



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
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WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
MCO 5500.6G
PS
27 AUG 2008

MARINE CORPS ORDER 5500.6G

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 for
US Forces," June 13, 2005 (NOTAL)
(b) DODD 5210.56, "Use of Deadly Force and the Carrying of
Firearms by DOD Personnel Engaged in Law Enforcement
and Security Duties," November 1, 2001
(c) SECNAVINST 5500.29C
(d) MCO 3574.2K
(e) MCO 5580.2B
(f) 18 U.S.C., Section 922(g)(9)
(g) JAGINST 5800.7E
(h) MCO 3504.2

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 (h). Reference (b) is superseded in part by reference (a).

2. Cancellation. MCO 5500.6F.

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

DISTRIBUTION STATEMENT A: Approved for public release;
distribution is unlimited.

(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 assigned to do so by Commandant of the Marine Corps (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 law enforcement and security personnel can only be granted by the Commandant of the Marine Corps (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.

(f) All Marine Corps organizations shall use and comply with the Standing Rules for the Use of Force for U.S. Forces (enclosure L of reference (a)).

(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 (SROE) 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 under authority in this Order, unless other superseding rules are specifically identified. 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 the Commandant of the Marine Corps (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 armed per this Order, references (b), (c), (d), (e), and other appropriate directives/publications.

(6) Specifically designate in writing appropriate property or information that is considered vital to national security.

(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. Recommendations concerning this Order are invited and will be submitted to the Commandant of the Marine Corps (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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Deputy Commandant for
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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 (CMC) 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 the CMC (PS) and the Assistant Commandant of the Marine Corps (ACMC). 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 CMC (PS) or ACMC.

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 CMC (PS) or ACMC.

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. 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	ONE ADDITIONAL FULLY LOADED MAGAZINE
M1911A SERVICE PISTOL	FULLY LOADED MAGAZINE INSERTED CHAMBER EMPTY SLIDE FORWARD HAMMER DOWN SAFETY ON	ONE ADDITIONAL FULLY LOADED MAGAZINE
M11 SERVICE PISTOL (MILITARY VARIANT OF THE SIG SAUER)	FULLY LOADED MAGAZINE INSERTED ROUND IN CHAMBER SLIDE FORWARD HAMMER DOWN	ONE ADDITIONAL FULLY LOADED MAGAZINE
M16A2/M4 RIFLE	FULLY LOADED MAGAZINE INSERTED CHAMBER EMPTY BOLT FOREWARD SAFETY ON EJECTION PORT COVER CLOSED	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), reference (f) makes it a felony for anyone who has ever been convicted of a misdemeanor crime of domestic violence at any time prior to or after the passage of the law to possess any firearm or ammunition. There is no exception for law enforcement and security personnel. For any individual who has been convicted of a misdemeanor crime of domestic violence within the meaning of this statute, continued retention of any firearm or ammunition, whether Government-issued or privately owned, is illegal and may

subject that individual to felony criminal penalties. 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. 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. Accredited Marine Corps Criminal Investigators assigned duties as Marine Special Agents with the Naval Criminal Investigative Service (NCIS) and Accredited Marine Corps Criminal Investigators assigned to the Provost Marshal's Office Criminal Investigation Division (CID) shall be armed with the current weapon of issue (M11 pistol) as deemed appropriate by CMC (PS). Accreditation for investigators is achieved through the successful completion of the U.S. Army Apprentice Criminal Investigation School and assignment of military occupational specialty 5821. Non-criminal investigators of administrative laws (such as Federal Employee Compensation Act (FECA)) are not automatically eligible to carry a firearm under this paragraph. They may seek written approval from their commanding officers in accordance with the paragraph below.

j. Marines whose duties require the carrying of concealed firearms and Marine Corps civilian personnel whose duties require the carrying of firearms must have the approval of their commanding officer. Such individuals shall be issued OPNAV Form 5512/2 which shall be signed by the commanding officer. This form shall be in the possession of the individual while armed. 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. Exceptions are Marine Corps Criminal Investigators, Marine Corps Military Police Investigators, and Marine Corps protective service personnel whose credentials authorize the carrying of firearms.

