



U.S. Department of Justice
Federal Bureau of Prisons

PROGRAM STATEMENT

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Use of Force, Application of Restraints, and Firearms

/s/

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Director, Federal Bureau of Prisons

1. § 552.20 Purpose and scope.

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. Staff are authorized to apply physical restraints necessary to gain control of an inmate who appears to be dangerous because the inmate:

- (a) Assaults another individual;
- (b) Destroys government property;
- (c) Attempts suicide;
- (d) Inflicts injury upon self; or
- (e) Becomes violent or displays signs of imminent violence.

This rule on application of restraints does not restrict the use of restraints in situations requiring precautionary restraints, particularly in the movement or transfer of inmates (e.g., the use of handcuffs in moving inmates to and from a cell in detention, escorting an inmate to a Special Housing Unit pending investigation, etc.).

Under this rule precautionary restraints may also be used as prescribed by Health Services employees for medical purposes in accordance with procedures set forth in the Program Statement **Psychiatric Services**.

The use of restraints on inmates due to mental illness (e.g., to prevent suicide or infliction of self-

injury) is subject to this Program Statement's provisions and the Program Statement **Suicide Prevention Program**. This includes the placement, review, and release of inmates from restraints at all Bureau of Prisons (Bureau) facilities, including medical referral centers (MRC).

This policy's purpose is not to discourage employees from using the amount of force necessary to protect all persons, including oneself, from assault, bodily harm, and/or loss of life, serious property damage and to ensure institution security and good order. This policy will provide guidance and instruction on appropriate procedures in acting reasonably and lawfully when confronted with situations that may require the use of force to gain control of an incident.

Excessive force will not be tolerated. If substantiated it may constitute a prosecutable offense. Consistent with policy and regulations, an employee may not use brutality, physical violence, or intimidation toward inmates, or use any force beyond that which is reasonably necessary to subdue an inmate. See the Program Statement **Standards of Employee Conduct**. Bureau employees in law enforcement positions must recognize and act upon the affirmative duty to intervene to prevent or stop, as appropriate, any fellow Bureau employee from engaging in excessive force or any other use of force that violates the Constitution, other federal laws, or Bureau policies on the reasonable use of force. Employees who observe the use of excessive force should use sound correctional judgement in their response to the situation, which may include affirmative steps to protect safety and security prior to intervention.

a. **Summary of Changes**

Policy Rescinded

5566.06, CN-1 Use of Force and Application of Restraints (8/29/2014)

- Added language for consistency with the Department of Justice Policy on Use of Force.
- Provided direction that employees must recognize and act upon the affirmative duty to intervene to prevent or stop, as appropriate, any fellow Bureau law enforcement officer from engaging in excessive force.
- Mandated training be provided to all employees in confrontation avoidance and use of force techniques.
- Added decontamination procedures for chemical agents/OC.
- Mandated decontamination for chemical agents/OC be conducted on video.
- Revised guidance related to medical and mental health consultation in use of force and application of restraint incidents.
- Added general procedures and direction regarding the use of and reporting requirements for firearms in the Bureau.
- Added guidance specific to the use of firearms inside an institution.
- Provided guidance regarding armed escort by commercial aviation.

- Provided guidance and procedures related to the use of deadly force to restore order, in non-custodial circumstances, and in the prevention of escape, serious physical injury or death.
- Mandated that carotid restraint and chokehold techniques are prohibited unless the use of deadly force is justified under law and this Program Statement.
- Added the requirement to immediately assign employees to supervise inmates placed in four-point restraints.
- Created Attachment A: Bureau of Prisons Firearm Matrix.
- Created Attachment B: Training in the Confrontation Avoidance/Use of Force Technique.
- Created Attachment C: Use of Force Model and Continuum.
- Created Attachment D: Steps for De-escalation.
- For the purposes of this Program Statement, the term “employee” is used in black implementing text and is intended to have the same meaning as the term “staff” used in blue regulatory text. The terms “staff” and “staff member (s)” have been replaced with the term “employee (s)” throughout the black implementing text.

b. Program Objectives.

- Employees will be well trained in confrontation avoidance, Use of Force Team Technique, use of chemical agents/OC, and the application of restraints to ensure the appropriate level of response.
- Employee safety will be increased with proper response to the perception of fluent use of force and application of restraint techniques.
- Employees will not be discouraged from and will not hesitate in confronting and addressing any level of perceived threat with proper response and using the amount of force necessary to protect themselves and others.
- Employees will be provided training on the affirmative duty to intervene.
- The management of inmate behavior will become increasingly efficient.
- The progression of restraint application will allow the inmate to regain self-control as soon as possible.
- Video documentation will begin as soon as feasible following an immediate use of force to ensure an accurate portrayal of inmate actions and the integrity of employee response.
- Restraint checks of inmates will be well documented and considered in managing the inmate’s behavior.
- Employees will be informed of recommendations, discrepancies, and educated on corrective actions through the after-action review process.
- Medical assessments will be thoroughly conducted and accurately documented.
- Identify the procedural differences between an immediate and calculated use of force.
- De-escalation techniques will be used when feasible to avoid use of force situations.
- Chemical agents will be utilized in a manner which employee and inmate safety are maintained to the extent practicable and thorough decontamination is conducted.

- Calculated use of force will be initiated only after a review of the inmate's medical file, unless such a delay would endanger the safety of employees, the inmate, or other inmates, or result in severe property damage, or effectuate an escape.
- Employees will understand instances where deadly force may be used, as well as the situational requirements for a verbal warning and/or warning shot.

c. **Institution Supplement.** None required. Should local facilities make any changes outside those required in the national policy or establish any additional local procedures to implement the national policy, the local Union may invoke to negotiate procedures or appropriate arrangements.

2. TRAINING UNDER THIS PROGRAM STATEMENT

All primary and secondary Law Enforcement Officers (LEO), and non-LEO employees at institutions nationwide must be made aware of their responsibilities under this Program Statement through ongoing training. At a minimum, training must cover:

- managing aggressive inmates
- communication techniques
- cultural diversity
- managing mentally ill inmates
- de-escalation procedures
- the application of restraints
- reporting procedures
- instances when deadly force may be used in accordance with the law and Department of Justice (DOJ) policy
- the appropriate exercise of discretion and judgment in using less-than-lethal and deadly force in accordance with DOJ policy on deadly force
- techniques for the use of and reinforcement of the importance of de-escalation
- employees' affirmative duty to intervene.

The Warden or designee of each institution shall ensure training in confrontation avoidance procedures and use of force techniques is provided to all primary and secondary LEO, and non-LEO employees at institutions nationwide. At a minimum, employees shall be trained on an annual basis. Any employee participating in a calculated use of force must have documented proof of annual training in these areas. Employees should be trained thoroughly in the use of both soft and hard restraints on an annual basis.

3. § 552.21 Types of force.

Since inmates can become violent or display signs of imminent violence, it is sometimes necessary for employees to use force and restraints to prevent inmates from hurting themselves, employees, or others, and/or from destroying property.

(a) **Immediate use of force.** Staff may immediately use force and/or apply restraints when the behavior described in § 552.20 constitutes an immediate, serious threat to inmate, staff, others, property, or to institution security and good order.

In an immediate use of force situation, employees may respond with or without the presence or direction of a supervisor. Due to the nature of the situation, employees are not required to consult Health Services prior to the use of chemical agents/OC as an immediate response is required.

Protective Equipment. Recognizing a rapid response is imperative in an immediate use of force situation, responding employees must use sound correctional judgment in determining if there is time to obtain readily available protective equipment when responding (e.g., shields, helmets with face shields, pads, jumpsuits, etc.). Such protective clothing and equipment impede the transmission of infectious diseases.

Video Recording in Immediate Use of Force Incidents. As soon as feasible, employees must obtain a video camera and record any use of force incident, unless it is determined a delay in resolving the situation would endanger the inmate, employees, or others, or would result in a major disturbance or serious property damage.

In immediate use of force situations, the following is required on video:

Decontamination. In accordance with the Program Statement **Oleoresin Capsicum (OC) Aerosol Spray**, in situations where OC or chemical agents are utilized, decontamination of the inmate(s) must be conducted without delay, upon the incident being contained, and regardless of the availability of Health Services employees. This process is to be documented on video unless exigent circumstances exist. Primary decontamination procedures include fresh air and rinsing with water focusing on affected areas with special attention to the face, eyes, nose, and mouth. Additionally, a change of clothing is required.

Under the supervision of the Health Services employees, the inmate shall be allowed to wash areas affected by the agent with soap and water or assisted by Health Services employees as necessary. Normally, this is conducted in conjunction with the medical examination and must be documented on video.

A Lieutenant will ensure the decontamination has been conducted.

- **Medical Assessment.** After an immediate use of force, qualified Health Services personnel shall initially assess the inmate and document any injuries. An inmate may not refuse a medical assessment following a use of force. The Lieutenant supervising the medical assessment must ensure:
 - the inmate is properly restrained prior to the medical assessment
 - the inmate is appropriately clothed prior to the medical assessment
 - employees are wearing appropriate personal protective equipment (PPE) throughout the assessment
 - employees, ordinarily those not involved in the immediate use of force, maintain proper control of the inmate throughout the medical assessment
 - Health Services employees conduct a thorough and detailed medical assessment
 - communication with the inmate remains medically relevant
 - the Lieutenant has no physical involvement in the medical assessment

If it becomes necessary to cut off the inmate's clothing following the use of force, Health Services employees, if present, must do so.

