



CODE ENFORCEMENT OFFICER SAFETY

A SURVIVAL GUIDE FOR CODE ENFORCEMENT OFFICERS

Including 48 Recommended Officer Safety Best Practices

IF YOU ARE GOING TO SURVIVE AN APOCALYPSE, YOU NEED TO HAVE THE RIGHT EQUIPMENT. EVEN MORE CRITICAL IS THE MINDSET OF THE PERSON USING THAT EQUIPMENT. PUBLIC ENFORCEMENT OFFICERS MUST HAVE THE SKILL TO MAKE THE CORRECT DECISION AND THE ABILITY AS WELL AS THE WILLINGNESS TO ACT ON THAT DECISION WHEN THE SITUATION CALLS FOR IT. THE FIRST DECISION YOU MAKE MAY BE THE ONE THAT SAVES YOUR LIFE.

ALL PUBLIC OFFICERS SHOULD EXPECT TO EVENTUALLY ENCOUNTER PERSONS SEEKING TO HARM THEM AT SOME POINT IN THEIR CAREER. THEY WILL ENCOUNTER AGGRESSIVE CITIZENS WHO SEEK TO OPPOSE AND STOP THE OFFICER PERFORMING OFFICIAL DUTIES. THESE UNJUSTIFIED ACTS CONSUME COSTLY RESOURCES, LIMIT AN OFFICER'S CAPACITY TO EFFICIENTLY PERFORM, THREATEN AN OFFICER'S PHYSICAL AND EMOTIONAL WELL-BEING, VIOLATE LAWS DESIGNED TO PROTECT PERSONS, AND ARE A THREAT TO THE MAINTENANCE OF A PEACEFUL AND WELL-ORDERED SOCIETY. ANGER IS FILLED WITH INFORMATION AND ENERGY. WE MUST DO EVERYTHING POSSIBLE TO SURVIVE IT AND ALSO LEARN FROM IT.

THIS DOCUMENT RECOMMENDS THAT EACH CODE ENFORCEMENT AGENCY:

- ANALYZE THE WORKPLACE AND THE HAZARDS PRESENT DUE TO HUMAN ELEMENTS
- CREATE AND ADOPT AN OFFICER SAFETY POLICY THAT STRESSES PREVENTION AS A PRIMARY METHOD
- AUTHORIZES THE USE OF FORCE FOR SELF-DEFENSE
- PROVIDE EACH OFFICER WITH SELF-DEFENSE TOOLS AND PROPER TRAINING
- AGGRESSIVELY DEFEND EACH OFFICER'S SAFETY IN THE FIELD, IN THE PUBLIC ARENA AND IN CITY HALL
- PROSECUTE ATTACKERS TO THE FULL EXTENT OF THE LAW

ULTIMATELY, IT IS ESSENTIAL AND THE RESPONSIBILITY OF EACH OFFICER TO ALWAYS STAY MENTALLY AND PHYSICALLY PREPARED TO ACCOMPLISH BUSINESS OBJECTIVES TO THE BEST OF THEIR ABILITIES WHILE ALSO DOING ALL THEY CAN TO REDUCE FORESEEABLE RISKS OF INJURY.



CODE ENFORCEMENT OFFICER SAFETY

This document is dedicated to the men and women that have paid the ultimate price for upholding the public health, safety and general welfare standards that protect people, property values and the environment.

One injured code enforcement officer is too many.

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Purpose

This document is a guide to help provide code enforcement officers with knowledge, information and resources to reduce acts of aggression towards them. It is designed to help them defend themselves against physical attacks. Lastly, it is intended to help justify the need to place a high priority on properly funding appropriate safety resources and developing officer safety programs.

Disclaimer

Code enforcement work involves inherent risks and dangers. It may involve requiring citizens to change their lifestyles, impact their businesses, force them to alter their property, or give up their cherished possessions. It may be perceived as creating economic hardships, threatening livelihoods or causing the loss of real property.

Code enforcement officers have been threatened, publicly humiliated, falsely accused of wrongdoing, assaulted, battered, attacked, stalked and killed both on and off duty. There is no way to completely insulate a code enforcement officer from all harm. This document does not offer any such protection and is limited to offering information that may benefit any public officer who performs regulatory enforcement work as it relates to officer safety.

Human beings are complex and one cannot always predict how another will respond to a given set of circumstances. People who feel threatened may react out of emotion or they may already have a tendency to commit crimes. Emotional outbursts may not be limited to words alone. One may act out in violence seeking to harm the one they see as the cause of their grief. This occurs regardless of the appropriateness of the code enforcement action. Emotion-based thinking is egocentric. A person suffering a loss may focus only on the direct loss rather than responding rationally and looking at the societal benefit from the nuisance abatement action. They may also perceive the enforcement action as wrongful and respond with even greater resistance.

Regardless of how effectively an officer works to stay safe by following recommended safe practices, he or she may still fall victim to an aggressor. This document seeks to minimize that risk factor and should not be considered as a stand-alone product. It is intended to demonstrate the need for additional safety and self-defense resources. These resources include personal protective equipment (PPE), initial and ongoing training in the use of PPE and policies authorizing and outlining the appropriate use of self-defense tactics and personal protective equipment.

Nature of the problem

Today, citizens seem more inclined to attempt to bully code enforcement officers than other government agents. The reasons for this are personal to the outraged citizen. One thing is clear though: when a citizen acts like a bully, they are under the impression that code enforcement officers can be intimidated and that tactic can get the relief they seek. There is little that we can do to stop their fantasy when this belief only exists as wishful thinking. When it is based on facts and reality, it indicates there may be an institutional or agency-wide problem in need of remedy.

Bullies **should** not succeed at intimidating code enforcement officers. Unfortunately, they sometimes do succeed. The officer's natural reaction is to stand their ground and not give in. After all, "Enforcement" means diligent effort to secure compliance.¹ However, when the officer attempts to deter wrongful behavior through intimidation, these opposing forces clash and the results are often disastrous. Instead of fighting a bully by being a bully, the officer should work smarter and change tactics by removing him or herself from harm's way and live to fight another day. An officer can always return another day with the cavalry, if necessary, to accomplish the ultimate goal of compliance.

Rationally thinking beings should never believe they can bully the government into submission, but they sometimes do. This assertion is not an officer 'ego' issue. It happens regularly and is a genuine regulatory, safety and legal concern. Imagine if each IRS agent stood alone in dealing with each taxpayer individually: writing individual letters, knocking on their doors and fashioning specific remedies for each taxpayer's individual "violation". Individual taxpayers as well as big corporations would resist the agent's actions just as citizens sometimes resist code enforcement officers. The federal government could not function with such unreliability. As ridiculous as this sounds, it is the exact situation that most code enforcement officers are faced with at some point in their career, if not regularly.

The reason such disparity exists in the respect and treatment of these two government agents is because it is widely known that you cannot bully the IRS into submission. The IRS has asserted that its rules will be enforced and its penalties cannot be escaped. The IRS has developed this respect and reputation over a very long time by strictly enforcing its rules with the support of all branches of government. This reputation has been bolstered by real life news stories and movies showing how a single IRS agent can bring down criminals where other law enforcement has failed. Code enforcement officers are not as well-known as IRS agents and are often seen as lacking authority. This fact must be recognized in the interest of officer safety.

¹ HSC § 17920(e) – "Enforcement" defined

Code enforcement officers serve an important health and safety need. They also enforce other regulations which are just as important, but may not be recognized as such. Code enforcement officers have many minor cases sprinkled among their major cases. Individuals prone to using intimidation may see the instances of minor casework as opportunities to discredit the code enforcement function as trivial. Officers may be simply viewed as "nuisance abatement" officers and may be considered mere nuisances themselves. Strong public reaction to recent incidents where it appeared police may have used excessive force against citizens has generated anti-government mentality. To make matters worse, we are living in a turbulent time that is breeding public acts of violence and hostility. The website shootingtracker.com reported that in 2015, there were 330 reported mass shootings in the nation; nearly one for every day of the year.

Beneath these common beliefs are citizen's individual beliefs. All of the above information may be buzzing in the minds of code enforcement clients as they negotiate their case. It can set the platform that a hostile citizen can shout from. We have all seen a citizen act out aggressively at a public venue when they did not get their way. Their manner may escalate from polite to threatening to combative during a single transaction. The subject matter is often minor and inconsequential in the big picture. However, he or she may place a high significance on the matter and exert a great deal of emotional energy into their actions. Their desire to win an insignificant argument takes priority which can lead to irrational behavior.

The fact that citizens act this way illustrates that humans have variable personalities, are motivated by mysterious factors and can be unpredictable. They can behave irrationally and may not approach routine transactions in a logical manner. They may use bullying tactics to succeed in getting their way. Every time a citizen succeeds with this method it reinforces the belief that aggression and bullying have a payoff. If reinforced often enough such behavior may become habitual. Citizens even exhibit this mentality towards police officers, but they can only push it so far in that encounter.

Since code enforcement officers are typically not equipped nor authorized to physically arrest their clients when they act up, a different toolset and approach is necessary. This document recommends methods and approaches that officers can use to minimize conflict and acts of aggression by citizens against officers. In managing each case, the officer needs to know when and if force is required and how much force is necessary to overcome an aggressor. The officer must also be proficient in the use of his or her tools. This requires the officer to always be thinking with a clear and rational mind. In order to help stay safe, code enforcement officers must be proficient in two areas: how to perform their duties without fueling hostility and how to defend themselves. Hopefully, being skilled in verbal judo and other de-escalation tactics will lessen the likelihood of having to employ self-defense tactics. However, in today's society, code enforcement officers must be ready and able to physically defend themselves at any time.

While this document focuses on the client, rather than on compliance, it is not meant to say that you should reduce your compliance-seeking interests. Continue to perform your work confidently while remembering to always put safety first and make habits out of the recommended best safety practices.

