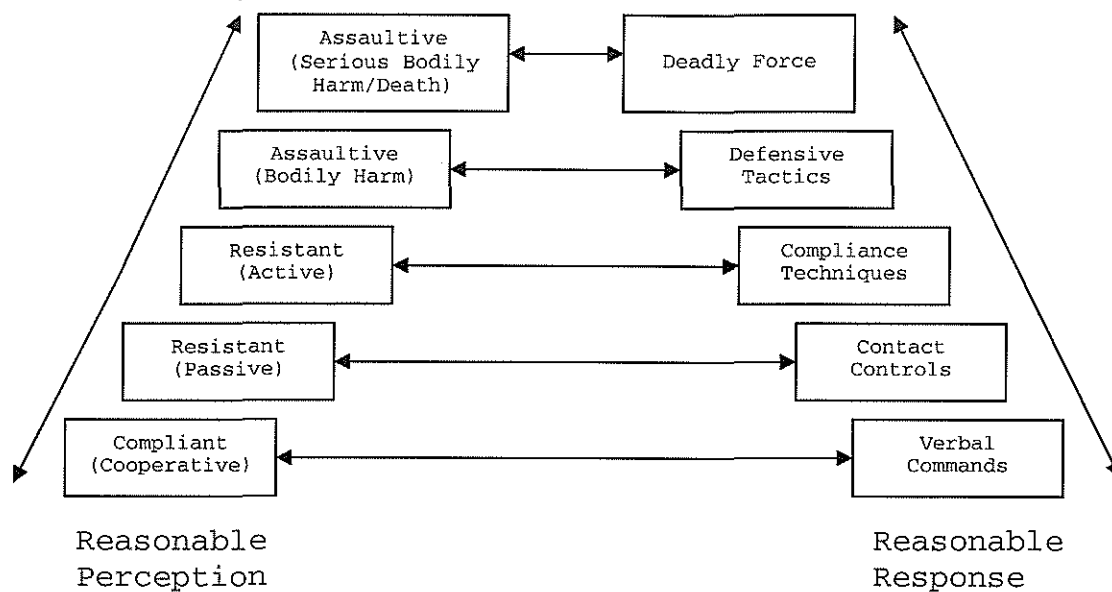


Figure 2-2.--Continuum of Force Model

(4) The ability to accurately assess a subject's behavior in a confrontational setting can be improved through regular continuum of force training, accomplished using lectures, discussions, "shoot/don't shoot" training videos, and realistic role-playing scenarios.

(5) Regular testing will help determine the effectiveness of a use of force training program. It is not enough to simply teach the conditions under which deadly force may be legally employed.

(6) Law enforcement and security personnel must recognize that confrontational situations are seldom static in nature, and that the threat level can quickly escalate or fall several times in direct response to what they do or fail to do.

(7) De-Escalation. When time and circumstances permit, the threatening force should be warned and given the opportunity to withdraw or cease threatening actions.

(8) Law enforcement and security personnel can expect to encounter the following types of subjects and use the corresponding level of response when controlling a potentially dangerous situation:

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(a) Compliant (Cooperative). Most encounters will fall into this category. The vast majority of people will cooperate with MPs/police officers and security personnel and will obey instructions given to them.

1. Simple verbal commands used with firmness, courtesy, and tact will be sufficient to control the situation.

2. Teaching points: Law enforcement and security personnel who become overbearing when dealing with the otherwise cooperative persons violate the continuum of force concept. Overbearing action may needlessly antagonize the subject, causing him/her to resist control, resulting in an unnecessary escalation of both the threat and the corresponding level of force.

3. Use of force training programs must include instruction in oral communication skills designed to prevent the unnecessary escalation of force.

(b) Resistant (Passive). At this level, MPs/police officers and security personnel first encounter noncompliance/resistance. Normally, this consists of a simple refusal to obey verbal commands. There is no apparent immediate danger of physical harm to the subject or law enforcement and security personnel. Immediate application of physical force at this stage of the continuum may not yet be necessary; the appropriate response is to employ contact controls.