- **Debriefing.** After medical assessments related to an immediate use of force have been conducted, a Lieutenant will ensure an incident debrief is conducted on video. This debriefing must include:
 - all employees involved in the use of force, decontamination process (if necessary), and medical assessment are present
 - the camera operator is identified
 - the date and time of the debriefing is stated on camera
 - a detailed review of the incident and the use of force stated by the Lieutenant
 - identification of employees involved by their name, title, and statement of any injuries incurred during the immediate use of force
 - Health Services employees are present and note the results of the initial medical assessment and if applicable the initial restraint check
 - the details surrounding any breaks in filming, by the Lieutenant, if applicable

(b) Calculated use of force and/or application of restraints. This occurs in situations where an inmate is in an area that can be isolated (e.g., a locked cell, a range) and where there is no immediate, direct threat to the inmate or others. When there is time for the calculated use of force or application of restraints, staff must first determine if the situation can be resolved without resorting to force (see § 552.23).

Circumstances. Calculated rather than immediate use of force is preferred in all instances in a correctional environment unless an immediate response is deemed necessary. Although this is not always possible, employees must use sound correctional judgment in each incident to determine whether the situation necessitates the implementation of calculated or immediate use of force procedures.

Calculated use of force is appropriate when an inmate is secured in a cell or area where employees believe there is no immediate danger of the inmate inflicting injury or harm to themselves or others. For example, if an inmate is secured in a cell making verbal threats or brandishing a weapon. Calculated use of force provides employees the opportunity to attempt to resolve the situation non-confrontationally.

Documentation. The entire calculated use of force process must be video recorded, including the introduction of all employees participating in the confrontation avoidance process and decontamination procedures, if applicable. The video and documentation will be part of the investigation package for the After-Action Review, as detailed in Section 13 of this Program Statement. Additionally, the Warden must forward a copy of each video to the Regional Director within four working days of the incident.

- **Debriefing.** After medical assessments related to a calculated use of force have been conducted, a Lieutenant will ensure an incident debrief is conducted on video. This debriefing must include:
 - all employees involved in the use of force, decontamination process (if necessary), and medical assessment are present
 - the camera operator is identified
 - the date and time of the debriefing is stated on camera
 - a detailed review of the incident and the use of force stated by the Lieutenant
 - identification of employees involved by their name, title, role, and statement of any injuries incurred during the calculated use of force
 - Health Services employees are present and note the results of the initial medical assessment and if applicable the initial restraint check
 - the details surrounding any breaks in filming, by the Lieutenant, if applicable

Calculated Use of Force Safeguards

Protective Equipment. To prevent injury and exposure to communicable disease in calculated use of force situations, employees participating in any calculated use of force, including those participating in the Use of Force Team Technique, must wear appropriate protective gear in

accordance with the circumstances. A list of protective gear to be used, depending upon the circumstances, may be found in 29 CFR Part 1910 and the Program Statements **Correctional Services Manual** and **Infectious Disease Management**. Sufficient protective equipment and clothing must be available for all employees participating in a calculated use of force.

Employees with Injury or Disease. Although specifics are not required, employees with documented injuries or diseases have an obligation to inform management they are unable to participate in calculated use of force situations. Employees will be asked during their introduction on camera if they are willing to participate in this action and have no injuries or diseases that would prohibit their participation. The Bureau will comply with the hepatitis B vaccination procedures as outlined in 29 CFR § 1910.1030. Employees with a skin disease or skin injury shall not be permitted to participate in a calculated use of force.

Employee Exposure. Employees will treat every calculated use of force as if blood and bodily fluids are present. Employees must report any exposure to bodily fluids or other contagious diseases that occurs during the course of their duties to Health Services as soon as practicable. The employee must also immediately inform their supervisor.

If it is possible an inmate could have transmitted a disease, such as human immunodeficiency virus (HIV), the exposed employee may request the inmate be tested promptly. The employer will exercise due diligence in testing the inmate and processing the test. The employer will notify the employee of the test results immediately upon receipt in accordance with the Correctional Officers Health & Safety Act of 1998. If an employee reasonably believes they may have been exposed, they will be sent for HIV testing during duty hours.

Sanitation. After all use of force incidents, areas where there is a spillage of blood, or other bodily fluids, must be sanitized immediately upon the authorization of the Special Investigative Supervisor (SIS) or Shift Supervisor, who must first determine whether there is a need to preserve evidence. Procedures and PPE for the cleaning of blood spillage or bodily fluids must be made available to employees responsible for the supervision of such cleaning.

All blood and body secretions will be removed immediately in the appropriate waste disposal container. The area must be washed with an antiseptic solution, in accordance with the Program Statements **HIV Positive Inmates Who Pose a Danger to Others, Procedures for Handling of; Infectious Disease Management; and Management of Staff Exposure to Bloodborne Pathogens**.

Sanitation measures, in compliance with 29 CFR Part 1910 and safety directives (e.g., local exposure control plan) must be implemented following use of force incidents where there is a possibility of exposure to bodily fluids or potentially infectious materials. Such measures may

not take place until the scene has been released from the investigatory process. Any clothing, including employee or inmate's clothing, as well as PPE which has been exposed to bloodborne pathogens or other potentially infectious diseases must be disinfected or destroyed immediately.

(c) *Use of Force Team Technique.* If use of force is determined to be necessary, and other means of gaining control of an inmate are deemed inappropriate or ineffective, then the Use of Force Team Technique shall be used to control the inmate and to apply soft restraints, to include ambulatory leg restraints. The Use of Force Team Technique ordinarily involves trained staff, clothed in protective gear, who enter the inmate's area in tandem, each with a coordinated responsibility for helping achieve immediate control of the inmate.

See the Section on the Use of Force Team Technique in the Program Statement **Correctional Services Manual** for guidance.

(d) *Exceptions.* Any exception to this rule is prohibited, except where the facts and circumstances known to the staff member would warrant a person using sound correctional judgment to reasonably believe other action is necessary (as a last resort) to prevent serious physical injury, or serious property damage which would immediately endanger the safety of staff, inmates, or others.

4. § 552.22 Principles governing the use of force and application of restraints.

(a) Staff ordinarily shall first attempt to gain the inmate's voluntary cooperation before using force.

See Section 5 of this Program Statement for confrontation avoidance procedures and the Steps for De-escalation (Attachment D) for de-escalation techniques.

(b) Force may not be used to punish an inmate.

(c) Staff shall use only that amount of force necessary to gain control of the inmate. Situations when an appropriate amount of force may be warranted include, but are not limited to:

(1) Defense or protection of self or others;

(2) Enforcement of institutional regulations; and

(3) The prevention of a crime or apprehension of one who has committed a crime.

(d) Where immediate use of restraints is indicated, staff may temporarily apply such restraints to

an inmate to prevent that inmate from hurting self, staff, or others, and/or to prevent serious property damage. When the temporary application of restraints is determined necessary, and after staff have gained control of the inmate, the Warden or designee is to be notified immediately for a decision on whether the use of restraints should continue.

(e) Staff may apply restraints (for example, handcuffs) to the inmate who continues to resist after staff achieve physical control of that inmate, and may apply restraints to any inmate who is placed under control by the Use of Force Team Technique. If an inmate in a forcible restraint situation refuses to move to another area on his own, staff may physically move that inmate by lifting and carrying the inmate to the appropriate destination.

Employees shall not use the restraints for lifting or carrying an inmate.

(f) Restraints should remain on the inmate until self-control is regained.

If the inmate was placed in restraints because of an assault on employees, the assaulted employee must not be involved in deciding whether the inmate has regained self-control.

(g) Except when the immediate use of restraints is required for control of the inmate, staff may apply restraints to, or continue the use of progressive restraints on, an inmate while in a cell in administrative detention or disciplinary segregation only with approval of the Warden or designee.

(h) Restraint equipment or devices (e.g., handcuffs) may not be used in any of the following ways:

(1) As a method of punishing an inmate.

(2) About an inmate's neck or face, or in any manner which restricts blood circulation or obstructs the inmate's airways.

Tape must not be placed over an inmate's mouth or nose, or around the neck. Protective equipment must be sufficient to insulate employees from an inmate's spitting or biting and comply with 29 CFR § 1910.1030 and the Program Statement **Infectious Disease Management**. Employees will not use any unauthorized item or device (e.g., towels, sheets, blankets, hosiery, masks) in use of force situations. Face coverings placed upon inmates within the realm of limiting sickness (i.e., pandemic response) is authorized.

(3) In a manner that causes unnecessary physical pain or extreme discomfort.

When applying restraints, employees must use sound correctional judgment to ensure unnecessary pressure is not applied to the inmate.

Although the proper application of restraints may result in some discomfort, prohibited uses of restraints include but are not limited to “hogtying,” unnecessary tightness, or improperly applied restraints. All inmates placed in restraints should be closely monitored.

When it is necessary to use continued restraints after any use of force incident, hard restraints (e.g., steel handcuffs and leg irons) are to be used only after soft restraints have proven ineffective or the inmate has a documented history of defeating soft restraints.

(4) To secure an inmate to a fixed object, such as a cell door or cell grill, except as provided in § 552.24.

(i) Medication may not be used as a restraint solely for security purposes.

(j) All incidents involving the use of force and the application of restraints (as specified in § 552.27) must be carefully documented.

Whenever practicable, this documentation includes filming the incident and a formal review by the institution’s After-Action Review Committee. Reports and videos of the incident must be reviewed and audited by Regional and Central Office.

