

**U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons**



**PROGRAM STATEMENT
Oleoresin Capsicum (OC) Aerosol Spray**

Approved by	<i>William K. Marshall III</i> William K. Marshall III Director, Federal Bureau of Prisons
DPI	CPD
Number	5577.01
Date	March 19, 2026

Summary of Changes

<i>Program Statement Rescinded:</i> <ul style="list-style-type: none">▪ 5576.12 CN-1 Oleoresin Capsicum (OC) Aerosol Spray (4/22/2024)
Changes: <ul style="list-style-type: none">▪ Updates language in reference to local supplements.▪ Updates language to allow MK-4 gel use in the front lobby and during prisoner transportation.▪ Updates language in reference to staff visiting institutions.▪ Updates the program statement number to 5577.01

1. PURPOSE AND SCOPE

This program statement is intended to authorize and regulate the use of the oleoresin capsicum (OC) aerosol spray (pepper spray) by trained Bureau of Prisons (Bureau) institution staff, to include Public Health Service (PHS) staff.

Consistent with Program Statement **Use of Force, Application of Restraints, and Firearms** 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 types of OC dispensers authorized for routine carry, within the secure confines of the institution by staff.

The MK-4 OC aerosol spray is a 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 (authorized in full cone or fog for routine carry) 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.

As detailed in this program statement, OC gel dispensers are authorized for use in areas outside the secure confines of the institution. OC gel is not required but is an authorized alternative to aerosol OC variance dispensers for the front lobby, external escorts, and prisoner transportation (bus movement).

OC gel has an effective range of 4 to 12 feet. The use of OC gel spray may limit secondary exposure if deployed in public areas. OC gel is not authorized for routine carry within the secure confines of the institution.

OC aerosol spray should not be used at a distance 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 program statement 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 to issue Oleoresin Capsicum spray to Bureau staff. 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. Program Objectives.

- OC aerosol spray is used by staff for protection against inmate(s) or any person posing a threat and when other methods of control are not effective.
- OC aerosol spray is only issued to trained and certified staff.
- Detailed reporting and documentation BP-E583, Report of Incident is generated when an OC aerosol spray is used in an immediate or calculated use of force situation.
- Staff 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.

b. **Institution Supplement.** None.

2. AUTHORIZATION FOR THE ISSUANCE OF OC AEROSOL SPRAY

a. **MK-4 OC Spray.** The Director of the Bureau has authorized staff 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 or outer protective vest carrier pouch designed to carry the MK-4 OC aerosol spray) on a staff member's person at all times. 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 canisters. For posts which require 24-hour staffing, the outgoing staff member must turn over the MK-4 OC aerosol spray to the oncoming staff member on post.

In accordance with the Program Statement **Use of Force, Application of Restraints, and Firearms** 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.

b. **MK-9 OC Spray.** Staff working within the secure confines of the institution or outside (perimeter) patrol officers at high-rise facilities must carry the MK-9 OC aerosol spray in a drop leg holster secured to a duty belt, specifically designed for the use of an MK-9. Requests to use holsters other than a drop-leg style but specifically designed for the use of an MK-9 must be submitted through the Regional Director to the Assistant Director, Correctional Programs Division, for consideration. Securing the MK-9 within complex or reservation perimeter patrol vehicles will be determined locally. The following staff at Low, Medium, High, and Administrative Security Institutions are authorized by the Director of the Bureau 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
- Employees assigned to Recreation posts within the Education Department
- All Compound Officers
- All Corridor Officers
- All Internal Movement Officers
- All Outside Patrol Officers (High Rise Facilities)

- All Complex, Reservation Perimeter Patrols
- All Protective Custody Unit (PCU) Officers
- All Recreation Specialists

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 turn over the MK-9 OC aerosol spray to the oncoming staff member on post. Staff assigned to a post authorized to carry the MK-9 may do so without additionally carrying the MK-4. Any OC carrier or holder which does not remain closed by design (snap or Velcro closure) must be replaced without delay.

c. **Exception to carry.** For both the MK-4 and MK-9 OC sprays, reasonable accommodation 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.

Bureau Staff visiting an institution may elect not to carry OC when entering the institution. If so, they must be always escorted while in the secure confines of the institution.

Visiting staff who elect to draw and carry OC when entering the institution must have completed the required OC training. Staff must have completed the initial four-hour in-person training as well as the yearly Bureau Learning University (BLU) training. When drawing OC for carry in an institution, a radio must also be drawn to ensure proper notifications and response in an emergency.

3. DOCUMENTATION – POST ORDERS

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

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

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 use of chemicals such as OC is outlined in the Program Statement **Use of Force, Application of Restraints, and Firearms**.

5. DECONTAMINATION

In situations where the use of OC or chemical agents are utilized, decontamination of the inmate(s) and affected staff must be conducted without delay, upon the incident being contained, and regardless of the availability of Health Services staff. 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.

During the medical assessment, Health Services staff must determine if the decontamination is adequate. The inmate shall be allowed to wash areas affected by the agent with soap and water and may be assisted by Health Services staff as necessary. Normally, this is conducted in conjunction with the medical examination and must be documented on video.

6. REPORTING

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

7. 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 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 Services Branch, Correctional Programs Division, Central Office.

a. **Training Content.** Staff must be thoroughly trained in the use, reporting, and policies governing the searching, detaining, or arresting of visitors to Bureau grounds and facilities and the use of force, application of restraints, and firearms. Inert (no active OC agent) 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. **Training Documentation.** The Captain and Employee Development Manager will maintain documentation and a current list of 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.

REFERENCES

Program Statements

Use of Force, Application of Restraints, and Firearms

Other References

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

ACA Standards

Performance-Based Standards and Expected Practices for Adult Correctional Institutions (5th Edition): 5-ACI-1D-19, 5-ACI-1D-20 (M), 5-ACI-1D-21(M), 5-ACI-2G-03, 5-ACI-3A-28, 5-ACI-3A-29, 5-ACI-3A-30, 5-ACI 3A-31, 5-ACI-3A-32(M), 5-ACI-3A-33M, 5-ACI-3A-35(M)

Performance-Based Standards and Expected Practices for Adult Local Detention Facilities (5th Edition): 5-ALDF-2B-01 (M), 5-ALDF-2B-08, 5-ALDF-2B-09, 5-ALDF-2B-10, 5-ALDF-2B-11, 5-ALDF-2B-12 (M), 5-ALDF-7B-15 (M), 5-ALDF-7B-16 (M), 5-ALDF-7B-17

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) on the Bureau's intranet site.