

Monday, October 2, 2023
9:00 a.m.

ADMINISTRATIVE COMMITTEE MEETING
(Supervisors Brown and Oneto)

AGENDA

Amador County Administration Center
Conference Room A
810 Court Street
Jackson, California

AGENDA: Off-agenda items must be approved by the Committee pursuant to Section 5496.5 of the California Government Code.

PUBLIC MATTERS NOT ON THE AGENDA: Discussion items only; no action to be taken. Any person(s) may address the Committee upon any subject within the jurisdiction of the Committee; however, any matter that requires action may be referred to staff for a report and recommendation for possible consideration at subsequent Committee meeting(s). Please note - there is a three (3) minute limit per person.

MISCELLANEOUS MATTERS

- 1) **Code Enforcement:** Review and possible recommendation relative to Code Enforcement Officer safety standards as required by SB 296.



RISK MANAGEMENT

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MEMORANDUM

TO: Admin Committee

FROM: Sarah Duarte, Risk Analyst
Michelle Gallaher, Code Enforcement Officer

DATE: October 2, 2023

SUBJECT: Code Enforcement Officer Safety Standards (SB296)

Effective January 1, 2022 Senate Bill 296 (“SB296”) established Penal Code 829.7 which reads, in part, “(b) *Each local jurisdiction that employs code enforcement officers shall develop code enforcement officer safety standards appropriate for the code enforcement officers employed in their jurisdiction.*”

Code Enforcement Officer is further defined in Penal Code 829.5 as “*any person who is not described in Chapter 4.5 (commencing with Section 830) and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety and welfare requirements, whose duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints.*”

The California Association of Code Enforcement Officers (“CACEO”) provided the enclosed template to address key components when developing code enforcement officer safety standards. Using this template, Amador County’s safety standards are enclosed addressing items according to our specific geographical area, demographics, threats, hazards and concerns. Additionally, due to the nature of other classifications within the County that fall under the definition of code enforcement officer, e.g. Building Inspector, Planner, etc., the recommendation is being made to revise the current municipal code to reflect more responsibility on the current code enforcement classification to respond to initial complaints removing the majority of safety hazard from those other classifications. However, as those classifications will still be going out in the field to enforce statutes, rules, regulations or standards, they will need their own department safety standards.

Impact of not moving forward with this item: Amador County will be out of compliance with SB296.



CODE ENFORCEMENT OFFICER SAFETY FOUNDATION

RISK MANAGEMENT LETTER

www.codeofficersafety.org

Whom It May Concern:

The Code Enforcement Officer Safety Foundation (CEOSF) is a national charitable non-profit committed to promote best practices for the safety of Code Enforcement Officers throughout the United States; to provide a resource for officers; report incidents; provide up-to-date training and to encourage a high standard of professionalism within our chosen profession. CEOSF is a supporting organization of the International Code Council.

In just the last three years, four Code Enforcement Officers were brutally murdered doing their job.

1. Code enforcement officer Jill Robinson, 52, was shot and killed by a 64 year old perpetrator who then proceeded to pour gasoline on her body and light her on fire. This occurred during a scheduled inspection.
2. Code professional Michael Tripus, 65, was shot and killed inside city hall by a 72 year old perpetrator in an unprovoked attack.
3. Code enforcement officer Charles Case, 41, posted a "condemned" sign on a residential property. As Case was walking back to his vehicle he was chased by the homeowner in an ambush attack where he was shot multiple times with a shotgun. The perpetrator had a criminal history.
4. Dennis Catanyag, 46, was brutally stabbed to death after completing an inspection at a restaurant in which the restaurant passed the inspection. A worker at the restaurant grabbed a butcher knife and went to Catanyag's vehicle located in the parking lot where he entered the passenger side door repeatedly stabbing and killing Catanyag in an unprovoked attack. The perpetrator then stabbed a citizen who survived the attack. This horrific murder occurred in the State of California.

These are four examples but there are more. Based on known incidents we know that 93% of Code Enforcement Officers were killed with a firearm and 80% of the time the CEO was killed while working in the community. The Code Enforcement Officer Safety Foundation (CodeOfficerSafety.org) is focused on collecting data related to the safety of Code Enforcement Officers across the country.

Since the 1980s, the code enforcement profession has significantly grown in scope and in numbers. Many states have created statewide associations to represent the profession and develop training curriculum. The safety of Code Enforcement Officers is constantly overlooked by jurisdictions.



CODE ENFORCEMENT OFFICER SAFETY FOUNDATION

RISK MANAGEMENT LETTER

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Yet, the danger has only been increasing and the safety of code professionals is a significant concern. Whether it is a financial issue, policy concern, or general lack of support the time for change is long overdue. The primary focus must be for local governments to protect employees in the role they ask them to fill. Code Enforcement Officers commonly enforce municipal codes, building codes, health & safety codes, housing, and zoning oftentimes with inadequate or no safety training or equipment. In many cases, they are also tasked with homeless camps, marijuana grows, dispensaries, condemned buildings, and COVID-19 requirements. Violence knows no jurisdictional boundary.

Risk Management

On October 7, 2021, California Governor Newsom approved SB 296 to add 829.7 to the Penal Code. This requires jurisdictions to assess and implement officer safety standards for their Code Enforcement staff. There have been numerous articles over the years highlighting the dangers for this profession. This new Penal Code now requires that there is a minimum standard for officer safety. From the Bill, "require each local jurisdiction that employs code enforcement officers to develop safety standards appropriate for the code enforcement officers employed in their jurisdiction."

In 2018, the California Joint Powers Insurance Authority wrote an article titled, "Code Enforcement Officer Safety: A Paramount Concern." This compelling article was written by a Risk Manager who noted, "Threats, attacks, and even deaths have occurred while code enforcement officers were performing their duties." The author referenced a 2001 survey conducted by the California Association of Code Enforcement Officers where 63% of respondents admitted to being assaulted or threatened on the job. The article stated, "According to the California Occupational Safety and Health Act of 1973, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees." Just like any professional role in government, with the right policies and training, employees can be equipped to protect themselves.

"Agencies should conduct and document a job hazard analysis that includes a hazard assessment for personnel protective equipment to determine what types of equipment to issue employees such as emergency radios, protective ballistic vests, pepper-spray, tasers, and expandable batons. All of which may be necessary protective equipment that requires specialized training, written policies and procedures, and reporting and documentation when incidents arise."



CODE ENFORCEMENT OFFICER SAFETY FOUNDATION

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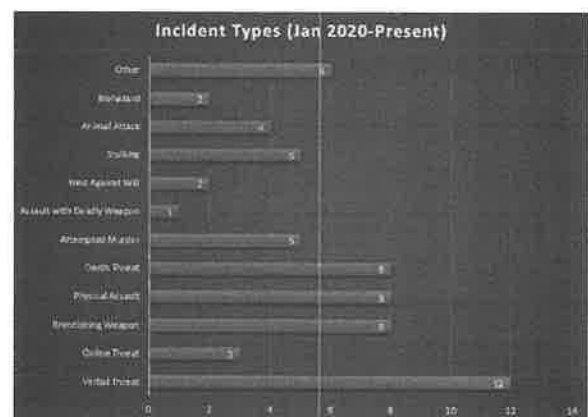
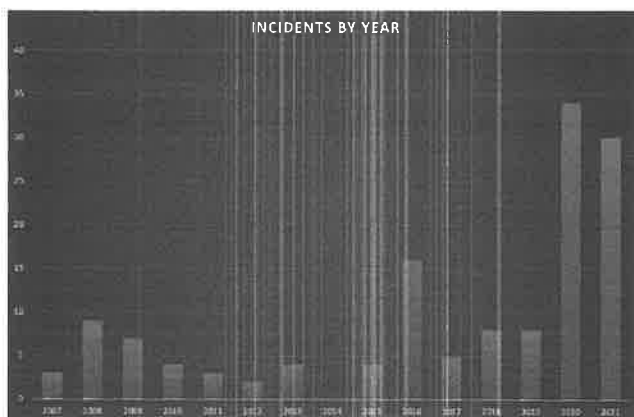
In 2014, the Local Government Insurance Trust wrote an article titled, "Code Enforcement Officers, Self-Defense, and the Use of Force: The Issues That Can No Longer Be Ignored." This article discussed the circumstances where Code Enforcement may put in a dangerous situation where use of force is the only option. The priority is to always deescalate and avoid confrontation, however, this is not always possible.

"But we all have to acknowledge that there may be extreme circumstances in which a code enforcement officer has no choice but to use force. After all, a code enforcement officer's job includes actions that generate hostility, confrontation, and even violence, such as serving violation notices, placing liens and levies on property, authorizing the removal of motor vehicles and/or the razing of homes."

