



**U.S. Department of Justice**  
Federal Bureau of Prisons

**PROGRAM STATEMENT**

OPI: CPD/CSB  
NUMBER: 5576.12  
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EFFECTIVE: June 28, 2021

## **Oleoresin Capsicum (OC) Aerosol Spray**

/s/

*Approved* M.D. Carvajal  
Director, Federal Bureau of Prisons

### **1. PURPOSE AND SCOPE**

To authorize and regulate the use of the oleoresin capsicum (OC) aerosol spray (pepper spray) by trained institution staff, to include Public Health Service (PHS) employees.

Consistent with Program Statement **Use of Force and Application of Restraints**, OC aerosol spray may be used to incapacitate or disable any individual who is disruptive, assaultive, or armed 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.

As detailed in this Program Statement, there are two OC aerosol sprays authorized for routine carry by staff.

The MK-4 OC aerosol spray is the 3-4 oz. canister with full cone spray. Under ideal circumstances, the full cone spray has an effective range of 10 to 12 feet.

The MK-9 OC aerosol spray features an easy to use trigger handle intended for use in crowd management, and will deliver short bursts of OC at an effective range of 18-20 feet.

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

The OC aerosol spray 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 based upon the Eric Williams Correctional Officer Protection Act of 2015, which amends United States Code Title 18 to authorize the Director of the Bureau of Prisons to issue Oleoresin Capsicum spray to officers and employees of the Bureau of Prisons. It is also consistent with the Department of Justice's Policy Statement on the Use of Less-Than-Lethal Devices, 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.

a. **Summary of Changes**

*Policy Rescinded*

P5576.11 Oleoresin Capsicum (OC) Aerosol Spray (5.26.21)

- The Special Confinement Unit (SCU) Recreation Officers are authorized to carry the MK-9 OC aerosol spray.
- Removed - The 0.2 percent OC product utilizes a stream delivery method providing a target specific, strong concentrated stream for greater standoff.

b. **Program Objectives**

- The OC aerosol spray will be used by staff for protection against inmate(s) and others from any person posing a threat and when other methods of control are not effective.
- An OC aerosol spray will only be issued to trained certified staff.
- Detailed reporting and documentation BP-A0583, Report of Incident, will be generated when an OC aerosol spray is used in an immediate or calculated use of force situation.
- Staff will comply with the Eric Williams Correctional Officer Protection Act of 2015 and the Department of Justice's Policy Statement on the Use of Less-Than-Lethal Devices.

c. **Institution Supplement.** None required. Should local facilities make any changes outside the required changes 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.

d. **Pretrial/Holdover Procedures.** Procedures in this Program Statement also apply to pretrial and holdover inmates.

## 2. AUTHORIZATION FOR THE ISSUANCE OF OC AEROSOL SPRAY

### **MK-4 OC Spray**

The Director of the Bureau of Prisons has authorized employees working at all security level institutions to carry the MK- 4 OC spray while on duty.

The MK-4 OC aerosol spray must be carried in an approved holder (leather/nylon belt loop holster specifically designed to hold the MK-4 OC aerosol spray) on a staff member's person at all times. The nozzle should be facing the body. Upon reporting for duty, all staff are required to obtain an MK-4 OC aerosol spray from a secure storage location (normally the Control Center) during their hours of work. At Minimum Security Level Institutions the message center is an authorized location to maintain and issue MK-4 OC sprays. For posts which require 24-hour staffing, the outgoing staff member must exchange the OC aerosol spray to the oncoming staff member on the post. At the CEO's discretion, staff attending training (e.g. Annual Training, etc.) will obtain the MK-4 OC aerosol spray for the duration of the training period.

In accordance with Program Statement **Use of Force and Application of Restraints**, staff must complete the required training prior to carrying an OC aerosol spray. All secondary Law Enforcement Officers entering an institution will be required to obtain and carry the MK-4 OC aerosol spray.