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

l. Unless otherwise authorized in writing by CMC (PS), firearms will be returned daily to an authorized armory/ready for issue arms room. Exceptions to this are Marine Corps Criminal Investigators. Military Police Investigators assigned to a CID office may also be exempt while in an on-duty/call status.

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. 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 (LE)/Security Personnel. For the purpose of this Order, the term LE/security personnel encompasses unit guards, military police (MP), criminal investigators, civilian police officers, 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. 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.

h. Rules of Engagement. Directives issued by competent military authority which specify the circumstances and limitations under which forces will initiate and/or continue combat engagement with other forces encountered.

i. 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.

j. Vital to National Security. A level of protection assigned to property and information whose loss, damage or compromise would seriously prejudice the national security or jeopardize fulfillment of an essential national defense mission.

k. National Critical Infrastructure. Public utilities, or similar critical infrastructure designated by the President that are vital to public health or safety, the damage to which would create an imminent threat of death or serious bodily harm.

3. Training

a. All personnel must complete qualification/re-qualification training, proficiency testing, and use of deadly force training within the preceding 12 months prior to 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. Marines and civilian personnel of the Marine Corps authorized to carry firearms in the performance of their duties will use only the minimum amount of force necessary to reach their objective.

c. 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.

d. Warning shots are not authorized.

e. 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://192.156.19.102/ar/mcefs.nsf/welcome?opennavigator>

5. Deadly Force

a. Deadly force is justified only when lesser means have been exhausted, are unavailable, or cannot be reasonably employed. Deadly force is authorized under the following circumstances:

(1) In Self-Defense and Defense of Others. When deadly force reasonably appears necessary to protect MPs/police officers and security personnel or others who are reasonably believed to be in imminent danger of death or serious bodily harm.

(2) Assets Involving National Security. When deadly force reasonably appears necessary to prevent the actual theft or sabotage of assets vital to national security. DOD assets shall be specifically designated as "vital to national security" and deadly force may only be used when their loss, damage, or compromise would seriously jeopardize the fulfillment of a national defense mission. Examples include nuclear weapons; nuclear command, control, and communications facilities; and designated restricted areas containing strategic operational assets, sensitive codes, or special access programs.

(3) Assets not involving national security, but inherently dangerous to others. When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage

of resources, such as operable weapons or ammunition, that are inherently dangerous to others; i.e., assets that, in the hands of an unauthorized individual, present a substantial potential danger of death or serious bodily harm to others. Examples include high-risk portable and lethal missiles, rockets, arms, ammunition, explosives, chemical agents, and special nuclear material.

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

(5) Serious Offenses Against Persons. When deadly force reasonably appears necessary to prevent the commission of a serious crime that involves imminent danger 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 crime. Examples include murder, armed robbery, and aggravated assault.

(6) Arrest or Apprehension. When deadly force reasonably appears to be necessary to arrest or apprehend a person who, based on probable cause to believe, has committed one of the serious offenses referred to in subparagraphs 5a(1) through 5a(5) above.

(7) Escape. 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:

(a) Has committed or attempted to commit one of the serious offenses referred to in subparagraphs 5a(1) through 5a(5) above.

(b) Would pose an imminent danger of death or serious bodily harm to law enforcement or security officers/personnel or to any other person.

b. Marines and civilian personnel of the Marine Corps providing security for nuclear weapons will be governed by appropriate U.S. Navy and DOD directives.

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

d. There is no requirement for a special investigation and reporting of negligent discharges beyond that required by

reference (g) pertaining to line-of-duty/misconduct investigations and serious incident reporting as addressed in reference (h).

e. 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 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 reference (b), the following rules satisfy both the Federal Aviation Administration administrative regulations and military directives for DOD personnel who carry firearms aboard commercial and/or military aircraft. Those rules were developed to ensure the safety of aircraft and the personnel on the aircraft.

b. Marine Corps personnel authorized to carry firearms aboard commercial and/or military aircraft shall follow the following rules:

(1) Personnel shall possess written authorization to carry firearms, such as a letter of authorization or CID/NCIS credentials. Exceptions shall only occur as a result of prior coordination with competent authority.

(2) If the firearm is not required during the flight, the person carrying the firearm shall:

(a) Declare to the commercial airline representative or military passenger service representative before the baggage is checked that a firearm is in the baggage and that the firearm is unloaded.

