

DOJ Policy Statement on the use of Less-Than-Lethal Devices

I. Department of Justice (DOJ) law enforcement officers (officers) are authorized to use less-than-lethal devices only as consistent with this policy statement.

II. Pursuant to this policy statement, less-than-lethal devices:

A. Are synonymous with "less lethal," "non-lethal," "non-deadly," and other terms referring to devices used in situations covered by this policy statement; and

B. Include, but are not limited to:

1. Impact Devices (e.g., batons, bean bag projectiles, baton launcher, rubber projectiles, stingballs);
2. Chemical Agents (e.g., tear gas, pepper spray, pepperballs); and
3. Conducted Energy Devices (e.g., electronic immobilization, control, and restraint devices).

III. DOJ officers are authorized to use less-than-lethal devices only in those situations where reasonable force, based on the totality of the circumstances at the time of the incident, is necessary to effectuate an arrest, obtain lawful compliance from a subject, or protect any person from physical harm. Use of less-than-lethal devices must cease when it is no longer necessary to achieve the law enforcement objective.

IV. DOJ officers are authorized to use only those less-than-lethal devices authorized by their component and that they are trained to use, absent exigent circumstances.

V. DOJ officers are not authorized to use less-than-lethal devices if voice commands or physical control achieve the law enforcement objective. DOJ officers are prohibited from using less-than-legal devices to punish, harass, or abuse any person.

VI. Less-than-lethal devices are used with a reasonable expectation that death or serious bodily injury will not result. They are, however, recognized as having the potential to cause death or serious bodily injury, and DOJ officers may use less-than-lethal devices as deadly weapons only when authorized under the DOJ Policy Statement on the Use of Deadly Force.

VII. DOJ officers must make necessary medical assistance available to subjects of less-than-lethal device use as soon as practicable.

VIII. DOJ components must establish rules and procedures implementing this policy statement. Each component will ensure that state/local officers participating in joint task force operation are aware of and adhere to the policy and its limits on DOJ officers.

IX. DOJ components must establish training programs and procedures for using less-than-lethal devices that are consistent with this policy statement and federal law.

X. DOJ components must individually establish procedures for documenting, reporting, reviewing, and investigating (as warranted), all incidents involving the use of less-than-lethal devices.

XI. This policy statement is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.