Introduction

When citizens act aggressively towards a code enforcement officer, words alone may not offer any protection. Sometimes either retreating or using personal protective equipment is required to prevent injury from the attack. There may not be an option to retreat, which has been clearly documented by the battering and murders committed against code enforcement officers and other government regulators over the past 15 plus years. There have been attacks using the element of surprise where aggressors use 'stalking' or 'lying in wait' techniques designed to deny their victim any opportunity to escape and little chance to defend themselves. Fortunately, not all attacks are so cunning and calculated. Many occur more spontaneously or at least in full view of the victim leaving a slight window of opportunity to retreat or defend one's self. Even when or if that opportunity exists, code enforcement officers must be mentally and physically prepared to take advantage of that opportunity. Access to and proficiency in the use of personal protective equipment is also important. However, the proper mind set and situational awareness is most important to a code enforcement officer's survival of a physical attack.

The anecdote, "An ounce of prevention is worth a pound of cure", is very relevant to the discussion of officer safety. Would you rather fall prey to a surprise attack or stay safe by preventing the attack? Consciously practicing officer safety best practices until they become second nature will help decrease your vulnerability to attack and help ensure you make it home safe each night.

The quantity of difficult or unsolvable cases in your portfolio will continue to grow the longer you are on the job. You will have less and less time to allocate to non-productive work. Any time spent away from working a case is spent on other urgent and important matters. As this pressure grows, you can get more and more focused on your caseload and you can become buried deeper and deeper into solving other people's problems. But what about you? Who is watching out for you? Who has got your back? Who will protect you? Unless the police are with you at every field visit, your awareness and abilities are all you have.

In the case of a surprise attack, even if you manage to dial 9-1-1 or push the panic button, help will still not be there for at least a few minutes. No matter how much back-up support you have on the way, you will be all alone. It is at this moment you must know how to actively defend yourself and overcome your aggressor. You may instantly flash on all the things you could have done to prevent this attack. The time to think about these things is BEFORE you are in what

could end up being a fight for your very life. You may experience and will likely never forget a sinking feeling of instant remorse, which is a good thing. Use this experience and feeling to motivate yourself to stay prepared both physically and mentally. This document is your opportunity to realize what you can do now to accomplish your work goals safely.

Chapter 1: You Have a Protected Right to be Safe

You are exposed to several workplace hazards. Your human resource or risk management departments are trained and able to evaluate the predictable physical job hazards that you are exposed to. If you have not had an occupational risk and hazard safety assessment performed yet, request it now. This section discusses an employer's duty to do everything reasonable that it can to create and maintain a safe workplace placing careful emphasis on the hazards that may not show up on standard workplace risk analysis form(s). This includes the unpredictable hazards that are purposefully created by hostile citizens. This document helps equip you with the knowledge and mindset to minimize these hazards by adding a beneficial degree of control to these three variables:

- 1) Your mindset.
- 2) Your work practices.
- 3) The emotions of those who might wrongfully seek to harm you.

The California Labor Code requires employers to inspect and analyze the safety of workplaces.² It requires employers to adopt and use methods, operations and processes, which are reasonably adequate to render such place of employment safe and healthful.³ Every employer is further mandated to do every other thing reasonably necessary to protect the life, safety and health of employees.⁴ These are to be documented in a code of safe work practices, kept current and actively enforced.⁵ This responsibility is bolstered by CA Labor Code Sections,

² CA Labor Code 6400.(a) General duty for every employer to furnish safe healthful places of employment.

³ CA Labor Code § 6401. Duty of employer to furnish and use safety devices, adopt safe practices/means/methods/operations/processes, and do every other thing reasonably necessary to protect the life, safety, and health of employees.

⁴ CA Labor Code § 6401. Duty of employer to furnish and use safety devices, adopt safe practices/means/methods/operations/processes, and do every other thing reasonably necessary to protect the life, safety, and health of employees.

⁵ CA Labor Code § 6401.7.(a) Duty of employer to implement effective injury prevention program including identification of workplace hazards, methods/ procedures for correcting unsafe/unhealthy conditions/practices, instruct employees in safe practices, and provide specific instruction to hazards specific to each assignment

which place an affirmative duty on employers to provide safe and healthful workplaces,⁶ and prohibits an employer from allowing its workers from entering and/or working in places that are not safe and healthful.⁷ Furthermore, employers are required to pay for and furnish safety equipment and supplies to its workers.⁸

Local government employers are familiar with these laws, especially as they apply to traditional crafts and trades. For decades, they have applied these principles to office/administrative staff, trades/labor staff, law enforcement and fire fighters. They have analyzed their work practices, investigated their accidents and workplace injuries and have written volumes of codes of safe work practices to protect them from all foreseeable workplace injuries. However, code enforcement is not such a traditional occupation. It does not clearly fall into the neat categories of clerical, labor or law enforcement. Indeed, it is a mix of building inspection, law enforcement and clerical work. We are exposed to all of the same hazards that those occupations are exposed to. Since code enforcement officers are such a minority compared to the other three listed occupations, they tend to get overlooked in the areas of risk management, safety evaluation and the use of personal protective equipment. It is not uncommon for code enforcement officers to initiate surveys of other local agencies inquiring about safety related work practices and protective equipment. Even though they are such a minority, it does not discharge employers from their responsibilities. CACEO has many survey results that show a wide disparity in how individual employers treat the topic of code enforcement officer safety. Several of the CACEO surveys clearly show factual differences in safety practices between agencies. Past surveys have clearly shown the need for greater safety resources and training of code enforcement officers. It may be that nowhere else in local government is such an important topic given such inconsistent treatment by government leaders and their risk managers.

Can you imagine police or fire departments operating wildly different from each other regarding safe work practices? Clerical departments from one agency to the next being given different office safety or ergonomic instructions? Public works employees not being trained similarly on equipment operation or not all following standardized and generally accepted procedures for working in traffic lanes? Of course not. The law is very clear in this area and the employer responsibility could not be stated any more simply. The duty for an employer to inspect, make and keep a workplace safe is as clear and strict as its duty to restrict cigarette

⁶ CA Labor Code § 6403. Employer prohibited from failing/neglecting to provide and use safety devices and use methods/processes reasonably adequate to render workplace safe; and do every other thing reasonably necessary to protect the life, safety, and health of employees.

⁷ CA Labor Code § 6402. Employer prohibited from requiring/permitting employee to be in any unsafe/unhealthful workplace.

⁸ op. cit. Footnote 2.

smoking in enclosed workspaces.⁹ In fact, both are within the same division of the CA Labor Code.¹⁰ Just as a local government employer would not tolerate its staff smoking in its offices, so should it be zealous in doing "every other thing reasonably necessary to protect the life, safety, and health" of code enforcement officers as required by the California Labor Code.¹¹ Assuming your employer has met its duties and responsibilities in this area, let us move on to what **you** can do to help stay safe on the job. You will see that your employer's efforts are slight in comparison to what you are called upon to do as an individual.

Setting and following safe work practices is not so simple in the field where code enforcement officers interface with citizens. One round of hazard assessment, ergonomic analysis or a one-time purchase will not solve the issues faced in this dynamic and unpredictable setting. While we (along with our employers) can predict the range of responses that citizens are capable of, we cannot predict how or when they will strike with any degree of precision. The best that we can do is work towards minimizing acts of aggression and try to minimize our vulnerability. We must be ready for any potential attack at any time and must be authorized and equipped to defend ourselves.

Threats against a code enforcement officer

It is likely that every seasoned code enforcement officer has been threatened in either a subtle or overt manner. A threat toward an ordinary citizen is unlawful if it presents a clear and present danger and causes the threatened person to reasonably fear that they will suffer death or great bodily injury¹². In some cases, citizens report threats made by another against them to the police department only to be told there is little that can be done. Each situation like this is unique and is handled on its individual merits. Fortunately, you have greater protection as a code enforcement officer.

Under the law¹³, 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, or by imprisonment up to one year, or both. Repeated offenses carry greater penalties.

⁹ CA Labor Code § 6404.5.(a) Employer required to prohibit the smoking of tobacco products in all enclosed workplaces.

¹⁰ California Labor Code Chapter 3, Division 5, §§ 6400-6413.5 (RESPONSIBILITIES AND DUTIES OF EMPLOYERS AND EMPLOYEES)

¹¹ op cit. Footnote 5

¹² California Penal Code 422. Threatening death or great bodily injury to another person with specific intent to be taken as a threat, even if no intent of actually carrying it out.

¹³ California Penal Code § 71. Penalties for causing public officer or employee to do, or refrain from doing, official duties by means of a threat

Assault and Battery on a Code Enforcement Officer

No person has a right to intentionally harm another person. Assault and battery against any person is unlawful.¹⁴ In 2003, the penalty for committing a battery against a code enforcement officer (and certain other kinds of public servants) was enhanced to a more serious crime. An assault¹⁵ now rises from a misdemeanor to a felony when it is committed against a person known to be a code enforcement officer in the performance of official duties and results in an injury.¹⁶

Code enforcement officers often work alone in the field, which has inherent hazards that are sometimes unavoidable. An officer's attention is often focused on an object or area/space in order 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 of 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.

The job hazards that code enforcement officers are exposed to are neither new nor obscure. It has been the subject of many professional surveys and publications and the issue has been addressed by the California State Legislature numerous times. While some new legislation has succeeded in advancing code enforcement officer safety, some have not. The California Legislature and Governor both recognized the need for increased safety and clearer definitions with the passage of SB 919 in 2003, which has been instrumental as a foundation for additional safety measures and awareness. The California Senate Committee on Public Safety's analysis of SB 919 reported the following in its analysis:¹⁷

Code enforcement officers enforce the regulations and standards of state and local governments. Unlike police officers, however, code enforcement officers

¹⁴ California Penal Code § 240 and § 242

¹⁵ Cal Penal Code § 240 defines an assault as "an attempt to commit a violent injury on another".

¹⁶ Cal SB 919 (Ortiz) (2003 - 2004) (Battery: code enforcement officers) increased the penalty for a simple assault or battery upon a code enforcement officer from a term not to exceed six months to a term not to exceed 12 months in the county jail (misdemeanor to felony).

