



COUNTY OF HUMBOLDT

For the meeting of: 11/29/2022

File #: 22-1456

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:
Code Enforcement Officer Safety (SB 296) and Pepper Spray Policy

RECOMMENDATION(S):
That the Board of Supervisors:

1. Adopt the Code Enforcement Officer Safety Standards as required by California Senate Bill 296.
2. Adopt the Pepper Spray Policy

SOURCE OF FUNDING:
The preparation of this Board report is funded from the Code Enforcement Unit of the Planning and Building department (1100269-608000). The cost of safety equipment and training proposed in the safety standards will be funded by the same budget unit.

DISCUSSION:
Senate Bill 296 requires each local jurisdiction that employs code enforcement officers to develop safety standards appropriate for the code enforcement officers employed in their jurisdiction. Local jurisdictions must evaluate the safety hazards and risks applicable to their code enforcement officers and develop appropriate safety standards.

The Planning and Building Department evaluated the potential risks and safety hazards for Code Compliance Officers in Humboldt County and developed the Code Enforcement Officer Safety Standards (see Attachment A).

Penal Code Section 829.7 of the California 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. They are charged with enforcing a wide array of state and local laws found in the municipal codes and county codes of every jurisdiction in California. These range from straightforward yard maintenance issues to extremely dangerous and complex substandard housing and building issues, enforcing laws relating to illegal cannabis, enforcing pandemic-related orders, insect and rodent

infestations, and land use.

Humboldt County presents a unique risk many other counties in California do not face: the remote areas of the county lack, or have very poor, cellular phone service. This puts our Code Enforcement Officer at a disadvantage because communication is a vital key to reduce risk. To ensure reliable communication, the county vehicles assigned to Code Enforcement are equipped with radios that offer another method of communication when cellular service is unavailable. The division is also equipped with hand-held radios so that communication is available if the Officer is required to leave his/her vehicle to inspect a property.

Code Enforcement Officers are trained to exercise good judgment at all times in the field. At the first hint of a threat, they are trained to leave the scene if possible. However, there are situations that can arise where the ability to leave the location prior to any confrontation taking place is not possible. In cases of immediate and direct threat, the Code Enforcement Officer may use the minimum force necessary to mitigate the threat and safely leave the area. They may defend themselves until they are able to leave the scene or assistance arrives.

Code Enforcement Officers can find themselves confronted with individuals experiencing a mental health episode or a drug-related episode. They can also find themselves in the presence of aggressive dogs. In these types of situations, having pepper spray on their person as a self-defense tool could be the difference between being able to leave the location safely and putting their safety at heightened risk.

The Planning and Building Department has developed a pepper spray policy to provide guidance to non-sworn County employees who conduct field inspections for the Planning and Building Department in the course of County employment, regarding the possession and use of pepper spray (see Attachment B). The policy provides guidance on the storage and maintenance, training, use criteria and reporting for employees issued pepper spray.

By adopting the Code Compliance Officer Safety standards and the Pepper Spray Policy the potential risks involved in conducting code enforcement actions are mitigated.

FINANCIAL IMPACT:

The costs associated with adopting the Code Enforcement Officer Safety Standards will mostly come in the form of training and purchasing for the use of pepper spray. These costs have already been incorporated into the adopted budget for Fiscal Year 2022-23 for Code Enforcement (1100-269).

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by enforcing laws and regulations to protect residents

OTHER AGENCY INVOLVEMENT:

Sheriff's Office

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to not adopt the Code Enforcement Officer Safety Standards and/or the Pepper Spray Policy however, this is not recommended because it is important to ensure employee safety.

ATTACHMENTS:

Attachment A - Code Enforcement Officer Safety Standards

Attachment B - Pepper Spray Policy

Attachment C - Pepper Spray Incident Form

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A