All use of force incidents must be reported, reviewed, and investigated if deemed necessary to protect employees from unfounded allegations and eliminate the unwarranted use of force.

5. § 552.23 Confrontation Avoidance Procedures.

Prior to any calculated use of force, the ranking custodial official (ordinarily the Captain or shift Lieutenant), a designated mental health professional, and others shall confer and gather pertinent information about the inmate and the immediate situation. Based on their assessment of that information, they shall identify a staff member(s) to attempt to obtain the inmate’s voluntary cooperation and, using the knowledge they have gained about the inmate and the incident, determine if use of force is necessary.

Ordinarily, in calculated use of force situations, there is time for the Captain or Lieutenant, Psychology Services, Health Services, Chaplaincy Services, or other employees such as the inmate’s Unit Manager, Case Manager, or Counselor, to confer and assess the situation.

This discussion must be accomplished by telephone or in person. The purpose is to gather

relevant information concerning the inmate's medical/mental health history and any recent incident reports or situations which may contribute to the inmate's present condition.

This assessment should include discussions with employees who are familiar with the inmate's background or present status. This information may provide insight into the cause of the inmate's immediate agitation.

Additionally, it may identify other employees who have a rapport with the inmate and can possibly resolve the incident without the use of force.

6. § 552.25 Use of less-than-lethal weapons, including chemical agents.

(a) The Warden may authorize the use of less-than-lethal weapons, including those containing chemical agents, only when the situation is such that the inmate:

- (1) Is armed and/or barricaded; or
- (2) Cannot be approached without danger to self or others; and
- (3) It is determined that a delay in bringing the situation under control would constitute a serious hazard to the inmate or others, or would result in a major disturbance or serious property damage.

(b) The Warden may delegate the authority under this regulation to one or more supervisors on duty and physically present, but not below the position of Lieutenant.

Qualified Health Services personnel must be consulted prior to the use of chemical agents unless circumstances require an immediate response. OC falls within the category of chemical agents. See the Program Statement **Oleoresin Capsicum (OC) Aerosol Spray**. When an immediate use of force occurs, due to the nature of the situation, employees are not required to consult Health Services prior to use of chemical agents, as an immediate response is necessary.

Ordinarily, in a calculated use of force, the inmate's medical file must be reviewed by qualified Health Services personnel to determine whether the inmate has any diseases or conditions which would be adversely affected if chemical agents or less-than-lethal munitions are used. Such conditions include, but are not limited to asthma, emphysema, bronchitis, tuberculosis, obstructive pulmonary disease, angina pectoris, cardiac myopathy, congestive heart failure, pregnancy, or postpartum (the 12-week period following a pregnancy outcome). Local procedures will be developed where 24-hour medical coverage is unavailable, at which point the local Union may invoke to negotiate procedures or appropriate arrangements.

7. PROGRESSIVE AND AMBULATORY RESTRAINTS

Restraints should be used only when other effective means of control have failed or are impractical. Progressive restraint is the process of using the least restrictive restraint method to control the inmate as deemed necessary for the situation.

Ambulatory restraints are defined as approved soft and hard restraint equipment which allow the inmate to eat, drink, and take care of basic human needs without employee intervention.

Ambulatory restraints should initially be used to restrain an inmate if deemed appropriate. Using ambulatory restraints for a period of time may be appropriate for protecting employees and others, pending an assessment by employees to determine whether the inmate has regained self-control. For example, when an assaultive incident occurs quickly, and the inmate is no longer displaying signs of violence or aggressiveness.

The policies and procedures described in this Program Statement will be followed for inmates placed in ambulatory restraints including:

- conditions of confinement
- scheduled checks
- documentation
- 24- and 48-hour reviews by the Warden and the Behavior Management Plan (BMP) Team. See Section 12 of this Program Statement.

In situations involving highly assaultive and aggressive inmates, progressive restraints should be used only as an intermediate measure in placing the inmate in or removing an inmate from four-point restraints.

When it is necessary to place an inmate in ambulatory restraints for longer than eight hours, the Regional Director or Regional Duty Officer must be notified telephonically by the Warden or designee (i.e., Acting Warden or Administrative Duty Officer).

Employees should look for a pattern of non-disruptive behavior over a period of time as an indication the inmate has regained self-control and is no longer a disruptive threat. Additionally, the 15-minute and two-hour logs should be reviewed to support any decision concerning the release of an inmate in restraints. Inmates asleep at the time of the two-hour review will be awakened to assess their condition. 15-minute logs should include specific inmate actions during observations.

If the inmate's behavior becomes increasingly aggressive and disruptive and the situation dictates the need for more restrictive restraints, employees must determine the type of

progressive restraints to be used (e.g., hard restraints with or without waist chain or waist belt, four-point soft restraints with hard restraints used for securing the inmate to the bed, or four-point hard restraints). The 15-minute and two-hour logs should support any decision concerning the continuation or progression of an inmate in restraints. Documentation may include incident reports for continued disruptive behavior. Incident reports must be written for Greatest and High severity prohibited acts.

Upon placement of an inmate in four-point restraints, the supervising Lieutenant shall assign an employee to provide constant visual supervision until the restraints are removed or downgraded to less-restrictive restraints such as ambulatory restraints. During immediate applications, available employees may be temporarily assigned to provide constant supervision until a designated employee can be assigned. As soon as feasible an additional employee should be assigned utilizing current local practices for filling vacant post assignments. The supervising Lieutenant will ensure the employee is provided adequate provisions to facilitate the constant supervision of the inmate.

When individuals have engaged in self-directed violence, a psychologist will be notified to evaluate for risk of suicide. Health Services must be notified to provide an injury assessment. See the Program Statement **Suicide Prevention Program**.

A Lieutenant makes the decision to release an inmate from, modify, or maintain restraints. This authority may not be delegated below the Lieutenant level. If the Lieutenant needs to consult with a psychologist prior to making the decision to release an inmate from restraints, it will be sought without delay.

8. § 552.24 Use of four-point restraints.

When the Warden determines that four-point restraints are the only means available to obtain and maintain control over an inmate, the following procedures must be followed:

(a) Soft restraints (e.g., vinyl) must be used to restrain an inmate unless:

- (1) Such restraints previously have proven ineffective with respect to that inmate, or
- (2) Such restraints are proven ineffective during the initial application procedure.

This may not be delegated below the Warden's level.

(b) Inmates will be dressed in clothing appropriate to the temperature.

(c) Beds will be covered with a mattress, and a blanket/sheet will be provided to the inmate.

Under no circumstances shall an inmate be allowed to remain nude or uncovered without a blanket/sheet unless determined necessary by qualified health personnel. If the inmate damages or manipulates the clothing, blanket/sheet, or other materials in a way that poses risk to the inmate, the Captain in consultation with Health Services and Psychology Services may authorize their limitation or removal.

(d) Staff shall check the inmate at least every 15 minutes, both to ensure that the restraints are not hampering circulation and for the general welfare of the inmate. When an inmate is restrained to a bed, staff shall periodically rotate the inmate's position to avoid soreness or stiffness.

To assist in ensuring the general welfare, inmates asleep at the time of the 15-minute check are to be awakened to visually assess their condition and this information must be documented. Visual checks are not to be conducted via closed circuit television (CCTV).

(e) A review of the inmate's placement in four-point restraints shall be made by a Lieutenant every two hours to determine if the use of restraints has had the required calming effect and so that the inmate may be released from these restraints (completely or to lesser restraints) as soon as possible. At every two-hour review, the inmate will be afforded the opportunity to use the toilet, unless the inmate is continuing to actively resist or becomes violent while being released from the restraints for this purpose.

Based on the nature of the situation, the Lieutenant who has offered the inmate a bathroom break will determine how many employees are needed to release the inmate from the restraints and provide the inmate a bathroom break. The Lieutenant will assemble the employees and visually observe and direct employees as they complete this task. The Lieutenant will determine what protective equipment is needed, if any, for the employees assisting with the inmate's bathroom break.

The goal of the two-hour reviews is to determine, as soon as possible, the inmate has regained self-control and may be placed in lesser restraints. The Lieutenant should look for a pattern of non-disruptive behavior over a period of time indicating the inmate has regained self-control and is no longer a disruptive threat. Additionally, the 15-minute and two-hour check logs must be reviewed to support any decision for lesser measures or the removal of restraints. Inmates asleep at the time of the two-hour reviews should be awakened to assess their condition.

If an inmate is released temporarily from four-point restraints for any reason (e.g., to use the toilet, consumption of food or beverage, etc.) without continuing disruptive or aggressive behavior, the Lieutenant must consider authorizing lesser restraints or removing the restraints. If

an inmate is returned to four-point restraints after a non-disruptive break, the Lieutenant must document the reasons for the action in detail.

(f) When the inmate is placed in four-point restraints, qualified health personnel shall initially assess the inmate to ensure appropriate breathing and response (physical or verbal). Staff shall also ensure that the restraints have not restricted or impaired the inmate's circulation. When inmates are so restrained, qualified health personnel ordinarily are to visit the inmate at least twice during each eight hour shift. Use of four-point restraints beyond eight hours requires the supervision of qualified health personnel. Mental health and qualified health personnel may be asked for advice regarding the appropriate time for removal of the restraints.

Qualified Health Services personnel shall evaluate the inmate restrained to a bed to determine the position the inmate should be placed in. When qualified Health Services personnel are not immediately available, the inmate will be placed in a "face-up" position until evaluated.