(b) Inform the commercial airline representative or military passenger service representative that the container is appropriate for air transportation. If the firearm is a handgun or other weapon that normally is not fired from the shoulder position, the baggage shall be locked and the key shall be kept by the person carrying the firearm.

(3) If a firearm must be accessible during flight, the person carrying the firearm shall:

(a) Notify the airline or passenger service representative at least one hour before the plane departs that the weapon shall be carried on the aircraft. If an emergency occurs and the airline cannot be notified one hour before the plane departs, then the airline shall be notified expeditiously.

(b) Present official Government identification and written authorization that contain his or her full-face picture, signature, and the official seal of the authorizing organization to the airline's attendant.

(c) Consume no alcoholic beverages eight hours before or during the flight.

(4) When the total cabin load of an aircraft on a flight for DOD purposes is used exclusively by the DOD Components, the following conditions apply to everyone except law enforcement or security personnel whose duties require that they be armed.

(a) No firearms shall be loaded (i.e., no magazine inserted or rounds in the chambers) and all bolts to such firearms shall be locked in the "open" position and the safety engaged, as appropriate.

(b) Before DOD personnel board the aircraft, the commercial airlines representative or the passenger service representative shall be notified by the unit commander (or officer in charge of the charter) that weapons shall be carried aboard the aircraft.

7. Non-Deadly 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. Non-deadly methods provide alternatives to firearms and increased options for the use of minimum force.

(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 (MWDs)/Civilian Police Working Dogs (CPWDs). Because of the training the MWD/CPWD has received, it must be considered a weapon. See reference (e) for more information.

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

1. Be sure that the MWD/CPWD will cease an attack upon command.

2. Be sure that the MWD/CPWD has identified the same target that the handler is releasing it to attack.

3. Warn bystanders to cease all movement.

4. Call the MWD/CPWD off the attack as-soon as the suspect stops or indicates surrender.

(b) MWDs/CPWDs 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. 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) Future Approved Non-Deadly Weapons Technology/Human Electro-Magnetic Incompacitator (HEMI)/ Electro-Muscular Disruption Technology. All other DOD and Marine Corps Non-deadly equipment not listed above shall be utilized in accordance with DOD regulations. HEMIs and stun guns are an effective alternative to deadly force. Laws for the use of HEMIs and stun guns vary state to state. Prior to employing HEMIs and stun guns, Provost Marshals/Chiefs of Police must obtain approval through the installation Staff Judge Advocate (SJA) and conduct required training before issuing/using HEMIs or stun guns.

Chapter 2

Training

1. Use of Force Training

a. 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/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/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 focus on Non-deadly techniques, firearms safety, 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).

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. Circumstances for Which Deadly Force is Authorized. I am justified in using the weapon with which I am armed to apply deadly force only under conditions of extreme necessity, when all other means have failed or cannot reasonably be employed and only as a last resort. If such is the case, I may use deadly force:

a. ____ To protect myself or others if I reasonably believe that I am or they are in imminent danger of death or serious bodily harm.

b. ____ To prevent acts which or the escape of those who reasonably appear to me to threaten property or information designated by my Commanding Officer as vital to national security.

c. ____ To prevent the actual theft or sabotage of property that is, of itself, dangerous to others (i.e., explosives, weapons, ammunition, etc.), when it appears reasonably necessary to do so.

d. ____ To prevent or interrupt the commission of a serious offense involving violence which threatens death or serious bodily injury to another (i.e., murder, arson, armed robbery, aggravated assault and rape).

e. ____ To protect national critical infrastructure. Deadly force is authorized when deadly force reasonably appears necessary to prevent sabotage of national critical infrastructure.

Figure 2-1.--Individual's Acknowledgement of Specific Instructions for Armed Security and Law Enforcement Personnel Regarding the Use of Force

f. ____To effect the apprehension or prevent the escape of an individual whom there is probable cause to believe has either committed a serious offense involving violence or threatened death or serious bodily harm and is a continued threat to the safety of others.

g. ____When it appears reasonably necessary to prevent the escape of a prisoner provided I have probable cause to believe that the escaping prisoner poses a threat of serious bodily harm to law enforcement and security personnel or others.