1. Contact control techniques are those short of physical force which psychologically intimidate the subject and manipulate him/her into a position of disadvantage in order to eliminate the resistant behavior and establish or reestablish cooperation.

2. Teaching points: Law enforcement and security personnel do not have to immediately resort to physical force every time they are confronted by subjects who do not instantly comply with every verbal command. Utilize contact controls as a bridge between verbal commands and physical force. Most complaints alleging excessive force involve confrontations where physical force was applied prematurely.

3. Examples may include repeating the verbal commands in an increasing forceful manner, warning the subject of the potential consequences of disobedience, assuming a more

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authoritative posture, requesting assistance, and physical intimidation through body positioning, stance, and movement.

4. Use of force training programs must include instruction specifically designed to develop persuasive techniques when dealing with passive resisters.

(c) Resistant (Active). At this level, law enforcement and security personnel encounter physical resistance on the part of the subject. Resistance at this level is normally manifested in acts such as continued refusal to comply with directions, pulling away, fighting words or threatening behavior, shouting, struggling, locking oneself in a car, or fleeing from the area. The subject remains openly defiant of commands, and is not actively attacking but is physically resisting. When verbalization and contact controls prove ineffective, compliance techniques may be necessary.

1. Compliance techniques include those approved tactics designed to physically force the subject to comply. The nightstick/baton may be employed as a control instrument in conjunction with weaponless, empty-hand control holds, thereby effecting control. Chemical spray/OC may be sprayed in the face as a distraction and alternate means of force.

2. Examples of compliance techniques include empty-hand control holds, restraint with and without nightstick/baton, OC spray, followed by the use of human electro-muscular incapacitation devices.

3. Teaching points: The use of a nightstick/baton at this level is acceptable only as a compliance tool. Kicks, punches, and strikes with a nightstick are not appropriate at this level of the continuum and are considered excessive force when used against a physically resisting subject who is not engaged in overt aggressive actions. Use of human electro-muscular incapacitation devices is between OC spray at the top end of compliance techniques and nightstick/baton strikes in defensive tactics. Unless the subject escalates the situation by attacking law enforcement and security personnel, the actual physical threat to law enforcement and security personnel will remain low and they must continue to exercise restraint when using force.

4. Use of force training programs must include compliance techniques that will enable law enforcement and

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security personnel to quickly gain control over a physically resisting subject without causing serious injury.

(d) Assaultive (Bodily Harm). Although the subject does not present a weapon, MP/police officers and security personnel are in imminent danger of bodily injury. The subject's behavior is characterized by combative and aggressive actions in which the subject physically attacks MPs/police officers and security personnel to prevent apprehension, facilitate escape, or cause injury. This kind of assault is normally manifested in such acts as striking, kicking, wrestling, and biting. The appropriate response is to employ defensive tactics to neutralize the threat, before you are physically attacked/assaulted. Any physical confrontation in which no weapon is involved, but where MPs/police officers and security personnel genuinely fear imminent death or serious bodily injury, deadly force is authorized.

1. Defensive tactics are those authorized techniques law enforcement and security personnel use to defeat an assailant's attack, reestablish total control over the subject, and maintain control once compliance is achieved. Examples of defensive tactics include such techniques as empty-hand blocks/strikes, enhanced pain compliance procedures, nightstick/baton blocks/strikes, and employment of MWDs.

2. Teaching points: Law enforcement and security personnel must quickly check the subject's combative behavior in order to restore control, safeguard the participants (to include the subject) from further injury, and prevent the situation from escalating to one requiring deadly force. Nightstick/baton blows to the head can cripple or kill. Law enforcement and security personnel must avoid intentionally striking combative suspects in the head with their nightstick/baton. Because of the immediate danger, the level of force required at this level will increase in direct correlation to the degree of the threat.

3. Example: The amount of force required to subdue a drunken, combative adolescent would likely be less than that needed to control a combat trained Marine determined to avoid apprehension. In the latter case, law enforcement and security personnel are in much greater personal danger, so the level of force they must employ to protect themselves and reestablish control of the situation will be greater than with an untrained adolescent.

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4. Use of force training programs must include regular defensive tactics instruction.