Health Services employees performing initial and subsequent required checks, must examine and document the following:

- date and time of examination
- examining employee
- body position
- restraints (adequate circulation)
- vital signs (blood pressure, pulse, respiration, and temperature)
- medication
- injuries
- the inmate's intake, output, hydration, etc.
- possible medical reasons for behavior
- deterioration of inmate's health
- any other significant findings and comments

In institutions without 24-hour medical coverage, Health Services employees must report to the institution twice during each eight-hour shift an inmate remains in progressive or four-point restraints. Such employees will be compensated (overtime, compensatory time, etc.) in accordance with the regulations. Under no circumstances will non-medical employees perform a medical assessment of an inmate.

(g) When it is necessary to restrain an inmate for longer than eight hours, the Warden (or designee) or institution administrative duty officer shall notify the Regional Director or Regional Duty Officer by telephone.

The above notification will be made for each consecutive eight-hour period the inmate remains in restraints. Documentation detailing the reasons for the placement of each inmate in four-point restraints, regardless of the duration, must be provided to the Regional Director or Regional Duty Officer the following workday.

9. **§ 552.26 Medical attention in use of force and application of restraints incidents.**

(a) In immediate use of force situations, staff shall seek the assistance of mental health or qualified health personnel upon gaining physical control of the inmate. When possible, staff shall seek such assistance at the onset of the violent behavior. In calculated use of force situations, the use of force team leader shall seek the guidance of qualified health personnel (based upon a review of the inmate's medical record) to identify physical or mental problems. When mental health staff or qualified health personnel determine that an inmate requires continuing care, and particularly when the inmate to be restrained is pregnant, the deciding staff shall assume responsibility for the inmate's care, to include possible admission to the institution hospital, or, in the case of a pregnant inmate, restraining her in other than face down four-point restraints.

In instances of calculated use of force, special consideration will be given to inmates with health conditions, infectious disease concerns, pregnant or postpartum inmates, inmates identified as mentally ill, intellectually disabled, and/or physically disabled. The decision to use force on inmates who meet these criteria must be individually assessed. The Clinical Director or designee must be consulted to determine if the proposed use of force on inmates with health conditions, infectious disease concerns, pregnant or postpartum inmates, and/or inmates who are physically disabled is clinically appropriate. The Chief Psychologist or designee must be consulted to determine if the proposed use of force on inmates identified as mentally ill and/or intellectually disabled is clinically appropriate. The Warden or designee makes the final decision for the approval of a calculated use of force. For guidance regarding the rare use of restraints on pregnant or postpartum inmates, see the Program Statement **Female Offender Manual**.

Aggressive inmates with open cuts or wounds who have attempted to harm themselves or others should be carefully approached by employees in the prescribed protective clothing/gear. A full body shield should also be used during these encounters to protect employees. Aggressive inmates, after placement in restraints, should be placed in administrative detention or separated from other inmates.

(b) After any use of force or forcible application of restraints, the inmate shall be examined by qualified health personnel, and any injuries noted, immediately treated.

If an employee involved in a use of force reports an injury, qualified Health Services employees shall provide an immediate medical assessment and initial emergency treatment as required.

Employees may also seek treatment from their personal physician.

As soon as practicable, an employee who sustains a work-related injury or exposure should report the injury to their supervisor and complete the appropriate Office of Workers' Compensation Programs (OWCP) form(s).

10. § 552.27 Documentation of use of force and application of restraints incidents.

Staff shall appropriately document all incidents involving the use of force, chemical agents, or less-than-lethal weapons. Staff shall also document, in writing, the use of restraints on an inmate who becomes violent or displays signs of imminent violence. A copy of the report shall be placed in the inmate's central file.

a. **Report of Incident.** A BP-E583, Report of Incident, will be prepared electronically documenting the use of force, chemical agents/OC, progressive restraints, and less-than-lethal delivery systems. This reporting requirement includes the application of progressive restraints on an inmate who complies with the placement of the restraints.

The report must establish the identity of all inmates, employees, and others involved in the incident. It must provide a detailed description of the incident. The report, including mental health and medical reports must be submitted to the Warden or designee no later than the end of the tour of duty. A copy of the reports is to be placed in the Inmate's Central File. Copies are also to be sent within two workdays to the following:

- Assistant Director, Correctional Programs Division
- Assistant Director, Health Services Division
- Central Office Correctional Services Administrator
- Regional Director
- Regional Correctional Services Administrator

A report is not necessary for the general use of restraints (e.g., the routine movement or transfer of inmates).

b. **Use of Restraints Documenting Requirements.** The following reviews will be documented as indicated:

- 15-Minute Check utilizing the BP-A0717, Fifteen Minute Restraints Check Form (24-Hours)
- Two-Hour Lieutenant Check utilizing the BP-A0718, Two-Hours Lieutenant Restraints Check Form (24-Hours)
- Health Services Review utilizing the BP-A0719, Health Services Restraints Review Form

(24-Hours)

- Psychology Review utilizing the BP-A0720, Psychology Services Review Form (24-Hours)

Employees must complete all forms until the inmate is released from restraints. The forms will be submitted to the Warden as required for periodic reviews of an inmate's placement in restraints. After release from restraints, these forms must be compiled and maintained in the Inmate's Central File.

c. **Documentation Maintenance.** The Captain maintains all documentation, including the video. The BP-E583, Report of Incident, is maintained electronically in TRUINTEL.

11. PSYCHOLOGICAL ASSESSMENT

A qualified Psychology Services employee will examine inmates in four-point restraints at least once during every 24-hour period the inmate is restrained. These examinations will include the following:

- a review of the inmate's psychological history
- a description of the interview conducted with the inmate
- a review of the 15-minute, two-hour, and Health Services check logs
- a description of the inmate's current mental health status
- recommendations to include if the inmate is being referred to an institution for advanced mental health treatment and explanation regarding same

When individuals have engaged in self-directed violence, a psychologist will be notified to evaluate for risk of suicide. Health Services must be notified to provide an injury assessment. See the Program Statement **Suicide Prevention Program**.

12. BEHAVIOR MANAGEMENT PLANS

Within 24 hours of placement in restraints, a review of the inmate's status will be conducted, and a BMP prepared. The Warden, Associate Warden, Captain, Unit Manager, Health Services Administrator, and Chief Psychologist, or designees, will conduct this review. All relevant information will be reviewed including the 15-minute, two-hour Lieutenant, Health Services, and Psychology Services check logs.

The Warden's decision to continue restraints beyond the initial 24-hour period must be supported by evidence indicating the inmate's inability to be placed in lesser restraints or released from restraints. The Warden should look for a pattern of non-disruptive behavior over a period of time indicating the inmate has regained self-control and is no longer a disruptive threat.

Additionally, the Warden's documentation must indicate specifically what considerations are being made for mental health treatment, including possible referral to an institution that provides the appropriate level of mental health treatment.

The Warden's review should be documented in memorandum format to the file with a copy provided via e-mail to the Regional Director immediately upon completion. The memorandum should summarize the reports of each participant, followed by the Warden's decision and justification. BMP reviews must be conducted every 48-hour period following the initial 24-hour review.

13. AFTER-ACTION REVIEW OF USE OF FORCE AND APPLICATION OF RESTRAINTS INCIDENTS

Following any incident involving a calculated or immediate use of force and the application of restraints, the Warden, Associate Warden responsible for Correctional Services, Captain, Health Services Administrator, and the Lieutenant supervising the use of force, when available, must meet and review the incident. The review is conducted to assess the rationale of the actions taken (e.g., if the force was appropriate and in proportion to the inmate's actions).

The review team should gather relevant information to determine if policy was adhered to, and complete the BP-E586, Use of Force After-Action Report, indicating the nature of the review and findings.

The reviews are conducted to determine compliance with the provisions of this Program Statement. As the team reviews the use of force incident, care should be taken in deciding if sound correctional judgment was used in the calculated or immediate use of force. The committee should evaluate the incident from a reasonable officer's perception at the time of the incident. The team's findings will be documented in TRUIINTEL.

The Warden must submit the Use of Force After-Action Report electronically, via TRUIINTEL, to the Regional Director within two working days after the inmate has been released from restraints, if applicable. The report will confirm the review was conducted and specify if the use of force was appropriate. If necessary, After-Action Reviews shall take place as per the Program Statement **Correctional Services Procedures Manual**.

a. **Video Review.** The After-Action Review Team should review the actions of the employees for compliance with Program Statement **Correctional Services Manual** and this Program Statement. At a minimum, this review should include the following:

- Introductions were made by the Lieutenant, Use of Force Team members, medical employees, and employees involved in the confrontation avoidance technique, as well as identifying all employees present, including those observing.
- The Use of Force Team members were wearing the proper protective gear.
- The method of chemical agents used was predetermined and the use of devices was in accordance with the Program Statement **Correctional Services Manual**.
- The inmate was given the opportunity to voluntarily submit to the placement of restraints.
- The Lieutenant displayed professional behavior during the calculated use of force.
- Based on the nature of the incident, the Lieutenant ensured only the force necessary to control the inmate was used.
- The Lieutenant monitored the actions of the inmate and team members and was not involved in subduing the inmate unless it was deemed necessary to prevent employees or the inmate from being injured.
- Use of Force Team members used only the amount of force necessary to gain control of the inmate.
- Use of Force Team members used sound correctional judgment to ensure unnecessary pressure is not applied to the inmate.
- Unauthorized items such as towels, tape, surgical mask, hosiery, etc., were not being used. Face coverings placed upon inmates within the realm of limiting sickness (i.e., pandemic response) is authorized.
- Inabilities to effectively gain control of the inmate are assessed and may indicate that additional training is necessary.
- Prompt examination of the inmate was conducted following the use of force and findings were noted on video.
- There was continuous operation of the video and breaks were documented and appropriately justified.
- Conversations were appropriate and necessary between team members and individuals during the use of force.
- If the incident occurs in an area covered by CCTV, these videos will also be reviewed to ensure compliance.

b. **Report Completion.** When this review is completed, a BP-E586, After-Action Review Report, must be completed as soon as possible, but no later than two working days after the incident or two days after the inmate has been removed from restraints, if placed in prolonged restraints. This will ensure employees with relevant information will be available and any necessary medical follow-up can be immediately provided to ascertain the nature of any injuries involved.