"Taking proactive measures now, including reviewing job descriptions for code enforcement officers, establishing written policies and procedures, providing self-defense training, including training in the use of any device/weapon issued to or knowingly carried by code enforcement officers, will certainly help overcome legal challenges when they come. That should be an objective for all of us."

Statistics

The Code Enforcement Officer Safety website started this year in an effort to centralize the data and reporting of safety incidents throughout the United States. The numbers continue to rise as Code Enforcement Officers learn of this reporting database and as we discover new information. Since 1985, we have confirmed 16 incidents where a Code Enforcement Officer was murdered. In every case except one, the officer was murdered with a firearm. In every case, the Officer was not armed nor were they issued body armor. The most recent Code Enforcement Officer murder was in January 2021. The inspector completed a restaurant inspection and was stabbed to death by an employee. There is an average of 35 reported incidents per year and climbing.



Source: www.codeofficersafety.org/statistics



CODE ENFORCEMENT OFFICER SAFETY FOUNDATION

RISK MANAGEMENT LETTER

www.codeofficersafety.org

Recommendation

The safety of Code Enforcement Officers must be the primary concern for each jurisdiction that employs them. In many cases, these Officers are willing to meet the agency's needs by taking on new roles and helping maintain order through the codes. There is a need for a minimum safety standard for Code Enforcement Officers. Below is a list of items we recommend your agency to consider for Code Enforcement Officers.

Minimum Standard

- National Officer Safety Training - CEOSF Code Official Safety Specialist Certification (15 hours)
- Standard Operating Procedures & Policies
- Body Armor (concealed or external)
- Police/Emergency Radio
- OC Spray (Pepper Spray)
- ASP Expandable Baton
- Tactical Flashlight

Highly Recommend

- Electronic Control Device (i.e. Taser)
- Firearm
- Note: These items can be implemented with proper required training and policies.

According to CalRecycle(State Agency), in 2006 AB 1688 amended Penal Code 830.17 to include illegal dumping enforcement officers. Code Enforcement Officers are often tasked with enforcing illegal dumping. Due to the dangers with this, this penal code section was amended to allow those who enforce illegal dumping to have arrest powers and carry a firearm with training. For example, "The City of Los Angeles has a number of Public Works employees serving in this capacity, which minimizes the need to request police assistance when involved with enforcement action." Other states have also sent Code Enforcement Officers to POST training to properly carry defensive tools and firearms.

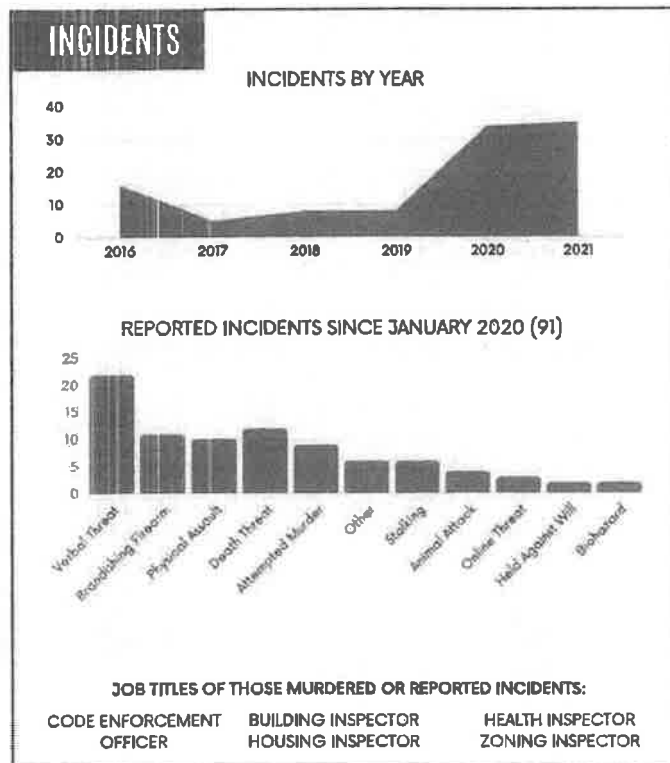
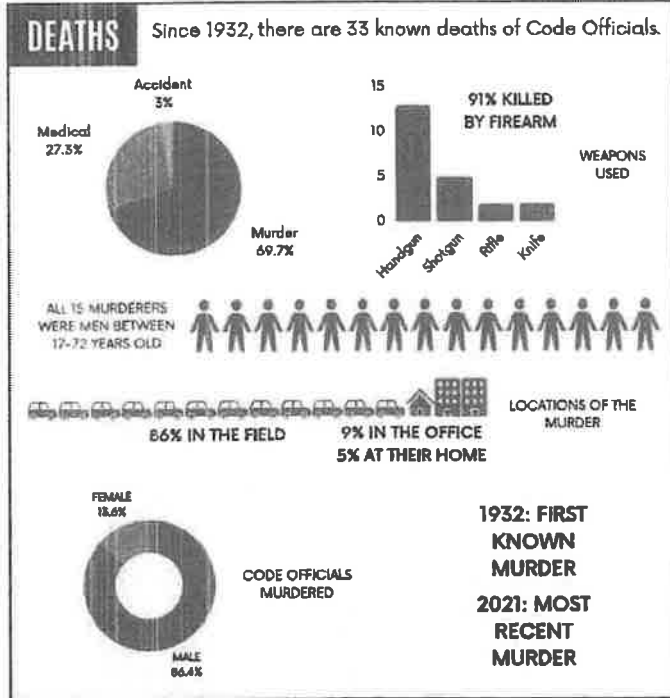
The Code Enforcement Officer Safety website has many resources and information related to statistics, articles, grants, and training. Ultimately it is up to the local jurisdiction and their risk manager to analyze the needs of their employees. Through the information we provide, we hope to help guide decision makers to provide the right resources to their Code Enforcement Officers.

OFFICER SAFETY DATA

CODE ENFORCEMENT OFFICER SAFETY FOUNDATION



WWW.CODEOFFICERSAFETY.ORG



REFERENCES

Code Enforcement Officer Safety Foundation (CEOSF) www.CodeOfficersafety.org/statistics

CACEO Recommendations

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DISCLAIMER

THESE GUIDING PRINCIPLES CONTAIN RECOMMENDATIONS BY THE CALIFORNIA ASSOCIATION OF CODE ENFORCEMENT OFFICERS (CACEO) TO ASSIST JURISDICTIONS IN DEVELOPING STANDARDS AND TRAINING BASED ON THEIR INDIVIDUAL CODE ENFORCEMENT OFFICER SAFETY NEEDS. IT IS INFORMATIONAL AND EDUCATIONAL IN NATURE AND NOT INTENDED TO PROVIDE SPECIFIC RECOMMENDATIONS OR ADVICE CONCERNING ANY SPECIFIC SAFETY ISSUE, NOR IS IT INTENDED TO CONSTITUTE A MINIMUM OR OTHER STANDARD CONCERNING CODE ENFORCEMENT OFFICER SAFETY. NEITHER CACEO, THESE GUIDING PRINCIPLES NOR THE AUTHORS AND CONTRIBUTORS TO THESE GUIDING PRINCIPLES IMPLICITLY OR EXPRESSLY GUARANTEE THE SAFETY OF USERS OF THESE MATERIALS. CACEO URGES INDIVIDUAL JURISDICTIONS TO CAREFULLY EVALUATE THEIR CODE ENFORCEMENT NEEDS AND RISKS, CODE ENFORCEMENT OFFICER DUTIES AND COMMUNITY DYNAMICS WHEN CREATING OR AMENDING THEIR TRAINING PROGRAM. THIS DOCUMENT IS DESIGNED TO BE REVISED BY CACEO AS APPROPRIATE TO FIT THE GROWTH AND DEVELOPMENT OF THE CODE ENFORCEMENT PROFESSION.

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This document is intended to serve as a model guidance document for code enforcement officer safety standards and training programs for compliance with SB 296 effective January 1, 2022. Senate Bill 296 established Penal Code Section 829.7 which reads, in part, “(b) *Each local jurisdiction that employs code enforcement officers shall develop code enforcement officer safety standards appropriate for the code enforcement officers employed in their jurisdiction*”. Policy and procedure development, professional training, protective equipment and assessment of the hazards and risks encountered by code enforcement officers are all necessary elements in the development of appropriate safety standards and mitigation methods. This model guidance document contains recommendations by the California Association of Code Enforcement Officers (CACEO) to assist jurisdictions in developing standards and training based on their individual code enforcement officer safety needs. CACEO urges individual jurisdictions to carefully evaluate their code enforcement needs, code enforcement officer duties and community dynamics when creating or amending their training program. This document is designed to be revised by CACEO as appropriate to fit the growth and development of the code enforcement profession.

