

Safety Standards Policy and Procedures

2.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to new and current Code Enforcement Officers with knowledge, information, and resources to reduce acts of aggression towards them. It is designed to help Officers defend themselves against physical attacks and support general safety concepts for their day-to-day interactions. The County of Mendocino, in alignment with Senate Bill 296 (passed in 2021), has adopted the *48 Recommended Officer Safety Best Practices* provided by California Association of Code Enforcement Officers (CACEO).

2.2 BACKGROUND

California Senate Bill 296 (SB 296) provides a statewide mandate for local jurisdictions to provide Code Enforcement officer safety standards and states, "existing law defines the term 'Code Enforcement officer' as 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 employees 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." SB 296 further provides that there is also a process for local jurisdictions to seek reimbursement for certain costs as a result of this mandate.

The County of Mendocino is dedicated to protecting the health and safety of its employees. To accomplish this goal, and pursuant to SB 296, the County has implemented recommended Safety Standards to help provide code enforcement officers with the knowledge information and resources needed to reduce the likelihood of being involved in unsafe interactions or situations posed when working with the public related to their duties, and while outside work as well.

2.3 SITUATIONAL SCENARIOS

A. *Threats Against a Code Enforcement Officer*

Under the law, any person who merely threatens to injure any public officer in an effort to cause that officer to do, or refrain from doing, any official duty, may be punished by a fine of up to \$10,000.00, or by imprisonment of up to one year, or both. Repeated offenses carry greater penalties. (California Penal Code Section 71)

B. *Assault and Battery on a Code Enforcement Officer*

Code Enforcement officers often work alone in the field, which has inherent hazards that are sometimes avoidable. An officer's attention is often focused on an object or area/space to determine if a violation exists. Officers can find themselves inside unfamiliar buildings, in confined spaces or in situations where their backs are to the property owner or occupant. Officers often carry many tools to aid in their inspections. Most probably do not wear utility vests over their uniforms so they carry their camera, clipboard, or radio in their hands as they approach a property. All these scenarios create prime opportunities for an attack as the officer is already in a position of disadvantage. In any of these scenarios, a potential attacker may easily recognize their advantage leading them to take the opportunity to draw the code enforcement officer deeper into this situation even if there was no premeditation involved.

C. *Motivation and Propensity for Criminal Behavior*

Violating a prescribed code is a crime. Therefore, an assault against a Code Enforcement officer is a crime. This document discusses human motivation and how to minimize citizen acts of aggression by using best practices.

D. *The Human Variable*

The Code Enforcement officer's job expands far beyond inspecting properties, making technical determinations, issuing notices, and assessing penalties. Many Code Enforcement officers might consider these elements to be the easy part of their jobs. The big variable in every case is the human element present in each property owner. While some clients willingly accept a correction notice and act responsibly and responsively, many others do not. Each client has his or her

own unique reasons, motivations, abilities, and challenges. This requires the Code Enforcement officer to spend some effort reconciling a variety of psychological issues including perceptions, feelings, thoughts, values, priorities, motivations, and behavior. No matter how much education, or how many explanations are offered, a percentage of the population will not act as a reasonable person would be expected to under similar circumstances.

E. Aggressive Citizens

To successfully negotiate and survive against aggressive personalities, the Code Enforcement officer can:

1. Understand the factors causing the aggression.
2. Recognize the external signs and symptoms of an aggressive mindset and learn how to avoid fueling a hostile personality.
3. Learn to de-escalate the stress that is contributing to the aggression.
- 4) Know when to retreat from a dangerous setting.

F. Balancing the Scale of Emotional Regulation

Most code enforcement cases are solved by compelling a citizen to either perform a required act or to cease performing a prohibited act. The variables at issue are: 1) The code enforcement officer's persuasiveness. 2) The citizen's willingness to follow directions. We clearly have control of number one. It helps when our work is error free, when we give clear directions and set out sufficient deterrents. The way clients respond to each situation will be somewhat affected by what buttons or triggers we push.