A representative of the Council of Prison Locals at the appropriate level will be provided a copy of the After-Action report in accordance with appropriate laws, rules, and regulations.

The Warden or designee will attest by their electronic signature, the review was conducted, and the use of force was appropriate or inappropriate.

c. **Further Investigation.** If deemed necessary, the Warden will refer the matter for further investigation to the Office of Inspector General, Office of Internal Affairs, or Federal Bureau of Investigation. Copies of the report must be forwarded to the Regional Director and Assistant Director, Correctional Programs Division, Central Office.

d. **Report on Restraints Use.** A report is not necessary for the general use of restraints. For example, in the routine movement or transfer of inmates.

14. FIREARMS

Probable cause, reasonable determination, or reasonable belief refers to facts and circumstances known to the employee at the time of the use of firearms that would cause a reasonable employee to conclude that the action was appropriate.

Title 18 U.S.C § 3050, authorizes the Attorney General to prescribe rules and regulations relating to the carrying of firearms by Bureau officers and employees. This authority is delegated to the Director in 28 CFR § 0.96(o).

a. **Approved Use of Firearms.** When approved by the Warden, institution employees are permitted to carry firearms when:

- transporting inmates
- assigned to escape posts
- assigned to security posts which require firearms as standard issue equipment

Carrying or the use of personal or privately owned firearms while on duty is prohibited.

Post orders, riot plans, and escape plans will include instructions for carrying firearms.

Employee Qualification. New employees must not be assigned to posts requiring the carrying of firearms before completing the Introduction to Correctional Techniques Training at the Federal Law Enforcement Training Center (FLETC).

In extraordinary circumstances, an exception may be made for an employee who has completed the local firearms familiarization training with written approval of the Warden and Regional Director.

Re-qualification. Employees must satisfactorily complete the Bureau's approved firearms training course each year. Allowances will be made in accordance with applicable laws, rules, and regulations.

Physicians, dentists, and Chaplains, and other positions which the Director specifically exempts from carrying firearms are not required to complete the firearms familiarization training conducted at the institution and FLETC.

Physicians, dentists (non-PHS), and Chaplains will have the option to complete firearms training; however, once participation is waived, the individual cannot participate in local annual firearms training.

Duty Assignment. Employees must not be assigned to duties that require the carrying of firearms prior to successfully completing the firearms familiarization training course.

Other Use of Firearms. Only the Director or designee may authorize, in writing, Bureau employees to carry government-issued firearms for purposes not expressed in this Program Statement.

b. Armed Escort by Commercial Aviation. Title 49 CFR § 1544.219 (Carriage of accessible weapons) and 49 CFR § 1544.221 (Carriage of prisoners under the control of armed law enforcement officers) allow law enforcement officials to travel armed while performing their official duties. Under certain circumstances Bureau employees may fly while armed with approval of the Assistant Director, Correctional Programs Division. Employees must complete a Bureau training course, which includes a Transportation Security Administration (TSA) course of instruction specific to flying while armed prior to being approved to fly armed.

Employees must notify the air carrier prior to departing the institution of the intent to carry firearms, complete all forms required and provide required information to the carrier, and follow the procedures detailed in the above referenced regulations.

When not transporting inmates, Bureau employees carrying firearms aboard commercial aircraft must declare this to the carrier and have the firearm placed in checked baggage. The above regulations should be referenced for additional requirements concerning the placement of firearms in checked baggage.

c. Discharge of firearms and reporting requirements. A written report must be submitted to the Warden upon the discharge of any firearm, whether it is privately owned or issued by the Bureau. This rule applies when the employee is on or off duty, except for training or recreational

purposes.

For an incident while on duty, the report must be submitted prior to the end of the employee's duty shift. Refer to the Program Statement **Employee Wellness** for resources available to support employees involved in traumatic events, to include the discharge of a firearm while on duty.

For incidents while off duty, the report must be submitted prior to the end of the employee's next duty shift.

The discharge of any firearms, once reported, will be investigated, and reviewed through the after-action processes.

15. USE OF DEADLY FORCE

It is the policy of the Department of Justice to value and preserve human life. Employees may use deadly force only, when necessary, that is, when the employee has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or another person.

The necessity to use deadly force may arise when all available and reasonable means of achieving the law enforcement purpose have failed or are likely to fail. Deadly force must be used only when deemed necessary for the following law enforcement purposes. Examples of law enforcement purposes in the correctional environment include but are not limited to:

- prevention of escape,
- prevention of serious physical injury or death, and
- maintaining or restoring control of a correctional institution.

The remainder of this policy describes the circumstances in which deadly force may be used to effectuate these purposes. An employee is not required to jeopardize personal safety or the safety of others before using deadly force to prevent serious injuries/bodily harm or death.

Deadly force should not be used against persons whose actions are a threat solely to themselves or property unless an individual poses an imminent danger of death or serious physical injury to the employee or others in close proximity.

If the employee believes a potential escapee to be an individual sentenced under the Juvenile Justice and Delinquency Prevention Act, an individual held in Bureau custody as a material witness, or an individual held in civil contempt (i.e., not a criminal charge), deadly force is

permissible only when authorized under this policy.

The carotid restraint and chokehold techniques are prohibited unless use of deadly force is justified under law and this policy.

16. USE OF FIREARMS

If the use of firearms is deemed necessary in accordance with this Program Statement, employees must shoot the subject with every intention of hitting “center mass” to ensure the subject is stopped. Employees will not attempt to shoot a limb which creates a lesser chance of stopping the subject and may pose a danger to employees, other inmates, or persons in the community.

Firearms may not be discharged solely to disable moving vehicles. Specifically, firearms may not be discharged at a moving vehicle unless: (1) a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or (2) the vehicle is operated in a manner that threatens to cause death or serious injury to the officers or others, and no other objectively reasonable means of defense appear to exist, which includes moving out of the path of the vehicle. Firearms may not be discharged from a moving vehicle except in exigent circumstances. In these situations, an officer must have an articulated reason for this use of deadly force.

17. ESCAPE PREVENTION

The use of deadly force is authorized when deemed necessary to prevent an imminent escape in the situations described in this Section. Employees may use deadly force to prevent an escape only when necessary, that is, when the employee has a reasonable belief that the subject of such force poses a danger of death or serious physical injury to others. Prior to using deadly force, employees must reasonably believe that an inmate has the capability to escape, that the escape is imminent, and that no other feasible means exist to prevent the escape. Employees may conclude that an inmate is attempting to escape based on, for example, the inmate carrying items that could be used to perpetrate an escape, such as, but not limited to, a ladder, grappling hook, or rope.

An employee who determines an escape is in progress and that deadly force is appropriate must issue a verbal warning.

a. **Secure Facilities.** At Low, Medium, and High security institutions, an employee who determines an escape is in progress must issue a verbal warning, then fire a warning shot prior to shooting the subject.

Verbal warnings and warning shots are not required when the employee reasonably believes there is imminent threat of danger of death or serious physical injury to self or others. When authorized, throughout this policy, warning shots should be used only if there is no apparent danger to self, other employees, inmates, or the community. Warning shots will be fired into the ground and never into the air or in an indiscriminate direction.

The inmate is not required to be on the first/inner perimeter fence before the employee issues the warning. When the inmate contacts the first/inner perimeter fence in an attempt to climb or demonstrates an attempt to get on or over the first/inner perimeter fence, and the employee reasonably determines an escape is being attempted and imminent, the employee may shoot the subject, provided that the general requirements set forth in the first paragraph of this Section are met.

The employee is not required to wait until the inmate is between the perimeter wall or fences or over the first/inner wall or fence.

b. Federal Detention Centers (FDCs), Metropolitan Correctional Centers (MCCs), and Metropolitan Detention Centers (MDCs), as applicable. When an employee reasonably determines an escape is being attempted and is imminent from an FDC, MCC, or MDC, the employee should give a verbal warning. If the inmate continues, the employee may shoot the subject, provided that the general requirements set forth in the first paragraph of this Section are met and that the danger of death or serious physical injuries to others is imminent. Warning shots are prohibited due to the possibility of injury to innocent bystanders.