1 Officer Safety-General

Ensuring the safety of code enforcement officers and related non-sworn enforcement job classifications must be a top priority for agency management and leadership. Individual code enforcement officers and personnel also have a responsibility to act in a manner that promotes safety while adhering to agency policy and procedure. Not all dangerous situations can be anticipated or avoided which is why maintaining a state of constant awareness and preparedness, no matter what task they are engaged in, is key to increased officer safety. Other necessary elements to increasing officer safety include policy and procedure development, training and safety equipment which all will be discussed in this document.

PC 829.5 “(a) “Code enforcement officer” means any person who is not described in Chapter 4.5 (commencing with Section 830) and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, whose duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints.

(b) “Code enforcement officer” also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).”

Risk assessment, proper training, sound policies and procedures and appropriate safety equipment are the key elements that establish the foundation of an effective officer safety training program. Not only will the preceding elements increase safety and potentially save lives, but they will also have other positive overall benefits. These include, but are not limited to:

- Reduced agency liability
- Reduced lost time due to injury and/or illness
- Increased officer confidence and work performance
- Increased individual and agency effectiveness
- Strengthened public trust

2 Mitigation and Reporting

Identifying the specific hazards and risks faced in the code enforcement profession is required by law and by common sense. California Labor Code (LAB) Section 6400(a) reads, “Every employer shall furnish employment and a place of employment that is safe and healthful for the employees therein.” In addition, LAB Section 6401.7(a)(4) requires employers to implement an “effective injury prevention program” that provides “specific instruction with respect to hazards specific to

each employee's job assignment.” Section 1 of SB296, which established CA Penal Code Section 829.7 reads, *“The Legislature finds and declares that code enforcement officers are disproportionately at risk for threat, assault, injury, and even homicide due to the nature of their obligations.”* The combination of the California Labor Code, SB296 and Cal/OSHA requirements to provide an illness and injury prevention program for employees resolves any doubt of the requirement and need for safety assessments specifically for code enforcement personnel. This essential task can be accomplished in several ways such as hiring a professional risk assessment firm, using in-house risk assessment resources or by simply having discussions with your code enforcement staff. Your field officers and office personnel are your best resource to identify the risks and hazards that they face.

Assessment is a multi-phase process involving identification, mitigation and reporting. Identification and reporting speak for themselves. Mitigation is a combination of policy, procedure, training, equipment and evaluation. A comprehensive officer safety assessment should contain, but not be limited to, the following elements:

- Identification of potential risks (will vary by jurisdiction)
- Prioritization of risks
- Task risk assessment
- Specific mitigation steps
- Evaluation of risk management/assessment process

2.1 Environmental Risks

CEOs work in many different environments each with varying types and levels of risks. No single environment is exactly the same as the other which is why it is essential to consider the physical environment and the various types of risks each of those environments poses to the CEO.

2.1.1 Geographical

Rural

- Terrain/topography
- Atmospheric conditions
- Wildlife/plant life encounters
- Extended response times
- Resource ability and availability limitations
 - Communications equipment limitations
 - Vehicle and vehicle access limitations
- Illegal drug activity (sales/manufacturing/cultivation)
- Sovereign Citizens
- Other considerations based on individual jurisdictional needs assessment

Suburban

- Terrain/topography/Atmospheric conditions
- Wildlife/plant life encounters
- Illegal drug activity (sales/manufacturing/cultivation)
- Human trafficking
- Resource ability and availability limitations

2.1.1 (continued)

- Communications equipment limitations
- Vehicle and vehicle access limitations
- Extended response times
- Sovereign citizens
- Other considerations based on individual jurisdictional needs assessment

Urban/Inner city

- Gangs
- Illegal drug activity (sales/manufacturing/cultivation)
- Human trafficking
- Domestic and wild animal encounters
- Sovereign citizens
- Resource ability and availability limitations
 - Communications equipment limitations
 - Vehicle and vehicle access limitations
- Other considerations based on individual jurisdictional needs assessment

2.1.2 Location Specific

- Construction sites
 - Slips/trips/falls
 - Punctures/scrapes/cuts/electrocution
 - Falling objects
 - Ladders/Lifts other industrial equipment considerations
 - Confined spaces
 - Caustic chemical exposure
 - Physical attack
 - Other considerations based on individual jurisdictional needs assessment
- Vacant/dangerous buildings
 - Slips/trips/falls
 - Physical attack
 - Vagrants and Unsheltered Individuals
 - Animals
 - Drug labs/paraphernalia
 - Structural failure
 - Caustic chemical exposure
 - Lead
 - Asbestos
 - Mold
 - Other considerations based on individual jurisdictional needs assessment
- Residential properties
 - Slips/trips/falls
 - Physical attack
 - Animals

2.1.2 (continued)

- Lead
- Asbestos
- Mold
- Communicable diseases
- Other considerations based on individual jurisdictional needs assessment
- Commercial properties
 - Slips/trips/falls
 - Physical attack
 - Animals
 - Lead
 - Asbestos
 - Mold
 - Caustic chemical exposure
 - Communicable diseases
 - Other considerations based on individual jurisdictional needs assessment
- Parks/Open space
 - Slips/trips/falls
 - Physical attack
 - Animals
 - Plant life
 - Unsheltered individuals
 - Communicable disease
- Streets/roads/highways
 - Slips/trips/falls
 - Physical attack
 - Flying debris
 - Falling debris
 - Traffic collisions

2.2 Human Specific

- Physical attack
- Weapons
- Communicable disease
- Law enforcement deterrence methods a.k.a. booby traps

3.0 Policy and Procedure

Officer safety policies and procedures must provide clear and concise direction to increase officer safety and ensure compliance. Complicated or unclear guidance is a significant safety risk factor that can lead to personnel acting outside of their training. Doing so can lead to illness, injury or even death. Lack of or poorly written safety policy and procedure can also lead to increased agency liability, erode personnel morale and erode public trust in the agency. CACEO recommends the following, but not limited to, elements be included in officer safety training policies and procedures:

- Self-defense/defensive tactics training and options
- Training/certification requirements
- Authorized protective and safety equipment
- Reporting officer involved incidents
- Policy and procedure evaluation
- Hiring of qualified personnel
- Agency best practices evaluation
- Other individual jurisdictional considerations based on individual needs assessment

3.1 Self-defense

CACEO STRONGLY RECOMMENDS THAT CODE ENFORCEMENT OFFICERS TAKE ALL REASONABLE STEPS TO AVOID SITUATIONS WHERE SELF-DEFENSE MAY BE NECESSARY. WHEN AVOIDANCE IS NOT POSSIBLE, CACEO STRONGLY RECOMMENDS THE USE OF DE-ESCALATION OPTIONS, IF REASONABLE, BEFORE RESORTING TO SELF-DEFENSIVE TACTICS.

3.1.1 General-state law

California Penal Code Section 693.1 authorizes a person to use “*resistance sufficient to prevent an offense against his person, or his family, or some member thereof.*” The code section does not stipulate any exclusion of persons acting in an official capacity, such as a code enforcement officer. Therefore, in theory, the code section allows a CEO to defend themselves against a physical attack. However, in addition to state law, CEOs must also consider their jurisdiction’s self-defense/defensive tactics policy. As mentioned previously, agency policy **should not** preclude or prevent a CEO from using defensive tactics if/when they are faced with an unavoidable and credible threat to their health and safety.

3.1.2 General-agency policy

CEOs work in environments and investigate situations where self-defense may become necessary. Recognizing that interactions with the public are highly fluid and that avoidance is not always possible, agencies must provide proper guidance on reporting all self-defense situations. CEOs have an individual responsibility to know and act within their agency’s policy **AND** take all reasonable steps to avoid situations where self-defense may become necessary.

For these reasons, it is critical for all agencies that employ code enforcement officers to have a self-defense/defensive tactics policy. A clearly written and inclusive policy will increase officer safety and help shield the agency from increased liability. CACEO’s self-defense/defensive tactics training and equipment recommendations for self-defense purposes will be discussed later in this document.

