Purpose:

To establish guidelines and procedures for non-law enforcement County employees regarding the possession, use, and storage of both personal and County-issued pepper spray by employees to ensure safety and compliance with legal standards.

Scope:

This regulation applies to all employees, except those employed by the Caldwell County Sheriffs Office.

Policy:

Employees with work assignments or duties that include working in isolated or potentially threatening areas or working in proximity to potentially dangerous animals, may request to use County issued pepper spray for self-defense purposes in the course of County employment. Only employees who have received explicit approval and proper training are permitted to carry pepper spray while on duty. Human Resources will issue pepper spray to employees who have received authorization and completed required training.

Employees are permitted to carry and use personal pepper spray for self-defense.

Procedure:

1. Approval

1.1. County-Issued Pepper Spray:

1.1.1. Employees who request County issued pepper spray must first obtain written approval from their department. The department director's review will consider the nature of the work, alternative self-defense methods available, and the need for protection.

1.1.2. Approval to carry pepper spray will be documented with the Pepper Spray Authorization and Acknowledgement form signed by the director acknowledging the authorization and the employee’s acceptance of responsibilities related to the use of the approved pepper spray.

1.1.3. The department is responsible for all expenses associated with the issuance of pepper spray, including but not limited to the cost of the spray, training, replacement, and disposal.

1.2. Personal Pepper Spray:

1.2.1. Employees are encouraged to notify their supervisor or HR if they choose to carry personal pepper spray on County property or during work-related activities, especially if their job involves regular public interaction or potentially hazardous environments.

2. Training

2.1. County-Issued Pepper Spray:

2.1.1. Employees who receive approval to carry pepper spray at work must participate in a mandatory safety training course provided by a County authorized trainer prior to carrying pepper spray while performing their duties. Recertification required every two years thereafter.

2.1.2. Documentation of training(s) will be placed in the employee's training record.

2.1.3. Training will be coordinated by Human Resource and shall include the following elements:

2.1.3.1. Instruction on the capabilities of pepper spray and its limitations.

2.1.3.2. How to correctly and safety administer the spray.

2.1.3.3. How and where the pepper spray must be stored and secured.

2.1.3.4. Steps to take once the spray has been administered.

2.1.3.5. Warning to employees about the possible adverse consequences of the improper use of pepper spray including disciplinary action, criminal charges (e.g. assault), and civil tort liability for damages.

2.2. Personal Pepper Spray:

2.2.1. While training for personal pepper spray use is not mandatory, employees are strongly encouraged to seek self-defense training to ensure they know how to use it safely and effectively.

3. Possession and Storage:

3.1. County-Issued Pepper Spray:

3.1.1. Employees who are issued pepper spray are also responsible for securing it at all times. County-issued pepper spray should be stored in a secure, designated location when not in use and must be returned to this location at the end of each shift or workday.

3.1.2. County issued pepper spray may not be carried or used for any private matter (non-County business).

3.2. Personal Pepper Spray:

3.2.1. Employees who choose to carry personal pepper spray must ensure it is securely stored and not easily accessible to unauthorized persons. It should be kept in a personal bag, pocket, or another secure location when not in use and never left unattended in common areas.

4. Permissible Use:

4.1. County-Issued Pepper Spray:

4.1.1. The use of pepper spray is restricted to protecting oneself or others from immediate injury from person or animal. Use of pepper spray must comply with all applicable local, state, and federal laws.

4.1.2. At no time should an employee attempt to physically restrain a person who has been pepper sprayed unless left with no other choice. Employees should back off to a safe distance, contact Law enforcement and await assistance as only law enforcement officers are properly trained in control techniques and legally authorized to initiate restraint measures.

4.2. Personal Pepper Spray:

4.2.1. Employees are permitted to carry and use personal pepper spray for self-defense in situations where they reasonably believe they are at risk of immediate physical harm. Use of personal pepper spray must be a last resort and should only occur when other means of protection are unavailable or ineffective.

5. Reporting Use of Pepper Spray

5.1. County-Issued Pepper Spray:

5.1.1. Employees who use pepper spray in the course of County employment must report any use of the spray to the Sheriffs Office immediately so they can take any required action. After notifying the law enforcement, the staff member shall contact the County's Human Resources Department, and their own immediate supervisor.

5.1.2. Employees must also document the incident by completing a report of Discharge of Pepper Spray Form.

5.2. Personal Pepper Spray:

5.2.1. Employees must comply with all applicable local, state, and federal laws regarding the possession and use of pepper spray. This includes adhering to restrictions on where pepper spray can be carried and who can legally possess it.

6. Inspection, Replacement, and Disposal

6.1. County-Issued Pepper Spray:

6.1.1. Employees are responsible for following the manufacturer's instructions for care and storage of the pepper spray container. Pepper spray devices shall be maintained in an operational and charged state by authorized employees or the approved vendors.

6.1.2. Employees are responsible for requesting replacement and returning damaged, inoperable, or empty device by notifying their department and returning the item to Human Resources. If an employee loses their County issued device, it shall be reported to their department director immediately.

6.1.3. The Risk Manager or designee shall conduct an annual documented inspection of the issued device on an annual basis.

6.2. Personal Pepper Spray:

6.2.1. Employees are required to regularly inspect, replace, and properly dispose of their personally purchased pepper sprays to ensure they remain functional and safe for use.

7. Liability:

7.1. County-Issued Pepper Spray:

7.1.1. The County assumes responsibility for the use of County-issued pepper spray when used in accordance with this policy and the associated training.

7.2. Personal Pepper Spray:

7.2.1. The County assumes no liability for the personal use of pepper spray by employees. Employees who carry and use personal pepper spray do so at their own risk and are personally responsible for any consequences of its use.

Definitions:

1. *"Pepper spray"* is a chemical compound in either an aerosol or gel formula that irritates the eyes and respiratory system, used for self-defense or to control individuals who pose a threat.

2. *"Immediately"* is the prompt notification to the local law enforcement department following the use of pepper spray, ideally within a few minutes of the incident, to ensure that law enforcement is aware of the situation, can provide any necessary support, and can take over any legal or investigative processes.

3. *"Immediate Physical Harm"* in the context of using pepper spray for self-defense refers to any bodily injury or impairment that occurs directly and instantaneously because of an attack or threatening situation, which justifies the use of pepper spray to prevent or mitigate further harm. This harm may include actions or threats that cause acute pain, temporary incapacitation, or pose an imminent danger to one's safety, necessitating the immediate use of pepper spray to protect oneself from serious injury or assault.

4. *"Outside Normal Business Hours"* refers to any time period that falls outside the County's established standard working hours, typically defined as Monday through Friday, from 8:00 AM to 5:00 PM. This includes evenings, nights, weekends, and public holidays when regular County services and offices are closed or operating on reduced hours.