

# **2022-2023 KERN COUNTY GRAND JURY**



## **COUNTY OF KERN PUBLIC WORKS CODE COMPLIANCE THE GOOD, THE BAD, AND THE UGLY**

**Release Date  
06/01/2023**



# **COUNTY OF KERN PUBLIC WORKS**

## **CODE COMPLIANCE**

### **THE GOOD, THE BAD, AND THE UGLY**

#### **SUMMARY:**

Kern County Code Compliance (Division), formally known as Environmental Health Services Department, was established in 1998. It is a division of Public Works that falls under the direction of the Director of Engineering, Surveying and Permit Services. In the last four years, this Division generated \$1.5 million to \$2.1 million per year in revenue from fees and fines. Although this is a well-organized Division, additional assistance and support from local law enforcement agencies are desperately needed for the safety and security of Code Compliance Officers, which are required for every county and city jurisdiction.

California Association of Code Enforcement Officers (CACEO) conducted several surveys and tracked incident reports that clearly show a rise in assaults against code compliance officers and instances of individuals being harassed on social media, via personal telephones, and even in their homes.

*Based on reports from the CACEO, between 2015-2021, 141 safety incidents were reported. This included 29 incidents of attacks, assaults, and being held against one's will, and 108 incidents involving some form of threat, stalking, or brandishing a weapon.*

Enforcing regulations may expose officers to disgruntled property owners, mentally ill individuals, or criminal organizations. Seeking compliance from hostile violators, some who have criminal histories and do not appreciate Code Compliance Officers on their property or requiring them to comply with the law, may subject an officer to unsafe conditions during the execution of their duties.

#### **PURPOSE OF INQUIRY:**

The 2022-2023 Kern County Grand Jury (Grand Jury) conducted an inquiry into the functions/operations of the Code Compliance Division to examine the progress made to ensure the safety of employees, pursuant to California Penal Code §925 which authorizes the Grand Jury to investigate and report on various county departments.

#### **METHODOLOGY:**

The Grand Jury interviewed Public Works Officials, Code Compliance Officers, and support staff. The Grand Jury reviewed budgets, case statistics, policy and procedures, safety standards, Kern County Board of Supervisors (BOS) minutes, online code compliance data, and newspaper articles, including letters to the editor. In addition, the Grand Jury went on ride-a-longs observing residential homes that were filthy, inhumane, infested with bed bugs, roaches, rodents, mold

from wall to wall, no electricity, or running water. The Grand Jury viewed numerous homeless encampment abatements with various Code Compliance Officers during a “normal” workday.

## **DISCUSSION OF FACTS:**

According to California Association of Code Enforcement Officers, the code compliance profession is complex, and often includes the enforcement of various codes, which can put officers in vulnerable situations. A number of more complex “higher risk” codes being enforced include enforcement of unlawful marijuana dispensaries/cultivation operations, methamphetamine labs, unpermitted auto dealerships, vehicle violations, human trafficking, drug houses, criminal cartels, illegal businesses, gambling operations, and animal regulations which include dog fighting and cock fighting, just to name a few.

Code Enforcement Officer Safety Foundation (CEOSF) indicates 23 code compliance professionals, including the late Cynthia Volpe from Kern County, in the last 30 years, lost their lives when they sought to issue warnings or citations. Even more have survived assaults and received threats often not reported by the officers. According to CEOSF, a common response that Code Compliance Officers have is to flee or remove themselves when a threat is present.

On August 20, 1992, Cynthia Volpe, a Kern County Environmental Health Inspector, was brutally murdered in her home by a landowner whose building she had deemed uninhabitable. Volpe’s murder came one year after the landowner almost beat her to death. At the time of the killings while the landowner was on trial for the assault, and as the jury was in the midst of deliberating, he snuck into Volpe’s home early one morning, shot and killed her, her husband, and her mother.

***We Shall Never Forget.*** A bronze plaque honoring Cynthia Volpe is on display at the County of Kern Public Works Building.