The art of code enforcement is recognizing and realizing the situation and personalities involved. It also involves taking effective actions in each unique situation resulting in successful compliance by carefully navigating all of the associated variables and obstacles. You have the capacity to influence a person's responses to your communications and actions. You can help them view your actions through the rational lens rather than through the emotional lens. Compare the following two code enforcement messages:

a. "I need you to get rid of all of this stuff so when I come back in thirty days, I see a clean yard. If you do that, I can close my case and leave you alone."

b. "You have quite a collection here. These items obviously mean a lot to you. I am sorry to have to deliver this message, but the code prohibits this type of outdoor storage. Fortunately, I can give you up to thirty days to complete the required corrections. Hopefully, this is long enough for you to remove or relocate these items to clear out the yard. I am required to see this case through to resolution so may we set an appointment for me to check back in thirty days to confirm the progress you have made?"

The code enforcement officer is assigned the monumentally complex task of crafting and causing effective and lasting behavioral changes on citizens while leaving the citizen smiling. The code enforcement officer is expected to accomplish this by using only their words, personality, and the power of the pen.

G. Mindfulness is at the Core of Safe Practices

For us to be truly mindful as we approach a site, we need to spend at least five minutes standing in front of the house using more than just one of our senses to get a full picture of the situation we are about to get into. All these senses can give clues as to what we are about to get into or raise red flags telling us not to enter the property at all. Learning to recognize these clues and reacting to them is a key component in the best practices of officer safety.

Practicing mindfulness and adopting this mindset is the key to succeeding in the recommendations of this document.

H. Choosing to Take Chances

Hopefully, Code Enforcement officers are in a rational state of mind when performing their inspections, but that state of mind may create an undue risk to officer safety. This sounds counterintuitive but consider the following. Rational thinking helps us in some situations but exposes us to undue risk in others. When the variables are unknown, such as not knowing what is around the corner or how another person may behave, our past experience is not enough to predict the outcome.

The most that we can do is remain mindful of our surroundings, focused on our senses, and not ignore those uneasy feelings when they drive us to act against ways that logic tells us. This ability to choose how to react to these two conflicting mindsets is based in both wisdom and mindfulness. They are dependent on always remembering to: 1) Take time to carefully assess a situation. 2) Always keep officer safety as the priority.

2.4 SITUATIONAL PROCEDURES: CODE ENFORCEMENT OFFICER SAFETY – 48 BEST PRACTICES

1. *The number one way of staying safe is to decrease your vulnerability.*

This can be accomplished by the doing the following:

- (1) Always have your field equipment on and/or readily available for deployment
- (2) Improve your sixth sense (awareness) and notice/react to how you feel about client.
- (3) Make best safety practices your habit.

2. *Slow down and become sensitized to and aware of the situation.*

3. *Stay focused!*

Your mind is way too busy to think about what you will be doing next. The more actively you stay energized in the moment, the more successful you will be. External pressure and force can distract you from being attentive and lead you to take shortcuts exposing you to greater vulnerability.

4. *Think about what you should do rather than just doing it.*

This does not mean to not follow your instincts. Instead, it means that where your instincts do not hint otherwise, remain mindful and attentive. Think about what you are seeing and doing. Choose your next step after processing information rather than simply acting out of habit.

5. *Develop consistent, reliable officer safe work practices and follow them.*

You are only as good as your habits. You will revert to your training or old/bad habits when you are under stress. If these habits are already in line with Officer Safety Best Practices (OSBP), your default position will be safer than otherwise. The reason we need to make a continued conscious effort to make improvement is that we need to overcome established, bad habits. OSBP are crucial to always being as safe as you can be.

6. *Execute additional OSBP procedures whenever the situation calls for it.*

Bring an additional Code Enforcement officer along, wear extra safety gear (per policy) or ask dispatch for a security check after a specific period of time. Include instructions to send in the troops if you do not answer or reply.

7. *Avoid client driven distractions.*

You should always remain in command of the scene. The next time you let the client distract you from your business. Ask your clients to write down their questions while you perform your inspection and let them know you will allow ample time to answer them.

8. *Go with your first instinct and listen to your "sixth" sense.*

Studies repeatedly show that a person's first instinct is often right. Learn to interpret what your instincts are telling you and combine that with your current surroundings to decide what action(s) to take, if any. If you suddenly feel something is not right, that is your brain sending you a red flag.

9. *Never use your personal vehicle for site inspections.*

You risk letting your customers know exactly what you drive if you drive your personal vehicle on inspections.