3.1.3 Policy elements

CACEO recommends the following, but not limited to, code enforcement officer self-defense policy elements. CACEO also recommends that each jurisdiction carefully evaluate their community’s dynamics and duties of their CEOs to determine other elements to add to their self-defense policy:

- Authorized self-defense/defensive tactics options and recommended alternative options such as situational awareness, de-escalation techniques and tactical communication
- Training requirements
 - Approved courses
 - Frequency of training
 - Training evaluation
 - Other considerations based on individual jurisdictional needs assessment
- On-scene procedures
 - Medical care for involved persons
 - Law enforcement support/involvement
- Post incident procedures
 - Reporting
 - Documentation
 - Debriefing
 - Employee Assistance Program (EAP)

4 Training

Training is possibly the **most** important element in building or improving any officer safety program. Initial and continuing professional training is a must to ensure officers learn the most updated and industry-approved/accepted methods as well as to refresh or hone previously learned officer safety skills. Many of these skills are perishable and not only require regular follow-up training, but they also require regular practice. This is especially true for code enforcement officers since many CEOs, typically, are not involved in situations where all their officer safety skills and training (such as self-defense techniques) are used on a regular basis. These elements will increase officer safety and increase a CEO's chances of surviving a critical incident.

Training needs and methods will differ from agency to agency. Regardless of those differences, a comprehensive training program is a necessity for each agency to make a complete and effective officer safety training program that complies with SB 296. CACEO recommends the following, but not limited to, training topics or elements:

- CACEO Certified Code Enforcement Officer Certification
- CACEO Continuing Education courses
- Cal/OSHA safety training
- Situational Awareness
- Self-Defensive and De-escalation techniques
- Tactical communication
- Report writing and documentation
- Vehicle operations/Defensive driving
- PC 832 certification
- Field training program
- Ethical and lawful conduct
- Fourth Amendment search and seizure

4.0 (continued)

- Emotional wellness
- Reality based/scenario training
- Blood borne/Airborne pathogens
- First Aid and CPR
- Communication equipment training
- Animal encounters
- Working with impaired individuals
 - Severe anxiety
 - Mental illness
 - Substance/chemical dependency
- Identifying human trafficking indications
- Threat assessment
 - Terrorist attacks
 - Active shooter
- Mandated reporting requirements
- Outside provider academic education
- Cultural awareness (Racial and Identity Profiling)
 - Race relations
 - Customs
 - Profiling
- Other training areas/topics based on individual jurisdictional needs assessment

5 Critical Incident Procedures

We discussed California Penal Code Section 693 regarding self-defense, CACEO's recommendations regarding CEO self-defense and jurisdictional policy and procedure considerations in Section 3. CACEO strongly recommends that each jurisdiction also outline their policy and procedure for CEOs who may become involved in situations where self-defense is their only option. Keeping in mind that there may not always be obvious "red-flag" indicators, CACEO recommends that CEOs take all reasonable measures to avoid these situations. CACEO recommends the following, but not limited to, basic preventative measures in addition to regular training to reduce the likelihood of self-defense situations:

5.1 Pre-incident Avoidance

5.1.1 Interactions with the public in the office

- When possible, find out who you are about to meet, where (private meeting room, front counter etc.) you are meeting them and what property address/case/subject they wish to discuss.
- When possible, let a fellow CEO, Building Inspector or other coworker know you are going to meet with a resident and where in the building you will be:

5.1.1 (continued)

- Make sure to tell that coworker the name of the individual you are meeting and the address (if available) you will be discussing
- Make sure you have a cell phone or PD radio if there is not another phone close by to where you are meeting the resident
- Try to meet in open, highly visible areas (i.e. a conference room with windows)

5.1.2 Field encounters

- Completing proper case/property research prior to beginning field duties/inspections
- Ensuring you have all authorized personal protection equipment (PPE) and personal safety equipment (PSE) and that all safety equipment is properly maintained and in proper working order
- Maintaining the appropriate level of situational awareness
- Surveying and assessing the scene upon arrival

5.2 Unavoidable Self-defense situations

When indications of impending violence are present and recognized, whether in the office or in the field, CACEO recommends CEOs make every reasonable attempt to leave the scene as quickly and safely as possible. If a CEO is unable to retreat and self-defense becomes their only option, CACEO recommends the following, but not limited to, actions be taken by the CEO:

- If possible, call for law enforcement assistance (Radio, cell phone, scream, yell etc.)
- Use only the necessary level of force, including the use of any agency approved defensive tactics and safety equipment, to provide a means of escape
- Leave the area/scene as quickly and safely as possible once the threat has been overcome
- Call for emergency assistance (law enforcement) if unable to prior to attack
- If injured during the incident, call for EMS assistance
- Notify your direct or next-in-line supervisor of the incident as soon as possible

5.3 Post-Incident

- See Section 3.1.3 for recommended post-incident procedures
- Complete all post-incident jurisdictional requirements
- Report incident to CACEO for historical data and to assist in improving officer safety training and legislation

6 Protective Equipment

CACEO recognizes that community dynamics and code enforcement officer's duties vary greatly between jurisdictions. CACEO also recognizes that safety/protective equipment needs will also vary based on those same two factors. Therefore, CACEO recommends that jurisdictions carefully review and evaluate what type(s) of safety/protective equipment is appropriate for their CEOs to have based on those two factors as well as local and state law limitations.

6.1 Personal Protective Equipment (PPE)

CEOs face a variety of communicable diseases from humans and animals (zoonotic diseases). They also face serious, in some cases life threatening, health risks in the environments where they work which may not be directly transmitted/caused by a human or animal. Common examples of these risks include exposure to lead, mold, asbestos and caustic chemicals. As a result, they must be trained and equipped to protect themselves as best as reasonably possible.

It is important for CEOs to recognize and understand that there is no piece of protective equipment that will keep them protected from all risks or threats all of the time.

In addition to the training recommendations in Section 4, two important and effective methods of protection from contracting diseases, illnesses and other injuries are the issuance of Personal Protective Equipment (PPE) and access to vaccinations (i.e., Hepatitis and Tuberculosis), designed to protect against airborne and bloodborne illnesses. CEOs must also be trained in the proper use of issued PPE including protocols for disposal and decontamination. CACEO recommends the following, but not limited to, PPE for code enforcement officers:

- Respiratory protective gear i.e., American National Standards Institute (ANSI)/National Institute for Occupational Safety and Health (NIOSH) approved N95 mask/respirator etc.
- Bloodborne pathogen kit- including disposable nitrile/latex gloves and hand sanitizer
- Basic first aid kit/triage
- Tourniquet
- ANSI/NIOSH approved eye protection
- ANSI/NIOSH approved hearing protection
- ANSI/NIOSH approved head protection
- Tyvek suit or coveralls
- Proper safety footwear
- Proper safety gloves (leather etc.)
- Proper reflective clothing

6.2 Personal Safety Equipment (PSE)

Municipal leaders have the difficult task of determining what safety equipment is appropriate for CEOs in their individual communities. CACEO recommends that municipal leaders closely evaluate and consider all reasonable safety equipment options available to CEOs and choose what is best for their individual communities and the duties of their CEOs. CACEO also encourages municipal leaders to ensure, as best as possible, that their decision does not compromise code enforcement officer safety.

It is worth noting that Personal Safety Equipment (PSE) differs from Personal Protective Equipment (PPE). Issuance and use of certain types of PSE will be determined through a combination local and state law and jurisdiction policy. Conversely, issuance and use of PPE is governed mostly by jurisdictional policy.

It is important for CEOs to recognize and understand that PPE and PSE are tools that help increase safety and that there is no piece of safety/protective equipment that will keep them protected from all risks or threats all of the time.

Just as with PPE, code enforcement officers must be trained in the proper use and maintenance of their PSE. It is worth restating that CACEO recommends all jurisdictions carefully evaluate their code enforcement officer's personal safety equipment and training needs. CACEO recommends the following, but not limited to, basic personal protective/self-defense equipment for code enforcement officers:

- Ballistic vest- replacement every 5 years to maintain their ballistic capabilities
 - Firearm and edged weapon rated
- Body-worn camera
- Two-way radio
- Cellular phone
- Chemical self-defense agents
- Tourniquet
- Flashlight
- Emergency whistle or other audible self-location device
- Electronic Control Device (EDC) or Taser
- Non-Lethal CO2 launcher (Byrna)
- Other equipment based on individual jurisdictional needs assessment

7 Confidential Information Protection

Protection of a code enforcement officer's confidential information, such as their private residence address, kept by the California Department of Motor Vehicles (DMV) is an important officer safety aspect that is not available to all CEOs. Code enforcement officers have been confronted by irate individuals while off-duty at their private homes as a result of their official investigations. These encounters have led to assault, battery and even murder of code enforcement officers and/or their family members. This type of encounter is a real and credible threat to the safety of CEOs, no matter what jurisdiction they work and/or live in. Therefore, it is imperative that each jurisdiction research and implement options available to them under state law to grant this added protection to their code enforcement officers and code enforcement personnel.

