



FOR IMMEDIATE RELEASE

June 7, 2023

DOJ OIG Releases Management Advisory Memorandum of Concerns Regarding the Federal Bureau of Prisons' Policies Pertaining to the Use of Oleoresin Capsicum Aerosol Spray

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a Management Advisory Memorandum to the Director of the Federal Bureau of Prisons (BOP) regarding the BOP's policies concerning the use of Oleoresin Capsicum Aerosol Spray (OC spray) on inmates with certain medical conditions.

The DOJ Office of the Inspector General (OIG) identified these concerns in connection with an OIG investigation into the circumstances surrounding the death of an inmate with a diagnosed form of psychosis after BOP personnel used OC spray during their attempts to subdue him. While the OIG concluded that the Lieutenant who ordered the use of the OC spray appeared to possess the authority under applicable BOP policy to do so given that an immediate response to the inmate's actions was required, we were unable to conclude whether the actual deployment of the OC spray in this circumstance violated other BOP policies. Specifically, we identified BOP policies that require BOP personnel to (1) consult with medical staff before using OC spray on inmates with respiratory or cardiovascular disease, chronic dermatitis, or psychosis; and (2) avoid using OC spray on inmates with any such conditions unless other means of control have been attempted or deemed likely to be ineffective. However, the policies were unclear as to whether these requirements applied only during calculated uses of force or also during situations requiring an immediate response from BOP personnel. These ambiguities thus create uncertainty for BOP employees responding to situations requiring the immediate use of force and hamper any attempt to review the propriety of OC spray deployment in such situations.

The DOJ OIG made two recommendations to the BOP to address the concerns we identified. The BOP agreed with one recommendation and disagreed with one recommendation.

Memorandum: Today's memorandum is available on our website at the following link:

<https://oig.justice.gov/reports/management-advisory-memorandum-notification-concerns-regarding-federal-bureau-prison>

###