¹⁷ Senate Committee on Public Safety, Senator Bruce McPherson, Chair 2003-2004 Regular Session SB 919 (Ortiz) As Amended April 22, 2003, Hearing date: April 29, 2003, ASSAULT AND BATTERY - CODE ENFORCEMENT OFFICERS

are not "peace officers" under California law and are not empowered to effectuate arrests or to carry weapons during the course of duty.

Code enforcement officers are responsible for investigating violations and requiring compliance with the law. Correcting deficient conditions is often inconvenient and costly. Orders to correct deficient conditions are often taken personally and produce anger, resentment, and hostility in the affected parties. These intense negative feelings aroused by code enforcement officers may be rooted in human nature, which includes biological, cultural, and social determinants to stake out and defend our personal environments. [See Baron & Byrne, Social Psychology: Understanding Human Interaction (5th ed. 1987) pp. 440-442, 450-452 (discussing the innate predilections humans have when it comes to the spaces they inhabit).] Personal territory, as in a home or business, is significant for humans as that is where people carry on long-term essential activities. (Id. at 440 & 451.) It is the desire for privacy and control that causes a person to become distressed and attempt to assume dominance over uninvited intrusions into his or her primary space. (Ibid.)

This predilection to control and defend one's space can manifest itself in aggression and violence. (Ibid.) Thus, an enforcement officer is an adversarial position from the start and on a potential collision course with the inhabitants of the "invaded" territories. Attacks on code enforcement officers have included the use of firearms, explosives, all manners of bludgeons, knives, motor vehicles, beatings and even human bites on the officer's person. [See California Association of Code Enforcement & California Environmental Health Association, 2001 Survey Results 8 (2002) [hereinafter Survey Results] (reporting the testimonials of code enforcement officers about dangerous experiences in the field).] A 2001 California Association of Code Enforcement survey of association members reported that over 63% of those who responded to the survey had been assaulted or threatened. (Ibid.)

Confronting unlawful, aggressive individuals in the course of enforcing the law has long been the responsibility peace officers. Yet, code enforcement officers consistently encounter felons, gang members, unstable homeless individuals, irate tenants and potentially violent property owners. In addition, code enforcement officers investigate violations, issue citations, prepare criminal cases, arrange arrests for failures to appear, and obtain court orders.

Greed and the hope of relief from regulatory requirements have proven themselves to be sufficient factors to drive citizens to oppose code enforcement actions. Every code enforcement officer can attest to this fact. Even though citizens have this potential power and ability, this does not make it right. A person who overcomes a code enforcement action through intimidation or force has unlawfully appointed him or herself the authority of the local legislature, judiciary and executive officer all in one. In the process, they are attempting to immunize themselves from the law by tailoring an exception just for themselves. Seizure of authority by wrongdoers cannot be tolerated in a regulated society. This is the definition of anarchy.

Violence may not far behind when people feel their lives and property are threatened

Code enforcement involves the proper application of regulations that benefit the public. All code enforcement officers know the benefit of appropriate code enforcement actions outweighs any benefit that the individual code violator may receive from maintaining a public nuisance. In abating a public nuisance, code enforcement actions may affect a citizen's ability to continue to use their property as they choose. That use may have been primarily for enjoyment, but may also have been for commercial activity where businesses or profit-making ventures are affected. Imposing code-based requirements can limit or even prohibit these activities. They may also require the violator to make significant expenditures to make physical corrections such as legalizing or demolishing structures. The regulated person's desire to maintain the status quo in the face of a notice to correct creates a conflict that can also create resistance. This resistance can result in a struggle which can have unknown consequences.

Clients resistant to code enforcement come from all walks of life. A client may also have a pre-established bias against government, law enforcement or code enforcement. Such feelings may stem from culturally produced thoughts, where the "anti-government" mentality is a widely-held sentiment. This might sometimes be predictable, but this is not always the case. The opposition may be from an otherwise "good" citizen who has never been exposed to such culture and may be located in a community filled with law-abiding households. All it takes is for your action to stir up a negative emotion in the citizen to generate opposing thoughts and actions. Whenever your actions threaten any form of loss, which code enforcement actions typically do, an unpredictable negative reaction is possible due to the human variable.

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. We must also recognize and give due credit to a code enforcement client's frame of reference as it relates to the propensity for criminal behavior. While best practices may work to keep you safe in many situations, in others, it will not. Your caseload will be composed differently than every other officer's. You may be serving a

population segment that tends to exhibit well-balanced thinking and behaviors due to their background and socioeconomic status. On the other hand, you may be serving a completely different population segment where their environment, background or socioeconomic status is more conducive to breeding criminal behavior. Either way, you will encounter clients at both ends of the spectrum. Prudence says to treat each case as effectively and efficiently as you can, while still providing fair and equal treatment. In assessing your client, it is always good to consider his or her frame of reference. Doing so will enable you to understand their motivation and potential to commit a crime as you begin to prepare your approach. It will also help prepare the required notice and determine the remedy to the problem.

Important Theories in Criminology: Why People Commit Crime

In criminology, examining why people commit crime is very important in the ongoing debate of how crime should be handled and prevented. Many theories have emerged over the years and they continue to be explored individually and in combination. Criminologists are tasked with the job of seeking the best solutions in hopes of ultimately reducing types and levels of crime. Here is a broad overview of some key theories:

- Rational choice theory: People generally act in their self-interest and make decisions to commit crime after weighing the potential risks (including getting caught and punished) against the rewards.
- Social disorganization theory: A person's physical and social environments are primarily responsible for the behavioral choices that person makes. In particular, a neighborhood that has fraying social structures is more likely to have high crime rates. Such a neighborhood may have poor schools, vacant and vandalized buildings, high unemployment and a mix of commercial and residential property.
- Strain theory: Most people have similar aspirations, but they don't all have the same opportunities or abilities. When people fail to achieve society's expectations through approved means such as hard work and delayed gratification, they may attempt to achieve success through crime.
- Social learning theory: People develop motivation to commit crime and the skills to commit crime through the people they associate with.
- Social control theory: Most people would commit crime if not for the controls that society places on individuals through institutions such as schools, workplaces, churches, and families.
- Labeling theory: People in power decide what acts are crimes and the act of labeling someone a criminal is what makes him a criminal. Once a person is labeled a criminal, society takes away his opportunities which may ultimately lead to more criminal behavior.

Formula for Criminal Behavior

Regardless of the particular criminology theory or facts of the case, the following simple formula helps explain the basics in interacting with any citizen who may seek to commit a crime: Motive, plus Opportunity, absent Constraint, equals Crime (M+O-Con=Cri). This model applies to code violations as well as assaults, which are both crimes. In almost all crimes, if you remove Motive or Opportunity, or add an effective Constraint, the Crime will not occur. This applies to assaults on a code enforcement officer in this manner: Motivation: the client is motivated to stop enforcement actions in order to be relieved from regulatory requirements. The Opportunity to assault us is present every time we meet and even when we do not meet. The Opportunity is still present because we can be stalked, tailed and targeted at any time.

Since the clients are free citizens the primary constraint is the client's rational mind, which would normally, stop him or her from committing the assault. That is of course, if the person is prone to rational thinking leading them to realize temporary relief from compliance does not outweigh the consequences of committing a violent crime. However, here is the problem: When emotions overpower rational thought, Constraint diminishes and may temporarily evaporate altogether. Absent effective Constraint, code enforcement clients may act on the Motivation and take the Opportunity to assault or batter the code enforcement officer. Keeping this Constraint in place and working to strengthen it, rather than impairing it, is essential to helping keep you safe while performing your duties. Chapter 5 discusses how a code enforcement officer can affect this Constraint factor. Since an ounce of prevention is worth a pound of cure, it is desirable to keep the client's emotional/rational thought process from tipping the wrong direction. We should actively seek to promote rational thinking as much as we can so that Constraint overcomes Motivation. Keeping this model in mind can help prevent inadvertently creating this undesirable imbalance.

Chapter 2: Political Nature of the Job

A code enforcement officer's job consists of enforcing governmental rules against citizens who may complain about that enforcement (or lack of enforcement) to the decision-makers who created those rules. Those same decision-makers also have the power to suspend, discipline, terminate or otherwise limit the actions of the enforcing officer. This dynamic is characterized as the "political" nature of the job and is a fact that is quickly realized by every code enforcement officer. Citizens subject to enforcement action have the potential power and influence to affect the abilities and success of the code enforcement officer, if the citizen knows how to wield it. Code enforcement officers should be aware they are walking this tightrope whenever they initiate or contemplate enforcement action. Each enforcement action is an exercise of this balance. Some agencies are so political that code enforcement officers are directed to enforce rules and standards differently in one council district than in another. In this context, code enforcement becomes more of an art than a science as officers use their

senses, intuition, experiences and predictions to manage the multiple social and political dynamics at work in each case. Whenever a citizen pushes the button that invokes political instruments, there is a potential for the appearance of undermining the officer's authority. This undermining frustrates code enforcement efforts, can fuel the original problem and compromises officer safety. The message sent through this undermining to the citizenry is that code enforcement officers lack true authority and therefore are not to be respected. The resulting lack of respect can turn into many things, including violence towards the officers themselves. The political nature of the job is not going to change anytime soon. Of this, we can be sure.

Rather than attempting to influence the officer's conduct through the political process, some citizens attempt to influence officer actions by exerting force through other means. Code enforcement officers can somewhat overcome the political assaults by simply being professional in all of their actions. However, much more is needed to counter attempts of using physical force to deter enforcement efforts. Aggressive acts against code enforcement officers are on the rise. Each code enforcement officer must always be mentally and physically prepared for such encounters. To do anything less is to act with reckless disregard for a known hazard, similar to a motorist driving without a seatbelt. Each unprepared exposure increases the risk of death or serious bodily harm.

Chapter 3: The Human Variable

Accountability for making corrections

It has been proclaimed for over 250 years that, “The great end for which men entered into society, was to secure their property. That right is preserved sacred and incommunicable in all instances, where it has not been taken away or abridged by some public law for the good of the whole.¹⁸” All code enforcement officers have encountered or will encounter, citizens who assert, “This is my property, I can do whatever I want with it”, or similar egocentric statements. Government regulators know this is not true and can confidently and convincingly refute this fallacy.

