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Considerations for Use of Pepper Spray

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Pepper spray is a chemical agent with an active ingredient derived from the cayenne pepper plant. When dispersed in aerosol form, it causes physiological effects, including inflammation and swelling of the mucous membranes of the eyes, nose, and throat, and involuntary closure of the eyes. Known as oleoresin capsicum (OC), pepper spray is commercially available for self-defense and is legally allowed for such purposes under California state law, in accordance with Penal Code Section 22810.

Pepper spray can be an effective self-defense tool used to protect employees from imminent physical threats. However, its deployment within a public agency should be carefully regulated to ensure it is used responsibly, effectively, and in a manner that aligns with the agency's overall mission. The following considerations will assist an agency in determining; which employees should be authorized to carry pepper spray, which policies and procedures should be created, what training protocols should be established to support safe and appropriate use of pepper spray, and how to address documentation and recordkeeping.

Determining Authorized Personnel

The decision regarding who should be authorized to carry pepper spray within a public agency may require consideration of several factors:

- **Role and Responsibilities:** An agency should carefully evaluate the specific duties of employees who may be authorized to carry pepper spray. Employees engaged in front-line public safety or enforcement, such as parking enforcement, park rangers, animal control, code enforcement, or those who regularly encounter volatile situations may be candidates.
- **Public Interaction:** The degree of direct interaction



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between employees and the public should be considered. Employees such as community outreach workers, building inspectors, or health inspectors, who may frequently engage with the public in unsupervised or unpredictable environments, may be candidates.

- **Existing Equipment and Tools:** All equipment employees are authorized to carry should be reviewed. If employees are already equipped with other forms of non-lethal tools, such as flashlights, personal alarms, body cameras, or communication devices, it may influence the decision to provide pepper spray. The presence of these tools should be considered when determining the necessity and effectiveness of adding pepper spray to their existing gear.

Policy and Procedure Considerations

Clear, comprehensive policies are essential to govern the use of pepper spray and ensure it is utilized in a manner consistent with the public agency's goals and public safety mandates. Policy considerations may include:

- **Personnel Policies:** If applicable, the agency may want to consider its overall policies regarding the presence of pepper spray in the workplace. This includes evaluating whether employees are allowed to carry pepper spray at work for personal use and ensuring that such policies align with those for work-related utilization.

- **Authorization and Approval Process:** An agency may want to create a formal process for granting pepper spray authorization, which may include supervisory approval, a job hazard analysis, and an application for written authorization. Any authorization process should be documented.

- **Guidelines for Escalating Situations:** Define the position of pepper spray within the agency's guidelines for responding to physical threats. This ensures that it is used as intended—typically as a self-defense option when an employee believes they are facing an imminent threat that can't be addressed with a lower level of response like de-escalation or distancing themselves from the threat.



- **Controlled Application:** The agency's policy should emphasize the importance of using pepper spray in a considerate manner, ensuring employees utilize only the amount needed to address a threat so that the employee can retreat to safety.

- **Reporting Requirements:** Mandatory reporting procedures should be implemented so that every instance of pepper spray deployment is reported. This ensures accountability and provides data for reviewing the appropriateness of its use and the hazards associated with a certain position or job duties.

- **Legal Considerations:** Ensure that any policy that is created complies with any laws or local ordinances that govern the use of pepper spray, including restrictions on use and reporting requirements.

- **Issued Equipment:** The agency should ensure that employees only use pepper spray provided by

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the agency during working hours. If employees are allowed to carry pepper spray for personal use, this should be considered separately. An agency should focus on employer-issued equipment to ensure that the agency is responsible for its maintenance and use.

