

Date:
To: Human Resources Manager
From: Division Manager
Subject: Senate Bill 296 Compliance

Background

On October 7, 2021 California Governor Newsom signed and approved Senate Bill 296. This added Section 829.7 to the California Penal Code effective January 1, 2022. 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.**" This clearly indicates that the area of concern is safety threats from individuals, not biohazards and animals. While items relating to Personal Protective Equipment (PPE) are important they should be addressed separately from the topic of officer safety as they are two different topics.

Penal Code Section 829.7 now 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 section requires that each municipality and jurisdiction develop officer safety standards for their Code Enforcement staff. This would be achieved by doing a risk assessment based on the duties and responsibilities given to Code Enforcement staff. Officer safety standards can include a variety of topics that include training, policies, and officer safety equipment. While each jurisdiction varies and job duties are not uniform for Code Enforcement Officers it is critical that such factors are not used to minimize the implementation of safety standards that are relevant, meaningful, and practical to the safety of staff.

In 2018, the California Joint Powers Insurance Authority (JPIA) 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 national non-profit, Code Enforcement Officer Safety Foundation, stated on their website that there have been 16 known murders since 1985 and 35 safety incidents in 2021 that involve threats, assaults, attempted murder, and stalking.

SB 296 reads in part, "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." Essentially, any inspector or officer tasked with regulating codes and taking enforcement action.

Assessment

To comply with Senate Bill 296 by January 1, 2022, each agency needs to assess the risks and set minimum standards to address those risks. Despite differences in job duties and tasks that agencies assign to code enforcement officers which varies by jurisdiction, it is the intent of Senate Bill 296 that each agency implement meaningful safety standards for staff and that jurisdictional variances are not used in a manner which minimizes the implementation for relevant safety standards.

Code Enforcement Officers for the City of [AGENCY NAME] are tasked with investigating and enforcing violations of the [AGENCY NAME] Municipal Code, California Health and Safety Code, and all parts of the California Building Code. Violations are typically property maintenance, housing standards, zoning, and unpermitted or unsafe construction. On occasion, officers do assist with marijuana grow operations and will take enforcement for building and zoning violations. Officers issue education letters, notice of violations, administrative citations, and file cases with the City Prosecutor for misdemeanor violations. Officers also have the ability to obtain abatement and inspection warrants through the Superior Court as needed. Code Enforcement Officers are interacting with residents and business owners on private property where individuals may feel a stronger sense of property rights and therefore have animosity towards government enforcement. Enforcement can be verbal warnings, written warnings, citations, and legal action. These can impact someone's business or life, whether it is financial or emotional. Staff makes customer service and de-escalation a priority when interacting with the public. This includes deadline extensions or looking for other resources.

Building Inspectors conduct inspections of construction in progress to verify compliance with California Building Codes. Enforcement of these codes can require an inspector to issue a verbal warning, correction notice, stop work order, or red/yellow tag a property. They work closely with Code Enforcement to seek voluntary compliance on unpermitted construction.

Fire Inspectors conduct inspections of new construction and existing structures to verify compliance with the Fire Code and address hazardous material issues. They can issue verbal warnings, written notices, and citations. They work closely with Code Enforcement to ensure cases are documented and follow the legal steps for enforcement.

All three types of classifications fall under the umbrella of code enforcement as it truly is the enforcement of codes. There have been documented threats, assaults, and murders in California and nationally, of Code Enforcement Officers, Building Inspectors, and Fire Inspectors. These incidents highlight the imminent need for the implementation of meaningful safety standards that will allow code enforcement professionals the ability to avoid, mitigate, and if necessary respond to acts of violence.

[AGENCY NAME] Code Enforcement currently have police radios in their vehicles and handhelds to utilize in the field. Officers received police radio training and call signs on June 30, 2021 to ensure they are able to call for help if the need arises. Code Enforcement also implemented a

standard operating procedure manual in April 2021 that discusses officer safety tips and procedures for inspections. All staff received a copy of this manual for their records. Officers are assigned City badges, identification cards, and business cards to identify themselves.

Personal protective equipment (PPE) was not the point of SB 296, but [AGENCY NAME] Code Enforcement do keep gloves, a full body suit, and respirator in the Code Enforcement vehicles for hazardous cases like hoarding. Typically, it is still a priority to coordinate with [AGENCY NAME] Fire Department before going into any hazardous structure.

Code Enforcement, Building Inspectors, and Fire Inspectors work very closely with [AGENCY NAME] Police Department on cases where there is a perceived threat. [AGENCY NAME] Police will be present on inspections and cases where there are known individuals who are hostile or show signs of mental illness.

Staff are not assigned any protective equipment (i.e. OC spray or body armor) nor do they attend any required officer safety training.

I met with Code Enforcement staff on December 1, 2021 to discuss any safety concerns. They expressed content on everything that is provided and indicated interest in OC Spray with required training and soft body armor under the polo shirt. They were also interested in the virtual officer safety training.

Recommendations

The following is a list of recommendation based on my review and discussion with staff:

1. Require Code Enforcement Officers, Building Inspectors, and Fire Inspectors to attain Code Official Safety Specialist (COSS) certification within 90 days of <DATE>. This comprehensive certification consists of 15-hours of virtual officer safety training which is comprised of five 3-hour classes and includes digital workbooks and self-assessments. The COSS certification is supported by the International Code Council (ICC) and counts as a total of 1.5 continued education units (CEU's). Several cities and counties in California have already sent staff through. Classes are on-demand or can be live virtual webinars.
 - a. Tactical Mindset
 - b. Fear Management
 - c. Verbal De-escalation
 - d. Three Phases of a Contact
 - e. Surviving a Violent Encounter
2. Require 2+ hours of OC spray training to Code Enforcement Officers and issue a new canister of OC spray upon completion of training. Require OC spray refresher training every 2 years.
3. Provide level iiiia+ soft/concealable body armor to be worn under their shirt.

Fiscal Impact

Projected cost for the implementation of safety training and equipment as mandated by law under California Penal Code Section 829.7:

Based on 4 employees -

- Code Official Safety Specialist certification: \$250.00 per employee. Total cost: \$1,000.00
- OC spray training - Provided in house
 - Cost of staff time
 - 4 canisters of Fox, One Point Four(R), 4% OC, 2 oz. Canister, Stream Spray Pattern - \$19.99 each. Total cost: 79.96. [insert the brand your department uses along with the relevant info and cost.]
- Body Armor (Meets NIJ Standard 0101.06, Ballistic Resistance of Body Armor): Estimated cost is \$600.00 per employee. Total projected cost is: \$2400.00 [If you know the specific brand and model number of the body armor include this information]
 - NOTE: Agency can apply for reimbursement from the State through this bill.

Total Projected Cost: \$3,479.96