

# Pepper Spray Policy

**Scope: CITYWIDE**

## **Policy Contact**

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## **Regulatory References**

California Penal Code § 692, 693.1 and 694

## **Supersedes**

July 12, 2004 Memo – Use of City Issued Pepper Spray by Non-sworn Employees

**Effective:** November 7, 2016

**Charter Officer Review and Acknowledgement**  
**Pepper Spray Policy**

**City Manager**

**City Attorney**

**City Clerk**

**City Treasurer**

## **POLICY**

Only designated employees, who have successfully completed oleoresin capsicum pepper spray training through the Sacramento Police Department will be authorized to carry and permitted to use city issued pepper spray. City issued pepper spray shall be used only within the course and scope of city employment.

## Procedures

### Authority

Department heads shall determine which employees are authorized to carry city issued pepper spray at work. Only city issued pepper spray shall be carried and/or utilized while on duty.

### Use Criteria

If city staff suspects that inspection of a property, contact with the public or an encounter with an animal has a high probability of aggression or violence, call Police or Animal Control Dispatch and request an officer respond to keep the peace while work is performed. In the event of a threat, staff should withdraw from the property or situation.

If city staff is unable to withdraw, persons or animals fail to respond to verbal dialog to calm the situation and city staff believes that an attack is imminent, pepper spray may be utilized in accordance with training.

The use of City issued pepper spray by employees other than peace officers is restricted to:

1. Defensive purposes when protecting oneself from personal injury and/or to stop further physical injury to oneself or to others, but only after all defensive procedures have been exhausted, in compliance with Penal Code Sections 692, 693.1 and 694 (see Attachment A);
2. Responding to the direct order of a law enforcement officer;
3. Coming to the aid or assistance of a law enforcement officer who is not able to give a direct order; or
4. Use by an animal control officer in compliance with departmental procedures.

Staff shall not attempt to restrain an individual or animal that has been sprayed. The responsibility to restrain and place into custody is with responding police and/or animal control officers.

### Reporting Requirements – Use On An Animal

If an animal needs to be restrained or apprehended to assure public safety, call 311 to request a response by Animal Control.

The employee who used pepper spray on an animal shall complete a Public Injury / Property Loss Report (red border form) and submit it to their supervisor. When departmental review is complete, the red border form shall be submitted to the Human Resources Risk Management Division.

### Reporting Requirements – Use On A Person

Use of pepper spray on a person by city employees, other than sworn peace officers, shall be reported to the Sacramento Police Department (SPD) as soon as it is safe to do so. Once the scene is secure, staff shall contact their immediate supervisor to report the incident.

Within the City's jurisdiction, a Sacramento police officer will complete reports documenting use of pepper spray according to SPD procedures. If outside the City's jurisdiction, the appropriate law enforcement agency will be contacted to take the reports.

1. The employee who utilized pepper spray will complete a Public Injury / Property Loss Report (red border form) to document the circumstances of the incident including names of individuals involved.
2. Copies of the police report and the red border form will be forwarded to the employee's supervisor for review.
3. Copies of all reports and the findings of the supervisor's review will be submitted to the appropriate division manager and to the City's risk manager.
4. The risk manager will convene a review committee comprised of representatives from the affected department, and Human Resources Risk Management. The police department will provide a representative to assist the committee as needed.
5. If the review committee finds that the type of action taken by the employee may have been inappropriate, the division manager shall follow-up by providing additional training or referring those concerns to Human Resources, Labor Relations for investigation.

### Training

Documentation of oleoresin capsicum pepper spray training, through the SPD or a vendor approved by SPD, shall be maintained in the City's learning management system for each employee authorized to use pepper spray. Refresher training on the use of oleoresin capsicum pepper spray shall be completed every three years.

### Storage, Maintenance and Replacement

City issued pepper spray shall be stored in a secure location and left at work when not on duty.

All pepper spray devices shall be maintained by the staff to which they are assigned and must be in an operational and charged state at all times.

Pepper spray canisters shall be replaced when the units are less than half-full or approaching the expiration date. Supervisors will issue new or replacement canisters as needed.

**CALIFORNIA CODES PENAL CODE SECTIONS, 692-694**

**692.** Lawful resistance to the commission of a public offense may be made:

1. By the party about to be injured;
2. By other parties.

**693.** Resistance sufficient to prevent the offense may be made by the party about to be injured:

1. To prevent an offense against his person, or his family, or some member thereof.

**694.** Any other person, in aid or defense of the person about to be injured, may make resistance sufficient to prevent the offense.