10. *Always park your vehicle facing the direction of exit or escape.*

The best tactic is never to park in driveways and avoid parking stalls if possible. If you must park in a marked stall, back into it whenever possible. Backing up to navigate out of a parking stall takes time and in a stressful situation, creates an increased likelihood of a collision.

11. *Do not walk in front of a violator. Let them lead the way.*

Some may say having a violator lead puts the officer in a position of disadvantage. However, you actually have a better view from behind them, in most cases, and can easily escape if you see or sense it is time to retreat. When walking into, out of, or around a property, do not walk in front of a violator.

12. *Know the lay of the land.*

Use Google Earth or your agency's Geographical Information System (GIS) to view what is in the backyard before visiting. It helps orient you, which is useful if you need to escape. It also makes you aware of other conditions that may deserve attention.

13. *Always think safety.*

Everybody already has the best resource to avoid harm: a brain. Officer safety skills are perishable and require thought and practice. You must keep these practices and skills in mind, continuously practice and use them in order to stay proficient.

14. *Make mind and body exercise part of your daily routine.*

Try to relax. Tension and stress are your enemies. A regular physical exercise regimen is proven to reduce stress and tension. Train your mind to relax.

15. *Always survey the scene.*

Do a drive-by of the subject property unless the element of surprise is necessary for your investigation. Identify the approach and escape routes, existing hazards, layout of the front yard and porch area. Look for cover options and whether or not there are people present.

16. *Do as much preparation as you can BEFORE you approach the door.*

Prepare your notice(s) before approaching and initiating contact when violations are clearly visible from your vehicle to keep your concentration on your surroundings instead of your clipboard. DO NOT park directly in front of the subject property while completing your paperwork. Doing this makes you vulnerable in many ways. Park around the corner or a few blocks away to prepare or finish your paperwork and field notes.

17. *Take your documentation photos before initiating contact whenever possible.*

We all know that taking photos of violations from the public right-of-way is not a violation of a person's right to privacy, no matter how strongly the resident may protest. This again helps keep your eyes on your surroundings.

18. *Always plan your approach.*

Should I use the sidewalk or driveway to approach? Do I leave the gate open, or do I close it behind me? Are there trip hazards in my approach path? What are my cover options? Am I easily visible from windows and doors as I approach? Can I minimize my exposure to windows and where should I stand after knocking on the door? These questions and others are important to consider for the simple act of walking up to the front door to initiate contact or post your notice on the door.

19. *Vehicle Safety.*

Some Code Enforcement professionals like to park right in front of the residence so they can use their vehicle for identification purposes and to make a hasty exit from the area if needed. It is preferred to park at least one house away (but not in front of the reporting party's house). Do not hide your vehicle and be sure to keep it parked where it will give a police officer a chance of locating you.

20. *Always plan your escape route.*

While it is best to avoid the attack by working smartly and following best practices, you may still need to make a quick getaway. Park your car on the street a few doors down from your inspection, facing the in the best escape direction. Also, be sure that nobody can block you in. This gives you a chance to get a better observation of the property while you approach it and removes obstacles to making a fast get away.

21. *Create a deterrent against attacks.*

Even though many attackers act out of emotion, they still have some level of rational-minded thinking capacity. When speaking or writing to a violator always use the phrase(s), "the city requires" or "the county requires" to direct frustration away from you as a person.

22. *Avoid the risk.*

If you can observe the violation without entering the property or structure, do so. Consider viewing interior violations from an open door. Base your notice from photos taken by police or fire staff. Ask the violator for and carefully record an admission of a violation.

23. *Partner up.*

It is normally not prudent to send two persons to accomplish a task that can be accomplished by one. The exception is when circumstances indicate that a second person is needed for officer safety.

24. *Maintain your safety zone.*

People naturally seek to maintain personal zones that are at least eighteen inches. Do not let citizens breach this space. Attackers may begin their approach by gradually getting closer as a way to “test the waters” and to see how or if you react. If the violator’s actions persist and you sense imminent danger, send an immediate and strong message that your personal space zone is not to be penetrated. Issue an order to “BACK AWAY!” and consider a tactical retreat.