2. Additional Specific Instructions

a. ____I will not fire my weapon if I might injure innocent bystanders, unless fired in protection of nuclear weapons.

b. ____I am prohibited from firing warning shots.

c. ____I will remove my pistol from my holster only when:

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

(2) Firing at the range or accomplishing other required training.

(3) Ordered to do so by competent authority.

(4) Returning it to storage.

(5) Cleaning it in an authorized area.

d. ____I will chamber a round in my rifle or shotgun only when:

(1) The use of 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) Firing at the range or accomplishing other required training.

(3) Ordered to do so by competent authority.

Figure 2-1.--Individual's Acknowledgement of Specific Instructions for Armed Security and Law Enforcement Personnel Regarding the Use of Force--Continued

- e. ____ I will not point any firearm at any person, except:
- (1) To gain control of a situation.
 - (2) When I intend to use deadly force.
 - (3) During on-duty reaction drills, only after I have checked the firearm and it has also been checked by my supervisor to ensure no rounds are in the weapon.
- f. ____ 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.
- g. ____ When clearing a firearm, I will follow current policies and procedures pertaining to firearms handling, clearing and safety. I will ensure that:
- (1) No weapon is cleared without a supervisor (sergeant or above) present and clearing is accomplished only in the designated area (i.e., clearing barrel).
 - (2) When drawing a weapon from the armory/arms room, rounds will not be drawn until the weapon is properly cleared.
 - (3) 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.
 - (4) Any violation of these policies or procedures is immediately reported to the proper authority.
- h. ____ I am prohibited from using a privately owned firearm or ammunition on duty.
- i. ____ During training exercises and testing, I will check my firearm and have it double checked by a supervisor, to ensure that no live rounds are in the weapon and that there is no magazine inserted in the weapon.
- j. ____ I will comply with these principles when using Non-deadly weapons or techniques such as handcuffs, baton, chemical spray, Military Working Dog/Civilian Police Working Dog, motor vehicle, etc., in such a manner that could cause death or serious bodily harm.

Figure 2-1.--Individual's Acknowledgement of Specific
Instructions for Armed Security and Law Enforcement Personnel
Regarding the Use of Force--Continued

3. Acknowledgement. I have been instructed on the use of deadly force per this Order (MCO 5500.6G) and acknowledge that I understand the basic rules for the use of force and weapons safety. I am aware of all areas aboard this installation that have been designated by the Commanding Officer as vital to national security for which the use of deadly force may be required.

Date

Rank/Printed Name

Signature

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Figure 2-1.--Individual's Acknowledgement of Specific
Instructions for Armed Security and Law Enforcement Personnel
Regarding the Use of Force--Continued

g. Paragraph 2 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 Rules of Engagement (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, law enforcement and security personnel must demonstrate the ability to apply the correct level of force to a given threat at any given time. The schematic below, figure 2-2, illustrates the continuum of force concept:

Continuum of Force Model

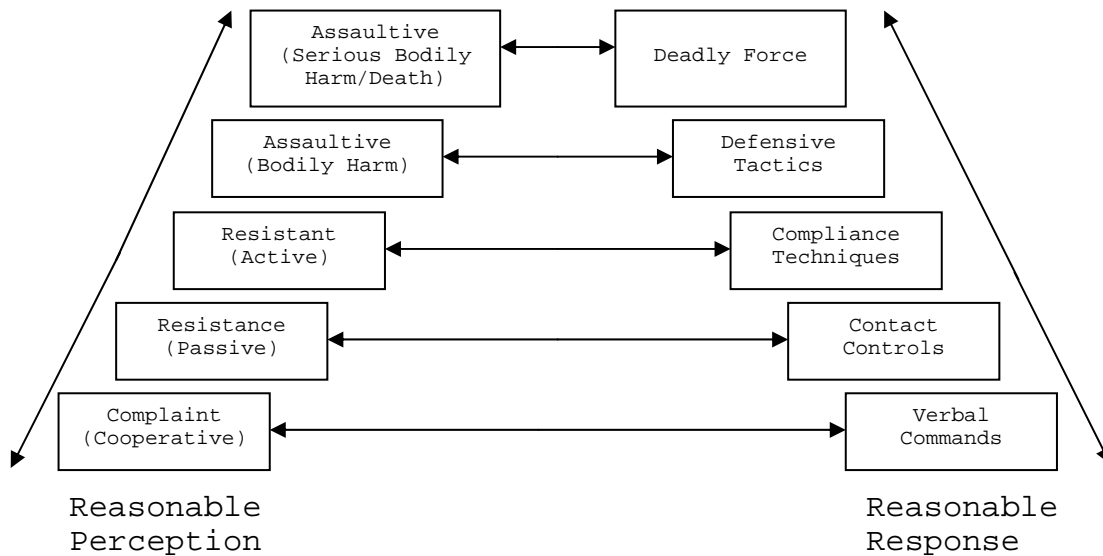


Figure 2-2.--Continuum of Force Model

(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) 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:

(a) Compliant (Cooperative)/Verbal Commands. Most encounters will fall into this category. The vast majority of people will cooperate with law enforcement and security personnel and will obey instructions given to them. This is due primarily to the general population's acceptance of authority.

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

2. Teaching points:

a. Law enforcement and security personnel who become overbearing when dealing with the otherwise cooperative persons violate the continuum of force concept.

b. 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)/Contact Controls. At this level, law enforcement and security personnel first encounter noncompliance/resistance. Normally, this consists of a simple refusal to obey verbal commands. There is no immediate danger of physical harm to either the subject or law enforcement and security personnel. Immediate application of physical force at this stage of the continuum is excessive; 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. Examples may include repeating the verbal commands in an increasing forceful manner, warning the subject of the potential consequences of disobedience, assuming a more authoritative posture, requesting assistance, and physical intimidation through body positioning, stance and movement.

3. Teaching points:

a. 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.

b. 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.

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

(c) Resistant (Active)/Compliance Techniques. At this level, law enforcement and security personnel first 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, bellicose 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 security, personnel, but merely physically resisting them. The appropriate response is to use compliance techniques.

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

2. Examples of compliance techniques include empty-hand control holds, OC/chemical spray, restraint with and without nightstick/baton.

3. Teaching points:

a. The use of a nightstick or baton at this level is acceptable only as a come-along tool. Kicks, punches, and blows 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.

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

(d) Assaultive (Bodily Harm)/Defensive Tactics. Although no weapon is initially involved, this will be the first point at which law enforcement 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 law enforcement 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.

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.

2. Examples of defensive tactics include such techniques as empty-hand blocks/strikes, enhanced pain compliance procedures, and nightstick/baton blocks/strikes.

3. Teaching points:

a. 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.

b. Because of the immediate danger, the level of force required at this level will increase in direct correlation to the degree of the threat.

c. 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.

d. 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.

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

(e) Assaultive (Serious Bodily Harm/Death)/Deadly Force. 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 and knives are the most obvious examples, law enforcement 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 law enforcement and security personnel genuinely fear imminent death or serious bodily injury also applies. For instance, the ferocity of the subject's attack or martial arts skills displayed could justify the use of deadly force. When confronted with a subject who is attempting to kill or seriously injure them or someone else, law enforcement and security personnel are authorized to resort to deadly force.

1. This category of behavior represents the least encountered but by far the most serious threat to the safety of law enforcement and security personnel.

2. Teaching point:

a. There must be a reasonable belief that death or serious bodily injury will result if deadly force is not employed.

b. 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. 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.

(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 Marine'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:

(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 Order.

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?
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?
Do all armed personnel receive regular use of force training?
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 advanced firearms proficiency training?
Do law enforcement and security personnel receive instruction on legal and regulatory on 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 (RUF) Regulations and Rules of Engagement (ROE)

a. Figure 2-4 illustrates the relationship between ROE and DOD/USMC RUF regulations for personnel involved in law enforcement and security duties. The determining factor in whether to apply ROE or use of force regulations is the identity of the person/force being confronted. See reference (a) for detailed ROE guidance/policy.