(e) Assaultive (Serious Bodily Harm)/Death. At this level, the attacking subject will either kill or seriously injure someone if not stopped immediately and brought under control. Any attack involving a firearm or a close quarters engagement where an edged weapon has been drawn would fall into this category. While guns/firearms and knives are the most obvious examples, MPs/police officers and security personnel must not underestimate the danger posed by improvised weapons such as pipes, chains, hazardous materials, or any implement or tool capable of being used as either a bludgeon or a cutting instrument. Any physical confrontation in which no weapon is involved, but where MPs/police officers and security personnel genuinely fear imminent death or serious bodily injury also applies. This category of behavior represents the least encountered, but by far the most serious threat to the safety of law enforcement and security personnel. For instance, the ferocity of the subject's attack or martial skills displayed could justify the use of deadly force.

1. Teaching point: There must be a reasonable belief that death or serious bodily injury will result if deadly force is not employed. The acronym OIC should be applied which stands for opportunity, intent, and capability. OIC can be used to determine reasonable belief that death or serious bodily injury will result if deadly force is not employed. In order to justify the employment of deadly force one must have reasonable belief that an aggressor possesses the opportunity, intent, and capability to inflict serious bodily harm.

2. Example: An isolated man brandishing a knife 70 feet away bears close watching, but because he poses no immediate threat, it would be inappropriate to employ deadly force. However, if the same man suddenly charged and began slashing with his blade at a very close range, the encounter has then escalated into one where the use of deadly force would be appropriate. Conversely, if the knife-wielder suddenly submits by dropping his weapon and giving up the fight, he no longer poses an immediate threat of death or serious bodily harm. Deadly force would then no longer be appropriate because a lesser level of force can be used to control the situation.

c. Training Program Components. Training on the use of force begins with a thorough understanding of the Standing Rules

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for the Use of Force found in reference (a). In addition, use of force training programs for law enforcement and security personnel must include:

(1) Instruction on Legal and Regulatory Limitations

(a) Personnel required to be armed in the performance of their duties must also be exposed during training to the primary laws, regulations, Constitutional issues, and U.S. Supreme Court decisions that govern the peacetime application of deadly force in the United States.

(b) If stationed overseas, personnel must be exposed to Status of Forces Agreement provisions. Knowing these fundamental principles will help armed personnel better understand why deadly force is appropriate in some circumstances while inappropriate in others.

(2) Training in Alternative Uses of Force

(a) Conceptually, deadly force is employed as a last resort, and only after all lesser means of force have failed to produce the intended result, or circumstances prevent the use of lesser means.

(b) Armed personnel must be familiar with alternatives to the employment of deadly force. The continuum of force model assists in identifying appropriate conduct for law enforcement and security personnel when using force to establish control over a subject who is resisting.

(c) The continuum of force ranges from simple oral instructions to light physical contact, heavier physical contact (such as pain compliance via joint manipulation, pressure points, and stunning blows), to the use of chemical and impact weapons, and finally, to the use of deadly force.

(d) Armed personnel must be aware of the various alternatives to the use of deadly force. Continuum of force training places deadly force in its logical and proper perspective.

(3) Instruction in Weapons Handling

(a) Periodic training in weapons safety to include handling, clearing, carriage, and storage of firearms is mandatory.

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(b) Training must focus on the individual's overall responsibility for weapons safety in order to prevent injury or death caused by carelessness, neglect, or failure to properly secure weapons.

(c) Training must include an evaluation of the individual's understanding of weapons safety and handling.

(4) Situational/Judgmental Shooting

(a) Periodic "shoot/don't shoot" type training tests the shooter on his/her ability to make rapid decisions in a variety of probable scenarios likely to be encountered in the performance of duty.

(b) The training can be live fire, simulated, or tested by way of written examination.

(c) The evaluation process is designed to determine if the shooter understands and can apply the concepts of the continuum of force under conditions of simulated pressure.

(5) Marksmanship Proficiency Tests

(a) In addition to annual re-qualification and quarterly firing per references (d) and (e), personnel required to be armed in the performance of their duties should also participate in advanced firearms courses of fire.