### **MK-9 OC Spray**

The MK-9 OC aerosol spray must be carried in a drop-leg style holster secured to a duty belt, specifically designed for use with an MK-9. Requests to use holsters other than a drop-leg style, but specifically designed for use with an MK-9 must be submitted through the Regional Director to the Assistant Director, Correctional Programs Division, for consideration. The following staff at Low, Medium, High, and Administrative Security Institutions are authorized by the Director of the Bureau of Prisons to carry the MK-9 OC spray:

- All Correctional Services Supervisors (Lieutenants)
- Special Housing Unit (SHU) Recreation Officers
- Special Management Unit (SMU) Recreation Officers
- Special Confinement Unit (SCU) Recreation Officers
- All Compound Officers
- All Corridor Officers
- All Internal Movement Officers

Upon reporting for duty, all staff assigned to a post authorized to carry an MK-9 OC aerosol spray are required to obtain an MK-9 OC aerosol spray from a secure storage location (normally

the Control Center) during their hours of work. For posts which require 24-hour staffing, the outgoing staff member must exchange the MK-9 OC aerosol spray to the oncoming staff member on the post.

For both the MK-4 and MK-9 OC sprays, reasonable accommodations may be requested for any employee with a qualified temporary disability. Religious accommodation requests must be submitted through the Regional Director, to the Assistant Director, Correctional Programs Division, for consideration. Additional consideration for accommodations may be requested on a case-by-case basis.

### 3. **DOCUMENTATION – POST ORDERS**

Post Orders must include specific instructions regarding the use of the OC aerosol spray. The instructions will be consistent with Program Statement **Use of Force and Application of Restraints**.

### 4. **USING THE OC AEROSOL SPRAY**

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 MK-4 OC aerosol spray is the 3-4 oz. full cone spray pattern. Wind speed and direction greatly affects the accuracy and range of the aerosol spray. Under ideal conditions, the full cone spray has an effective range of 10 to 12 feet. The MK-9 OC spray has a greater range capacity than the MK-4 OC spray issued to all staff, with an effective range of 18-20 feet.

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 Director of 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 the 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.

### 5. **REPORTING**

All reporting and documentation (memoranda, video recording, etc.) will follow the specific procedures in Program Statement **Use of Force and Application of Restraints**.

## 6. TRAINING

The only staff authorized to carry OC aerosol spray are those who have received specialized training. Initial Training will consist of a four-hour (4) in-person period of instruction.

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

a. **Training Content.** Staff must be thoroughly trained in the use, reporting, and policies governing the arresting and detaining of inmates and use of force and application of restraints. Inert (no active OC) dispensers are authorized for use during the training process.

Training should emphasize that OC aerosol spray may be used by staff to reduce acts of violence by inmates or others against themselves, other inmates, visitors, and staff after verbal intervention has been attempted.

b. **Training Frequency.** Staff will receive an initial training course, and annual recertification. All training will be documented. Inert training sprays are authorized during training.

c. **Documentation.** The Captain and Employee Development Manager (EDM) will maintain documentation and a list of those staff certified in the use of the OC aerosol spray. Copies of the list are to be maintained in the Armory, Control Center, Message Center, and Lieutenant's Office.

## 7. AGENCY ACA ACCREDITATION PROVISIONS

- American Correctional Association Standards for Adult Correctional Institutions, 4th Edition: 4-4090, 4-4092, 4-4173, 4-4199, 4-4200, 4-4201, 4-4202, 4-4203, and 4-4206.
- American Correctional Association Performance Based Standards for Adult Local Detention Facilities, 4th Edition: 4-ALDF-2B-01, 4-ALDF-2B-04, 4-ALDF-2B-05, 4-ALDF-2B-06 4-ALDF-2B-07, 4-ALDF-7B-15, 4-ALDF-7B-16.
- American Correctional Association Standards for Administration of Correctional Agencies, 2nd Edition: 2-C0-2A-01, 2-CO-3A-01.
- American Correctional Association Standards for Correctional Training Academies: None.

## **REFERENCES**

### *Program Statements*

- P5500.15 Correctional Services Manual (1/2/2018)
- P5500.14 Correctional Services Procedures Manual (8/1/16)
- P5566.06 Use of Force and Application of Restraints (8/29/2014)

Department of Justice Policy Statement on the Use of Less-Than-Lethal Devices, Eric Williams  
Correctional Officer Protection Act of 2015.

### *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 Sallyport.