Life does not come with an instruction manual. Many property owners are not aware of building and zoning regulations and innocently violate these laws. Another large segment of the population, either knowingly or not, purchased real property with building or zoning violations on it and assert they should not be liable for correcting another person’s wrongful acts. This argument is raised to escape liability altogether. This does not hold true due to

¹⁸ Entick v Carrington (1765); Boyd v. United States, 116 U.S. 616 (1886)

principles of 'strict liability' when it comes to code enforcement actions for continuing property-based violations. The current property owner is the only person who can legally make repairs or arrange to have necessary repairs made. They may ask prior owners to assist or contribute to repairs if they feel that party breached a duty to disclose a known defect under the Civil Code. However, the seller is not liable under the California Health and Safety or model codes enforced by public agencies. Furthermore, the seller has no right to enter the property of another without consent. Since the current occupant has the exclusive right to occupancy and the right to quiet enjoyment, any entry by another person is an intrusion amounting to an unlawful trespass. Even though a code enforcement officer may **not** hold sellers responsible for performing repairs to another person's property, this does not absolve the current owner from responsibility. If a real estate transaction were allowed to absolve a purchaser from liability, **nobody** would be then liable for making required repairs. The real estate industry would then develop a system to take advantage of this loophole to effectively bypass the law. Unlawful construction would proliferate and simple title transfers would encourage mechanisms to develop within the industry that would cause simple transfers of title of the property to occur for the sole purpose of washing the violations away. Such a scheme would effectively thwart code enforcement efforts resulting in substandard and dangerous buildings, rendering the building permit and inspection process ineffective and contributing to the erosion of a well-ordered society.

While the law is clear on this accountability, many citizens may not accept these facts without denial, arguments and outrage. A client who has purchased a property with a major violation may want to avoid liability and try very hard to make the code enforcement officer hold the seller responsible. This can cause a conflict because the officer cannot accommodate the desire of the buyer. Correcting major violations can require large expenditures, may require the demolition of structures, or command other unwelcome changes to cherished lifestyles. The associated sense of loss is likely to stir up many negative emotions. Unlike the person who knowingly violated the code, the innocent purchaser may have much more difficulty reconciling the fact he or she is being held responsible to correct somebody else's mistake. Being surprised by this sudden and serious loss can be very upsetting. In addition to going through the pain and paying for work that was not planned, the resources consumed will no longer be available for other intended purposes. Those purposes may have been planned for a very long time and may have been the object of a great deal of passion. In this situation, the client is losing twice. Such compounded losses can easily stimulate a lot of anger, frustration and aggression. The client may then direct that aggression against the code enforcement officer who appears to be the sole cause of all the loss and grief.

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 and explanation is offered, a percentage of the population will not act as a reasonable person would be expected to under similar circumstances. Most code enforcement officers can likely remember cases where a client chose to accept huge fines rather than make simple less costly repairs. Sometimes a person's resistance to comply is simply a choice, as if resisting compliance is just based on general principles. Other times more observable obstacles may be at issue such as money, ownership problem or other pressing matters. Finally, some people do not comply because of incapacity, intoxication or insanity.

Chapter 4: Aggressive Citizens

While the regulatory nature of code enforcement work seems like it should be a safe environment, the facts show otherwise. Although most code enforcement transactions do not escalate into violence, code enforcement officers have been stalked and killed in the line of duty. All government agencies that enforce laws, codes, etc. must accept the fact that their officers must be properly trained and equipped to defend themselves and overcome aggressive citizens when necessary. Additionally, public prosecutors must not hesitate to prosecute these offenders to the fullest extent of the law in order to help protect code enforcement officers. Anything less is tantamount to the agency 'burying its head in the sand', exposing the agency to liability for failing in its duty to provide a safe and hazard-free workplace as described in Chapter 1. Doing so also exposes the officer to undue foreseeable harm. In addition to statutory fines and penalties for this breach of duty, the victim and/or his or her family may also bring civil suit against the agency for their immediate and future losses. Officers and their agencies can act to avoid these potential losses by being properly prepared to take necessary actions to stay safe on the job through the use of their knowledge, actions and use of protective equipment.

There are several primary causes, some of which we have already discussed, for the code enforcement client's aggression. While it cannot be entirely avoided, many of the instances can be reduced when we understand this is a normal, emotional reaction and that our reaction to those emotions can help diffuse or de-escalate the situation. In order 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. When these attempts fail, the code enforcement officer must be prepared to instantly defend him or herself from an assault and subdue the aggressor if retreat is not a reasonable alternative. Like police officers, code enforcement officers should not be forced to rely on weaponless self-defense methods or words alone to thwart an assault. Tools and technology exist to assist with personal defense and should be deployed as necessary whenever they can help reduce potential harm to either party.

Bullying

Most citizens understand the “public servant doctrine” and many are not shy to remind code enforcement officers of the relationship with assertions such as, “I pay your salary,” “I am politically connected,” “I’ll have your job,” and so on. These exclamations amount to classic “bullying,” and are an attempt to overcome the other person’s will in order to gain something of value. This is not unlike the schoolyard bully stealing lunch money from an innocent schoolmate. In code enforcement work, the bully seeks relief from governmental requirements, regardless of the motivation or appropriateness of that action. The reason “bullying” exists in this capacity is because of simple economics. The bully understands that investing a small amount of time and a show of force may result in a savings of hundreds or even tens of thousands of dollars, which might be required to abate or correct the situation.

In primitive times, the ability of a person to overpower and simply take things from others may have been a way of life. The lives of the strong and powerful were enhanced by dominating and controlling others. This law of nature is as old as mankind and we should not expect such mentality to change during our careers. In fact, methods used by code enforcement officers to intimidate citizens and coerce them into compliance are not much different from the bully’s, as the root word “force” in “enforcement” implies. The difference is that it is supported by law, accepted and beneficial to society. In contrast, citizens’ forceful actions against code enforcement action(s) are unlawful, disruptive and can amount to serious criminal behavior depending on the statutes of a jurisdiction.

Fortunately, most of these encounters do not result in physical altercations. We can be confident that we will encounter citizens who are angry, emotionally charged and confrontational. They will want to challenge our enforcement actions by bullying or forcing us into submission. The following chapter expands on some of the psychological reasons for this reality.

Chapter 5: Emotional Versus Rational Thinking

Human Emotions Have a Great Effect on Psychology and Neuroscience

If everybody only used their rational minds for decision-making, they would choose to comply with regulations. They would realize that the disadvantages of doing otherwise are outweighed

by the advantages. Unfortunately, society does not consist of purely rational thinking beings. Human minds are complex and by nature, are primarily driven by feelings, thoughts and emotions. Rational thinking is secondary. Brains are “wired” this way; this trait aids our survival and is why fear generates adrenaline and powerful “fight or flight” responses that takes priority above all other thinking. It is only after we run for our lives and stop in a place of safety do we collect our thoughts and begin ask ourselves the ‘hows’ and ‘whys’. Thus begins the rational thought process and planning to make changes to improve these situations in the future. We continually struggle to achieve the balance between our rational and emotional minds. We are often not aware of the influence that our emotions have on our actions resulting in passion inadvertently overcoming reason.

While our emotional mind's ability to generate an overwhelming "fight or flight" response has served us well for thousands of years, it is not without its costs. Any sense of loss reaches into this territory and our rational minds may surrender to our primitive drive to fight, even over minor issues. Evidence of this exists whenever a violator has an emotional outburst such as getting mad, speaking loudly, crying or making threats. If the rational mind were in control in these situations, communication would be oriented towards negotiating a successful resolution that achieves the desired result in the least harmful manner.

When the emotional drive is too great, it causes the person to act out of passion rather than relying on intellect for decision-making. This ability to balance these competing brain functions and give appropriate priority to the correct one in each situation is 'emotional regulation.'

There are many reasons that emotions are so powerful. A primary reason is the subconscious nature of our emotions. We are not aware of the powerful influence that emotions have on our thought processes. Very few people have the ability to totally suppress core feelings and emotional thoughts that would be required to make purely rational and reasonable choices. Instead, they simply respond to their feelings about the situation, which are generated deep in the primary area of the brain known as the amygdala (the integrative center for emotions, emotional behavior and motivation). This leaves it up to the code enforcement officer to convince a citizen to change their behavior in spite of the automatic, impulsive, powerful emotionally skewed thinking that is based in subconscious and driven by primal instincts and feelings. To make this transformation requires the code enforcement officer to stimulate a person's cerebral cortex (the reasoning and rationalizing area of the brain) to overcome the amygdala. This is very difficult to do whenever a person is sensing potential loss. Humans are programmed for stress to stimulate our primal instincts and to allow those instincts to overcome our rational minds and give us that ‘boost’ of energy that helps us overcome obstacles, such as code enforcement officers commanding us to do something that we may disagree with.

There is a reason the law assigns and holds citizens to the "reasonable person" standard. We would have no accountability without it. It is what society expects and is what the law commands. Most of us are reasonable people and rely on rational thinking to guide our decisions. We weigh the advantages against the disadvantages of each situation. After all, life is a continued non-stop series of problems to be solved. The only way we can successfully survive it to make correct choices based on rationally based decisions. We do this daily and the process will not stop in our lifetimes. This continuum of problem solving only ceases when we die, so we are well-served to embrace and master it, rather than to seek to escape it. To do anything less is to lead less than a full and satisfying life.

The more reasonable and rational we are, the better off we and society in general are. If everybody always acted this way, society would continually get better and Utopia would not be too far off. However, every person is also driven by emotions, which affect their actions. Rational thinking occurs in one part of our brain, while emotions exist in another. Under stress, emotions overpower rational thinking, causing us to make irrational emotionally based decisions. This chain of "emotions affecting actions" is very powerful. Because of this, neutral observers are often left scratching their heads wondering why a violator chooses to continue a violation, rather than comply with code, when compliance is an obviously wiser choice.