The landowner was able to get Volpe’s personal information from the Department of Motor Vehicles (DMV), and the incident led to a quest for the Cynthia Volpe Act, which would prohibit the release of such information on code compliance officers. This was an ongoing fight with the DMV until September 27, 2022, when SB 1131 “Address Confidentiality” was signed into law 30 years after the fatal incident occurred and now covers employees and contractors of public entities such as, but not limited to:

- Public Health Officers
- Election Workers
- School Board Members
- Public Defenders
- Board of Supervisors
- City Council Members
- Social Services Workers
- Victims of Sexual Assault/Stalking

According to Silverwrightlaw.com, *On October 7, 2021, California’s Governor Gavin Newsom signed and approved SB 296, California’s “Officer Safety Bill,” requiring each local jurisdiction*

*that employs code enforcement officers to develop safety standards appropriate for the code enforcement officers employed in their jurisdiction. Legislature found and declared “code enforcement officers are disproportionately at risk of threat, assault, injury, and even homicide due to the nature of their obligations.”*

The Code Compliance Division currently provides an adequate Code Compliance Safety Guidelines and Procedures Manual, which clearly states, **contact law enforcement for assistance if necessary**. On several occasions during ride-alongs, the Grand Jury observed law enforcement arriving hours later, if at all, to assist Code Compliance Officers during encampment abatements.

The Grand Jury conducted several interviews at the County of Kern Public Works Building located at 2700 M Street in Bakersfield. Due to threats and inappropriate behavior by suspected violators, a “Safe Room” is available on the first floor in the County of Kern Public Works Building, for interviews and code compliance business. The public is prohibited from the fourth and fifth floors.

As of January 2023, there are eight Code Compliance Officers, two of whom are assigned to a Proactive Crew, whose main focus is the abatements (clean-up and removal) of homeless encampments, five office clerks consisting of one Senior Office Specialist, one Office Service Specialist (OSS) and three Office Service Technicians (OST). The Code Compliance Division is mainly “Complaint Driven,” however, their goal is to become primarily proactive.

Every complaint is investigated by officers driving past the location or by personal contact. A record is kept of the investigation, and the outcome is documented and archived. The Division’s first action is to give a written notice of the violation, allowing a reasonable amount of time, 14 days to make corrections. If a violation is not resolved within 14 days, a fine is assessed:

- \$250 for the first violation
- A fine not exceeding \$500 for the second violation
- A fine not exceeding \$1,000 for each additional violation of the same ordinance within one year from the date of the first violation

After several visits to the Code Compliance Division, the Grand Jury was able to observe the office clerks and their filing process from beginning to end. All calls are returned within 24 hours Monday through Friday. A complaint is received via telephone, mail, or e-mail and the abatement process begins. There are 20 or more steps taken to complete each file. It can take several months to go through the legal process before a case is closed.

The Grand Jury noted the following:

- A. Each Code Compliance Officer has 100-120 active cases at one time. The projection for the Division in the 2022-2023 fiscal year is 4,870 cases. This is a 36% increase over last year.
- B. Approximately 30-35% of cases are resolved within 2-14 days. Communication between the Division and violators is an important factor when closing a case.

- C. The Division's first priority is to bring violators into compliance through voluntary measures, **not** by fines alone.
- D. Each Code Compliance Officer is assigned to a Kern County Supervisorial District, except the Proactive Crew, which is at-large.
- E. Each Code Compliance Officer is issued:
  - County Vehicle
  - Digital Tablet
  - Cell Phone
  - Digital Camera



Underground homeless encampments

Photo by Grand Jury

- F. As pictured above, many homeless encampments are built underground in order to be hidden from law and Code Enforcement's view.
- G. Many property owners that live out of the area are not aware that a problem exists until Code Compliance Officers get involved.
- H. The Grand Jury observed several residential homes that were filthy with inhumane conditions, infested with bed bugs, roaches, rodents, mold from wall to wall, and no electricity or running water. (See below photos)