California Vehicle Code (CVC) Sections 1808.2-1808.4 list job classifications that are eligible to have their confidential information protected from release to the public by the DMV. The specific position of code enforcement officer is NOT listed in either code section. However, CEOs assigned to duties such as vehicle abatement or parking control may qualify for DMV confidentiality under CVC 1808.4(a)(19). CACEO **STRONGLY** recommends that jurisdictions research all available options to provide their CEOs with DMV confidentiality.

CACEO also recommends that code enforcement officers and personnel have access to a secured parking area for their personal vehicles. This adds a level of protection from vehicle vandalism by an aggrieved resident and reduces the chances of code enforcement officers from being confronted in office parking lots at the end of their shift which could lead to a critical incident. Lastly, CACEO does not recommend the use of personally owned vehicles for official duties. If this is unavoidable, the CEO should apply for DMV confidentiality under CVC 1808.4(a)(19).

Penal Code 829.5

(a) “Code enforcement officer” means any person who is not described in Chapter 4.5 (commencing with Section 830) and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, whose duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints.

(b) “Code enforcement officer” also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

CACEO remarks:

On October 7, 2021, California’s Governor signed into law Senate Bill 296 requiring each local jurisdiction that employs code enforcement officers to develop safety standards appropriate for the code enforcement officers employed in their jurisdiction. Since then, many local jurisdictions in the State have been developing, augmenting, and/or refining their code enforcement officer safety standards in anticipation of the January 1, 2022 effective date. This legislation is groundbreaking in the State and a model for other jurisdictions across the nation looking to adopt legislation expressly protecting local code enforcement teams

(or a model for individuals or code enforcement interest groups in other jurisdictions to push for such legislation).

The text of the new law is key—short, simple, and offering local jurisdictions the discretion needed to create safety standards that meet their specific needs and abilities. Adding a new section to California’s Penal Code—Section 829.7—the new law reads: ***Each local jurisdiction that employs code enforcement officers shall develop code enforcement officer safety standards appropriate for the code enforcement officers employed in their jurisdiction.*** This newly added section falls within Chapter 4.2, Title 3, Part 2 of the California Penal Code covering additional provisions regarding criminal procedure related to code enforcement officers.

Its neighboring section in Chapter 4.2, Section 829.5, defines a “code enforcement officer.” This definition section, which was adopted years ago, offers a clear and broad definition of who is considered a code enforcement

officer in the State: “any person who is not described in Chapter 4.5 [relating to Peace Officers in the State] ... and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, whose duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints” and “any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to” various provisions under the California Health and Safety Code.

Senate Bill No. 296

CHAPTER 637

An act to add Section 829.7 to the Penal Code, relating to code enforcement officers.

[Approved by Governor October 7, 2021. Filed with Secretary of State October 7, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 296, Limón. Code enforcement officers: safety standards.

Existing law defines the term "code enforcement officer" as a person who is not a peace officer, who has enforcement authority for health, safety, and welfare requirements, and who is authorized to issue citations or file formal complaints, as specified.

This bill would require each local jurisdiction that employs code enforcement officers to develop safety standards appropriate for the code enforcement officers employed in their jurisdiction. By imposing new duties on local jurisdictions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that code enforcement officers are disproportionately at risk for threat, assault, injury, and even homicide due to the nature of their obligations.

SEC. 2. Section 829.7 is added to the Penal Code, immediately following Section 829.5, to read:

829.7. Each local jurisdiction that employs code enforcement officers shall develop code enforcement officer safety standards appropriate for the code enforcement officers employed in their jurisdiction.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O



Amador County Code Enforcement Officer Safety
Standards
(SB 296)

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Introductory note:

Senate Bill ("SB") 296 established Penal Code Section 829.7, which requires each local jurisdiction that employs a Code Enforcement Officer to evaluate the risks, threats and hazards applicable to their Code Enforcement Officer(s) and develop appropriate safety standards. The following serves as the County wide policy and procedure addressing these minimum safety standards to comply with SB 296, which went into effect January 1, 2022. As the risks, threats and hazards to Code Enforcement Officers evolve, it may be necessary for the County to amend these adopted safety standards to remain in compliance with SB 296.

PC 829.5 *“(a) “Code enforcement officer” means any person who is not described in Chapter 4.5 (commencing with Section 830) and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, whose duties include enforcement of any statute, rule, regulation, or standard, and who is authorized to issue citations, or file formal complaints.*

(b) “Code enforcement officer” also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).”

1. Officer Safety

The safety and welfare of our personnel is extremely important and a high priority for management and supervision. Code Enforcement Officers are expected to act in a professional manner when dealing with the public; however, if they are dealing with hostile individuals, officers are expected to avoid confrontation and remove themselves from the situation as quickly and safely as possible.

Many potential officer safety issues can be avoided by following proper investigative techniques:

- Reviewing prior cases to determine any potential safety hazards or potential hostile individuals.
- Becoming familiar with the geographical area of the complaint, prior to initial contact.
- Speaking with officers who investigated previous complaints.
- Having additional resources available, such as a second Code Enforcement Officer, a supervisor, law enforcement or animal control when warranted.

Supervisors will be made aware of all potentially harmful situations, prior to any initial contact, in order to develop strategies to best address those hazards.

2. Threats, Assaults and Batteries

All threats, assaults and batteries directed at Code Enforcement Officers, shall be reported to supervision, management, and law enforcement immediately. Officers should obtain information as safely as possible about the subject making the threat, assault, or battery, including their intent, ability, and desire to carry out their actions. This information will be vital for law enforcement and Code Enforcement Supervisors.

Code Enforcement and Sheriff's Department are expected to share information regarding known and potential dangerous occupant(s) of properties under investigation by code enforcement, and take necessary steps to mitigate the risk of harm to the inspectors. These steps include, but are not limited to, obtaining assistance from law enforcement in making any and all contacts with such individual(s), officers reporting their location to dispatch prior to making contact and after completing the inspection or other contact, and adhering to safety standards, training, and protocols.

3. Use of Force

Code Enforcement Officers will exercise good judgment at all times if force is necessary. The ability to leave the location prior to any confrontation taking place is the best course of action. Code Enforcement Officers shall utilize the least amount of force necessary to mitigate the threat and safely leave the area.

Mere verbal threats of violence, verbal abuse, or hesitancy in following commands does not necessarily justify the use of physical force without additional facts or circumstances substantiating an imminent potential for physical harm. However, if a Code Enforcement Officer is receiving threats, particularly threats of violence even without additional manifestations of intent to carry it out, the Code Enforcement Officer should immediately retreat to a safe location and notify the law enforcement and a Code Enforcement Supervisor.

4. General Safety

Pre-incident avoidance

Interactions with the Public in the Office

- All counter interactions will be done on a case by case basis at the discretion of the Code Enforcement Officer. If someone from the public wishes to speak with the Code Enforcement Officer, it shall be by appointment only.
- When possible, let a fellow CEO, Building Inspector or other coworker know you are going to meet with a resident and where in the building you will be:
 - Make sure to tell that coworker the name of the individual you are meeting and the address (if available) you will be discussing
 - Make sure you have a cell phone or PD radio if there is not another phone close by to where you are meeting the resident
 - Try to meet in open, highly visible areas (i.e. a conference room with windows)

Field Encounters

- Completing proper case/property research prior to beginning field duties/inspections
- Ensuring you have all authorized personal protection equipment (PPE) and personal safety equipment (PSE) and that all safety equipment is properly maintained and in proper working order
- Maintaining the appropriate level of situational awareness
- Surveying and assessing the scene upon arrival

Self-Defense

Code Enforcement Officers have two defense options:

1. Leave the scene (walk, run, crawl, drive, etc.) and call for help.
2. If a Code Enforcement Officer cannot leave the scene, such as being cornered or held, they may defend themselves until they are able to leave the scene or assistance arrives. Code Enforcement Officers may use defensive tactics skills, as well as issued equipment as reasonable and not excessive to defend against an attack. (See Bryna and Chemical Agent Use Policy)

Unreasonable application of physical force on a person is a violation of law, which may result in criminal prosecution of the Code Enforcement Officer and potential civil liability to the Code Enforcement Officer and their agency.

Priorities

1. A Code Enforcement Officer's safety is first priority. An officer cannot help others if hurt or incapacitated, and if the officer is injured, this compounds the original problem.
2. The safety of others is the next priority. Assistance should come from other department employees, or emergency service agencies, including the Sheriff's Department.

Alertness

A crucial part of officer safety is staying alert and anticipating potential risks. This requires the use of all senses to observe the surroundings, hear a threat, speak persuasively, or feel that an attack is imminent. Being alert applies not only in the field, but also at the office.