25. *Maintain a barrier.*

Much of our work has us in close proximity to citizens. An aggressor can eliminate your personal space in an instant and strike you. Creating any type of barrier can help protect you from a blow. Holding up your clipboard can offer a minimal amount of protection. A table or kitchen island (keeping your exit door behind you) offers greater protection. Being on the opposite side of a door or wall (keeping your exit door behind you) offers even more. Vehicles also make good physical barriers in times of need.

26. *Stay healthy and strong.*

An athlete has a more durable body than a “couch potato” does. There is an endless list of physical activities that are not only fun, but also offer the benefit of building a stronger body that can better resist injuries and improve your odds of successfully overcoming an attack.

27. *No neckwear.*

No neckties, badge holders or cross-shoulder bags. Do not present yourself with a noose already in place. It can be used to choke you, restrain you or prevent your escape.

28. *Minimize your vulnerability.*

Calculating aggressors thrive on knowing about you. They may solicit personal information through casual conversation or watch and listen for clues. Asking seemingly benign questions about your family or what kind of car you drive all feed them important information allowing them to devise schemes to harm or eliminate you. Even though it may seem rude, consider it being “professional” to keep your conversations limited to items of business.

29. *Place title to your property in your corporate name.*

How many times have you found a citizen by looking at property indexes by name? Real property records are public records and are usually indexed by name. You may lawfully incorporate or create a trust while remaining the sole shareholder or beneficiary without creating any risk of loss of ownership of assets held by the corporation or trust. You may then legally transfer property into its name instead of yours.

30. *Avoid being “tailed.”*

There are multiple ways an attacker can learn your home address. One known tactic is to watch you exit your office at the end of the workday and follow you home. Plan your commute to include a stretch of road where you have a long unobstructed view behind you to possibly detect if you are being tailed.

31. *Maintain DMV confidentiality.*

One dishonest way an attacker can learn your home address is by watching you enter your personal vehicle, getting your license plate number and filling out the DMV form #INF 70 (Request for Record Information). This form will return your registered address to the requestor. This form instructs the applicant that fraudulent use is a misdemeanor, which can lead to greater penalties. If you enforce any of your local parking ordinances or any of the Vehicle Code, you may, with the written permission of your police chief or sheriff, register your car (and the cars of immediate family members, check statute for limitations) with a “blocked” registered address.

32. *Manage the citizen’s emotional base.*

Since aggressive acts towards Code Enforcement officers are typically reactive, you have a role in generating that reaction. Communication is an interactive process. You begin with a mental impression of a message that you want to convey to another person. You then translate that impression into words. You deliver those words while adding context through your tone, mannerisms, body language and so on.

33. *Practice reflective listening.*

People like to be heard and understood. If they feel their message may not have been received, they may feel compelled to repeat it until it is heard and understood. Most people would even like to feel validated by the listener.

In the process of preparing to restate themselves, they are too preoccupied to carefully listen to what you are telling them. This is poor communication because there is no mutual understanding. This can lead to frustration and anger and is certain to not be as productive as it could. The best way to avoid this problem is to paraphrase back what the citizen is telling you. Not just the words, but also the emotion. Begin with stating your understanding of the emotion, followed by a summary of the message. For instance: "I understand that you are very upset that applying for a permit and going through the legalization process is going to create hardships for you and your family. Do I understand this correctly?" Then, state your understanding.

34. *Communicate your location and route.*

Make sure somebody knows where you generally will be during your day. Use the technique(s) that is most appropriate for your specific situation. Keep your electronic calendar up to date. Do not leave the office without entering the addresses you are stopping at. Use a sign-out board, include your expected return time that is placed in an area for all to see.

35. *Always have your cell phone on and ready.*

Have your police dispatch phone number programmed in your phone. If your phone has an emergency button, have it programmed to your PD dispatch. If not, set your phone up so it takes the minimal number of steps to call for help. Dialing 911 is also a viable option. Do not try to call your coworkers or the office in an emergency.

36. *Carry self-defense tools.*

An obviously well-equipped and well-trained officer is a deterrent to an attack and is also better prepared to fend off a potential attack. Prudence and the law both dictate that public employees need to be provided with available safety gear and training for hazards that are reasonably expected to be encountered.

