

PEPPER SPRAY (OLEORESIN CAPSICUM) POLICY
Adopted March 17, 2025



ADMINISTRATIVE POLICY		SUBJECT: PEPPER SPRAY (OLEORESIN CAPSICUM) POLICY		
Number	REVISIONS	BOARD OF COMMISSIONERS APPROVAL DATE		
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## I. Purpose

The purpose of the Pepper Spray (Oleoresin Capsicum) Policy (hereinafter referred to as the "Policy") is to provide guidance to eligible non-law enforcement employees of the County of Harnett (hereinafter referred to as the "County") regarding the possession and use of County-issued Oleoresin Capsicum (hereinafter referred to as "Pepper Spray") in the course of their employment.

## II. Applicability

This Policy shall apply to eligible non-law enforcement County employees (except animal control officers) who voluntarily choose to carry County-issued Pepper Spray during the performance of their job duties.

#### III. Definitions

- 1. <u>Imminent Danger or Threat</u> An unlawful immediate threat of harm that an employee could reasonably believe will cause physical harm to themselves or to others.
- Oleoresin Capsicum Spray (also known as "O.C. Spray" or "Pepper Spray") –
  Aerosol spray based on the active natural ingredient oleoresin capsicum, a
  derivative of various species of cayenne pepper.
- 3. <u>Use of Force</u> The use of non-deadly force against another, including the use of Pepper Spray, when and to the extent that the employee reasonably believes that the conduct is necessary to defend themselves or another against an Imminent Danger or Threat or to stop further physical injury to themselves or others.

# IV. Required Training

All employees who voluntarily choose and receive approval to carry Pepper Spray at work shall participate in a mandatory safety training course provided by the Harnett County Sheriff's Office or approved County vendor prior to carrying Pepper Spray during the performance of their job duties. Refresher training on the use of Pepper Spray shall be completed every two (2) years. Any employee that misuses Pepper Spray and/or uses Pepper Spray more than once in a 12-month period shall be required to attend the next available training session upon the subsequent use incident unless the employee's approval has been revoked.

Mandatory training shall be provided by a qualified instructor and include the following elements:

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- 1. Things to consider before using pepper spray, such as the subject's age, mental state, observable health, pregnancy, environment, proximity to others, etc.
- 2. Personal safety training that emphasizes risk avoidance, including nonviolent means of defusing confrontational situations.
- 3. Other means of self-defense such as de-escalation techniques.
- 4. Instruction that Pepper Spray works only under certain circumstances.
- 5. How to correctly and safely administer the Pepper Spray.
- 6. How and where the Pepper Spray must be stored and secured during nonemployment hours.
- 7. Steps to take once the Pepper Spray has been administered.
- 8. Warning to employees about the possible adverse consequences of the improper use of Pepper Spray; disciplinary action, criminal charges, and civil tort liability for damages.

#### V. Use Criteria

#### Authorized Use of Pepper Spray

The use of Pepper Spray is restricted to the following:

- 1. To protect oneself or others from an Imminent Danger or Threat and all other non-Use of Force measures have been exhausted or would be ineffective to prevent an Imminent Danger or Threat.
- To stop further physical injury to oneself or others and all other non-Use of Force measures have been exhausted or would be ineffective to prevent an Imminent Danger or Threat.
- 3. At the direct order of a law enforcement officer.
- 4. While coming to the aid or assistance of a law enforcement officer who is not able to give a direct order.
- 5. Use by an Animal Control Officer in accordance with Animal Services policies and procedures.

At no time should an employee attempt to physically restrain a person or animal who has been pepper sprayed unless left with no other choice to prevent physical injury or death to oneself or others. Employees, when practical and safe to do so, shall withdraw from the situation or property, call 911, and wait for law enforcement or animal services assistance.

#### Unauthorized Use of Pepper Spray

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The use of Pepper Spray other than permitted by this Policy may result in revocation of their right to carry Pepper Spray and/or may subject the employee to disciplinary action, up to and including termination. Additionally, unauthorized use of Pepper Spray may subject the employee to civil and/or criminal penalties.

# VI. Reporting Requirements

Use of Pepper Spray in the course of an employee's job duties on a person shall be reported to law enforcement or Animal Services as soon as it is safe to do so. Once the scene is secure, the employee shall contact their Department Head or immediate supervisor to report the incident. The employee shall also complete the "Pepper Spray incident Report" and return it to their Department Head or immediate supervisor within twenty-four (24) hours from the use of Pepper Spray. The Department Head or Supervisor shall forward all incident reports to the Human Resources & Risk Management department.

## VII. Storage, Maintenance, and Replacement

Employees must comply with the following requirements:

- 1. County-issued Pepper Spray shall be stored in a secure location as designated by the Department Head and left at work when not on duty.
- 2. Employees are responsible for following the manufacturer's instructions for care and storage while in their possession.
- 3. Employees shall request a replacement device if it is damaged, inoperable, or empty.
- 4. Authorized employees and approved vendors shall maintain County-issued Pepper Spray devices that are within the expiration date listed on the device. Pepper Spray devices that are expired shall be exchanged for a device that complies with the expiration requirements.