On the rare occasion that a civil contempt detainee or material witness is held in Bureau custody, they are most often detained in FDCs, MCCs, and MDCs. To the extent possible, employees should familiarize themselves with detainees at these facilities to minimize the risk that deadly force be used in a manner that is not consistent with this policy.

c. Minimum Security Institutions. Ordinarily, deadly force is not used to prevent escapes from minimum security level institutions (i.e., Camps). However, deadly force is authorized when the escaping inmate has used or threatened to use force which is likely to cause serious physical injury or has manifested an imminent threat of death or serious physical injury to the employee, other employees, inmates, or the community, provided that the general requirements set forth in the first paragraph of this Section are met. Verbal warnings and warning shots should be used when feasible.

d. Escapes with Outside Assistance. Deadly force may be used against persons who are not inmates, if they are actively facilitating an escape and have used or threatened to use force which

is likely to cause death or serious physical injury against the employee, other employees, inmates, or the community, provided that the general requirements set forth in the first paragraph of this Section are met. Verbal warnings and warning shots must be used when feasible.

e. **Escape from Escorted Trip or Prisoner Transport.** When an employee reasonably determines an escape is being attempted from an escorted trip or prisoner transport, the employee must issue a verbal warning. If the inmate continues and the escape is occurring within the immediate environs of a correctional institution, the employee will fire a warning shot, if feasible, prior to shooting the subject, provided that the general requirements set forth in the first paragraph of this Section are met.

The immediate environs of an institution are defined as the property lines of the correctional facility. This boundary may be expanded by the Warden with the Regional Director's concurrence and should be defined as explicitly as possible.

Outside the immediate environs of a correctional institution, the employee should not fire a warning shot prior to shooting the subject due to the possibility of injury to innocent bystanders.

Absent the use or threat of force which would likely cause serious physical injury or a manifested imminent threat of death or serious physical injury to the employee, other employees, inmates, or the community, it is not permissible to use firearms to prevent an escape of an inmate in transit to or from a minimum-security level institution. The exception to the rule is when the escorting employees are transporting inmates at the same time to or from minimum- and non-minimum security level institutions.

After an escape from a transport vehicle or an institution and the immediate environs has been successful, employees attempting to apprehend the escaped prisoner may not use firearms unless there is probable cause to believe:

- (i) The subject has committed a felony involving the infliction or threatened infliction of serious physical injury and/or death.
- (ii) A failure to apprehend the subject would pose an imminent danger of death or serious physical injury to the employee or others.

The phrase "after an escape from a transport vehicle or an institution and the immediate environs has been effectuated" should be interpreted in the following manner:

As long as an employee is in continuous pursuit of an escaping inmate, whether the escape takes place from an institution, transport vehicle, or outside facility (such as a

hospital), the escape has not yet been effectuated. The use of firearms is permissible under the escaping inmate standard.

A verbal warning should be given if it would not pose a risk of death or serious bodily injury to the officer or others. Warning shots are prohibited due to the possibility of injury to innocent bystanders.

18. PREVENTION OF LOSS OF LIFE OR SERIOUS PHYSICAL INJURY

Employees may use deadly force only, when necessary, that is, when reasonable belief exists that the subject of such force poses an imminent danger of death or serious physical injury to employees, inmates, or others.

In such circumstances, firearms will be used in the same manner as for escapes; verbal warnings and warning shots should be given, when feasible, prior to shooting the subject.

When authorized, warning shots should be used only if there is no apparent danger to other employees, inmates, or the community. Verbal warnings and warning shots are not required when the employee reasonably believes there is imminent danger of death or serious physical injury to self or others.

In a hostage situation, once it has been contained and attempts to negotiate have begun, only the Warden may order the use of firearms to resolve the hostage situation. Warning shots will not be fired in an attempt to resolve a hostage situation, nor used to create a diversion.

19. MAINTAIN OR RESTORE CONTROL OF A CORRECTIONAL INSTITUTION

Deadly force may be used to maintain or restore control of a correctional institution when the employee reasonably believes the intended subject of the use of firearms is participating in a disturbance in a manner that poses an imminent danger of death or serious physical injury to the employees, other inmates, or the community.

Firearms must be used in the same manner as for escapes; verbal warnings and warning shots should be given, when feasible, prior to shooting the subject. When authorized, warning shots should be used only if there is no apparent danger to employees, other inmates, or the community.

Verbal warnings and warning shots are not required when the employee reasonably believes there is imminent danger of death or serious physical injury to self or others.

20. USE OF FIREARMS INSIDE AN INSTITUTION

Circumstances. Only the Warden or Acting Warden can authorize the entry and/or use of a firearm inside an institution. This occurs in the following situations:

- life-threatening situations
- inmates in possession of weapons
- large-scale escape attempts
- major disturbances involving the threat of or loss of life
- assaults from outside the secure perimeter of the institution
- hostage situations

The rules of the use of deadly force are established; all employees involved will be briefed on these rules as well as the specific objectives prior to the use of deadly force.

The Operations Lieutenant can authorize entry and/or use of a firearm inside an institution only in situations where there is a known or specific location of a firearm.

Specific to an active shooter emergency, and in the Warden's absence, the Operations Lieutenant can authorize the entry and/or use of a firearm inside an institution, and only then as a last resort per the guidelines of this Program Statement and the Program Statement **Correctional Services Manual**.

Firearms and Munitions. The Warden or Acting Warden will approve the type of firearms and munitions for use in any situation involving firearms.

21. USE OF DEADLY FORCE IN NON-CUSTODIAL CIRCUMSTANCES

On occasion, Bureau employees are tasked with law enforcement operational duties outside of the correctional environment that may lead to interaction with the public at large. Examples include, but are not limited to:

- Deployment of Crisis Management Teams at the request of the Attorney General to respond to non-correctional emergencies, and
- Emergency Support Function (ESF) #13 operational deployment.

These assignments are distinguished from prisoner transportation duties, which are addressed at Section 17(e) of this Program Statement.

Correctional law enforcement officers in non-custodial situations will be guided by the updated

Department of Justice Policy on Use of Force and applicable case law. Law enforcement agents/officers of the DOJ may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another.

When correctional law enforcement officers are assigned to such operational duties, deadly force may not be used solely to prevent the escape of a fleeing suspect. Deadly force shall not be used against a person whose actions are only a threat to themselves or property.

REFERENCES

Program Statements

- 3420.12 Standards of Employee Conduct (6/24/2024)
- 5200.07 ^{CN-1} Female Offender Manual (7/8/2022)
- 5214.04 HIV Positive Inmates Who Pose Danger to Other, Procedures for Handling of (2/4/1998)
- 5324.08 Suicide Prevention Program (4/5/2007)
- 5347.01 Employee Wellness (4/4/2023)
- 5500.14 ^{CN-1} Correctional Services Procedures Manual (8/1/2016)
- 5500.15 ^{CN-1} Correctional Services Manual (4/4/2023)
- 5576.12 ^{CN-1} Oleoresin Capsicum (OC) Aerosol Spray (4/22/2024)
- 6130.01 Management of Staff Exposure to Bloodborne Pathogens (9/23/2016)
- 6190.04 Infectious Disease Management (6/3/2014)
- 6340.04 Psychiatric Services (1/15/2005)

Bureau Forms

- BP-A0717 Fifteen Minute Restraints Check Form (24-Hours)
- BP-A0718 Two-Hours Lieutenant Restraint Check Form (24-Hours)
- BP-A0719 Health Services Restraint Review Form (24-Hours)
- BP-A0720 Psychology Services Review Form (24-Hours)
- BP-E583 Report of Incident
- BP-E586 Use of Force After-Action Review

Federal Regulations

- 28 C.F.R. §§ 552.20–552.27
- 28 C.F.R. § 1544.219, Carriage of accessible weapons.
- 28 C.F.R. § 1544.221, Carriage of prisoners under the control of armed law enforcement officers.
- 28 C.F.R. Subpart Z, Toxic and Hazardous Substances.
- 29 C.F.R. § 1910.1030, Bloodborne pathogens.

Other References

- Department of Justice Policy on Use of Force (5/20/2022)
- Correctional Officers Health and Safety Act of 1998

Records Retention Requirements

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) system on the Bureau's intranet site.

BUREAU OF PRISONS FIREARM MATRIX

Incidents Where Firearms are Authorized	Warning Shot Required
ESCAPE PREVENTION	
<ul style="list-style-type: none"> Secure Facilities. Verbal warnings and warning shots are not required when the employee reasonably believes there is imminent threat of danger of death or serious physical injury to self or others. When the inmate contacts the first/inner perimeter fence in an attempt to climb or demonstrates an attempt to get on or over the first/inner perimeter fence, and the employee reasonably determines an escape is being attempted and imminent, the employee may shoot the subject, provided that the general requirements set forth in the first paragraph of Section 17 of the Program Statement Use of Force, Application of Restraints, and Firearms are met. 	<p>At Low, Medium, and High security institutions, an employee who determines an escape is in progress must issue a verbal warning, then fire a warning shot prior to shooting the subject.</p> <p>Warning shots should be used only if there is no apparent danger to self, other employees, inmates, or the community.</p> <p>The inmate is not required to be on the first/inner perimeter fence before the employee issues the warning.</p>
<ul style="list-style-type: none"> Metropolitan Correctional Centers (MCCs), Metropolitan Detention Centers (MDCs), and Federal Detention Centers (FDCs) 	<p>When an employee reasonably determines that an escape is being attempted from a MCC, MDC or FDC, the employee should give a verbal warning. If the inmate continues, the employee may shoot the subject, provided that the general requirements set forth in the first paragraph of Section 17 of the Use of Force Policy are met. Warning shots are prohibited due to the possibility of injury to innocent bystanders.</p>
<ul style="list-style-type: none"> Minimum Security Institutions. Ordinarily, deadly force is not used to prevent escapes from minimum security level institutions (i.e., Camps). However, deadly force is authorized when the escaping inmate has used or threatened to use force which is likely 	<p>Verbal warnings and warning shots should be used when feasible.</p>