37. *Step away from the door.*

Do not stand directly in front of the door to the residence after knocking or ringing the bell. Step off to the side along the doorjamb where there is more protection from a possible gunshot through the door or step back a few steps and off to the side. Be sure to stand in a manner and location where you can maintain solid footing. Effective communication can be had from six feet from the occupant.

38. *Clear the house.*

We encounter houses without knowing exactly who or what we will find. Sometimes it will be a single occupant in a clean and nearly empty motel room. Sometimes it will be a maze of dark, connected spaces and unlawful additions with multiple subjects engaged in a variety of illegal or dangerous activities. You may also encounter occupants armed with video recorders. An occupied structure presents an additional potential hazard or other barrier to perform a safe and accurate inspection.

39. *Check for other known illegal activity before visiting.*

Police departments maintain databases of calls, activity, and reports by address. Some of their units also may keep lists of addresses that are known or suspected to house other activities of concern to police. Check with them on a case-by-case basis or ask them about your list of intended stops all at once. If this is too burdensome, check with them whenever you have a suspicion based on circumstances. If you have an uneasy feeling or something does not look right, check with your police.

40. *Stop, look, and listen.*

As described in the "Think Safety" section of this report, stop, look and listen close enough for your sixth sense to come into being. Practice mindfulness. Take five to ten minutes each day to practice mindfulness exercises to keep your perceptive skills sharp.

41. *Interview neighbors.*

There is a reason that background investigators interview neighbors. Neighbors often know about a person's character, reputation, habits, and lifestyle. They may have knowledge of a variety of other case-important details. They will likely know what offensive acts their neighbor performs and remember acts of violence and incidents of police calls to the residence.

42. Learn self-defense skills.

Set up regular practice sessions with your immediate work group and coach each other as you practice your techniques.

43. Role play for practice.

Officer safety skills, verbal and physical, are perishable skills so you need to practice to stay sharp. One of the best ways to do this is to work with a partner who assumes the role of the citizen. Take some time afterwards to evaluate each other's performance and maybe even have a good laugh in the process.

44. Always carry the ten essentials.

- (1) Respiratory protective gear-particulate mask, respirator etc.
- (2) Blood-borne pathogen kit-gloves, face/eye protection and hand sanitizer
- (3) Sterilized water for general use
- (4) Potable water
- (5) Basic first aid kit
- (6) ANSI approved eye protection
- (7) ANSI approved head protection
- (8) Tyvek suit or other overalls
- (9) Rugged leather gloves
- (10) Change of clothing/footwear

45. Come back another day.

Use the principle of thinking created by one of the co-founders of Lexipol, Gordon Graham, known as The WIN Principle²: What is Important Now? Ask yourself and decide WHAT action, if any, is absolutely IMPORTANT to take NOW. If the situation does not warrant immediate, on-site action and if something does not feel right, leave! Chances are, the violation will remain when you come back another day with additional resources and/or officers.

46. Anticipate and plan for an animal attack.

You will definitely encounter animals during your inspections. For the record, ALL animals are unpredictable and that should be kept in mind whenever one is present. ALL dogs can and do bite, regardless of size or "commonly known nature." Never trust an animal owner who says, "It's OK, he/she doesn't bite." Do not hesitate to ask the owner to secure the dog until you are finished with your site inspection.

47. Know that you are always being watched.

Residential video surveillance systems are common these days. While most systems are intended for security against wrongdoers, property owners may pass around images of your visit if you appear to be in the wrong. You should not have a problem if you always act responsibly and as if you are being recorded. You do not need to worry about citizens turning in videos or pictures to complain about your actions if you always conduct yourself properly.

48. Recruit a partner to evaluate you.

Have your partner(s) read these best practices and analyze each other's practices. Shadow each other on a case from opening through the end of your first inspection. Observe each other's safety practices during the inspection. Be thankful if they report back any or all of the following:

- (1) You were vulnerable.
- (2) You let your guard down.
- (3) You need more practice or improvement

Hopefully, you can all be honest in your evaluations and take any criticism constructively. The goal is to develop the skill to follow OSBP. Remember that officer safety best practices can be counter-intuitive for some of us. We are trusting; we rely on our past successes and are programmed to operate efficiently. We need to change our thinking to always be mindful of OSBP. Program yourself to regularly use them so they become as instinctive as grabbing your keys before leaving your house each morning.