



Department of Defense **DIRECTIVE**

NUMBER 3000.03E

April 25, 2013

Incorporating Change 2, August 31, 2018

USD(A&S)

SUBJECT: DoD Executive Agent for Non-Lethal Weapons (NLW), and NLW Policy

References: See Enclosure 1

1. PURPOSE. This directive:

a. Reissues DoD Directive (DoDD) 3000.3 (Reference (a)) to update the authority, established policy, and assigned responsibilities for the management of the DoD NLW program.

b. Continues the designation of the Commandant of the Marine Corps (CMC) as the DoD Executive Agent (EA) for NLW in accordance with DoDD 5101.1 (Reference (b)).

2. APPLICABILITY. This directive:

a. Applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff (CJCS) and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this directive as the “DoD Components”).

(2) All NLW science and technology, development, test and evaluation, assessment of military utility, acquisition programs, operations and sustainment, and the employment of fielded NLW.

(3) NLW that are explicitly designed and primarily employed to incapacitate personnel or materiel immediately, while minimizing fatalities, permanent injury to personnel, and undesired damage to property, facilities, materiel, and the environment.

b. Does not apply to:

(1) Information operations, cyber operations, or any other military capability not explicitly designed and primarily employed to incapacitate personnel or materiel immediately, while minimizing fatalities, permanent injury, and undesirable damage to property, facilities, materiel, and the environment, even though they may have these effects to some extent. Information operations are covered in DoDD 3600.01 (Reference (c)).

(2) Specific electronic warfare (EW) capabilities of electro-optical-infrared and radio-frequency countermeasures; electro-magnetic (EM) compatibility and deception; EM hardening, interference, intrusion, and jamming; electronic masking, probing, reconnaissance, and intelligence; electronics security; EW reprogramming; emission control; spectrum management; and wartime reserve modes, as described in Joint Publication 3-13.1 (Reference (d)).

3. POLICY. It is DoD policy that:

a. NLW doctrine and concepts of operation will be developed to reinforce deterrence and expand the range of options available to commanders.

b. NLW have the potential to enhance the commander's ability to:

- (1) Deter, discourage, delay, or prevent hostile and threatening actions.
- (2) Deny access to and move, disable, and suppress individuals.
- (3) Stop, disable, divert, and deny access to vehicles and vessels.
- (4) Adapt and tailor escalation of force options to the operational environment.
- (5) Employ capabilities that temporarily incapacitate personnel and materiel while minimizing the likelihood of casualties and damage to critical infrastructure.
- (6) De-escalate situations to preclude lethal force.
- (7) Precisely engage targets.
- (8) Enhance the effectiveness and efficiency of lethal weapons.
- (9) Capture or incapacitate high value targets.
- (10) Protect the force.

c. Unlike conventional lethal weapons that destroy their targets principally through blast, penetration, and fragmentation, NLW employ means other than gross physical destruction to prevent the target from functioning. NLW are intended to have relatively reversible effects on personnel or materiel.

d. NLW are capable of delivering a level of force that achieves immediate target response and can provide predictable and intended reversible effects, allowing the affected target to return to pre-engagement functionality.

e. NLW are developed and used with the intent to minimize the probability of producing fatalities, significant or permanent injuries, or undesired damage to materiel, but do not, and are not intended to, eliminate risk of those actions entirely.

f. Developers of NLW will conduct a thorough human effects characterization in accordance with DoD Instruction (DoDI) 3200.19 (Reference (e)) to help understand the full range of effects and limitations prior to operational employment of the NLW.

g. The availability of NLW will not limit the commander's inherent right or obligation to exercise unit self-defense in response to a hostile act of demonstrated hostile intent, or to use lethal force when authorized by competent authority pursuant to the standing rules of engagement or standing rules for the use of force.

h. The presence of NLW will not constitute an obligation for their use, or create a higher standard for the use of force, under the applicable law, rules of engagement, or other rules for the use of force.

i. NLW may be used in conjunction with lethal weapon systems to enhance effectiveness and efficiency in military operations, where such use is consistent with domestic and international law, including the law of war.

j. Military planners should consider the inclusion of NLW within plans and supporting strategic communications annexes that support minimizing cultural misperceptions, denying misinformation, and gaining trust of the populace.


k. Where appropriate, NLW should be considered for integration into applicable joint and doctrinal publications, joint and Service concept and operational plans, and rules of engagement and rules for the use of force.

4. RESPONSIBILITIES. See Enclosure 2.

5. RELEASABILITY. Cleared for public release. This directive is available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.

