

## **NOTICE TO THE BAR**

### **Directive #7-05 - Pepper Spray Procedures for Judiciary Staff**

Directive # 07-05 [Supersedes Directive #2-95]

TO: Assignment Judges  
Trial Court Administrators

FROM: Philip S. Carchman, J.A.D.

SUBJECT: Procedures on Aerosol Defensive Devices - Training and Policies  
for Use by Judiciary Staff

DATE: March 28, 2005

This Directive promulgates the attached Procedures on Aerosol Defensive Devices - Training and Policies for Use, as approved by the Judicial Council. This Directive supersedes Directive # 2-95, which first authorized probation officers who have regularly assigned field responsibilities, after successful completion of a training program, to carry Judiciary-issued aerosol defensive devices, also known as oleoresin capsicum (OC) or "pepper spray," for defensive purposes.

That earlier Directive was interpreted in practice to include not just line probation officers but also any officer or probation administrator who provides field coverage for other officers, thus including within its coverage Vicinage Chief Probation Officers, Assistant Chief Probation Officers, and Probation Supervisors, provided they completed the Probation Officer Safety Training Course and the approved OC spray training program. Intensive Supervision Probation (ISP) officers and Juvenile Intensive Supervision Probation (JISP) officers also were covered by the earlier Directive.

This superseding Directive sets forth policies and procedures that standardize training; standardize exposure to OC spray as part of that training; allow for alternate protection measures when a medical condition precludes an individual probation officer from using OC spray; and create an administrative tool for tracking this training certification and recertification. Training may be conducted by Probation-certified trainers or by qualified law enforcement trainers following the Judiciary training curriculum. The procedures include a form whereby a probation officer acknowledges training, accepts or declines exposure, and acknowledges receipt of an OC canister, if issued. The form also records the probation officer's subsequent recertification.

The standardized training program now requires exposure to pepper spray for successful completion of the initial training program, or for recertification if exposure was not part of the officer's original training (as may have happened before the adoption of the current procedures). Recertification will be required every three years, but exposure to the pepper spray will be required only once. Experience has proven that exposure to the product in a safe training environment will enhance the officer's safety by providing first-hand knowledge of the effects of the spray (in the event of accidental blow-back) and of decontamination procedures prior to any use or exposure in the field.

In order to receive a Judiciary-issued pepper spray canister, Probation staff will be required to complete the full one-day training, which includes the one-time exposure to the OC spray as a component of the training. While carrying OC spray will remain voluntary, and to that extent the exposure component of the training also is voluntary, the rest of the pepper spray training (other than the exposure component) will be mandatory for all probation officers with field duty to ensure they understand the policy and the use and decontamination issues. Each officer's training (including whether or not the officer underwent exposure to the spray) will be documented in Pathlore, the recently implemented Judiciary employee training database system. No probation officer is permitted to carry OC spray in the course of his or her duties without a current certification or recertification.

This policy is effective immediately. Questions regarding it may be directed to the Probation Services Division at 609-292-1589.

P.S.C.

| Attachment - Training and Policies for Use of Aerosol Defensive Devices |

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