DEPARTMENT OF THE NAVY
UNITED STATES NAVAL ACADEMY
121 BLAKE ROAD
ANNAPOLIS, MARYLAND 21402-5000

USNA/AACINST 5500.7A
4/SECURITY
JUN 9 2003

USNA/AAC INSTRUCTION 5500.7A

From: Superintendent

Subj: USE OF FORCE BY U.S. NAVAL ACADEMY/ANNAPOLIS AREA COMPLEX PERSONNEL ENGAGED IN LAW ENFORCEMENT AND SECURITY DUTIES

Ref: (a) DOD Directive 5210.56
(b) OPNAVINST 5580.1A
(c) SECNAVINST 5500.29B
(d) USNAINST 5500.6A

Encl: (1) USNA/AAC Weapons Safety and Use of Force Policy

1. Purpose. Per references (a), (b), and (c), this instruction establishes uniform policy guidance and considerations concerning the use of force by all military and civilian personnel engaged in law enforcement or security duties at the United States Naval Academy/Annapolis Area Complex (USNA/AAC).

2. Applicability. This instruction applies to all personnel of the USNA/AAC when engaged in duties involving law enforcement or security duties as specified in reference (d). This instruction shall not be viewed as impairing the authority of other Federal, State and local law enforcement personnel from carrying firearms, subject to Superintendent approval and requirements of the agency impacted.

3. Cancellation. USNA Instruction 5500.7.

4. Policy. USNA/AAC personnel engaged in law enforcement or security activities will avoid the use of any type of force where the assigned responsibilities can be discharged without its use. If law enforcement and security responsibilities cannot be discharged without resorting to the use of force, USNA/AAC personnel shall use only the amount of force reasonably necessary to discharge their assigned responsibilities. The minimum amount of force necessary will be used in all situations. Varying degrees of force may be justified in a law enforcement situation depending upon the gravity of the situation. The escalation of force must be consistent with the need for the least amount of force required to prevent the individual from continuing their unlawful actions.

5. Methods of Force. The use of force may involve the application of the following, which are listed from the least severe to the most severe:

a. Verbal commands;

b. Physical apprehension and restraint techniques;

c. Handcuffs and restraining devices;

d. Riot Control Agents (RCA) (CS and Oleoresin Capsicum (OC)). RCAs may be used to subdue, in self-defense, or protection of a third party, if circumstances warrant their use.

(1) If RCAs are used, personnel will receive medical attention as soon as possible. A person who has been sprayed will not be released until he/she has been advised of the safety measures to be taken, or until medical treatment has been received.

(2) Use of OC Pepper Spray is authorized for use and complies with reference (c). Because it is environmentally safe, biodegradable, and produces rapid physiological reaction in low concentrations, OC spray is now preferred.

(3) Law enforcement personnel will not be issued chemical agents until they have been trained in their use and are knowledgeable of safety precautions involved with chemical agents, including necessary medical treatment following its use. Because of the variety of products available, training will be tailored according to manufacturer's recommendation.

e. Police batons;

f. Military working dogs;

g. Other DoD approved non-lethal weapons; and

h. Firearms.

6. Deadly Force. Force that a person uses causing, or that the person knows or should know would create a substantial risk of causing, death or serious bodily harm. Deadly force is justified only under conditions of extreme necessity and when all three (3) of the following circumstances are present:

a. Lesser means have been exhausted, are unavailable, or cannot be reasonably employed;

b. The risk of death or serious bodily harm to innocent persons is not significantly increased by use; and

c. The purpose of its use involves one or more of the following:

(1) Self-Defense and Defense of Others. When deadly force reasonably appears to be necessary against a hostile person(s) to protect law enforcement or security personnel who reasonably believe themselves or others to be in imminent danger of death or serious bodily harm by the hostile person(s).

(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" only 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) 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.

(5) Protect Public Health or Safety. When deadly force reasonably appears to be necessary to prevent the destruction of public utilities or similar critical infrastructure vital to public health or safety, the damage to which, would create an imminent danger of death or serious bodily harm.

(6) Arrest or Apprehension. When deadly force reasonably appears to be necessary to arrest or apprehend a person who, there is probable cause to believe, has committed one of the serious offenses referred to in paragraphs 6 (3) a through 6 (3) e, 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 paragraphs 6 (3) a through 6 (3) e, above; and

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

7. Additional Requirements for the Use of Firearms

a. Warning shots are prohibited;

b. When a firearm is discharged, it will be fired with the intent of rendering the person(s) at whom it is discharged incapable of continuing the activity or course of behavior prompting the individual to shoot;

c. Shots shall be fired only with due regard for the safety of innocent bystanders;

d. In the case of holstered weapons, a weapon should not be removed from the holster unless there is reasonable expectation that use of the weapon may be necessary; and

e. A firearm will not be discharged at or from a moving vehicle, unless under circumstances of self-defense or imminent threat to others of serious bodily harm.