<p>to cause serious physical injury or has manifested an imminent threat of death or serious physical injury to the employee, other employees, inmates, or the community.</p>	
<ul style="list-style-type: none"> • Escapes with Outside Assistance. Deadly force may be used against persons who are not inmates, if they are actively facilitating an escape and have used or threatened to use force which is likely to cause death or serious physical injury against the employee, other employees, inmates, or the community. 	<p>Verbal warnings and warning shots must be used when feasible.</p>
<ul style="list-style-type: none"> • Escape from Escorted Trips or Prisoner Transport. 	<p>When an employee reasonably determines an escape is being attempted from an escorted trip or prisoner transport, the employee must issue a verbal warning.</p> <p>If the inmate continues and the escape is occurring within the immediate environs of a correctional institution, the employee will fire a warning shot, if feasible, prior to shooting the subject.</p> <p>Outside the immediate environs of a correctional institution, the employee should not fire a warning shot prior to shooting the subject due to the possibility of injury to innocent bystanders.</p>
<ul style="list-style-type: none"> • Once an Escape has Occurred. After an escape from a transport vehicle or an institution, and the immediate environs has been successful, employees attempting to apprehend the escaped prisoner may not use firearms unless there is probable cause to believe: <ul style="list-style-type: none"> (a) The subject has committed a felony involving the infliction or threatened infliction of serious physical injury or death. 	<p>A verbal warning should be given if it would not pose a risk of death or serious bodily injury to the other officer or others.</p> <p>Warning shots are prohibited due to the possibility of injury to innocent bystanders.</p>

<p>(b) A failure to apprehend the subject would pose an imminent danger of death or serious physical injury to the employee or other.</p>	
PREVENTION OF LOSS OF LIFE OR SERIOUS PHYSICAL INJURY	
<ul style="list-style-type: none"> • Employees may use deadly force only, when necessary, that is, when reasonable belief exists that the subject of such force poses an imminent danger of death or serious physical injury to employees, inmates, or others. Firearms will be used in the same manner as for escapes. 	<p>Verbal warnings and warning shots should be given, when feasible, prior to shooting the subject.</p> <p>When authorized, warning shots should be used only if there is no apparent danger to other employees or inmates, or the community.</p> <p>Verbal warnings and warning shots are not required when the employee reasonably believes there is imminent danger of death or serious physical injury to self or others.</p>
<ul style="list-style-type: none"> • Hostage Situation. Once it has been contained and attempts to negotiate have begun, only the Warden may order the use of firearms to resolve the hostage situation. 	<p>Warning shots will not be fired in an attempt to resolve a hostage situation, nor used to create a diversion.</p>
MAINTAIN OR RESTORE CONTROL OF A CORRECTIONAL INSTITUTION	
<ul style="list-style-type: none"> • Deadly force may be used to maintain or restore control of a correctional institution when the employee reasonably believes the intended subject of the use of firearms is participating in a disturbance in a manner that threatens the safety of employees, other inmates, or the community. 	<p>Warning shots should be used only if there is no apparent danger to employees, other inmates, or the community.</p> <p>Verbal warnings and warning shots are not required when the employee reasonably believes there is imminent danger of death or serious physical injury to self or others.</p>
USE OF FIREARMS INSIDE AN INSTITUTION	
<ul style="list-style-type: none"> • Only the Warden or Acting Warden can authorize the entry and/or use of a firearm inside an institution. This occurs in the following situations: • life-threatening situations 	<p>The Operations Lieutenant can authorize entry and/or use of a firearm inside an institution only in situations where there is a known or specific location of a firearm.</p>

<ul style="list-style-type: none"> • inmates in possession of weapons • large-scale escape attempts • major disturbances involving the threat of or loss of life • assaults from outside the secure perimeter of the institution • hostage situations • To maintain or regain control of the institution 	<p>Specific to an active shooter emergency, and in the Warden’s absence, the Operations Lieutenant can authorize the entry and/or use of a firearm inside an institution, and only then as a last resort.</p> <p>Firearms and Munitions. The Warden or Acting Warden will approve the type of firearms and munitions for use in any situation involving firearms.</p>
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USE OF DEADLY FORCE IN NON-CUSTODIAL CIRCUMSTANCES

<ul style="list-style-type: none"> • Bureau employees are tasked with law enforcement operational duties outside of the correctional environment that may lead to interaction with the public at large. Examples include, but are not limited to: <ul style="list-style-type: none"> (a) Deployment of Crisis Management Teams at the request of the Attorney General to respond to non-correctional emergencies, and (b) Emergency Support Function (ESF) #13 operational deployment. <p>These assignments are distinguished from prisoner transportation duties.</p> 	<ul style="list-style-type: none"> • Correctional law enforcement officers in non-custodial situations will be guided by the updated Department of Justice Policy on Use of Force. • Law enforcement agents/officers of DOJ may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another. • When correctional law enforcement officers are assigned to such operational duties, deadly force may not be used solely to prevent the escape of a fleeing suspect. Deadly force shall not be used against a person whose actions are only a threat to themselves or property.
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TRAINING IN THE CONFRONTATION AVOIDANCE/USE OF FORCE TECHNIQUE

To control any potential situation involving aggressive inmates, all employees must be made aware of their responsibilities through ongoing training. At a minimum, training must cover:

- managing aggressive inmates
- communication techniques
- cultural diversity
- managing mentally ill inmates
- de-escalation procedures
- the application of restraints
- reporting procedures
- instances when deadly force may be used in accordance with the law and the Department of Justice (DOJ) policy
- the appropriate exercise of discretion and judgment in using less-than-lethal and deadly force in accordance with the DOJ policy on deadly force
- techniques for the use of and reinforcement of the importance of de-escalation

a. **Training Topics.** The Warden or designee of each institution shall ensure training in confrontation avoidance procedures and use of force techniques is provided to all employees. At a minimum, these employees shall be trained on an annual basis. Each employee participating in a calculated use of force must have documented proof of annual training in these areas. Training should also include specific information pertaining to the use of force in special circumstances outlined in Section 2 of this Program Statement. Employees should be trained thoroughly in the use of both soft and hard restraints on an annual basis.

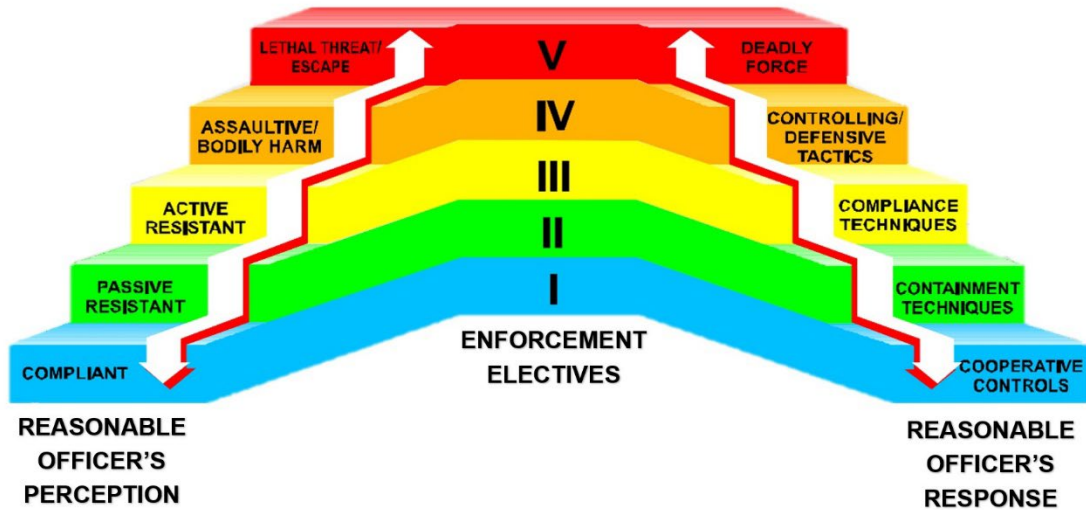
b. **De-escalation.** Employees will be trained in de-escalation tactics and techniques designed to gain voluntary compliance before using force, and such tactics and techniques should be employed if objectively feasible and they would not increase the danger to employees or others. When feasible, reducing the need for force allows employees to secure their own safety as well as the safety of others.

The following topics will be included as part of Annual Training:

- employee well-being
- crisis identification
- crisis recognition and response

- active listening
- understanding mental illness

Use of Force Model and Continuum

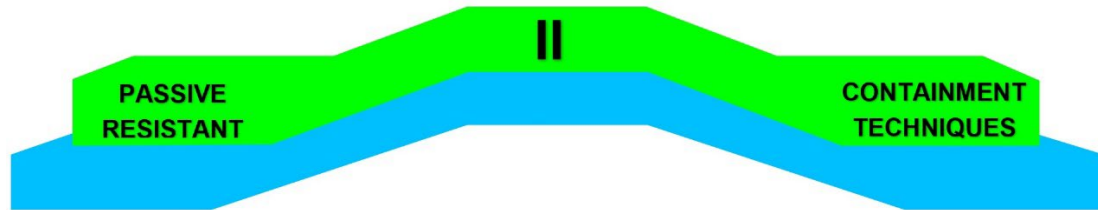


The Bureau's Use of Force model serves several purposes. It is designed to assist employees in determining the appropriate response to inmate behavior. Additionally, it provides a mechanism for conceptual evaluation of inmate encounters and confrontation management.