### The Good



After

Photos provided by Code Compliance

### The Bad



Before

### Unfortunately, The Ugly

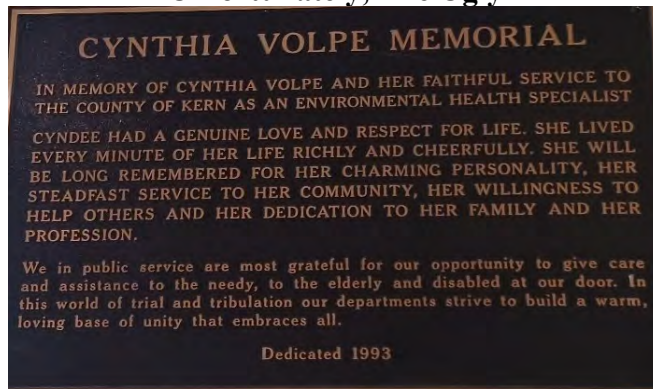


Photo by Grand Jury

### We Shall Never Forget

## FINDINGS:

- F1. The current fleet of 11 vehicles does not include four-wheel drive or off-road vehicles. Nine of the 11 vehicles are over 10 years old and 10 have between 110,000 to 230,000 miles. The fleet does not meet Code Compliance Officers' requirements to drive off-road in various terrains to investigate illegal dumping, and homeless encampments above and underground.
- F2. The Code Compliance's clerical staff, while extremely efficient, is understaffed for the size of the workload.
- F3. Currently there is only one OSS and three OSTs; any absences create a substantial backlog of work. This group of individuals works very hard daily to keep our community clean and safe.
- F4. A law enforcement officer is legally allowed to remove homeless individuals during an encampment abatement. Code Compliance Officers do not have this authority.

Law enforcement's response may take one to three hours, if at all. At times, the Code Compliance Officers must reschedule an encampment abatement due to no response from law enforcement, which incurs additional expenses. The lack of timely law enforcement assistance hampers the overall effectiveness of the Code Compliance Division.

- F5. Safety Standard Policy requires Code Compliance Officers to request the presence of law enforcement for assistance. Law Enforcement considers abatement a low priority.
- F6. The authoritative presence of law enforcement makes abatements much faster and less risky.
- F7. Code Compliance Safety Standard does not require officers to carry oleoresin capsicum pepper spray, which would be beneficial in threatening situations.
- F8. According to Flood Ministries, a non-profit organization which partners with Code Compliance, it takes an average of 17 contacts with an organization before a citizen accepts shelter. The most common reasons for refusing assistance are referred to as the 3Ps: Possessions, Pets, and Partners. These factors exacerbate the abatement process.
- F9. The Code Enforcement Officer Safety Foundation recommends the following Personal Protective Equipment for **all** Code Compliance Officers. However, it would be beneficial to utilize some, if not all, of the items listed below:
  - 1. *Radios-Preferably to local Police or Sheriff Office with access to a monitored dispatch system.*
  - 2. *Body Armor- Level IIIa+ either concealable under the clothing or worn externally.*
  - 3. *OC Spray (Pepper Spray) - Typically provided by the jurisdictions Police Department with training.*
  - 4. *ASP Expandable (expandable baton) - Requires POST training class, but very helpful with general self-defense and animals.*
  - 5. *Tactical Flashlight - Important for interior inspections or work at night.*

## COMMENTS:

Most residents have noticed that homeless are residing on streets, parks, under bridges, and in abandoned buildings that may be damaged by fire. Winter weather in Kern County is commonly referred to as "Fire Season" by Code Compliance due to fires set by homeless living in vacant buildings. According to the Kern County Fire Department, over 40% of structure fires are started by homeless individuals.

One study by Boston Health Care for the Homeless Program showed *the average life expectancy in the homeless population is estimated between 42-52 years*. Often the first step to moving homeless individuals into a shelter is a Code Compliance Officer who is working on a complaint.

The focus is to clean up the encampment and possibly find housing for that individual. Unfortunately, many homeless do not choose to go to a shelter, because of the rules that must be followed. Some refer to shelters as “soft incarceration.”

In 2021, a Kern County ordinance was passed requiring officers to offer shelter to individuals that are living in encampments on public property. Although it is not required on private property, Code Compliance Officers will contact other organizations such as Flood Ministries, Behavioral Health, and Veterans Affairs, to inform them of homeless encampment abatements, hoping they will accept shelter.

