

**NEVADA CITY POLICE DEPARTMENT**  
**Code Enforcement Officer**  
**Supplemental Policy (SB 296)**  
**May 2022**

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The Nevada City Police Department (NCPD) contracts with Lexipol for its department policy manual and each member – sworn and non-sworn - of the police department is responsible for adhering to it. Supplemental policy can be added. In this instance, Lexipol has not produced a Code Enforcement Officer policy section. Therefore, this department will use for now the CACEO template, which we modified to fit NCPD, and is presented below. To ensure continuity, all members of the police department must read this new supplemental policy and adhere to it as well.

Although SB 296 relates to Code Enforcement Officers, the policy is also applicable to Code Compliance Officers, Community Service Officers, Parking Enforcement Officers, and non-sworn staff, who may act in the same or similar capacity at times.

### 1.1 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.

### 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 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

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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.

### 1.3 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.

### 1.4 General Safety

#### **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.

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 Police Department.

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## **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.

### **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, verbal altercations, or incidents where a police officer had to arrest a party. After notification, the Code Enforcement Officer will also submit a written report of the incident to a supervisor.

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

Code Enforcement Officers are required to advise office staff and/or supervisor of where they generally will be during the course of a shift.

All Code Enforcement Officers will be assigned a radio and call sign, and use the radio as directed by the department supervisor.

Code Enforcement Officers will limit their use of the radio to only essential information to ensure the channel remains open for priority traffic.

**1.7 Missing Officer**

Dispatch conducts status checks on Code Enforcement Officers via radio and cell phone. The patrol supervisor or senior officer shall augment this process. If a Code Enforcement Officer fails to promptly respond to phone calls or radio communication, the patrol supervisor or senior officer shall take action to ensure the officer's safety, which may include deploying a search team. Electronic means for GPS locating of the vehicle or cellular device should be implemented, if available.

**1.8 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 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 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 provided to each officer. Each officer is responsible for periodic

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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
5. ANSI or similar approved eye protection
6. ANSI or similar approved head protection
7. Tyvek suit or other overalls
8. Leather or work gloves
9. CPR shield or mask
11. Insect repellent
10. Sunblock (if exposure exists)

#### 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, 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.

#### 1.11 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

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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.

#### 1.12 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.