6. SUMMARY OF CHANGE 2. This change reassigns the office of primary responsibility for this directive to the Under Secretary of Defense for Acquisition and Sustainment in accordance with the July 13, 2018 Deputy Secretary of Defense Memorandum (Reference (f)).

7. EFFECTIVE DATE. This directive is effective April 25, 2013.


Ashton B. Carter
Deputy Secretary of Defense

Enclosures

1. References
2. Responsibilities

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 3000.3, "Policy for Non-Lethal Weapons," July 9, 1996 (hereby cancelled)
- (b) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002, as amended
- (c) DoD Directive 3600.01, "Information Operations (IO)," May 2, 2013, as amended
- (d) Joint Publication 3-13.1, "Electronic Warfare," January 25, 2007
- (e) DoD Instruction 3200.19, "Non-Lethal Weapons (NLW) Human Effects Characterization," May 17, 2012
- (f) Deputy Secretary of Defense Memorandum, "Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment," July 13, 2018
- (g) DoD Directive 5145.01, "General Counsel of the Department of Defense (GC DOD)," December 2, 2013, as amended
- (h) DoD Directive 5000.01, "The Defense Acquisition System," May 12, 2003
- (i) DoD Directive 2311.01E, "DoD Law of War Program," May 9, 2006, as amended
- (j) DoD Directive 5205.07, "Special Access Program (SAP) Policy," July 1, 2010
- (k) DoD Directive 5106.01, "Inspector General of the Department of Defense (IG DoD)," April 20, 2012, as amended
- (l) DoD Directive 2060.1, "Implementation of, and Compliance with, Arms Control Agreements," January 9, 2001
- (m) Chairman of the Joint Chiefs of Staff Instruction 3170.01H, "Joint Capabilities Integration and Development System," January 10, 2012

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (USD(AT&L)). The USD(AT&L):

- a. Serves as the OSD Principal Staff Assistant for and oversees, in consultation with the Under Secretary of Defense for Policy (USD(P)), the DoD EA for NLW consistent with Reference (b).
- b. Assesses biennially, in consultation with the USD(P), the DoD EA for NLW's responsibilities for continued need, currency, and effectiveness.
- c. Oversees the research, development, test, and evaluation and acquisition aspects of the DoD NLW program.
- d. Ensures the Director of Special Programs, in the Office of the USD(AT&L), identifies those classified programs that are applicable to NLW and coordinates them with the DoD EA for NLW and DoD Component heads.
- e. Reviews the DoD EA for NLW's annual assessment of the DoD NLW program for consistency with all existing DoD guidance involving planning and programming.
- g. In consultation with the USD(P), establishes and manages the cooperative NLW research and development (R&D) programs, and promotes the establishment of mutually beneficial international cooperative R&D programs consistent with national security considerations.
- h. Provides a senior executive service officer to serve as a member of the DoD EA for NLW's Joint Integrated Product Team (JIPT).

2. ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING (ASD(R&E)). Under the authority, direction, and control of the USD(AT&L), the ASD(R&E) provides technical oversight on research and engineering requirements associated with DoD NLW development, coordinates with the DoD EA for NLW to identify leveraging opportunities for NLW technology efforts, and prevents duplication of both classified and unclassified programs.

3. USD(P). The USD(P):

- a. Establishes and oversees DoD policy for the operational employment of NLW, including in homeland defense and civil support missions, in consultation with the USD(AT&L) and the DoD EA for NLW.

b. Oversees DoD policy for the development of NLW in consultation with the USD(AT&L), including policy guidance for emerging NLW technologies.

c. Reviews DoD crisis action and contingency plans to ensure the combatant commanders consider the use of NLW in these plans, consistent with DoD policy and doctrine.

d. Coordinates with the DoD Component heads, as appropriate, to ensure integration of NLW into crisis action and contingency plans.

e. Ensures that U.S. allies and partner countries, as appropriate, have knowledge of NLW capabilities and other matters pertaining to NLW.

f. In coordination with the USD(AT&L), leads the development of foreign disclosure and sales policies and procedures for NLW via the Director, Defense Technology Security Administration.

g. Provides a senior executive service officer to serve as a member of the DoD EA for NLW's JIPT.

4. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE (GC, DoD). The GC, DoD provides guidance on, and coordination of, legal issues in NLW, including issues in the review of the legality of NLW, in accordance with DoDDs 5145.01, 5000.01, and 2311.01E (References (g), (h), and (i)).

