



# City of Lincoln Code Enforcement Safety Standards



Senate Bill ("SB") 296 established Penal Code Section 829.7 which requires each local jurisdiction that employs Code Enforcement Officers to evaluate the risks, threats and hazards applicable to their Code Enforcement Officers and develop appropriate safety standards. The following standards are intended to comply with SB 296, which went into effect January 1, 2022.

## 1.1. Officer Safety

The safety and welfare of the City's 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 or reviewing their case files.
- Having additional resources available, such as a second Code Enforcement Officer, a supervisor, law enforcement or animal control when warranted.

Supervisors shall be made aware of all potentially harmful situations, prior to any initial contact, to assist in the development of strategies to best address those hazards.

## 1.2. 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 Police Departments are expected to share information regarding known and potentially 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 when making any and all contacts

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City Hall  
600 Sixth Street  
Lincoln, CA 95648  
(916) 434-2400  
[www.lincolnca.gov](http://www.lincolnca.gov)

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with such individual(s), officers reporting their location prior to making contact and after completing the inspection or other contact, and adhering to safety standards, training, and protocols. To the greatest extent possible, contact with such occupants should be coordinated in advance with law enforcement.

### **1.3. Use of Force**

Use of force is a last resort. 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 to themselves and safely leave the area.

Mere verbal threats of violence, verbal abuse, or hesitancy in following commands does not justify the use of physical force without additional facts or circumstances substantiating an imminent risk 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 law enforcement and a code enforcement supervisor.

### **1.4. General Safety**

#### **1.4.1. Self-Defense**

Code Enforcement Officers have two defense options:

1. First and foremost, if possible, leave the scene (walk, run, crawl, drive, etc.) and call for help.
2. If a Code Enforcement Officer cannot leave the scene, such as when cornered, trapped or forcibly 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.

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.

#### **1.4.2. 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 Police Department.

### 1.4.3. 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. Never park your vehicle in a driveway, and always park your vehicle facing the direction of exit or escape.
- 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 balanced stance on firm ground to be able to dodge a sudden lunge, punch, or kick. A balanced stance is one in which one foot is in front of the other and the body is at an angle to the individual in front of the officer.
- Be aware of your circumstances and keep your "head on a swivel" at all times. A Code Enforcement Officer's conduct should at all times remain professional and disengage if the customer begins to exhibit an unusual degree of agitation.
- Communicate with the customer with respect, expressing an interest in their point of view. If the customer appears receptive, the Code Enforcement Officer should share information addressing their perceptions and assumptions.
- Discuss the issues only with the person(s) involved, not neighbors or busy bodies.
- Do not walk in front of your clients. Let them lead the way.
- 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 neutral area. If it is not possible to move to another area of the property, move objects out of reach. Take photos to document the scene before initiating contact whenever possible to avoid distraction from your client
- Ask your client to write down their questions while you perform your inspection and let them know you will allow for ample time to answer them. This method not only minimizes distractions, but it keeps the client's hands and minds occupied with something other than distracting or attacking you.

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 and what avenues were available in advance for the Officer to have avoided the contact altogether.

#### **1.4.4. Team Inspections**

Whenever possible, Code Enforcement Officers shall conduct field inspections with at least one additional Code Enforcement Officer present.

### **1.5. Reporting**

Code Enforcement Officers are required to immediately report all officer safety issues to a supervisor. This includes any force used in self-defense, or verbal altercations, or incidents in which an individual was arrested by law enforcement. After notification, the Code Enforcement Officer will also submit a written report of the incident to a supervisor.

### **1.6. Use of Radio/Cell Phone Communications**

Code Enforcement Officers are required to advise office staff and/or a supervisor of where they generally will be during the course of a shift. Officers shall keep their electronic calendar up to date.

All Code Enforcement Officers will be assigned a radio and call sign. The Dispatch call sign is "5C" followed by an assigned number.

Code Enforcement Officers shall carry a cell phone and radio with them at all times in the field. Code Enforcement Officers shall limit their use of the radio to only essential information to ensure the channel remains open for priority traffic.

### **1.7. Missing Officer**

If a Code Enforcement Officer fails to respond to phone calls or radio communications, office staff shall begin to contact other office staff and the supervisor to ascertain the missing Code Enforcement Officer whereabouts. First, electronic means for GPS location of the vehicle or the Officer's cellular device should be activated. A search team should immediately be dispatched with at least one, and if feasible, two Code Enforcement Officers to check the last known and future locations.

If met with negative results, staff shall conduct a systematic search of the area to help locate the missing Code Enforcement Officer's vehicle and/or person. If the Code Enforcement Officer still is not located, begin to call the Code Enforcement Officer's personal emergency contacts to

verify the Code Enforcement Officer did not leave abruptly without notifying staff. If still unable to locate, notify law enforcement and provide the information attained above to help locate the Code Enforcement Officer.

### **1.8. Service of Inspection and/or Abatement Warrants**

Code Enforcement Officers may need to secure inspection and/or abatement warrants from time to time with the assistance of the City Attorney when conditions of health, life and safety are dire, and the occupant(s) are not cooperative. Prior to serving or executing such warrant(s), the Code Enforcement Officer shall notify their supervisor and coordinate with the Police Department to ensure a police 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).

### **1.9. Protective Equipment**

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 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 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, the supervisor should be immediately notified. Listed below is City-provided personal protective equipment:

- Respiratory protective gear-particulate mask, respirator etc.
- Blood-borne pathogen kit- including disposable gloves and hand sanitizer
- Potable water
- Basic first aid kit
- ANSI approved eye protection
- ANSI approved head protection
- Tyvek suit or other overalls
- Leather or work gloves
- CPR shield or mask
- Insect repellent
- Sunblock (if exposure exists)

Code Enforcement Officers shall be issued, and shall wear, body armor when engaged in field inspections, unless wearing such equipment renders completion of the necessary inspection tasks impracticable or infeasible.

#### **1.10. 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 because an agency-provided vehicle is unavailable, the Code Enforcement Officer is encouraged to apply for license plate confidentiality under Vehicle Code section 1808.4(a)(19), or other applicable law. Because the Code Enforcement Officer's personal vehicle will generally be not parked in a location secured against public access, the Code Enforcement Officer is encouraged to apply for license plate confidentiality. The City will assist the Code Enforcement Officer in completing and obtaining approval of such application as is necessary and appropriate.

#### **1.11. Training**

Continual training is essential for Code Enforcement staff to maintain the skills required for their positions. All Code Enforcement staff will receive initial training essential to perform their duties. This will be a combination of on-the-job training provided by supervisors and experienced Code Enforcement Officers, as well as professional trainings through the California Association of Code Enforcement Officers ("CACEO") and other appropriate training organizations and agencies.

The department requires Code Enforcement Officers to attend training opportunities provided by CACEO and to become Certified Code Enforcement Officers. Once certified, officers must attend continuing education courses to maintain their certification.

In addition to CACEO training, the Code Enforcement Division will provide Code Enforcement Officers with Cal/OSHA required and best risk management practices training applicable to potential exposures within the City. Training may include, but not limited to: hazard communication, bloodborne pathogens, hearing conservation, heat stress, respiratory protection, fire extinguisher safety, CPR/AED/First Aid Safety, tactical communication, pepper spray defense, self-defense, driver safety, constitutional rights and requirements, etc.

#### **1.12. Record Keeping**

It is essential that Code Enforcement Officers provide their supervisor with copies of records and certifications of staff training, so they may be retained in the Officer's personnel file.