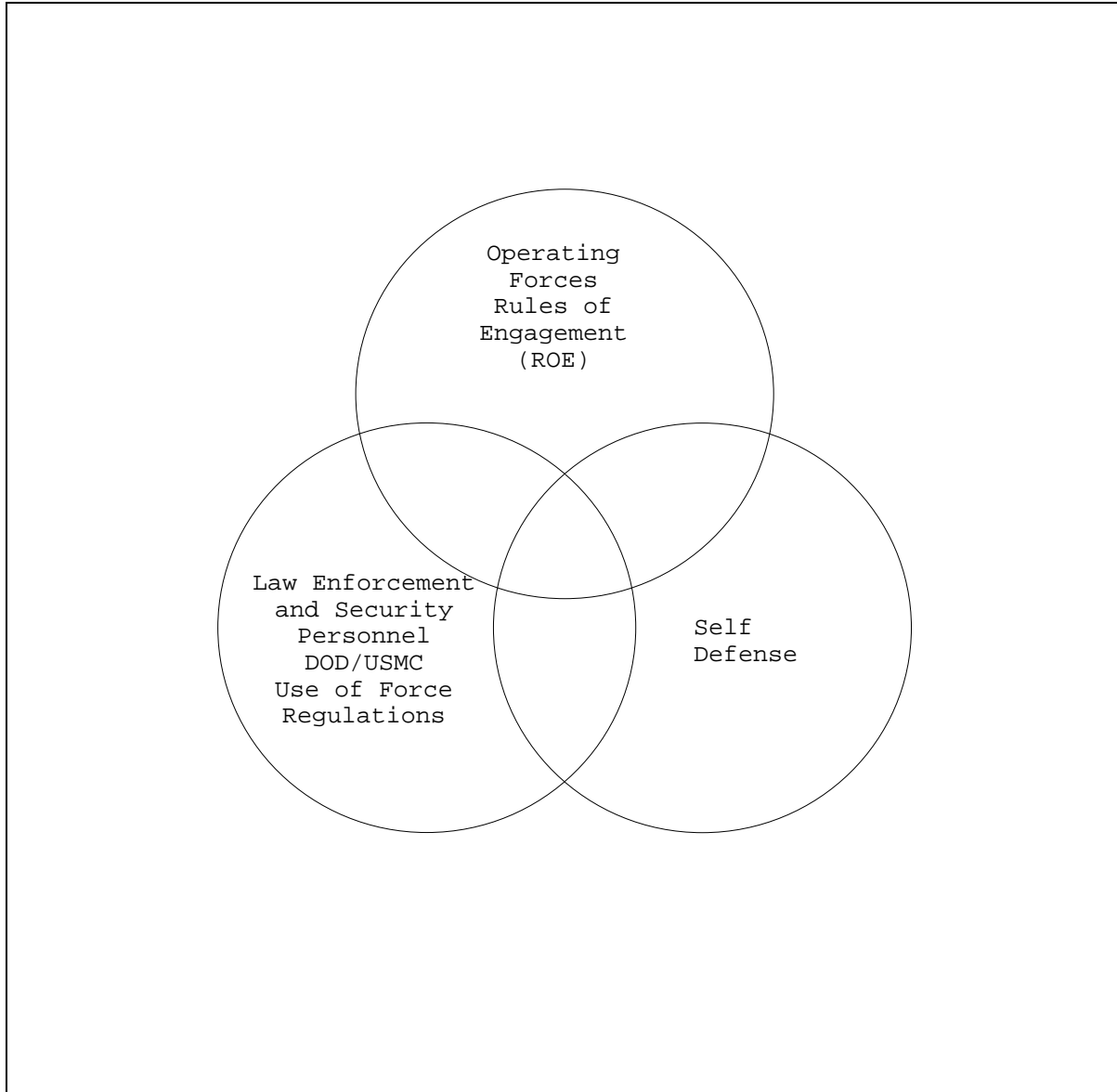


Figure 2-4.--Comparison of RUF and ROE

b. Whenever a hostile force is encountered by any U.S. Force, the ROE apply. This includes personnel involved in primarily law enforcement and security duties.

c. Whenever U.S. or allied forces, or persons believed to be protected under the law of war (non-combatants, enemy prisoners of war (EPWs) who are not attempting escape, etc.), are encountered, the use of force regulations apply. This includes operational forces when their actions involve protection of material from theft or damage, rather than responding to an attack by hostile forces.

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. Exception: when a unit or individual is under attack by an identified friendly force, there is an absolute prohibition on returning fire on known friendly forces. Instead, a commander must have his/her unit take cover and communicate his/her identity to the attackers by all available means.