- Pay attention to individuals who come to the office. Making eye contact and greeting them tells them that they have been noticed and acknowledged.
- Watch for unusual circumstances and check in with them. If you find someone in a restricted area, inform them that the area is not open to the public, guide them to a public area of the building, and offer assistance. If you find a strange package in an unusual place notify a supervisor and do not touch it until it can be confirmed to be harmless.
- Plan an escape route. This includes emergency escape routes as outlined in your agency's emergency action plan, and potential escape routes when in the field. Every time contact is made, consider what options are available if something goes wrong. This is extremely important when dealing with hostile people.
- Know the location of visits and inspections. If immediate help is necessary, it may not be possible to review a map for directions.
- When talking to individuals, try to maintain at least an arm's-length of distance and a bladed, balanced stance on firm ground to be able to dodge a sudden lunge, punch,

or kick. A bladed stance is when one foot is in front of the other and the body is at an angle to the individual in front of the officer.

- Avoid standing downhill, facing the sun, or at the edge of something that could lead to a trip and fall.
- Be aware of nearby objects that could be used as weapons by a hostile individual, such as garden tools, screwdrivers, knives, 2x4s, pipes, etc. Guide the individual towards a more neutral area. If it is not possible to move to another area of the property, move objects out of reach.

The decision to use physical force places a tremendous responsibility on Code Enforcement Officers. Code Enforcement Officers should clearly understand that the standard for determining whether the force applied is that conduct which a reasonable Code Enforcement Officer would exercise based upon the information the officer had when the conduct occurred.

5. Reporting

Code Enforcement Officers are required to immediately report all officer safety issues to a supervisor. This includes any force used in self-defense, verbal altercations, medical attention was given, or incidents where a Sheriff's officer had to arrest a party. After notification, the Code Enforcement Officer will also submit a written report of the incident to a supervisor. In addition, reporting officer involved incidents will be reported to Code Enforcement Officer Safety Foundation (CEOSF) @ www.CodeOfficerSafety.org for tracking purposes for historical data and to assist in improving officer safety training and legislation.

6. Use of Radio/Cell Phone Communications

Code Enforcement Officers are required to advise dispatch of their location upon arrival of the inspection by using 10-6 (address location). During the inspection, Dispatch will contact Code officer within 10 minutes to check on status. If the Code Officer is in danger: Code 3 will be used. If the Code Officer is not in danger: Code 4 will be used. Once the inspection is over and the Code Officer is clear of the property, contact dispatch and used the 10-8 code to clear Code Officer from the scene. Officers shall keep their electronic calendar up to date.

All Code Enforcement Officers will be assigned a radio and call sign. The number will coincide with the Code Enforcement Officer's badge number.

The Dispatch call sign is "Seven Adam One." [7A1]

Code Enforcement Officer will limit their use of the radio to only essential information to ensure the channel remains open for priority traffic. Basic codes are:

TEN CODES

1	RADIO RECEPTION POOR	32	SWITCH TO L TAC
2	RADIO RECEPTION GOOD	34C	CITIZEN ASSIST
3	ANY MSGS?	35	C3 BACK UP***
4	MSG RECEIVED	35R	C2 BACK UP***
5	RELAY MSG	36	SCRAMBLE
6	BUSY	37	CORRECT TIME
6C	SERVING CIVIL PAPERS	39	MSG RELAYED
6F	FOLLOW UP	40	DSP IN DISTRESS
T6W	SERVING MISD WARRANT	42	SUSPICIOUS CIRC
T6WF	SERVING FELONY WARRANT	43	CIVIL STANDBY
8	ON DUTY OR AVAIL	46	INDISCRIM SHOOTING
9	REPEAT TRANSMISSION	47	BAR CHECK
10	OFF DUTY	48D	BARKING DOG
11	STATUS CHECK***	50	ILLEGAL PARKED CAR
12	SUSPECT IN HEARING DISTANCE?***	51	MDT SIGNAL?
13	ROAD CONDITIONS	52	I HAVE AN MDT SIGNAL
14	ESCORT	53	NEG MDT SIGNAL
15	SUSPECT IN CUSTODY	54	GET MY LAST MSG?
16	BARRICADED SUBJECT	55	WELFARE CHECK
17	BOMB THREAT	56	SUICIDE
18	HOSTAGE SITUATION	56A	SUICIDE ATTEMPT
19	ENRT TO THE OFFICE	61	CALL PENDING
20	LOCATION?	62	IN THE AREA
21	PHONE MSG	63	BUSINESS CHECK
22	CANCEL	97	ON SCENE
23	STAND BY	98	FINISHED LAST
24	VALID/CLEAR		ASSIGNMENT
25	ALARM		
26V	SUSPICIOUS VEH		
26P	SUSPICIOUS PERSON		
27	DRIVERS LICENSE CHECK		
28	VEHICLE REGISTRATION		
29	WANTED CHECK		

ELEVEN CODES

10	REPORT
24	ABANDONED VEH
25	VEH TRAFFIC HAZARD
26	OCCUPIED STALL
41	AMBULANCE NEEDED
44	CORONERS CASE
48	FURNISH TRANSPORTATION
79	VEH ACCIDENT AMB SENT
80	VEH ACCIDENT MAJOR INJURY
81	VEH ACCIDENT MINOR INJURY
82	VEH ACCIDENT PROPERTY DAMAGE ONLY
83	VEH ACCIDENT NO DETAILS
84	DIRECT TRAFFIC
85	SEND TOW TRUCK
95	CARSTOP
96	OUT ON PARKED VEH
96P	OUT ON PEDESTRIAN
98	MEET W/ THE OFFICER
99****	OFFICER NEEDS HELP*****

7. Missing Officer

If Code Enforcement Officer fails to respond to Sheriff Dispatch after several attempts to reach officer via radio, the dispatcher will contact the officer via cell phone. If no contact is made after several attempts, a Sheriff Officer will be dispatch to the last known location of the Code Enforcement Officer

8. Service of Inspection and/or Abatement Warrants

Code Enforcement Officers may need to obtain inspection and/or abatement warrants from time to time. Prior to serving or executing such warrant(s), the Code Enforcement Officer shall notify their supervisor and coordinate with the Sheriff's Department to ensure a Sheriff's officer is present at the service or execution of the warrant(s). The officer shall coordinate with law enforcement present on how to make contact with the occupant(s) and the best method for entry. Forcible entry shall not be used unless a judge has authorized it in the warrant(s). Code Enforcement Officers shall not serve or execute an inspection warrant without the presence of law enforcement and the Code Enforcement Officer shall report their position to dispatch when arriving and leaving the location subject to the warrant(s).

9. Personal Protective Equipment (PPE)

Code Enforcement Officers may encounter environmental conditions which may be hazardous, such as mold, asbestos, insect infestation, feces, and airborne contaminants. As such, each Code Enforcement Officer will be provided with an emergency medical kit and personal protective equipment. Based on the known or reasonably anticipated situation, each officer is required to wear or utilize the most appropriate equipment when entering hazardous areas. The protective equipment should be worn at all times until the Code Enforcement Officer believes hazardous conditions have been abated or when the officer has left the hazardous area or property. Below is a list of essential equipment that shall be provided to each officer. Each officer is responsible for periodic inspection and inventory of stated equipment. If an officer finds equipment to be defective or requires replacement, please notify supervisor immediately. Listed below is Agency-provided personal protective equipment:

1. Respiratory protective gear-particulate mask, respirator etc.
2. Blood-borne pathogen kit- including disposable gloves and hand sanitizer
3. Potable water
4. Basic first aid kit/triage
5. Tourniquet
6. ANSI approved eye protection
7. ANSI approved head protection
8. Tyvek suit or other overalls
9. Leather or work gloves
10. CPR shield or mask
11. Insect repellent
12. Sunblock (if exposure exists)
13. Tick Removal tool

10. Personal Safety Equipment (PSE)

Code Enforcement Officers work in many different environments each with varying types and levels of risks and not all dangerous situations can be anticipated or avoided. When indications of impending violence are present and recognized, whether in the office or in the field, the Code Enforcement Officer will make every reasonable attempt to leave the scene as quickly and safely as possible. If a Code Enforcement Officer is unable to retreat and self-defense becomes their only option, the following Agency-approved Personal Safety Equipment is provided. Based on the known or reasonably anticipated situation, each officer is required to wear or utilize the most appropriate equipment when out in the field. The safety equipment should be worn at all times until the Code Enforcement Officer returns to the office. Below is a list of essential equipment that shall be provided to each officer. Each officer is responsible for periodic inspection and inventory of stated equipment. If an officer finds equipment to be defective or requires replacement, please notify supervisor immediately.