8. Additional Considerations for the Carrying and Use of the Police Baton and Chemical Agents. The USNA Security Officer will ensure all law enforcement personnel receive the appropriate police baton and chemical agent training and certification. All personnel will be trained and certified by a qualified instructor prior to being issued a police baton or chemical agents.

9. Instruction and Training in the Use of Force. The USNA Security Officer will ensure that no individual will be permitted to perform law enforcement or security duties until that individual has received instruction on applicable regulations relating to the use of force in the performance of such duties.

In addition, the Security Officer will ensure that instructions will be given quarterly to all personnel assigned to these duties to ensure that they continue to be thoroughly familiar with all guidance on the appropriate use of force. All Naval Academy law enforcement personnel will review and sign enclosure (1) on at least a quarterly basis.

10. Implementation and Action. The provisions of this instruction will be effective upon receipt. Departments will review and revise as necessary all orders, regulations, and instructions to comply with these provisions.

R. C. PARSONS
Deputy for Finance and Administration

Distribution:
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U.S. Naval Academy/Annapolis Area Complex Weapons Safety and Use of Force Policy

This certification establishes uniform policy guidance and considerations concerning the use of force by United States Naval Academy/Annapolis Area Complex (USNA/AAC) personnel engaged in law enforcement or security duties. All law enforcement and security personnel will receive and sign this certification quarterly.

1. Policy: Personnel engaged in law enforcement or security activities will avoid the use of force, where the assigned responsibilities can be discharged without resorting to its use. If law enforcement or security responsibilities cannot be discharged without resorting to the use of force, USNA/AAC law enforcement personnel shall use the amount of force reasonably and minimally necessary to discharge their assigned responsibilities. The minimum amount of force necessary will be used in all situations. Varying degrees of force that may be justified in a law enforcement situation depend upon the situations gravity. The escalation of force must be consistent with the need for the least amount of force required. Non-lethal devices will be used when lesser means have failed and greater means are not necessary.

2. Deadly Force: Force that a person uses causing, or that the person knows or should know would create a substantial risk of causing, death or serious bodily harm. Deadly force is justified only under conditions of extreme necessity and when all three (3) of the following circumstances are present:

a. Lesser means have been exhausted, are unavailable, or cannot be reasonably employed;

b. The risk of death or serious bodily harm to innocent persons is not significantly increased by use; and

c. The purpose of its use involves one or more of the following:

(1) Self-Defense and Defense of Others. When deadly force reasonably appears to be necessary against a hostile person(s) to protect law enforcement or security personnel who reasonably believe themselves or others to be in imminent danger of death or serious bodily harm by the hostile person(s).

(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" only 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) 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.

(5) Protect Public Health or Safety. When deadly force reasonably appears to be necessary to prevent the destruction of public utilities or similar critical infrastructure vital to public health or safety, the damage to which, would create an imminent danger of death or serious bodily harm.

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

(7) Escapes. 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: 1) Has committed or attempted to commit one of the serious offenses referred to in subparagraphs (1) through (5), above; and 2) Would pose an imminent danger of death or serious bodily harm to law enforcement or security personnel or to any other person.

3. Additional requirements for the use of firearms.

a. Warning shots are prohibited.

b. When a firearm is discharged, it will be fired with the intent of rendering the person(s) at whom it is discharged incapable of continuing the activity or course of behavior prompting the individual to shoot.

c. Shots shall be fired only with due regard for the safety of innocent bystanders.

d. In the case of holstered weapons, a weapon should not be removed from the holster unless there is reasonable expectation that use of the weapon may be necessary.

e. A firearm will not be discharged at or from a moving vehicle, unless under circumstances of self-defense or imminent threat to others of serious bodily harm.

4. Considerations for the use of non-lethal devices.

a. The USNA Security Officer will approve all non-lethal devices carried by law enforcement or security personnel.

b. Non-lethal devices will be used in accordance with the instruction provided during the individual device certification program.

5. Firearms safety responsibilities.

a. Promote firearms safety through your own actions. Each individual is responsible for the safe carrying, handling and operation of assigned weapons.

b. Firearms will be loaded and unloaded, whenever possible, at a clearing pit established at each firearms storage facility. You must be especially cautious when loading and unloading a weapon.

c. Never draw a weapon as a joke or jest.

d. Never use a weapon to play tricks, quick-draw, or engage in any other forms of horseplay, or become involved in unauthorized acts.

e. Regard all firearms as being loaded.

f. Know and use all safety devices on all weapons with which armed.

g. Never point a firearm unless intending to shoot.

h. Identify the target, insure a clear field of fire, including the path of the projectile before discharging a weapon.

i. Never discharge a weapon from a moving vehicle.

j. Only weapons issued by USNA shall be carried by USNA/AAC personnel. Personal weapons are not authorized for duty use.

6. Any amount of force used in a situation will be reported and documented. Any accidental or intentional discharge of a firearm will be reported to the Security Officer and Chief of Police immediately.

I certify that I have read and understand the weapons safety and use of force policy.

Date:	Printed Full Name:	Signature: