



U.S. Department of Justice
Federal Bureau of Prisons

OPERATIONS MEMORANDUM

OPI: CPD/CSB
NUMBER: 001-2015
DATE: 2/26/2015
EXPIRATION DATE: 2/26/2016

Oleoresin Capsicum (OC) Aerosol Spray Pilot Program

/s/

Approved: Charles E. Samuels, Jr.
Director, Federal Bureau of Prisons

1. PURPOSE AND SCOPE

To authorize and regulate the use of the oleoresin capsicum (OC) aerosol dispenser (pepper spray) by select and trained institution staff.

Consistent with the Program Statement **Use of Force and Application of Restraints**, OC aerosol spray may be used to incapacitate or disable disruptive, assaultive, or armed inmates posing a threat to the safety of others, or to institution security and good order. If the OC aerosol spray is not effective, other alternative munitions should be considered.

The OC aerosol dispenser authorized for this pilot program is the 3-4 oz. with full cone spray. Under ideal circumstances, the full cone spray has an effective range of 10 to 12 feet.

An appropriate number of inert training sprays should be maintained for the initial training of approved staff and the quarterly re-familiarization of previously trained staff.

Note: The Program Statement **Correctional Services Manual** indicates that OC aerosol dispensers should not be used at a range closer than four feet.

The OC aerosol dispenser is designed primarily for immediate use of force in situations where there is a serious threat to the safety of staff, inmates, or others; to prevent serious property damage; and to ensure institution security and good order.

This policy is consistent with the Department of Justice's Policy Statement on the Use of Less-Than-Lethal Devices (May 2011), which authorizes Department of Justice (DOJ) officers to use less-than-lethal devices authorized by their component. DOJ policy is that 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 protect any person from physical harm. The policy also states that DOJ officers are not authorized to use less-than-lethal devices if voice commands or physical control achieves the law enforcement objective. Additionally, DOJ officers are prohibited from using less-than-lethal devices to punish, harass, or abuse any person.

2. PROGRAM OBJECTIVES

- The OC aerosol spray will be used to protect staff, inmate(s), and others from an inmate(s) posing a threat and when other methods of control are not feasible.
- An OC aerosol dispenser will be used only by trained staff.
- Detailed reporting and documentation (i.e., EMS 583/586), will be maintained when an OC aerosol spray dispenser is used.
- Authorized staff will comply with the Department of Justice's Policy Statement on the Use of Less-Than-Lethal Devices (May 2011)

3. DIRECTIVES REFERENCED

Program Statements

P5500.11 Correctional Services Manual (10/10/03)
P5500.14 Correctional Services Procedures Manual (10/19/12)
P5566.06 Use of Force and Application of Restraints (11/30/05)

Department of Justice Policy Statement on the Use of Less-Than-Lethal Devices (5/2011)

4. AGENCY ACA ACCREDITATION PROVISIONS

- American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4090, 4-4091, 4-4094, 4-4200, 4-4193, 4-4201, 4-4203, 4-4173, and 4-4206
- American Correctional Association 4th Edition Standards for Adult Local Detention Facilities: 4-ALDF-7B-16, 4-ALDF-7B-14, 4-ALDF-2B-04, 4-ALDF-2B-01, 4-ALDF-2B-06, and 4-ALDF-2B-07
- American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-C0-2A-01

5. PRETRIAL/HOLDOVER PROCEDURES

Procedures required in this Operations Memorandum also apply to pretrial and holdover inmates.

6. AUTHORIZED PILOT FACILITIES

All staff from the following institutions are authorized to participate in the OC Aerosol Spray Pilot Program:

- High Security Institutions.
- Medium Security Institutions.
- Federal Medical Centers.
- Federal Detention Centers and jail units.

Staff will be authorized to carry an OC aerosol dispenser in the performance of their duties and in accordance with the established Program Statement **Use of Force and Application of Restraints**. Staff must complete appropriate training prior to being authorized to carry OC aerosol spray dispenser.

Reasonable accommodations will be made for any employee with a qualified temporary disability, such as a disabling condition related to pregnancy. These employees should be temporarily reassigned to a non-OC spray post/position. Pregnant staff should not respond to emergencies where the possibility exists of chemical OC spray being used.

7. DOCUMENTATION – POST ORDERS AND POSITIONS

- a. Post orders must be updated and prepared under the Captain's supervision and direction. Specific instructions regarding the use of OC aerosol spray dispenser will be contained in the post orders. The instructions will be consistent with the **Use of Force and Application of Restraints** policy.
- b. Once post orders have been created and after review by the Warden, they must be forwarded to the Regional Correctional Services Administrator for review. A memorandum signed by the Administrator documenting the initial review and concurrence will be returned to the Captain to be included in the post orders. A copy of the approval memorandum will be maintained by the Regional Office.
- c. No post will be issued an OC aerosol dispenser until post orders have been reviewed by the Regional Correctional Services Administrator and the appropriate staff have been trained.
- d. Positions that do not require post orders will not be issued an OC aerosol dispenser until assigned staff review specific instructions regarding the use of OC aerosol spray and receive applicable training. Documentation of the review will be maintained by the specific Department Head. These positions authorized to carry OC will review the specific instructions quarterly.
- e. A quarterly review will be conducted by the Captain to ensure compliance of this Operations Memorandum. A memorandum documenting this quarterly review will be maintained by the Captain, with copies forwarded to the Regional Correctional Services Administrator and the Administrator, Correctional Services Branch.

f. During the pilot program, all additions or deletions to the authorized posts and positions must be approved by the Regional Director.