The 2022-2023 Grand Jury would like to thank the entire County of Kern Public Works Department, Code Compliance Division, and Kern County Sheriff’s Office for their time, expertise, and hospitality.

## RECOMMENDATIONS:

- R1. By January 1, 2024, the County of Kern Public Works Department, and the Kern County Board of Supervisors should begin replacing the current Code Compliance fleet of vehicles with high-ground clearance, and/or four-wheel drive vehicles, to be completed by 2028. (Finding 1)
- R2. By January 1, 2024, the County of Kern Public Works Department, and the BOS should create a partnership with the Kern County Sheriff’s Office to have an assigned deputy assist Code Compliance Officers at least one day per week for abatements. (Findings 4, 5, and 6)
- R3. By January 1, 2024, the County of Kern Public Works Department, and the BOS should **train** and **require** Code Compliance Officers to carry Personal Protective Equipment to include, at a minimum, pepper spray. (Findings 7 and 9)
- R4. By January 1, 2024, the County of Kern Public Works Department, and the BOS should hire one additional Office Service Specialist and one Office Service Technician to alleviate the backlog in paperwork. (Findings 2 and 3)

## NOTES:

- The Kern County Board of Supervisors, the Kern County Sheriff, and the County of Kern Public Works Department should post a copy of this report where it will be available for public review.
- Persons wishing to receive email notification of newly released reports may sign up at: [www.kerncounty.com/grandjury](http://www.kerncounty.com/grandjury)
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: [www.kerncounty.com/grandjury](http://www.kerncounty.com/grandjury)

**RESPONSE DEADLINES:**

- **REQUIRED WITHIN 90 DAYS FROM:**
  - **County of Kern Public Works Department**
  - **Kern County Board of Supervisors**
- **REQUIRED WITHIN 60 DAYS FROM:**
  - **Kern County Sheriff**

**RESPONSES ARE REQUIRED PURSUANT TO PENAL CODE §§933(c) AND 933.05:**

- **PRESIDING JUDGE**  
**KERN COUNTY SUPERIOR COURT**  
**1415 TRUXTUN AVENUE, SUITE 212**  
**BAKERSFIELD, CA 93301**
- **FOREPERSON**  
**KERN COUNTY GRAND JURY**  
**1415 TRUXTUN AVENUE, SUITE 600**  
**BAKERSFIELD, CA 93301**



1350 Norris Road  
Bakersfield, California 93308-2231

July 6, 2023

The Honorable Eric Bradshaw, Presiding Judge  
Kern County Superior Court  
1415 Truxtun Avenue  
Bakersfield, CA. 93301

Dear Judge Bradshaw:

On June 1, 2023, the Grand Jury published their *2022-2023 Final Report: County of Kern Public Works Code Compliance, The Good, The Bad, and The Ugly*. The report was a result of ride-alongs with Code Compliance by the Grand Jury and interviews of employees at the County of Kern Public Works Building. The report included references to a partnership with the Kern County Sheriff's Office. Below is the Kern County Sheriff's Office response to the Grand Jury's findings and recommendations.

I would like to express my appreciation to the Grand Jury for its efforts in reviewing the Kern County Sheriff's Office patrol response to quality of life needs of the residents and visitors of Kern County. The objective review of our patrol response to these types of calls for service helps to strengthen the foundation of trust between the community and the Sheriff's Office. As always, the Sheriff's Office appreciates the valuable insight the Grand Jury has provided.

Response to Findings (Pertinent to the Sheriff's Office):

*F4. A law enforcement officer is legally allowed to remove homeless individuals during an encampment abatement. Code Compliance Officers do not have this authority. Law enforcement's response may take one to three hours, if at all. At times, the Code Compliance Officers must reschedule an encampment abatement due to no response from law enforcement, which incurs additional expenses. The lack of timely law enforcement assistance hampers the overall effectiveness of the Code Compliance Division.*

The Sheriff's Office abides by the law when it comes to being involved in abating homeless encampments. There are legal limits on local government including law enforcement as it relates to abating encampments. The Kern County Sheriff's Office is unaware of any request for assistance to assist

Code Compliance in a homeless encampment abatement where we failed to respond.