- a. **Levels of Inmate Behavior.** The range of inmate behaviors is divided into five (5) general levels or steps. These levels allow employees to determine the level of threat exhibited by an inmate's behavior. While each step is a different color, there is a continuum of inmate behavior rather than five independent levels. The white, two-headed arrow indicates there can be movement in either direction from any position on the continuum of inmate behavior. The red shadow of the arrow reminds employees of the potential risk present in any encounter with an inmate. The five levels of inmate behavior are:

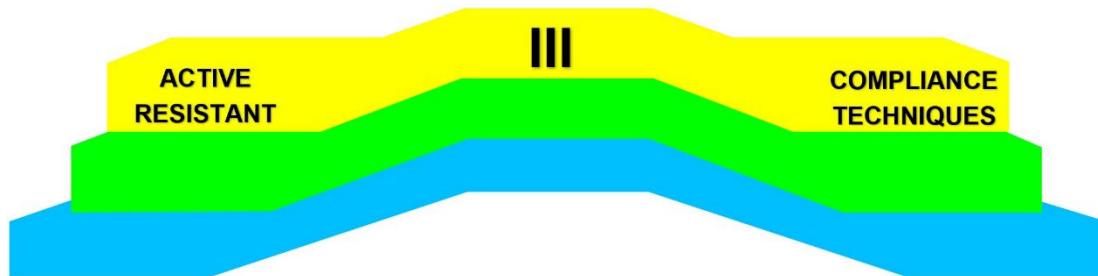


- **Level 1: Compliant (Blue)** – The inmate is going through a daily routine in a manner consistent with the orderly running of the institution. Most daily encounters between employees and inmates are at this level.



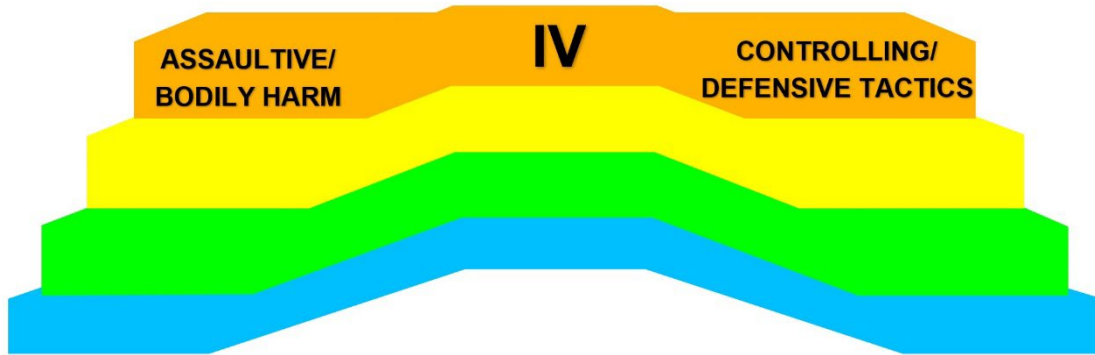
- **Level 2: Passive Resistant (Green)** – The inmate is not responsive to employees instructions. At this level, the inmate appears to be unresponsive to requests or commands but is generally passive.

Example: An inmate is instructed to clean their cell or make their bed. The inmate displays a negative attitude and/or may display a brief period of hesitation before performing the task as instructed.



- **Level 3: Active Resistant (Yellow)** – Inmate behavior is one of physical defiance. At this level, the inmate displays a greater resistance to requests or commands, institution rules or regulations, and controls. This level may include physical actions to support the resistance (although not necessarily physical contact).

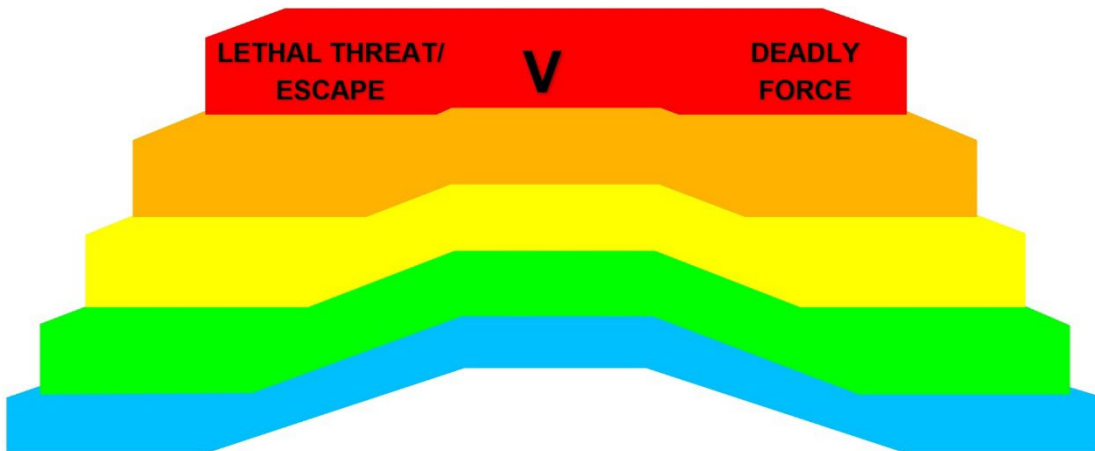
Example: An inmate pulls away from an employee during a pat search.



- **Level 4: Assaultive Bodily Harm (Orange)** – Inmate is engaged in assaultive behavior; a threat of bodily harm is imminent. At this level, the inmate is actively resistant to requests or commands, institution rules or regulations, and controls. This level includes physical attacks on employees and/or other inmates.

Example: An employee instructs an inmate to empty their pockets and turn around for a random pat search. The inmate replies they do not want to be touched and becomes verbally abusive in their language.

The employee then instructs the inmate to report to the office. The inmate continues to be extremely verbal and abusive in their language and is highly agitated. The inmate turns and quickly advances toward an employee in an aggressive manner, striking the employee.



- **Level 5: Lethal Threat (Red)** – A life-threatening situation exists, or an escape is in progress. At this level, the employee and/or inmates may be subject to serious bodily harm, death, or an inmate is attempting to escape.

Example: An employee making security rounds interrupts an escape in progress.

- b. **Reasonable Employee's Response.** The stair-step portion of the model shows levels of response or initiated control alternatives for the employee. An employee's response should be at the same or lower color level as the perceived inmate behavior. The levels of reasonable employee's response are:
- **Cooperative Controls** – Cooperative Control is employee's use of routine communication and supervision skills while capitalizing on the acceptance of authority by an inmate. An example is an employee asking or requesting an inmate perform a specific task and the inmate responding appropriately.
 - **Containment Techniques** – The goal of containment techniques is to stabilize a situation or encounter and prevent further escalation. Containment techniques may be verbal, in writing, or on rare occasions, physical techniques may be required. Some examples include giving a direct order and writing an incident report.
 - **Compliance Techniques** – Compliance techniques involve the stabilization of an incident. Normally, assistance is requested to help bring a situation under control and to provide additional show of force. Stabilization of the incident may involve implementation of confrontational avoidance procedures, a show of force with additional employees in the immediate area or changing an inmate's cell utilizing the Use of Force Team Technique.
 - **Controlling/Defensive Tactics** – At this level, steps must be taken for the safety and well-being of self, others, property, and the public. The use of defensive tactics, Use of Force Team Techniques, chemical munitions, and distraction devices are some examples.
 - **Deadly Force** – Employees may use deadly force only when necessary, that is, when the employee has a reasonable belief that the inmate poses an imminent danger of death or serious physical injury to employees or another person.

Steps for De-Escalation

Basic principles of crisis intervention:

- **Remain calm.** This may sound easy, but it is not. We must be aware of our emotions.
- **Use authority cautiously.** The more authoritative you appear, the less compliant a person will be. This is an inverse relationship. They know you are in charge. They know you have a title and a uniform.
- **Have back-up.** Don't ever handle a crisis alone if you can help it. Have someone there to watch you and ensure safety while the primary person communicates.
- **Proper distance.** Maintaining a proper distance is vital when handling a crisis.
- **Time is your friend.** Do not rush people, situations, especially crisis situations. This will only force negative outcomes.
- **Consider barbs and hooks.** A barb is a negative topic or piece of intelligence that will escalate the person in crisis. A hook is a de-escalating topic or idea that will build rapport and pacify a person. A hook may also be a suicide protective factor.

Example of a barb: an ex-spouse, a perceived grievance, or something that is known to upset a person.

Example of a hook: children, favorite sports team, favorite topic, etc.

The better you are at these skills, the more comfortable you will be in crisis settings. If we find someone in the escalation stage, we must recognize its potential to progress.

While these principles sound like basic and easy ideas, they are not in practice. That is why we must break them down and practice them.

- When all else fails, empathy is most important. Rely upon it above all else. While improving your de-escalation skills, the best thing you can do is understand how empathy will almost always prevail.
- If how we address people in crisis can appropriately be changed (nickname, last name, inmate), try it if nothing else is working.
- Safety is paramount. This is always about your safety and the safety of others. This training is meant to keep you safe. Utilizing these skills can help keep you safe.
- Be cognizant of your emotions. Their behavior should dictate our actions, not our emotions.
- Do not let yourself get escalated.

- Use clear and brief speech.
- Observe and communicate behaviors to decision-makers.

Overall, we must de-escalate people first before we start telling them what to do. Our mindset should be understanding; we must de-escalate before we navigate.