1. Ballistic vest- replacement every 5 years to maintain their ballistic capabilities
 - i. Firearm and edged weapon rated
2. Two-way radio
3. Cellular phone
4. Chemical self-defense agents
5. Tourniquet
6. Flashlight
7. Emergency whistle or other audible self-location device
8. less-Lethal CO2 launcher (Byrna)
9. Duty belt and vest for PSE gear
10. Reflective Vest
11. Other equipment approved by supervisor

11. License Plate Confidentiality

A Code Enforcement Officer shall not utilize their personal vehicle in the performance of job duties if an agency-provided vehicle is available for the Code Enforcement Officer's use. If a Code Enforcement Officer must use a personal vehicle, the Code Enforcement Officer is encouraged to apply for license plate confidentiality under Vehicle Code section 1808.4(a)(19) or other applicable law. If a Code Enforcement Officer's personal vehicle is not parked in a location secured against public access, and in other situations deemed necessary, the Code Enforcement Officer is encouraged to apply for license plate confidentiality. If the Code Enforcement Officer is engaged in enforcing the Vehicle Code or municipal ordinances related to parking, the Code Enforcement Officer is encouraged to apply for license plate confidentiality under Vehicle Code Section 1808.4(a) (19) or other applicable law. The agency shall assist the Code Enforcement Officer in completing and obtaining approval of such application as is necessary and appropriate.

12. Training

Continual training is essential for Code Enforcement staff to maintain the skills required for their individual positions. All Code Enforcement staff will receive initial training essential to perform their duties. This will be on-the-job training provided by supervisors and experienced Code Enforcement Officers.

All Code Enforcement Officers are required to successfully complete the 832 PC course as prescribed by the Commission on Peace Officer Standards and Training (POST) prior to exercising the powers of a peace officer. The initial 40-hour course shall be completed within one year of their date of hire as a code enforcement officer.

The department will require Code Enforcement Officers to attend training opportunities provided by the California Association of Code Enforcement Officers (CACEO) and become Certified Code Enforcement Officers. Once certified, officers must attend continuing education courses to maintain their certification.

In addition to CACEO training, Code Enforcement Departments will provide Code Enforcement Officers with Cal/OSHA required and best risk management practices training, applicable to agency's exposures. Training may include, but not limited to: Hazard communication, blood borne pathogens, hearing conservation, heat stress, respiratory protection, fire extinguisher safety, CPR/AED/First Aid Safety, tactical communication, traffic control/flagging, pepper spray defense, self-defense, driver safety, constitutional rights and requirements, etc.

Code Enforcement Officers certified in using the Byrna and chemical agents will be required to be certified once a year through approved certification programs or with Sheriff's Department.

13. Record Keeping

It is essential that the agency document and maintain Code Enforcement staff training records, including copies of all outside training and certifications the officer receives in their personnel file.



AMADOR COUNTY CODE ENFORCEMENT DEPARTMENT **CONTROL DEVICE USE POLICY**

I. PURPOSE

The purpose of this policy is to provide Code Enforcement Officers of this agency with guidelines for the use of less lethal force and authorizes the use of selected control devices. Certain control devices are provided in order to prevent violent or potentially life threatening occurrences. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers, animals, and suspects. The use of force must be objectively reasonable. The officer must use only the force that a reasonably prudent officer would use under the same or similar circumstances. The below procedures are for the use and maintenance of control devices. Nothing in this policy is intended to create any benefit for third parties, nor does this policy set forth a higher standard of care with respect to third party claims.

II. DEFINITIONS

- A. "Objectively reasonable" means officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to themselves and the community when determining the necessity for force and the appropriate level of force.
- B. The Byrna LE launcher is a less lethal system that delivers kinetic energy by CO2 and is designed for the purpose of subduing persons without causing serious injury or death.
- C. The 68mm kinetic round is a hard, solid plastic projectile, which is propelled and is designed to cause pain to the subject upon impact.
- D. Other option on less lethal use is 68mm encapsulated chemical irritate round, when on impact releases irritant and produces a 5ft perimeter cloud to stop subject from advancing and allow the officer to escape.
- E. Each Byrna LE is equipped with two magazines. Byrna LE, kinetic and chemical rounds are issued to each officer upon completion of the Byrna training.
- F. Chemical irritants are materials that cause reversible inflammation or irritation to a body surface, including eyes, respiratory tract, skin or mucous membranes, upon contact which can be projected on subject via encapsulated round or by spray.

III. POLICY & PROCEDURES

- a) At times, Officers are confronted with situations where resistance or threat of life is encountered and advice, warnings, or persuasion are or would be ineffective, force may have to be used.
- b) Force is described as the exertion of power by any means, including physical or mechanical devices to overcome or restrain an individual or animal where such force causes persons to act, move, or comply against his/her resistance.
- c) The officer's actions will be reviewed based upon the information known to the officer at the time the force was used. Information discovered after the fact will not be considered when assessing the reasonableness of the use of force.
- d) Only Officers currently certified with the Byrna launcher and/ or chemical irritant spray are authorized to use or carry it.
- e) The Byrna launcher and/or irritant spray shall not be deployed unless the officer feels their life or another life is in danger.
- f) The Byrna launcher and/or irritant spray should not be used on obviously pregnant females, young children, or elderly persons.
- g) The Byrna launcher and/or irritant spray shall not be used if the subject could fall from a significant height or into a pool, river or other body of water.

IV. TRAINING AND CERTIFICATION

- a) The Code Enforcement Officer or Sheriff Department is responsible for training and recertification of members in the proper use and deployment of the Byrna launcher and irritant spray. To obtain certification, members must complete the Byrna Basic Operator's Course. To maintain certification, members must attend periodic refresher training.
- b) Officers must requalify every year to maintain certification.

V. USE OF BYRNA LAUNCHER

- a) Only officers currently certified in its use will deploy the Byrna Launcher. The Byrna Launcher may be used under one or more of the following circumstances:
 - 1. Where a person displays intent to engage in violent, aggressive actions, suicidal behavior, towards the officer or public. The Byrna shall not be used if a person is passive resistant or is not aggressive.
 - 2. Animal is actively resisting instruction of the officer and poses a threat of bodily harm to the officer or another person.
 - 3. Animal poses a threat of bodily harm to itself.

4. Under no circumstances shall a control device be deployed as punishment to animals or persons or under circumstances that are not objectively reasonable.

VI. USE OF CHEMICAL IRRITANT

An approved chemical irritant unlikely of inflicting permanent injury may be used pursuant to this policy, subject to the following rules:

- a) All personnel authorized to carry chemical irritant spray or encapsulated projectiles, shall complete the required course of instruction prior to possessing and deploying.
- b) Under normal circumstances, all reasonable steps should be taken to ensure that innocent persons are not affected by the discharge of the chemical irritant.
- c) The preferred target area for chemical irritant spray is the face and the preferred target for encapsulated projectiles is not the face or head, (preferably center mass).
- d) Only the number of projectiles or amount of chemical irritant required to control the situation is to be used. Once the subject or animal is under control, the use of chemical irritant shall be discontinued.
- e) Every reasonable effort will be made to relieve the subject's discomfort once control has been attained (if safe) and medical aid summoned.
- f) Under no circumstances shall a control device be deployed as punishment to animals or persons or under circumstances that are not objectively reasonable.

1. ENCAPSULATED IRRITANT PROJECTILES

Projectiles are plastic spheres that are filled with one or a combination of both below irritants.

A. OLEORESIN CAPSICUM (OC)

- OC is the most common chemical agent used in law enforcement.
- OC is naturally occurring chemical produced by the Capsicum genus/taxonomic category from the Salicaceae or Nightshade family of flowering plants.
- The U.S. Food and Drug Administration classifies OC as a food additive (spice). Common effects of OC can last up to 45 minutes +.

Common effects:

- Involuntary closure of eyes (blepharospasm).
- Temporary loss of muscle control.
- Burning sensation and inflammation of affected areas.
- Redness and swelling of contaminated skin.
- Increased mucous secretion.
- Uncontrolled and/or reflexive coughing and sneezing.

B. ORTHOCHLOROBENZALMALONONITRILE (CS)

- CS is a man-made compound that is not found otherwise in nature.
- CS gas is generally accepted as being non-lethal.
- CS is powder in its natural state.
- CS “tear gas” uses aerosols or propellants to carry the powder.
- Common effects of CS will generally last less than 30 minutes.

Common Effects:

- Burning of the nose, eyes, and throat.
- Involuntary closing of the eyes.
- Uncontrollable coughing.
- Rise in blood pressure.
- Increased mucus secretion.