8. USING THE OC AEROSOL SPRAY DISPENSER

The OC aerosol spray is a less-than-lethal inflammatory agent derived from a pepper biodegradable resin. As an inflammatory agent, it causes a burning sensation on the skin; tearing and closing of the eyes; and swelling of the mucus membranes. The OC aerosol dispenser authorized by the Bureau of Prisons for this pilot program is the 3-4 oz. full cone spray pattern. Wind speed and direction greatly affects the accuracy and range of the aerosol dispenser. Under ideal conditions, the full cone spray has an effective range of 10 to 12 feet. Decontamination procedures include fresh air and water rinsing. Within 15 minutes after OC has been applied, or as soon as possible, the inmate shall be allowed to wash with soap and water all areas affected by the agent, or assisted by staff as necessary.

It is the policy of the Bureau of Prisons that the preferred method of resolution is through verbal intervention. However, the safety of staff, inmate(s), or others in any dangerous encounter is paramount and may require the use of OC aerosol spray.

Prior to any OC aerosol spray being used, staff must attempt verbal intervention to defuse the situation when feasible. Good communication skills can frequently eliminate the need for an elevated response. The Bureau of Prisons authorizes staff to use force only as a last alternative after all other reasonable efforts to resolve a situation have failed. When authorized, staff must use only that amount of force necessary to gain control of the inmate; to protect and ensure the safety of inmates, staff, and others; to prevent serious property damage; and to ensure institution security and good order.

STEPS TO FOLLOW WHEN USING OC AEROSOL SPRAY ON AN INMATE

1. OC aerosol sprays must be carried in an approved holder (leather/nylon belt loop holster specifically designed to hold OC aerosol dispenser) at all times. The nozzle should be facing the body.
2. Fingers of the drawing hand should be extended and firmly gripping the aerosol dispenser.
3. Staff should assume an appropriate defensive stance and continue with verbal commands.
4. Place thumb on the actuator.
5. Spray the facial area, specifically the eyes, delivering one two-second burst. Once the OC aerosol spray has been dispensed, staff should step back to avoid being contaminated by the spray and maintain direct supervision of the inmate(s).
6. Allow the OC aerosol spray to work while providing verbal commands to the inmate (e.g., lay face down with arms spread).
7. Evaluate the response of the inmate(s). If the inmate(s) does not submit to restraints and/or comply with staff orders within 15 seconds, a second two-second burst is authorized. After a second assessment, or if the inmate(s) has not complied with staff commands, alternative methods to control the situation may be pursued.

8. Decontamination procedures include fresh air and water rinsing. Within 15 minutes after OC has been applied, or as soon as possible, the inmate shall be allowed to wash with soap and water all areas affected by the agent, or assisted by staff as necessary. Normally, this is completed before the medical assessment.
9. Once the OC aerosol spray is used and the inmate(s) is in restraints, a medical assessment to determine the extent of any injuries sustained will be performed. Health Services staff will be notified immediately.
10. When an immediate use of force is necessary (e.g., involving serious bodily harm, etc.), staff are obligated to obtain a camera and begin recording consistent with the Program Statement **Use of Force and Application of Restraints**. As soon as control of the situation has been obtained, staff must record information on: injuries; circumstances that required the need for immediate use of force; and identifications of the inmates, staff, and others involved. (See the Program Statement **Use of Force and Application of Restraints**.)

For posts that require 24-hour staffing (i.e., Operations, Activities, and Special Housing Lieutenants; compound officers; housing unit officers; corridor/movement officers; and SHU #1 officer), the outgoing staff must turn over the OC aerosol dispenser to the oncoming staff member for the post. Non-24-hour posts must pick up and secure OC dispensers at a secure storage location (normally the Control Center) during their hours of work.

9. REPORTING

All reporting (i.e., EMS 583 and 586) and documentation (memorandums, video recording, etc.) will follow the specific procedures set forth in the Program Statement **Use of Force and Application of Restraints**.

10. TRAINING

Institutions selected to participate in the OC Aerosol Spray Pilot Program must provide training to all staff involved. The only staff authorized to carry OC aerosol spray under this program are the staff who have received this specialized training.

Selected instructors will train staff assigned to carry OC. Approved instructors include the Captain, Lieutenants, and the Security Officer from each institution. These instructors will undergo Training for Trainers program conducted by staff from the Central Office, Correctional Programs Division, and Correctional Services Branch.

- a. **Training Content.** Staff must be thoroughly trained in the use, reporting, and policies governing the arresting and detaining of non-inmates and use of force and application of restraints.

Training should emphasize that OC aerosol spray should only be used when there is an immediate danger to staff or inmates and after verbal intervention has been attempted.

b. **Training Frequency.** Trained instructors will ensure staff receive an initial four-hour training course and are re-familiarized on a quarterly basis. All training will be documented. Inert training sprays are authorized for use during the training process.

c. **Documentation.** The Captain will maintain documentation and a list of those staff authorized in the use of the OC aerosol spray. Copies of the list are to be maintained in the Armory, Control Center, and Lieutenant's Office. Additionally, copies will be forwarded to the Human Resource Manager.