(b) These advanced firearms courses should test the shooter's ability to move quickly, shoot accurately from various distances and positions, and reload under conditions that simulate those he/she might face, to include firing under conditions of reduced visibility.

(c) Combined with the standard re-qualification course of fire, this type of firearms training will help improve the individual shooter's firearms proficiency and self-confidence.

d. Methods of Training. In order to provide the most effective training, commanders should employ a variety of different methods in their use of force program. As is the case with any training, the more realistic it is, the better the results will be. A combination of the following methods is suggested:

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(1) Role Playing. Role playing is a safe, inexpensive, and effective way to evaluate Marines under simulated conditions of stress.

(2) Discussions/Lectures. Like role playing, seminars, "brainstorming" sessions, lectures, and after-action "hot washes" are safe, effective, and easy to do.

(3) Firearms Simulators. Short of actual live fire, the use of firearms simulators is the most effective method available to help Marines develop confidence in their situational and judgmental shooting skills.

(4) Live Fire. Live fire "shoot/don't shoot" training simultaneously challenges both marksmanship and judgment.

(5) Testing. Practical and written use of force testing must be conducted on both a regular and an impromptu basis to be effective.

3. Use of Force Training Checklist. Figure 2-3 is a checklist for commanders when developing their use of force training program. Not every requirement in this instruction is addressed; therefore, successful completion of this checklist should not be considered compliance with this instruction.

Has the unit commander determined what techniques and equipment are appropriate for the specific local operational environment?
Does the unit have a use of force training program? Do all armed personnel receive regular use of force training?
Does the command's use of force program include training on the levels of force contained in the Continuum of Force?
Are all armed personnel currently qualified with their assigned weapon?
Have all armed personnel read and signed a copy of the Individual's Acknowledgment of Specific Instructions Regarding the Use of Force or a form modified for the local operating environment?
Are Statement of Force forms, NAVMC 11130, on hand and being used if required?
Does the use of force training program include periodic situational/judgmental shooting exercises (for example, "shoot/don't shoot" simulators)?
Do law enforcement and security personnel participate in sustainment firearms proficiency training?
Do law enforcement and security personnel receive instruction on legal and regulatory requirements for the use of force?
Does the command's use of force training program include regular evaluations designed to test individual law enforcement and security

personnel proficiency?

Figure 2-3.--Use of Force Training Checklist

4. Comparison of DOD Rules for Use of Force Regulations and Rules of Engagement

a. Figure 2-4 illustrates the relationship between ROE and DOD/USMC RUF regulations for personnel involved in law enforcement and security duties. Reference (a) governs when ROE and RUF apply.