These opposing forces of rational versus emotional-based thoughts create internal conflict and tension that further aggravates negative emotions and creates discomfort. It creates stress and short-circuits clear thinking. Because humans are naturally inclined to maintain a state of homeostasis, a client's normal reaction will be to attempt to relieve this tension. There are three potential ways to achieve this reduction: 1) Make the required corrections and reconcile one's emotions with reality (i.e. 'give-in'). 2) Try to rationally convince the code enforcement officer to relax the requirements. 3) Attempt to force the code enforcement officer to reduce or eliminate the requirements. Choice number one is clearly the desired outcome, as corrections are made and tension is relieved. Luckily, this is the most frequent outcome.

Choice number two results in the violator making excuses and attempts to justify and persuade. This "negotiation" style of response may be more prevalent in some cultures to the point of being an expected and socially acceptable norm where it would be perceived as rude to not attempt to negotiate. Code enforcement officers may choose to operate under the assumption that every case should tolerate some level of negotiation and plan on negotiating the most successful outcome within the parameters of the law. There is normally nothing wrong with extending a timeline or choosing not to enforce an element of the case that is not really at issue yet still achieves the ultimate goal of compliance. However, this course of action would only be appropriate if it does not create a threat to public health and safety or adversely affects the neighborhood and community.

When the client's efforts to suppress the enforcement actions through negotiation are not entertained by the code enforcement officer, it creates tension on top of tension. In this situation, the violator realizes the loss of power and control causing the violator to feel as if he or she is on a sinking ship. This strong sense of loss can result in increased tension and regret that may motivate creative actions directed at mitigating the loss and soothing the pain. When those 'creative' actions are generated by irrational thinking, there is potential for injury to occur. A little bit of give and take, within the parameters of the law, can go a long way to relieve tension that can frustrate the problem and lead to compromised officer safety.

Choice number three begins as a forceful opposition. Combined with an assertive and aggressive personality, that force may take the form of an instant assault or battery. Depending on the experience and capabilities of the client, this reaction can range from quick acceleration to an instant explosion. With passive or reserved personalities, it may generate a phone call or letter to the political figurehead. It could result in a well-prepared list of hundreds of similar existing violations in the community. It also may result in packing the next public meeting with supporters who oppose this type of code enforcement action for a variety of reasons. If the carefully calculated action does not provide the relief the client initially sought, it can escalate into passion or rage. It also may be channeled into the careful planning of an aggressive act designed to force the code enforcement officer to stop enforcement actions or to inflict harm to the code enforcement officer as a retributive act. Code enforcement officers live their lives not knowing when one of these 'sleepers' may strike.

The following discussion helps illustrate how powerful emotions can overcome rational thinking and show how problematic it is when emotional thinking takes over. Consider the elements at issue in the crime where a man stalks a woman who rejected him. A man targets a particular woman and builds up hopes of developing a relationship. We do not know what his fantasies are, but they are nothing more than a manifestation of his thoughts, which are generated by his feelings. Regardless of whether he just met her or has harbored fantasies about her for a long time, his thoughts, feelings and desires have been around long enough to dominate his thinking. He is caught up in his own thinking while living in a fantasy world. Upon asking her out for a social date, the woman politely declines. Rational thinking would tell him perhaps that he should consider investing additional time getting to know her. Rational thinking may also tell him that "no" means no and he should just move on. Either way, one thing is clear: Acting aggressively towards her will not make him more attractive to her. If emotions overpower intellect and rational thinking in this case, the feeling of rejection could trigger an angry reaction. If those hurt feelings are strong enough, it may rise to the level of acting on that anger with no regard for the consequences. Hopefully, this man would realize that hurting the woman would not make her desire him. Any rationally thinking man in this same position would realize that there are millions of other women who might accept his invitation. We can only hope that he realizes being convicted of a battery or homicide will more likely eliminate his

chances of getting to go out with her or anyone else if he lands in jail. Even with all this common knowledge, if he acted contrary to his best interests and true desires, he would have hurt himself more than any rejection ever could. As crazy as this sounds, we all do it to some degree. We can change this by learning the art of emotional regulation. However, it may require ongoing therapy followed by practicing it relentlessly for a lifetime.

Luckily, such powerful and potentially fatal emotional reactions are not commonplace. Still, the fear of such an encounter is real enough for most women causing them to use caution with social encounters. They must do so because they never know when things will go badly. Consider this: Even though the preceding example is something to be genuinely concerned about, that moment of rejection was only momentary. Even if it persists to disturb the man, it is only his memory of the rejection, which actually caused him no harm. It did not set him back anything, yet it grew and festered rather than being accepted or forgotten.

In contrast, a code enforcement officer's actions in many cases places continued escalating pressure on the client. Each interaction whether in person or in the form of a notice or citation adds pressure on the client. Although unintentional on the part of the code enforcement officer, successively stacking perceived hurtful feelings on top of other painful memories serves as a reminder to the client each time he or she looks at the situation. It is inescapable and impossible to forget it or simply let it go without risking more loss. When considering this comparison, rational observers will agree that code enforcement officers may have at least as great a chance of being attacked as the lady who politely declines the invitation. This gives us real and convincing reasons to prepare to survive.

Balancing the Scale of Emotional Regulation

At its core, there is no denying that code enforcement is primarily about influencing human behavior. 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 client is always balancing on a scale of emotional regulation. We can put our thumbs on the scale to tip it either way, either towards compliance, or resistance. When code requirements involve making costly changes to property, impair a person's livelihood or otherwise alter a person's lifestyle, it takes on a much different element. This is in contrast to the effects that remedies for other public offenses such as a simple citation for a minor blight issue.

Code enforcement actions can penetrate and disturb deeply rooted habits, beliefs, customs, norms and values. They can also have potential impacts on lifestyles and livelihoods. Such

interference can affect the responsible party both financially and emotionally. The continuing nature of the violation gives the violator a long time to think about the impact of the enforcement between officer visits. This time may be spent taking the required corrective action(s) or calculating a resistive strategy or response. Rather than resisting, rational-minded clients can accept responsibility and may obediently comply with requirements. These citizens may even express gratitude by sending “atta-boy” messages to the elected leaders. They may even send a batch of cookies to your department to show their appreciation for your efforts. This choice is based on rational thinking and is what society expects as the “reasonable person” standard of conduct.

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: 1) “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.” 2) “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 difference between these two is the focus and orientation. The first focuses on the officer satisfying his or her needs while stating the citizen must be obedient to help achieve this goal. It can easily offend the citizen as it shows little or no regard for his or her feelings. Self-serving and impersonal commands, especially in a code enforcement situation, tend to generate resistance. In most cases, working in this manner is ineffective and can actually impede resolving the matter at hand. However, there are instances where a more commanding approach is necessary to gain compliance. Knowing which approach is appropriate and necessary is key in code enforcement and has a direct tie to officer safety. Instead of commanding (unless appropriate for the situation) directives, work to help your clients use their rational minds to make rational choices to cooperatively comply. This is not unlike the old classic cartoon image with an angel on one shoulder whispering proper advice into the character's ear while the devil whispers counter-advice into the other ear. Be the angel!

Chapter 6: Motivations and deterrents.

The Code Enforcement Psychological Challenge

A segment of society consists of people who are content with living in a manner that society will not allow. To impose or, in some cases, to force societal rules and standards on them creates friction. Sometimes, with the right approach, the person may be more willing to accept and adopt the rules and standards as his or her own. The fact is that not everybody will surrender to compliant behavior. Forcing requirements on clients, who cannot agree, understand or accept the necessity to change creates cognitive dissonance or mental stress. The level of mental stress will vary in every case and when the level is sufficiently high, it results in anxiety and fear. It also stirs up thoughts that directly conflict with the person's desire to be left alone and live as he or she chooses. This conflict is a pressing disturbance. The tension grows as the mind seeks to relieve the tension between the desire to maintain the status quo and the willingness to surrender to the forces demanding compliance. Compliance with those external rules and standards require not only mental acceptance, but may also require physical acts that go against the grain of the person's established habits. Constant or recurring external forces conflict with habits and deep-seated beliefs. This conflict can cause mental distress that may require professional psychological assistance for the person in order to resolve the tension and implement the new behaviors mandated by the code enforcement officer and society.

The field of professional behavior modification normally consists of a highly trained M.S. or PH.D. Counselor with thousands of hours of experience. These individuals perform the scientific and objective study of the human mind including both the conscious and subconscious. These counselors have clients who are at least somewhat willing to cooperate, learn and make changes. Many of them pay in excess of \$100 per hour for their sessions and do homework designed to help the face-to-face counseling succeed. Code enforcement officers also try to help clients understand, adopt and internalize alternate behaviors. In this sense, code enforcement officers act as behavioral counselors. The glaringly obvious difference is that code enforcement officers are not typically trained in psychology. Instead, they may have only been prepared by being issued a codebook, cell phone and citation book. Their final "training" may have been being told, "Now go do your job of resolving community complaints and neighbor feuds. Rid the community of public nuisances, substandard buildings, homeless camps and inoperable vehicles. You must accomplish this all on schedule without making citizens too upset. We do not want to receive a lot of citizen complaints." As if that were not challenging enough, our typical clientele does not come to the code enforcement officer asking for help. These clients are usually not ready to change. They did not come in at the urging of friends or family and usually are not coming for help due to a court order or condition of parole. Instead, the code enforcement officer initiates the contact and performs an investigation that may result in unwelcomed orders to correct, which are often perceived as offensive or intrusive.

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.