5. DIRECTOR, OPERATIONAL TEST AND EVALUATION (DOT&E). The DOT&E advises the Secretary of Defense, the USD(P), the USD(AT&L), the Secretaries of the Military Departments, and the DoD EA for NLW with respect to operational test and evaluation of NLW.

6. ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS (ATSD(PA)). The ATSD(PA) coordinates with the USD(AT&L), the USD(P), and the DoD EA for NLW on public affairs guidance and the formulation and dissemination of standardized departmental strategic communications concerning NLW and their use.

7. UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF FINANCIAL OFFICER, DEPARTMENT OF DEFENSE (USD(C)/CFO) AND THE DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION (DCAPE). The USD(C)/CFO and the DCAPE:

a. Ensure that funds and resources required to support the Joint Non-Lethal Weapons Program (JNLWP) are included in the DoD Planning, Programming, Budgeting, and Execution process.

b. Evaluate Service-unique NLW funding for suitability in meeting operational needs and minimizing capability gaps.

c. Provide financial oversight of funds provided for NLW programs.

8. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)). The USD(I) establishes policy and provides direction for the development of the necessary DoD intelligence capabilities to enable effective use of NLW.

9. DIRECTOR, DoD SPECIAL ACCESS PROGRAM CENTRAL OFFICE (SAPCO). Under the authority, direction, and control of the Deputy Secretary of Defense, the Director, DoD SAPCO establishes and maintains a special access portfolio of programs for NLW for the DoD EA for NLW to use in accordance with DoDD 5205.07 (Reference (j)).

10. IG DoD. The IG DoD establishes and oversees DoD policy for employment of NLW by law enforcement personnel and criminal investigators in accordance with DoDD 5106.01 (Reference (k)).

11. SECRETARIES OF THE MILITARY DEPARTMENTS AND COMMANDER, UNITED STATES SPECIAL OPERATIONS COMMAND (USSOCOM). The Secretaries of the Military Departments and the Commander, USSOCOM, through the CJCS:

a. Oversee, as appropriate, the development and implementation of employment concepts, doctrine, tactics, training, security procedures, and logistics support for NLW systems in accordance with this directive.

b. Oversee Service-unique NLW acquisition and requirements matters; coordinate Service-unique and Service-lead JNLWP-funded acquisition and requirements matters with the DoD EA for NLW via the DoD EA's jointly manned NLW activity, Service Joint Coordination and Integration Group (JCIG) representatives, and Service JIPT representatives.

c. Require, as appropriate, that a legal review of the acquisition of all NLW is conducted in accordance with Reference (h) and an arms control compliance review is completed in accordance with DoDD 2060.1 (Reference (l)).

d. Require that a human-effects characterization is completed in the development of NLW during the acquisition process in accordance with Reference (e) to support legal and policy reviews, and the operational commander's determination of the suitability for NLW use.

e. Provide a senior general or flag officer to serve as a member of the DoD EA for NLW's JIPT and function as the Service's NLW focal point, responsible for program recommendations

and stimulating Service requirements across doctrine, organization, training, materiel, leadership and education, personnel, and facilities (DOTMLPF).

f. Develop, program, and coordinate, as appropriate, Service-unique R&D, transitional R&D, procurement, and operation and maintenance NLW funding.

g. Support personnel requirements for the DoD EA for NLW's jointly manned activity.

12. SECRETARY OF THE NAVY. In addition to the responsibilities in section 11 of this enclosure, the Secretary of the Navy ensures that the CMC is available to serve as the DoD EA for NLW.

13. CMC. In his or her capacity as the DoD EA for NLW, the CMC:

a. Executes duties as DoD EA for NLW in accordance with Reference (b).

b. Serves as the DoD focal point for all NLW matters, is responsible for program recommendations to the USD(AT&L), and stimulates and coordinates NLW requirements across DOTMLPF in accordance with the Joint Capabilities Integration and Development System and CJCS Instruction 3170.01H (Reference (m)).

c. Plans, programs, and oversees separate program elements within the Marine Corps budget to execute JNLWP R&D responsibilities.

d. Provides technical oversight for all JNLWP efforts in accordance with References (h) and (i), and maintains insight into Service-funded NLW efforts.

e. Recommends policy, as appropriate, for the employment and deployment of NLW to the USD(P).

f. Recommends, as appropriate, DoD-wide NLW planning and programming guidance to the USD(AT&L), USD(P), USD(C)/CFO, DCAPE, and the CJCS for consideration in their formulation of planning and programming guidance documents. Provides information copies of such submissions to the Secretaries of the Military Departments.