2. USE AND PROHIBITED USE

Even though encapsulated projectiles and its delivery system is considered a less lethal device, it still fires a projectile at speeds that are capable of causing bodily injury. Therefore, care must be used when selecting a target area. Center mass should be the desired target location. Most situations in which the projectiles will be utilized will be dynamic and fluid, and “center mass” may not always present itself as the best target. Many other areas of the body may be utilized as target areas, as long as the shooter understands that striking areas other than “center mass”, may not be as effective. Avoid targeting the following areas, unless an elevated level of force is authorized and justified:

- Face
- Head
- Neck/Throat

Indirect Use - In some cases, directly impacting the intended subject or animal with encapsulated rounds may not be possible or warranted; however, other options are available. In certain circumstances, an officer may utilize the organic and chemical agents inside of the encapsulated projectile to gain compliance by firing the rounds on the ground, or at an object near the intended subject. If this tactic is to be utilized, it is imperative that the officer choose a target that they are sure will not cause a hazard to other individuals.

3. CARRYING LAUNCHER AND OC SPRAY

- a) Code Enforcement carrying the Byrna launcher and the chemical irritant spray shall carry the devices in its holster on the duty belt. Plainclothes and non-field personnel may carry the oleoresin capsicum spray as authorized, consistent with the needs of their assignment or at the direction of their supervisor.
- b) Canisters involved in any type of malfunction or damage shall be turned in to the supervisor for replacement. A memorandum shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

4. VERBAL WARNINGS

Officers will, if feasible, provide a warning to the subject before using the control devices. The warning should be an explicit statement such as, "Stop, get on the ground or I will hit you with less lethal!"

5. DEPLOYMENT OF CONTROL DEVICES

- a. Aim the Byrna Launcher at the intended target at a distance of 2 to 60 feet or the chemical irritant at the intended target at a distance of 2-15 feet.
- b. Every effort should be made to avoid neck, throat, and face or head shots, when possible, unless threat to life is imminent; understanding the dynamics of the situation may still lead to the subject being hit in the listed areas.
- c. Using chemical irritant spray can be targeted to face.
- d. Once the kinetic or chemical irritant rounds make contact, leave the scene to a safe area calling for backup, unless the circumstances dictate otherwise.

6. ACTIONS FOLLOWING THE USE OF THE BYRNA LAUNCHER OR CHEMICAL IRRITANT SPRAY

- a. A supervisor will respond to all calls when a control device has been deployed.
- b. County Counsel or BOS will be notified.
- c. Law Enforcement and Medical Treatment will be summoned to the scene.
- d. Photographs will be taken of the area of contact. All photographs shall be booked into evidence.

7. NOTIFICATION AND REPORTING OF USE

- a. Officer discharging a control device, as soon as practical, verbally notify their supervisor.
- b. Supervisor will notify the Board of Supervisor or County Counsel.
- c. Officers using a control device will complete the appropriate documentation of the circumstances, which led to the deployment of the control device prior to the end of their shift. A supervisor will then review this report.
- d. Supervisor shall ensure all procedures have been followed.

8. RESPONSIBILITY, ACCOUNTABILITY, AND CONTROL

- a. Officers carrying the Byrna launcher shall ensure the CO2 cartridge has not been punctured at the beginning of each shift.
- b. Code Enforcement Officer is responsible for the procurement, maintenance and training of Byrna associated equipment.

- c. Supervisor is responsible for reviewing all operational control device deployment.
- d. A Training Manager/ Code Enforcement Officer/ Sheriff Department is responsible for initial training and recertification of members in the use of a control device.

9. PURPOSE FOR LESS LETHAL OPTION

To ensure the safety of the public and the Code Enforcement Officers when their health and safety is at risk.

Current Process

- Compliant filed with Affected Dept.
- Affected Department inspects
- Affected Dept. send NOV (10-30 days) (1st class and certified)
- Affected Dept. Inspect property for compliance
- Referred to Code Enforcement
- Admin Abatement/ Record Letter (30 days) (posted/ first class)
- Inspection for compliance (multiple times)
- Hearing Board
- BOS Hearing
- Abatement/ Court Order
- Lien

Cons:

In-efficient- to many hands in the pot, too many mistakes and processes being redone

Complainants are confused when told it doesn't go to Code Enforcement and they have to call multiple departments to file a complaint.

Confusion for owners with multiple letters, deadlines, and who to talk to.

Departments not trained in Code Enforcement or Officer Safety practices- 91% of Code Enforcement officers are killed by firearm and 86% out in the field. Departments are defenseless.

Multiple trips out for each department.

Cases are forgotten or pushed out.

Fiscally irresponsible- too many departments doing the same thing- staff time, travel, and mailing costs.

The code enforcement process has no teeth. Departments and Code Enforcement spend a lot of time trying to gain compliance and there are no consequences or steps in the process that get property owners to comply. Cases are sent to hearings and the county does not recoup any costs (staff time, travel, mailing, staff cost of dept. heads and board members, etc.)

Code Cases are confidential and should not be available to all.

The E-Process Program cannot handle current code process- it's confusing and not user friendly.

Cases are held up before going to a hearing when multiple departments are involved. Make no sense to take it multiple times to a hearing board.

Proposed Change Process

- Compliant filed with Code Enforcement
- Code Enforcement inspects- then verifies w/ departments if code violations exists (research)
- Code Enforcement send NOV (10-30 days) (1st class and certified) post letter if necessary.
- Code Enforcement Inspect property for compliance (take department if needed)
- Administrative Warning Notice (10-30 days) sent to property owner (1st class and certified) post letter if necessary.
- Code Enforcement Inspect property for compliance (take department if needed) 3rd inspection and on should have an inspection fee- discretionary of officer.
- Administrative Fine Citation (10-30 days) (1st class and certified) post letter if necessary. (Ex: \$100, \$250, \$500, \$750, \$1000)
- Once fines are exhausted- Administrative Abatement / Record Notice is sent (10-30 days) (1st class and certified) post letter if necessary.
- Inspection for compliance
- Hearing Board
- BOS Hearing
- Abatement/ Court Order
- Lien

PROS:

Consistency and efficient- 1 department working with all departments. Cases are handled in a timely matter and point of contact is Code Enforcement.

Code Enforcement (if needed) can take departments on inspections for clarification and verification and SHOULD go out with departments when they are going out to verify code violation is removed (provides additional officer safety).

Fiscally responsible- lessening the number of staff time, travel costs, and holding property owners responsible if they do not comply.

Administrative Citations are proven to get compliance without having to go through the process of abatement (which we have no funding for) and will help provide the funding necessary if and abatement is needed.

All notices from the Administrative Warning and on are appealable.

Proposed Changes Continue...

Inspection fees should be assessed after the 3rd inspection (staff time, travel cost have increased). Again, discretionary of the officer. Can change on the 4th inspection. It's a tool to have if compliance is not being met after multiple inspections have been done.

Appeals- there should be a fee to appeal (there is an option for financial hardships). Fact: An appeal and/ or hearing is costly for the County. It involves many hours preparing documents, 4 Department Heads, 2 Attorneys, affected department's involved in case; just for the Hearing part. Then, 5 Supervisors, 2 Attorneys / CE, and the affected department to give a final verdict. If an appeal is won, the property owner can receive the fee back. If the appeal is not won, the fee can pay for the appeal hearing or the hearing board can elect for it to go towards the administrative fees or inspection fees.

- At any time in the process when an appeal is filed or an administrative citation is issued, we can offer the property owner a compliance agreement that can waive the administrative citation fees to gain compliance.
- Administrative Citations are a highly effective tool in getting compliance early and avoids costly hearings we currently do and can provide an avenue when we do need to do an abatement.

All cases will be placed in E-process which can handle a single department process and cases would be confidential.

New process will better relationships with Departments- More time for departments to focus on what their main function is. The Sheriff Department call me a lot about violations they encounter and it's frustrating for them because they have to involve so many departments (always multiple violations) and it's not consistent. This will allow process to be consistent and only have put Code Enforcement on Warrants when I am needed (Ex: Marijuana cases)

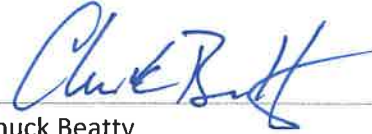
Cons:

There is only 1 code enforcement officer. The part time Code Compliance Officer position under the Building Department should be hired to assist and cover when full time officer is not available and or overloaded with cases. That position also monitored for expired building permits.

Departments who support the changes listed in this document.



Todd Barr
Building Official



Chuck Beatty
Planning Director

Debra Larson
Environmental Health Director

Jack Obrien
Public Works Superintendent