It helps to understand the relationship between the various state and local codes we enforce and code compliant behavior by comparing it to motorists following the rules of the road. All of these are bodies of law that all citizens are faced with either following or violating every day. Normally, there are only minor legal consequences for their violation. Most of us feel confident to drive down the road without letting fear detract us from heading to our destinations. We do this in spite of the fact that thousands of random citizens are piloting tons of steel on wheels, rolling towards us and passing by with only a few feet of air between us. We know that one slight course deviation over a painted line will result in a collision with potentially deadly consequences. The fact that we are still alive combined with the statistical fact that we are not likely to get into a head on collision during our lifetime proves that most citizens follow rules. The interest in the preservation of one's life and avoiding property damage are two basic reasons that deter motorists from driving recklessly. This proves that preservation of life and property are motivators that affect behavior. In contrast, this same drive to preserve life and property work against code enforcement officers when they are perceived as a threat. The awareness of these bad consequences has the effect of deterring bad or risky behavior. However, municipal codes do not have such deterrent effects as the rules of the road do for motorists. While there are exceptions such as electrocution or potential building collapse, life threatening injuries or instant death do not typically arise from municipal code violations. In instances where the potential for serious injuries do exist, they may not be perceptible or may simply be ignored. A different kind of intervening force is needed to deter municipal code violations, absent of a clear and present danger.

Motorist drive within their own lanes, obey posted speed limits and stop where required due to three primary reasons: 1) Because they want to be good citizens and live harmoniously in a well-ordered society. 2) To avoid collisions which will cause them grief, hardship, pain and suffering. 3) To avoid fines and penalties. Reason number one is a motivator and is a reflection of a person's intrinsic values, which generate the desire for good behavior. Numbers two and three are deterrents. They only produce good behavior because of the negative consequences of doing otherwise. These three reasons are further analyzed below.

As it applies to municipal code compliance, reason number one includes the class of citizens who behave lawfully and do not need to be deterred from breaking the law. If all citizens were so motivated, the code enforcement officer's job would be much easier and safer. It would be limited to providing public education. All violations would only be based on the lack of knowledge about the regulations. The reality is though, that public education will only solve a

percentage of code violations. The balance of numbers two and three require code enforcement action to induce sufficient motivation to cause the client to make required corrections.

The typical code enforcement process applies successive coercive steps directed at motivating action to achieve compliance. A major principle behind code enforcement remedies relies on making it costlier or less comfortable for a citizen to continue the violation. It relies on negative reinforcement, where the client recognizes and appreciates that penalty avoidance is a motivator for code-compliant behavior. This can only work when the code enforcement officer clearly and effectively communicates the consequences for failure to comply. This includes following up and applying said consequences in the event of non-compliance. Code enforcement officers must also follow through on set compliance dates. Doing so sends the message that enforcement actions will not stop and penalties will escalate until the violator fully complies with the law. We must maintain this momentum to maintain effectiveness.

While most citizens give proper weight and credibility to avoid facing the consequences of penalties, a percentage of society will not respond in a rational manner. This results in a struggle between the determination and drive of the code enforcement officer to attain compliance versus the resistance of the violator who is unwilling to make required corrections. This struggle can lead to escalating conflict that can result in violence since the two parties are not likely to enter professional relationship counseling to gain compliance.

Psychological Deterrents: Specific Deterrents

The majority of code enforcement efforts to change behaviors are directed at situations two and three since clients in situation one do not typically need added deterrents to comply. The primary tactic method used is to create effective psychological deterrents. For situation two, fines and penalties have a deterrent effect in two ways. First, a citizen who has paid a fine for a code violation has experienced the feeling of opening their wallet and realizes that failing to comply and/or repeating the offense will likely result in additional and costlier fines. This is not some theoretical “that won’t happen to me” concept. The direct experience of paying a fine gave the client personal knowledge and in itself is a deterrent to re-offending. The client does not need additional examples or reminders of the consequences for non-compliance. He or she may actually have trouble trying to forget about that unpleasant experience. This style of deterrence is used with the specific offender in mind. The belief is that a client will be less likely to re-offend if appropriately punished for an unlawful act the first time. Rational-thinking persons who have experienced this once will make the reasonable choice in the future to comply to avoid additional penalties. The lesson has been learned as if it was seared into the brain. This is the “specific deterrent” effect of the code enforcement action. This person has learned the hard way that breaking the law has costly consequences and the resulting code enforcement action has a lasting remedial effect.

Psychological Deterrents: General Deterrents

An ancillary goal of code enforcement actions is to have a broad remedial impact. This occurs when unrelated, rational thinking parties learn of an enforcement action and realize, “I don’t want that to happen to me.” They chose to avoid the problems, stigma and expense of being penalized by complying. The knowledge was obtained independent of experience; it was derived from observation and enhanced from pure reason. This “general deterrent” effect is possible whenever code cases are visible in television news, printed media, web-based news or discussed in social media forums. General deterrence is the doctrine that a society of people can be deterred from committing unlawful acts having witnessed the punishment of an individual(s) having committed similar acts. Some agencies capitalize on media exposure and call friendly local news reporters when newsworthy events occur. This tactic helps develop their community reputation for effective code enforcement. Such actions reinforce positive behavior in citizens without harming them. Since it does not require any individualized attention, it can reach a broad audience without consuming much agency effort.

Others in the community who may be more associated with a code case or who simply heard via gossip or read about the code case may learn: 1) There are enforceable rules and standards. 2) There are officers who actively enforce those rules. 3) Breaking those rules can have costly consequences. Here, gossip is a good thing. It communicates desirable behavior that will form positive norms, customs, expectations and standards of conduct. Persons in this class learn from past enforcement actions that they heard or read about against other citizens. This “knowledge” may, and hopefully will, have a “general deterrent” effect and influence them to act lawfully.

When deterrents fail

A percentage of the population will not respond to psychological deterrents as described above. Their internal drive to preserve the status quo overtakes any desire to conform their behaviors to societal expectations even when they are aware of the law and the consequences for its breach. When a person is unable to reconcile these selfish emotional drives with known opposing social prohibitions, the internal struggle is characterized as a neurosis or mild mental illness. This neurosis profoundly affects rational-thinking. This internal struggle causes cognitive dissonance or mental stress. Depending on the person’s coping skill, this dissonance may rise to greatly affect the person’s thoughts by invoking very uncomfortable and pervasive feelings that may dominate his or her thinking. If the enforcement action persists with no sign of relief, it may trigger a person to react with violence for the following reason.

Centering one’s thoughts and feelings in anger and violence gives a person a greater sense of control compared to adopting the “compliant” mentality. Reacting with anger or violence rewards violators with a temporary sense of reduced tension. The individual receives an illusionary sense that they have successfully resolved the conflict, while avoiding the painful

and uncomfortable sense of loss that they associate with complying with the requirements. This situation is a classic illustration of a person operating with their emotional, rather than their rational mind. Since continued code enforcement action is not going away, each future transaction will cause an escalated reaction by the other party until one side succumbs to the other. Just as the code enforcement officer has a toolbox of potential remedies to apply as needed, the citizen may also have an inventory of counter measures to fend-off enforcement action. Code enforcement officers have no way of knowing how vicious a reaction may be until it occurs. Officer safety is at risk whenever those counter measures are executed without rational thought to balance the decision. When this occurs, the potential consequences are not properly considered due to irrational or neurotic thinking.

Chapter 7: Complexities and Other Causes of Irrational Thinking

Incapacity, intoxication, and insanity

The human brain is a complex organ and its intricate workings are still not yet fully understood. The field of psychology does have a sufficient functional understanding of how a person's feelings affect his or her thoughts, beliefs and action/reactions. Resolution of some code cases requires concentrated effort and professional therapy for a person to alter his or her thoughts, feelings and behaviors. This therapy can help an individual to comfortably make the necessary corrections required by the code. When the will and resources required to achieve these changes are not present, the client and the code enforcement officer are left working with less than full agreement, understanding and cooperation towards mutual goals. The result of this disadvantage is friction and tension.

In yet another segment of society, citizens may not be able to resist the impulses that drive them to act aggressively towards a code enforcement officer. These impulses may not be driven by traditional criminology theories, but may be due to a disease of the mind or mental defect. Persons who cannot control irresistible impulses typically have reduced abilities to cope with the mounting pressure and the perceived impending loss. When this occurs, emotions more easily overcome rational thinking. This renders the person, at least temporarily, incapable making the rational choice of compliance, making a proper legal challenge to the order or seeking assistance. Powerful emotions including fear, anger and frustration impassions citizens in these cases. These emotions may overshadow their ability to think clearly. It may also give them the false belief that if they cause the code enforcement officer to stop, that their problems will go away. The individual may not give any thought to the consequences of their act of aggression or assault against the officer. The brain's drive in seeking an emotional sense of relief from the mounting pressure is so great that it obscures the logical section of the brain. Without recognizing this trait, the officer may inadvertently "set off" a violent reaction.

Other causes that impair a client's ability to choose rational thinking over emotions may be present. Individuals may be affected with disorders that preclude the ability to realize the wrongfulness of their situation. A person who chooses to not use their toilet or repair their plumbing illustrates an example of this behavior. Instead they may use bags or other containers to store their solid waste. They may even store those vessels inside of their house and assert this is acceptable behavior. Upon interview, it is common for these citizens to fail to state a proper reason for doing this. They may even state they do not fear any health hazards associated with their activity. There is more besides the obvious health and safety concern presented by the presence of improperly stored humane waste here. The officer may face a physical threat from the citizen who fears the loss of this lifestyle. This affliction does not always stop the person from having other rational thoughts. It only stops them from realizing the wrongfulness of certain activities making it appear that rational thinking is absent. They may view any abatement actions as an unjustified and as unfair governmental interference with their chosen lifestyle because they do not realize the wrongfulness of the activities. They may act out physically to prevent the code enforcement officer from performing their official duties. Even though they may realize the wrongfulness of harming a code enforcement officer, they simply may not be able to control their actions because they are reacting to an irresistible impulse.

Finally, there are self-induced forms of irrational thinking and behavior. Alcohol, drugs or addiction can create cognitive and/or behavioral problems. Intoxication interferes with brain function and the thinking process. Addiction compounds this problem by taking over a person's priorities, so that code compliance is not given sufficient value. Chemical dependency can cause an addict to become preoccupied with substance abuse to the point of not tending to other necessary activities such as child/dependent care or holding a job, let alone complying with a code enforcement officer's notice and order or citation.