g. Assists DoD Components, as appropriate, in ensuring that a human effects characterization is considered for NLW in accordance with Reference (e).

h. Maintains the necessary DoD special access program (SAP) facilities and SAP-cleared personnel in accordance with all applicable DoD security requirements.

i. Promotes cooperation and coordination of NLW developments with U.S. Government agencies and allies and friendly countries when appropriate.

j. Provides a senior general or flag officer to chair the JIPT to oversee the team's formal NLW program reviews, review the JNLWP program objective memorandum, and facilitate cross-service coordination on NLW matters across DOTMLPF.

k. Oversees a jointly manned activity to conduct day-to-day management of NLW matters, and maintains insight on Service-unique NLW matters.

l. Ensures a legal review of the acquisition of all NLW is conducted in accordance with Reference (h) and an arms control compliance review is completed in accordance with Reference (l).

14. CJCS. The CJCS:

a. Advises the Secretary of Defense on development and employment of NLW.

b. Develops, in conjunction with DoD Components and in accordance with appropriate joint publications, doctrine and training for the potential employment of NLW and inclusion of NLW in existing publications and doctrine, where applicable.

c. Identifies NLW capability needs, capability gaps, and approaches to provide needed capabilities.

d. Monitors the development of Service and USSOCOM NLW programs through established program events such as JIPT and JCIG meetings and capabilities demonstrations.

15. COMBATANT COMMANDERS. The Combatant Commanders, through the CJCS:

a. Integrate NLW capabilities, as appropriate, into operational planning, exercises, demonstrations, and experiments.

b. Ensure that operational, contingency, and functional plans and interagency concepts integrate, as appropriate, the application of NLW.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(R&E)	Assistant Secretary of Defense for Research and Engineering
ATSD(PA)	Assistant to the Secretary of Defense for Public Affairs
CJCS	Chairman of the Joint Chiefs of Staff
CMC	Commandant of the Marine Corps
DCAPE	Director, Cost Assessment and Program Evaluation
DoDD	DoD Directive
DoDI	DoD Instruction
DOT&E	Director, Operational Test and Evaluation
DOTMLPF	doctrine, organization, training, materiel, leadership and education, personnel, and facilities
EA	Executive Agent
EM	electro-magnetic
EW	electronic warfare
GC, DoD	General Counsel of the Department of Defense
IG DoD	Inspector General of the Department of Defense
JCIG	Joint Coordination and Integration Group
JIPT	Joint Integrated Product Team
JNLWP	Joint Non-Lethal Weapons Program
NLW	non-lethal weapons
R&D	research and development
SAP	special access program
SAPCO	Special Access Program Central Office

USD(AT&L) Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(C)/CFO Under Secretary of Defense (Comptroller)/Chief Financial Officer,
Department of Defense
USD(I) Under Secretary of Defense for Intelligence
USD(P) Under Secretary of Defense for Policy
USSOCOM United States Special Operations Command

PART II. DEFINITIONS

Unless otherwise stated, these terms and their definitions are for the purpose of this directive only.

deny. An action to hinder or prevent the use of space, personnel, or facilities.

disable. To render ineffective or unable to perform.

divert. To turn aside from a course or direction.

DoD NLW program. DoD efforts related to research, development, test, evaluation, procurement, deployment, and employment of NLW, regardless of funding source or effort management.

EA. Defined in Reference (b).

human effects. The physical impact on or behavioral response of a human resulting from a stimulus or set of stimuli.

incapacitate. To disable, inhibit, or degrade one or more functions or capabilities of a target to render it ineffective.

JNLWP. Joint efforts related to research, development, test, and evaluation under the oversight of the DoD EA for NLW.

NLW. Weapons, devices, and munitions that are explicitly designed and primarily employed to incapacitate targeted personnel or materiel immediately, while minimizing fatalities, permanent injury to personnel, and undesired damage to property in the target area or environment. NLW are intended to have reversible effects on personnel and materiel.

permanent injury. Physical damage that permanently impairs physiological function that restricts employment or other activities of a person for the rest of his or her life.

reversible effects. The ability to return the target to its pre-engagement functionality, usually measured by the time and level of effort required for recovery of the target.

significant injury. Injury requiring health-care capability index 1 (first responder-capability including resuscitation, stabilization, and emergency care) or higher index treatment, as defined by Reference (e).

suppress. To degrade the ability of an individual to take specific action.