- F5. Safety Standard Policy requires Code Compliance Officers to request the presences of law enforcement for assistance. Law enforcement considers abatement a low priority.*

The Sheriff's Office does not agree with this finding; however, this needs to be put into context and understanding the prioritization of calls for service the Sheriff's Office responds to. Calls for service are assigned based on the urgency of the request. The Sheriff's Office currently has 6 priority rankings as to how a call for service is categorized. A Code Compliance Officers request for assistance can fall into any one of the 6 priority rankings based on the circumstances. The priority rankings range from the most serious, which would be a call requiring an emergency response as there is reason to believe that an immediate threat to life exists, to the lowest priority call, which would be a call where the primary function will be fact-finding, reporting or rendering non-emergency assistance.

The Sheriff's Office prides itself in providing law enforcement services to the community and considers all requests for a response a priority. The Sheriff's Office considers quality of life complaints such as loud music, barking dogs, abandoned vehicles, and illegal homeless encampments a priority. The Sheriff's Office will respond to these calls for service in a timely manner when staffing and emergency calls for service permit. In progress crimes of violence or potential violence against a person are prioritized higher for response over non-violent calls for service.

- F6. The authoritative presence of law enforcement makes abatements much faster and less risky.*

The Sheriff's Office agrees with this finding in part; however, there is no statistical data to support the finding in whole. It is known that many of the homeless suffer from mental health issues. It is also known that a uniformed presence will often agitate or even escalate the behavior of subjects suffering from mental health issues. The Sheriff's Office agrees that we should be called if the subjects facing abatement are refusing to cooperate with Code Compliance personnel.

Response to Recommendations (Pertinent to the Sheriff's Office):

- R2. By January 1, 2024, the County of Kern Publics Works Department, and the BOS should create a partnership with the Kern County Sheriff's Office to have an assigned deputy assist Code Compliance Officers at least one day per week for abatements.*

The Sheriff's Office agrees with this recommendation. We believe a fulltime partnership with Kern County Code Compliance would be beneficial in serving the needs of the community. Over the past several years, the Sheriff's Office staffing levels have significantly declined, causing us to reduce community-based services such as the Sheriff's Activity League (SAL) program and the School Resource Officer (SRO) program. The Sheriff's Office will work with Kern County Code Compliance to implement a program in which a deputy sheriff will be assigned to assist one day per week, as staffing allows. This program will need to be implemented on an overtime basis for the Sheriff's Office.

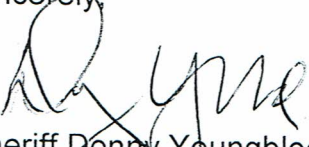
This past year the Kern County Sheriff's Office has worked in partnership with RAPID Code Compliance personnel with several homeless encampment abatements or issues related to the homeless. Examples include:

- April 2023- KCSO worked with RAPID in removing encampments near North Chester and Douglas Street, Norris Road and FWY 99, and the Oliver Drive and Knudson Drive area.
- May 2023- KCSO worked with RAPID in removing encampments at 2955 N. Chester Avenue, Washington Street and Potomac Avenue.
- June 2023- KCSO worked with RAPID in removing encampments in the alley of Warren Avenue, several encampments in the 100-200 block of Beardsley Avenue, and Plymouth Avenue.

Additionally, the Sheriff's Office Mental Health Evaluation Team Unit partners with RAPID Code Compliance once a week with homeless camp abatements. The Kern County Sheriff's Office recognizes the need for mental health services and other resources in the homeless communities. Anytime Code Compliance has requested uniformed personnel to assist in the abatement of a homeless encampment we have granted the request and have assisted in the abatement.

The Kern County Sheriff's Office sincerely thanks the Grand Jury for taking the time to assess a partnering agency needs. This objective assessment helps provide insight and recommendations on bettering our patrol response. I hope this information will assist the Grand Jury in its service to the citizens of Kern County.