With these 'disease of the mind' situations, code enforcement officers are not equipped and do not have the time required to address the root problem causing the violations. They do not have access to resources to solve these complex disorders. These disorders are in need of extensive long term and costly psychological therapy and medical treatment.

Chapter 8: Code Enforcement Officer Vulnerability

Code enforcement officers are ordinary citizens with lives, homes and families. An aggrieved citizen can sit in their car outside of city hall and follow a code enforcement officer home to learn where they live. A citizen can search and learn a code enforcement officer's home address with a simple search into a number of free, publicly accessible websites. These websites can supply an alarming amount of personal information just by entering a person's name and city of residence. This creates opportunities for aggrieved parties to either lie-in-wait for a planned attack or booby trap a car or structure. The code enforcement officer is not the

only potential victim here. The attacker may choose to target a loved one to send their harsh message to the officer. The prevalence of reporting a person's, or their family member's, activities and whereabouts on social media provides potential attackers with real time information. Availability of that information makes it relatively easy to plan an attack or commit other unlawful acts against a code officer or their family.

Chapter 9: Your Sixth Sense

We move into our code enforcement investigations focused and determined. We are thinking about technical things, about gaining access and documenting our findings/investigation. We often are thinking about our next and last stops as well as what we will face tomorrow. We may not always be fully immersed in the moment because of all this distraction. We may not be mindful of all the stimuli and information that our senses would communicate to us if we tuned into them. To do so would take time and would feel unnatural. However, doing so would also provide us with more information that can benefit our investigation, especially if it alerts us to signs of danger.

Your Sixth Sense Is Real

We have all heard the expression, "trust your sixth sense." This sixth sense is not an additional sense at all. It is actually your five senses at work at the subconscious level. It is your brain receiving that information, processing it and raising a red flag to alert your conscious mind. Many accident or incident victims have been interviewed and have stated, "I sensed something was not quite right, but I did not listen to that little voice." We are constantly faced with the dilemma of moving forward in the face of adversity in the interest of productivity and practicality. If we were not attacked before, we probably will not be attacked this time. This conclusory thinking preempts our interest in being mindful and cautious. 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 of 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 actually reacting to them is a key component in the best practices of officer safety.

This level of focus would likely magnify whatever it was that our sixth sense was pointing to. When we are mindful of our surroundings, we do not need to rely on our subconscious to do the job. Obviously, being this mindful at every stop is impractical. Code enforcement stops are not stakeouts. As an alternative, we can enhance our mindfulness capacity and abilities by practicing mindfulness exercises.

Numerous safety experts and resources advise that we should rely on our senses that tell us something is not right when we encounter a situation. This concept has been studied and it is generally accepted that instinct is a fairly reliable predictor of danger. We see animals relying

on this sense as a primary method of danger avoidance. As humans our rational intellect all-too-easily convinces us that “nothing is going to happen to me” which tends to quash our primal instincts that tell us otherwise. Despite our evolved state, we are still animals and we are well served to not suppress or deny our animal instincts when it comes to danger. Our rational minds tell us that if we did not get hurt last time, there is no reason to fear anything different this time causing us to override our instincts. We have all stood at the crossroads of taking a known safe path versus trekking down an unknown path. Several reasons may motivate us to choose the unknown path. Without this innate sense of adventure, human kind would not have migrated from their points of origin. Many times our skills and abilities allow us to successfully navigate that unknown path. Each time we succeed in this venture it bolsters our belief that since nothing bad happened on the last journey, nothing bad will happen this time. This is rational thinking and it normally serves us well.

Mindfulness is at the Core of Safe Practices

Our drive to be productive tends to crowd out our focus on practicing safe work practices. Not just on remembering to do them, but also on our ability to give due attention to our sixth sense. Practicing mindfulness and adopting this mindset is the key to succeeding in the recommendations of this document. The body of this document stresses this principal and places it into context. The recommended safe work practices in the final chapter give some real and practical recommendations to develop the skill.

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.

Our rational minds may tell us that nothing bad happened last time, giving us an elusive feeling of confidence. Our instincts, on the other hand, trigger unsettling feelings of fear or loss. To choose to act on those feelings is to allow the emotional mind to override the rational mind. While this emotional override is natural and easy for some, it may be unnatural to others. All humans have a unique balance of rational versus emotional mind dominance and no person’s reactions and behaviors are entirely predictable. Due to the combination of these complexities, there is not always a simple or clear template to guide our decision on when to advance, where to turn and when to retreat. 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 the time to carefully assess a situation. 2) Always keep officer safety as the priority.

When we know the safest course of action, but do otherwise, it is a decision to take a chance. Sometimes this is minor, but sometimes it may amount to reckless behavior. The reason we may be inclined to take a chance is that our rational mind tries to convince us that nothing unpredictable will happen. Although this has some logic to it, the notion is based on the same fallacy that causes gambling addiction. Gamblers sink into dark holes believing that if a machine has not paid off in quite a while, it must be due to pay soon. The flaw in this logic is that gambling devices, unlike a deck of cards, are equipped with random number generators. Although they may store data in memory, each pull of the handle or push of the button on a gambling device is a completely independent act. This act triggers the machine to generate a random outcome for that instant. The device is programmed to do so without regard to the last handle pull or button push. Each successive wager has the same random statistical chance of a win or loss. Relying on a machine to award a jackpot because it is “due” is as effective as wishing or hoping for it. The only difference is the belief that a machine must be “due” is at least (albeit mistakenly) rationally based. This error causes rational people to continue playing based on their flawed logic, placing them among the population of those who rely on mere wishing and hoping. Our encounters with citizens are no different. Meeting with a citizen to inspect a property today is completely independent of yesterday’s inspection at another property. There is no relation between the two and each encounter will trigger its own response. The lesson that we can take from gambling science is that there is a statistical certainty that the numbers will line up at some point in the future, but we cannot predict when it will occur. In gambling, this occurrence awards a jackpot. In the code enforcement world, it generates a citizen’s act of aggression. Predicting just how aggressive this act is similarly unpredictable. Unlike gambling, however, we can affect the outcome of our encounters with citizens by following best officer safety best practices.

Personal Defense Tools and Safety Training

The best approach to staying safe is to avoid potentially hazardous situations. Even though a code enforcement officer cannot stay home and avoid all encounters, he or she may still avoid hazardous situations in many circumstances. Do not rely on one tool or one technique. Personal protective equipment (PPE) such as pepper spray or batons are tangible tools. Intangible skills such as your senses and classroom training are just as important, but are not always sufficient on their own. When the situation and suspected risk of harm is unavoidable, the code enforcement officer must heighten his or her awareness (intangible tool), remain on full alert (intangible tool) and be prepared to retreat or deploy the appropriate PPE (tangible tool) to defend against an attack.

Chapter 10: CODE ENFORCEMENT OFFICER SAFETY BEST PRACTICES

When you became a code enforcement officer, you began a never-ending journey of professional development. If you are now a journey level officer, you have already mastered the basic job functions. You chose this profession because you thrive on learning new things, encountering new challenges and successfully overcoming them. Use that same passion to master practicing Officer Safety Best Practices (OSBP).

When you became a code enforcement officer, everything was awkward. You had to think through and solve many situations that are second nature to you today. You learned that each case is new and presents new challenges in need of a customized response. Eventually, you learned how to respond and effectively apply remedies and became a master at the art of code enforcement. You managed to survive and learned through trial and error. You must go through the same process to master OSBP and to make it become second nature or habit. If any of the listed steps are not in your standard procedure, you may be a novice to it. Take this reenergizing process to help you enjoy your job today as much as when you first began. Better yet, do it organization-wide and make it a team project where you can all learn together. This will help you all be safer individually and collectively. It is important to remember that OSBP skills are perishable and require ongoing practice and updating so initially learning them is not enough. Police and military units succeed due to standard operating procedures, tactical operation plans and ongoing training. You and your team will also succeed in if you employ these same principals.

Have faith that OSBP will help keep you safe. Of course, there are no guarantees with human behavior. However, code enforcement officers can lessen the chance of injury or worse by learning how to integrate the information in this document into their daily routine.

By now, you may have noticed that this document repeats a few things over and over again. We have done this and will continue to do so, to a point, for a reason. The reason is that repetition leads to retention. Obviously, humans cannot retain every bit of information we encounter. However, there are certain things in our personal and professional lives that we place emphasis on to learn and practice so they become habit. In the case of officer safety - the idea is to learn, retain, practice, **PRACTICE** and apply the skills to help keep you safe while on and off-duty.

With that said, here are some things to keep in mind.

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

This can be accomplished the following ways (Another aspect of decreasing vulnerability will be discussed later):

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

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

This is so important that it will be repeated over and over. 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. If your schedule interferes, rearrange your schedule. If somebody else's schedule rushes yours, cancel the activity and reschedule it. External pressure and force can distract you from being attentive and lead you to take shortcuts exposing you to greater vulnerability.

3. 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.

4. 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 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.

5. Do not deviate from your OSBP procedure.

This practice speaks for itself.

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. This

method not only keeps the distractions down, it keeps client's hands and minds occupied with something other than distracting or attacking you.

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

Humans are highly evolved animals with instincts, which are programmed for survival, not solving code enforcement cases. 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.

Your sixth sense is not truly a sense, like your sense of smell, at all. It is your brain interpreting information gathered by your five senses at the subconscious level. If you suddenly feel something is not right, that is your brain sending you a red flag. This routinely happens and is no mystery. Our five senses are continually monitoring more data than our conscious thinking minds can process. It does not really matter what was out of order. It only matters that something was not right, you sensed it and acted on it. You may wake up in the middle of the night realizing what it was that set off your internal alarm. Try to take note of it and consider it the next time you are in the same situation.

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. You may have just provided them an easy opportunity to identify your vehicle at a later time and take down your license plate or vehicle identification number which could eventually lead them to your home. Knowing your personal vehicle also could enable a disgruntled citizen to easily stalk you or anyone driving your vehicle. Do not even take your personal car on a "drive by" inspection. Even parking a few doors down and walking to the subject property creates too great a risk of detection. Neighbors with empathy for the violator or family living close by could still identify your personal vehicle and pass that information along to the violator for their use.

