



Department of Defense DIRECTIVE

NUMBER 3000.3

July 9, 1996

Certified Current as of November 21, 2003

ASD(SO/LIC)

SUBJECT: Policy for Non-Lethal Weapons

References: (a) Title 10, United States Code
(b) DoD Directive TS-3600.1, "Information Warfare (U)," December 21, 1992

1. PURPOSE

This Directive under reference (a):

1.1. Establishes DoD policies and assigns responsibilities for the development and employment of non-lethal weapons.

1.2. Designates the Commandant of the Marine Corps as Executive Agent (EA) for the DoD Non-Lethal Weapons Program.

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard, when it is operating as a Military Service in the Navy), the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Defense Agencies, and DoD Field Activities.

2.2. Applies to all non-lethal weapon development and acquisition programs and the employment of fielded non-lethal weapons.

2.3. In general, does not apply to command and control warfare or any other military capability not designed specifically for the purpose of minimizing fatalities, permanent injury to personnel, and undesired damage to property and the environment, even though they may have these effects to some extent. However, for those matters involving information warfare, refer to reference (b).

3. DEFINITION

3.1. Non-Lethal Weapons. 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.

3.1.1. Unlike conventional lethal weapons that destroy their targets principally through blast, penetration and fragmentation, non-lethal weapons employ means other than gross physical destruction to prevent the target from functioning.

3.1.2. Non-lethal weapons are intended to have one, or both, of the following characteristics:

3.1.2.1. They have relatively reversible effects on personnel or materiel.

3.1.2.2. They affect objects differently within their area of influence.

4. POLICY

It is DoD policy that:

4.1. Non-lethal weapons, doctrine, and concepts of operation shall be designed to reinforce deterrence and expand the range of options available to commanders.

4.2. Non-lethal weapons should enhance the capability of U.S. Forces to accomplish the following objectives:

4.2.1. Discourage, delay, or prevent hostile actions.

4.2.2. Limit escalation.

4.2.3. Take military action in situations where use of lethal force is not the preferred option.

4.2.4. Better protect our forces.

4.2.5. Temporarily disable equipment facilities, and personnel.

4.3. Non-lethal weapons should also be designed to help decrease the post-conflict costs of reconstruction.

4.4. The availability of non-lethal weapons shall not limit a commander's inherent authority and obligation to use all necessary means available and to take all appropriate action in self-defense.

4.5. Neither the presence nor the potential effect of non-lethal weapons shall constitute an obligation for their employment or a higher standard for employment of force than provided for by applicable law. In all cases, the United States retains the option for immediate use of lethal weapons, when appropriate, consistent with international law.

4.6. Non-lethal weapons shall not be required to have a zero probability of producing fatalities or permanent injuries. However, while complete avoidance of these effects is not guaranteed or expected, when properly employed, non-lethal weapons should significantly reduce them as compared with physically destroying the same target.

4.7. Non-lethal weapons may be used in conjunction with lethal weapon systems to enhance the latter's effectiveness and efficiency in military operations. This shall apply across the range of military operations to include those situations where overwhelming force is employed.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict under the Under Secretary of Defense for Policy, shall have policy oversight for the development and employment of non-lethal weapons.

5.2. The Assistant Secretary of Defense for Strategy and Requirements, under the Under Secretary of Defense for Policy, shall have policy oversight for the review of crisis action and deliberate plans, and shall ensure that the availability of non-lethal weapons is considered in their development.

5.3. The Under Secretary of Defense for Acquisition and Technology shall have principal oversight responsibility for the DoD Non-Lethal Weapons Program, including joint Service program coordination to help highlight and prevent duplication of development in both classified and unclassified programs.

5.4. The Chairman of the Joint Chiefs of Staff shall:

5.4.1. Advise the Secretary of Defense on development and employment of non-lethal weapons.

5.4.2. Assess military requirements for non-lethal weapons acquisition programs.

5.4.3. Monitor the development of Service non-lethal weapon programs.

5.4.4. Develop and promulgate joint doctrine, as appropriate, to incorporate emerging capabilities of non-lethal weapons.

5.5. The Commanders of the Unified Combatant Commands shall:

5.5.1. Ensure that procedures exist for the integration of non-lethal weapons into operational mission planning.

5.5.2. Identify the warfighting requirements of the Unified Combatant Commands.

5.6. The Secretaries of the Military Departments and the Commander in Chief of the United States Special Operations Command shall:

5.6.1. Ensure the development and implementation of employment concepts, doctrine, tactics, training, security procedures, and logistics support for fielded non-lethal weapons systems in accordance with policies defined in this Directive.

5.6.2. Ensure that a legal review of the acquisition of all non-lethal weapons is conducted. The review should ensure consistency with the obligations assumed by the U.S. Government under all applicable treaties, with customary international law, and, in particular, the laws of war.

5.6.3. Ensure that only those non-lethal weapon development programs that satisfy the general requirements of technical feasibility, operational utility, and policy acceptability are considered for support.

5.6.4. Consistent with existing guidelines on management of acquisition programs, establish guidelines to emphasize that non-lethal weapons must:

5.6.4.1. Achieve an appropriate balance between the competing goals of having a low probability of causing death, permanent injury, and collateral material damage, and a high probability of having the desired anti-personnel or anti-materiel effects.

5.6.4.2. Not be easily defeated by enemy countermeasures once known; or if they could, the benefits of a single opportunity to use the weapon in a given context would be so great as to outweigh that disadvantage.

5.6.4.3. Achieve an effect that is worth the difficulty of providing the intelligence support required for mission planning and damage assessment.

5.6.5. Consistent with applicable security guidelines, provide program visibility to the Chairman of the Joint Chiefs of Staff and the Unified Combatant Commanders.

5.7. The Secretary of the Navy shall ensure that the Commandant of the Marine Corps serves as the EA for the DoD Non-Lethal Weapons Program. The EA shall be responsible for program recommendations and for stimulating and coordinating non-lethal weapons requirements.

5.8. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall:

5.8.1. Establish policy and provide direction for development of the necessary DoD informational and intelligence capabilities to enable effective use of non-lethal weapons.

5.8.2. Provide policy and guidance when non-lethal weapons matters involve DoD information warfare under DoD Directive TS-3600.1 (reference (b)).

5.9. The Assistant Secretary of Defense for Public Affairs shall coordinate and approve guidance on public affairs matters concerning non-lethal weapons and their use.

6. EFFECTIVE DATE

This Directive is effective immediately.

A handwritten signature in black ink, appearing to read "John P. White", is written over a horizontal line.

John P. White
Deputy Secretary of Defense