
AUTHORITY

The Michigan Penal Code, 1931 PA 328, MCL 750.224D et seq.
Self-Defense Act, 2006 PA 309, MCL 780.972 et seq.

DEFINITIONS**Authorized Personnel**

Those employees who have completed an authorized personal safety-training course.

Self Defense Sprays

Michigan Department of Health and Human Services (MDHHS) issues self-defense spray upon completion of an authorized personal safety-training course.

Use of Force

Any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another, less than deadly force under the conditions set forth in MCL 780.972.

POLICY

De-escalation techniques are the preferred response to confrontation and conflict. Use of force and/or discharge of self-defense sprays is the defense mechanism of last resort. Only the minimum amount of force necessary to de-escalate the situation may be used.

Use of Force

Authorized personnel may engage in use of force/discharge of self-defense spray if **all** the following conditions exists:

- They are not engaged in a crime.
- They are in a place where they have a legal right to be.
- They have exhausted de-escalation techniques, or the threat is imminent.
- They honestly and reasonably believe force is necessary.

- They use force to prevent imminent use of unlawful force against themselves or another person.
- They only use the amount of force that is necessary.

Self Defense Sprays

Only authorized personnel may carry and utilize self-defense spray, such as pepper spray, while on duty. It is the authorized personnel's option to carry self-defense spray. Use of force and/or discharge of self-defense spray are defense mechanisms of last resort and must be done in compliance with an authorized personal safety-training course.

Note: Training must be coordinated and funded by the local office.

Do not use self-defense spray any closer to the subject than six feet. Self-defense spray must be kept in a secure location when the employee is in the local office. Expired self-defense sprays must be disposed of per the manufacturer's instruction by the local office. Local offices are responsible for any costs associated with disposal.

Compliance Review

MDHHS will review any use of force or self-defense spray event for appropriate compliance with an authorized personal safety-training course and the circumstances that necessitated the use of force or self-defense spray. Unnecessary or inappropriate use of force or self-defense spray may result in discipline up to and including discharge.

The local MDHHS office must:

- Keep a copy of training completion and ensure required refresher trainings occur as recommended by whomever provided training to the local office.
- Monitor self-defense spray training materials for expiration.
- Ensure persons trained in use of self-defense spray initial/sign indicating they have reviewed APO 209 annually.

PROCEDURE

Employee/Supervisor

The employee must document any instance of use of force or discharge of self-defense spray on the online [Incident Reporting form of the MDHHS-Net Human Resource](#) page.

The electronic reporting system will generate and email the incident report to the employee and the employee's supervisor. The supervisor must also forward a copy of the electronic incident report to the county director.

County Director

The county director must forward a copy of the incident report to the following:

- Assigned Business Service Center (BSC) director.
- Senior Deputy Director of Children's Services Administration (CSA).
- Senior Deputy Director of Economic Stability Administration (ESA).

Senior Deputy Directors for Children's Services Administration and Economic Stability Administration

The senior deputy directors for the Children's Services Administration and Economic Stability Administration must determine compliance with applicable requirements. Refer inappropriate use of force or self-defense spray incidents to the Office of Human Resources/Labor Relations for investigation and any disciplinary action if necessary.

CONTACT

For more information on this policy, MDHHS-BOS-Policy@michigan.gov.