Training Protocols

Comprehensive training is crucial to ensure that employees authorized to carry pepper spray can use it safely and effectively. Training should cover:

- **Responsible Use:** Educate employees on the responsible use of pepper spray, emphasizing the importance of using it appropriately and being mindful of using it only when necessary and not excessively.
- **Safe Deployment Techniques:** Provide hands-on training that covers proper deployment techniques, including how to handle pepper spray safely and effectively in various scenarios. The following steps are an example of training:
 - Employees should be positioned upwind of the target to avoid self-contamination and maintain a safe distance of 4-6 feet.
 - The employee should then administer a short burst (1-3 seconds) that is aimed at the target's eyes, nose, and mouth. This step can be repeated if necessary. However, employees should be encouraged to avoid excessive use.
 - After deployment, the employee should move to a safe location and call 9-1-1 if necessary. The employee should continue to monitor the situation for any medical emergencies and follow agency protocols for offering aid if it is safe to do so.
- **Scenario-Based Training:** Incorporate scenario-based exercises that simulate real-world situations where pepper spray might be used. This helps employees develop the judgment necessary to make quick decisions under pressure.
- **De-escalation Techniques:** Provide de-escalation strategies and training to reduce the need for deployment, ensuring that pepper spray is used only when other methods have failed. The merit of providing or increasing other situational awareness and self-defense training to be used with or instead of the discharge of pepper spray should be considered. Many incidents of violent behavior can be averted by recognizing escalating anger, intervening with options that defuse anger, and treating others in the same manner one would like to be treated. An agency should also emphasize prevention as the best solution to violence.
- **First Aid and Aftercare:** Safety data sheets (SDS) should be available for the brand of spray an agency supplies. Employees should be trained on the use of the SDS, the dangers of the spray, and the proper response to exposure. They should also understand the appropriate steps to take in the event of accidental exposure. This should include training on first aid and aftercare.



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- **Ongoing Training:** Implement regular training sessions to ensure that employees maintain proficiency in the use of pepper spray and stay updated on any changes to policies or legal requirements.

Documentation, Maintenance, Storage, and Inspections

To support the safe and effective use of pepper spray, agencies should also consider implementing documentation, maintenance, storage, and inspection protocols:

- **Inventory Management:** Records of all pepper spray canisters issued should be maintained, including tracking expiration dates and replacement schedules.
- **Incident Documentation and Reporting:** An agency should require detailed documentation of every instance of pepper spray use, including the circumstances leading up to it and the outcomes. Any use of pepper spray should be reported to a supervisor on the same day, either verbally or in writing. Additionally, a comprehensive written incident report detailing the circumstances, actions taken, and outcomes should be completed as soon as possible.
- **Assessments:** To ensure the effective use of pepper spray, an agency should be prepared to conduct thorough assessments of its use in various situations. This process involves reviewing how the use was managed and identifying any areas where the use of pepper spray may not have been the best response. By evaluating incident outcomes, the agency can identify whether the approach was appropriate or if adjustments are needed. This analysis helps improve future responses, inform training needs, address any deficiencies, and determine if job duties or responsibilities should be re-evaluated to ensure the most effective and appropriate use of pepper spray.
- **Regular Inspections:** Pepper spray canisters should be regularly inspected to ensure they are in proper working condition and have not expired. A process should also be considered for how old spray will be disposed of.
- **Storage:** Consideration should be given to storage locations for pepper spray. Leaving pepper spray in hot vehicles can lead to over-pressurization and explosion, which may result in damage to the vehicle and pose a risk to occupants.
- **Training Records:** Thorough records of all training sessions should be kept, including participant attendance and the content covered. These records should be kept in a manner that is easy to access should an incident occur.

Determining which employees within a public agency should carry pepper spray involves a careful balancing of roles, responsibilities, and risks. By establishing clear policies, providing comprehensive training, and maintaining documentation and inspection protocols, agencies can ensure that pepper spray is used safely, responsibly, and effectively as part of their broader operational strategy. This approach protects employees and helps maintain public trust in the agency's commitment to the responsible use of pepper spray. For questions regarding pepper spray usage or policies, contact [Risk Control](#).