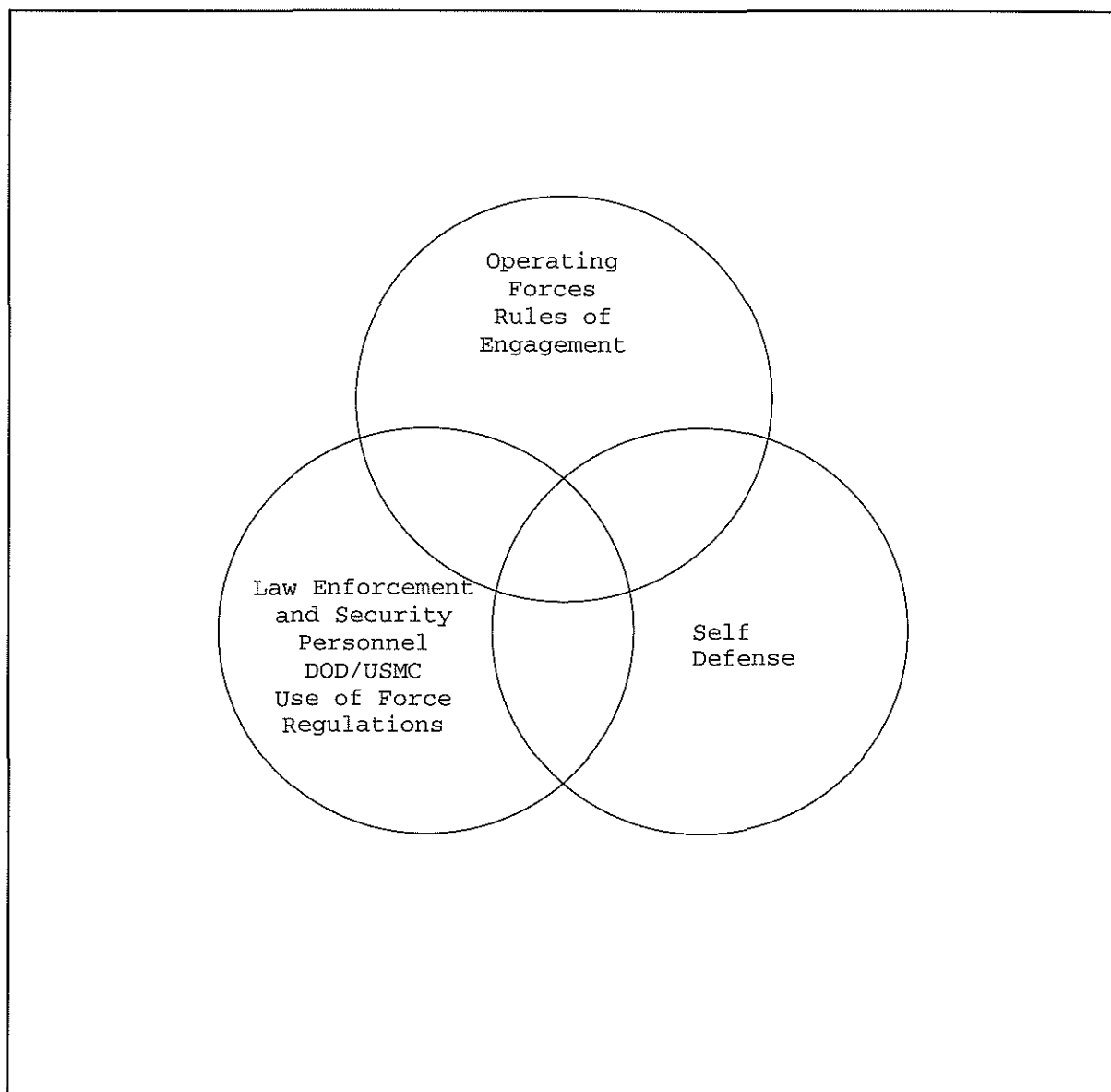


Figure 2-4.--Comparison of RUF and ROE

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b. The standing ROE (reference (a)) establish fundamental policies and procedures governing the actions to be taken by U.S. commanders during all military operations and contingencies and routine Military Department functions. This last category includes Antiterrorism/Force Protection (AT/FP) duties, but excludes law enforcement and security duties on DOD installations, and off-installation while conducting official DOD security functions, outside U.S. territory and territorial seas. Standing ROE also apply to air and maritime homeland defense missions conducted within U.S. territory or territorial seas, unless otherwise directed by the Secretary of Defense.

c. Standing RUF (SRUF) provide operational guidance and establish fundamental policies and procedures governing the actions taken by DOD forces performing civil support missions (e.g., military assistance to civil authorities and military support for civilian law enforcement agencies) and routine Service functions (including AT/FP duties) within U.S. territory (including U.S. territorial waters). The SRUF also apply to land homeland defense missions occurring within U.S. territory and to DOD forces, civilians and contractors performing law enforcement and security duties at all DOD installations (and off-installation, while conducting official DOD security functions), within or outside U.S. territory, unless otherwise directed by the Secretary of Defense. Host nation laws and international agreements may limit U.S. forces means of accomplishing their law enforcement or security duties. Additional examples of these missions, within the U.S., include protection of critical U.S. infrastructure both on and off DOD installations, military assistance and support to civil authorities, DOD support during civil disturbance and DOD cooperation with Federal, State, and local law enforcement authorities, including counterdrug support.

d. ROE development should note the circumstances when DOD/USMC use of force regulations apply.

e. Self-defense is an inherent right for both operational forces and personnel involved in security and law enforcement duties.