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. Nobody can do it for you, and no technology will serve as a substitute. You must wake up thinking about officer safety and be mindful of it from your home, to your office, into the field and back home again. Some experts say that a heightened state of awareness is necessary at all times whether on or off-duty. What level is subjective and is up to the individual to determine. Following best practices at all times is not a guarantee of safety, but it does tip the odds in your favor.

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. Consider picking up a copy of the book "Little Book of Mindfulness: 10 minutes a day to less stress, more peace" or visit a website that provides free instruction and exercises for practicing relaxation. Use your favorite internet search engine to locate resources, tips and suggestions on how to reduce your mind's stress and tension.

15. Always survey the scene.

EMS personnel are trained to always survey the scene before making their approach to render aid. Code enforcement officers should always do the same thing. 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. Is there a large dog bowl and tether on the front porch? (See more about animals under "Anticipate an animal attack"). Is the yard fenced or gated? These are just a few things to consider BEFORE approaching the subject property.

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. This may not always be possible, especially if the alleged violations are not visible from the public right-of-way or neighboring property. 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. See # 19 for more on this topic.

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 instead of just the small area seen through the camera lens. There are other advantages to doing this, but it is especially important for officer safety.

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). Some law enforcement professionals recommend parking at least two doors down. Some would say this puts you too far away from the safety of your vehicles. Some would argue that parking directly in front of the subject house is a greater risk than being too far away from your vehicle. This is a decision you have to make based on your experience and history at the subject property and the people residing there. 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.

Can you outrun your attacker? What hurdles will you need to jump to make your escape? How many doors will you need to pass through? Will you be able to see where you are going? Can you easily locate your vehicle key, unlock, enter and drive away before getting caught? Of course, the answer to this depends on many factors. 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. Giving constant reminders that you have a cavalry supporting you can enhance your chance of a safe encounter. If you are issued and carry a police radio, keep it on and tuned to a high-traffic police channel. When speaking or writing to a violator always use the phrase(s), “the city requires” or “the county requires” in order to direct frustration away from you as a person. If you are not issued a two-way radio, conspicuously call a coworker at the start of your inspection to report the address of your location.

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. Make sure to ask for sufficient detail that clearly communicates a violation. If the condition will later be observed by another inspector who will need to enter ask him or her to make the observation and take the photo. Issue the appropriate notice or vacate the building if you have verified, credible information that the conditions endanger the safety of the occupants. The structure will need to be inspected to verify if it is safe to resume occupancy anyway and this alternate time and setting may allow you to perform a safer inspection.

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. Their propensity to execute the attack may be fueled by an emotional charge from getting gradually closer and closer while enjoying your sense of discomfort. 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. Some people regularly participate in sports where they fall, tumble and expect to take a pummeling. Strength and endurance training helps make them physically and mentally able to enjoy the experience while minimizing serious injuries. Be regularly active in physical sports and engage in strength training programs. 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. Be civil and focus on official business. It is true that many successful code enforcement officers are popular in the community and freely share some personal information. However, that makes them more exposed and more vulnerable to harm or harassment. Unfortunately, this may also mean reducing your social presence. If you hold public office, serve as an officer of an association or have a web identity of any kind, you are searchable and exposed to a certain degree. Most individuals seek to lead a normal and productive life. Unfortunately, that means we cannot completely avoid all exposure.

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. Make sure the corporation or trust name does not contain or sound like your name. Using a name as generic as “The Acme Corporation” or “The ABC Trust” would give you the same degree of ownership as forming the name based on your actual name while affording you a level of privacy.

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. Altering your routine by not following a predictable pattern may also throw off any potential followers. Stopping at the store, the gym or at a friend’s house on the way home are all methods that could also deter a potential “tail”.

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. Regardless of this statement, a dishonest person may still obtain your registered address for any reason by fraudulently filling out the form. Here, California Vehicle Code § 1808.4(a)(19) can help. It states that active or retired city enforcement officers engaged in the enforcement of the Vehicle Code or municipal parking ordinances qualifies for confidential home addressing in vehicle registration records. 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. When anybody requests an address search on these license plates, they will not get your address. Not even the DMV employees or the police can get around this block without following special protocol. You are not required to be a peace officer or parking control officer to qualify. Recently enacted legislation in California also extends the DMV “block” to those code enforcement officers who enforce illegal dumping laws.

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. There is a human tendency to not be attentive enough to carefully listen to the message followed by checking the sender’s understanding. As listeners, we are often preoccupied with developing a response to the original message. When the relationship between the two parties is adversarial or is perceived as threatening to one party, the message can trigger a negative, emotional response. Knowing this we can carefully encode our message and deliver it in a way that is calculated to avoid triggering feelings fueled by anger or pain.

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?" Note the pattern: First, reflect the emotion. Then, state your understanding. The advantage to you stating that you understand both the message and the emotion behind it, it tells the citizen that: 1) He or she does not need to repeat the message. 2) You are actually listening attentively. 3) You understand the message. 4) You care about the person's situation. This simple act of reflective listening can often be accomplished in just a couple of sentences. It saves time, de-escalates emotions and sets the stage for productive and collaborative talks. When a person feels understood and respected, he or she is not as inclined to acting out against you. There is no better or faster way to de-escalate a hostile situation.

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. Phone the office or another coworker and report the address you are about to stop and pay a visit to. Use a police or public works radio conspicuously to communicate your location as you arrive. Set a policy for office staff to call and check on you periodically while you are out in the field. Have a system in place to begin actively searching for you if you do not answer. Develop an "officer missing" emergency response plan and require each employee to have a copy with them in their smart phone, office or assigned vehicle. Instill the plan's importance to staff and encourage the activation of the plan when necessary.

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.

If you were a firefighter, would you enter a burning building without protective clothing and gear? Would you knowingly enter a Tuberculosis infected house without respiratory protection? Of course not. So why would you expose yourself to a potential attacker by not wearing/carrying personal protective equipment (PPE)? 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. Most departments will have a policy dictating what type(s) of PPE officers are authorized to carry. Hopefully, it includes a mandate to actually carry it, not as an option, or not just leave it in your vehicle. The bottom line is to be prepared and aware even when you might think the situation might not call for protective gear or a heightened sense of awareness.

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. It does not have to occur in the doorway. You may find communication may be even more effective as the person who answers the door may feel less threatened or intimidated due to the extra distance between you both. Standing in a person's face, is more likely to trigger their defenses or trigger offensive posturing. If it does, it can later be a basis for a claim that you were only invited in out of duress and the person felt they had no real choice because you were pushing your way in. The most important reason to keep a fair distance between you and the individual is to give you time to react if the contact turns physical.

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. They may pepper you with questions and accusations in an attempt to provoke you to say or do something that they can use to deflect the attention away from themselves and onto your conduct. An occupied structure presents an additional potential hazard or other barrier to perform a safe and accurate inspection. Having to keep your attention on occupants prevents you from conducting your inspection free from disturbances. This additional attention "grabber" detracts from your ability to remain fully focused on your inspection. It is not unprofessional or unreasonable to ask them to all step outside-weather permitting. It is advisable to have one person accompany you to relieve suspicions of wrongdoing on your part. You may wish to instruct that person to ask all

questions after the inspection has been completed, not as you go. If you feel uncomfortable about being outnumbered, you can always leave and set an appointment with the property owner or occupant to conduct a one-on-one inspection at a later time as long as the suspected violations are not life-safety critical.

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. And of course, check your office's own historical case files for officer alerts before going out to a property to learn what previous code enforcement officers reported on officer safety issues. It should be standard practice for your unit to flag files with "office safety" alerts so that others will be aware and may proceed with due caution.

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. It does not take much time for the investigating officer to pay a visit to a neighbor and ask questions about quality of life in the neighborhood. It is perfectly acceptable to ask one neighbor if they know what time of day might be best to catch the neighbor in question at home. They may give other important clues that may prompt you to ask other related questions you had not previously thought of or had forgotten to ask.

42. Learn self-defense skills.

Being ready, willing and able to defend one's self may mean the difference between life and death. The best method is to join your police department's training and skills maintenance program. They will usually be happy to include you. Develop and maintain a relationship with the self-defense instructors in your police department. Self-defense skills are lost if not regularly practiced. Set up regular practice sessions with your immediate work group and coach each other as you practice your techniques. If you enjoy the practice or if you cannot participate in your police department's training, consider taking a class or

joining some outside activity that teaches or practices self-defense or martial arts. You may find it to be a rewarding pastime that yields great benefits in both mind and body.

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. Do not overdo it by making the scenario unwinnable, but make it difficult enough so that your partner has to try a variety of techniques to resolve the fictitious situation. Switch roles and see what verbal skills your partner might employ to defuse the situation he or she comes back with. 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

This is only a partial list of recommended essentials to have with you while on duty. This list will vary from agency to agency and individual to individual.

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 Principle¹⁹: 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.

¹⁹ Gordon Graham, co-founder Lexipol-risk management consultants. www.lexipol.com

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. However, for the purposes of this document, let's focus on dogs as they are most commonly found during inspections and present the most direct hazard to code enforcement officers in the line of duty. All dogs are unpredictable and it is difficult, even for a seasoned animal control officer, to accurately predict whether a dog that is acting aggressively intends to bite or is just feigning. If you always assume it will bite, you will be better prepared if it attempts to do so. 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. There are many instructional resources on dealing with dog encounters. Look them up, take a class and always be prepared for a dog that may charge at you. Talk to your agency's animal control department about training they may be able to provide about animal behavior. Check with their office BEFORE visiting an address to find out if there is a history of dogs or other potentially dangerous animals at the location.

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:

- a. You were vulnerable.
- b. You let your guard down.
- c. 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.



Thank you for allowing CACEO to help assist you with staying safe. For ongoing assistance, please join us, or be sure to keep your membership current and stay in touch with us at www.CACEO.us.

"Too many times the decisions on matters concerning the safety of code officers are made by people with no 'real world' training or experience" -
anonymous