Sincerely,



Sheriff Donny Youngblood  
County of Kern

cc: Kern County Grand Jury Foreperson  
Undersheriff Larry McCurtain  
Chief Deputy Adam Plugge  
Chief Deputy Erik Levig  
Chief Deputy David Stephens  
Chief Deputy Todd Bishop  
Clerk of the Board of Supervisors  
CAO Chief Administrative Officer James Zervis  
CAO Compliance and Accountability Officer  
Chief Human Resources Officer Devin Brown  
County Counsel Margo Raison

# BOARD OF SUPERVISORS

## SUPERVISORS

Phillip Peters ..... District 1  
Zack Scrivner..... District 2  
Jeff Flores ..... District 3  
David R. Couch ..... District 4  
Leticia Perez..... District 5



KATHLEEN KRAUSE  
CLERK OF BOARD OF SUPERVISORS  
Kern County Administrative Center  
1115 Truxtun Avenue, 5th Floor  
Bakersfield, California 93301  
Telephone (661) 868-3585  
TTY Relay 800-735-2929

August 8, 2023

The Honorable J. Eric Bradshaw, Presiding Judge  
Kern County Superior Court  
1415 Truxtun Avenue  
Bakersfield, CA 93301

Dear Judge Bradshaw:

Transmitted herewith is the Board of Supervisors' response to the 2022-2023 Grand Jury's Final Report titled Code Compliance: The Good, The Bad, and The Ugly.

The Board of Supervisors appreciates the Grand Jury's review and input.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Flores", is written over a horizontal line.

Jeff Flores, Chair  
Kern County Board of Supervisors

JF/SH/COMPL\_GJ Public Works A

Attachment

cc: Grand Jury

Kern County Board of Supervisors  
Response to Grand Jury Final Report  
Code Compliance – The Good, The Bad, and The Ugly

Response to Findings F1-F9:

Kern County agrees with the Grand Jury's findings F1-F3, F7-F9 pertaining to the Code Compliance Office. Findings F4, F5, and F6 primarily address law enforcement issues under the authority of the Sheriff.

The Sheriff's Office has responded directly to Grand Jury for matters pertaining its operations, including findings F4, F5, and F6. Finding F4 stated that law enforcement had not responded to requests regarding homeless encampment abatements, the Sheriff's Office disagrees with the finding. Finding F5 stated that law enforcement considers abatement a low priority, the Sheriff's Office disagrees with the finding and provided additional information on the priority ranking of calls for service. Finding F6 stated that the presence of law enforcement makes abatements faster and less risky; the Sheriff's Office partially disagrees with that finding due to a lack of statistical evidence and given that the presence of uniformed officers has been known to agitate and escalate behavior for some individuals with mental illness. The full response from the Sheriff's Office is also attached.

Response to Recommendation:

*R1: By January 1, 2024, the County of Kern Public Works Department, and the Kern County Board of Supervisors (BOS) should begin replacing the current Code Compliance fleet of vehicles with high-ground clearance, and/or four-wheel drive vehicles, to be completed by 2028.*

This recommendation will be implemented. The fiscal year 2023-24 budget includes four new 4X4 trucks. Additionally, four other old vehicles will be replaced with newer two-year-old 4X4 pickup trucks during fiscal year 2024-25. Lower mile SUVs will be used for metro Bakersfield inspectors. Future budget requests will include a minimum of one replacement vehicle.

*R2: By January 1, 2024, the County of Kern Public Works Department, and the BOS should create a partnership with the Kern County Sheriff's Office to have an assigned deputy assist Code Compliance Officers at least one day per week for abatements.*

This recommendation will be implemented. The Sheriff's Office is on board to forge a fulltime partnership with Kern County Code Compliance office to provide assistance with available staffing. A Deputy Sheriff will be assigned to assist Code Compliance officers. The Code Compliance office is working with the office of the Undersheriff to establish a protocol for this new partnership. Every effort will be made to have an assigned deputy one day per week.

*R3: By January 1, 2024, the County of Kern Public Works Department, and the BOS should train and require Code Compliance Officers to carry Personal Protective Equipment to include, at a minimum, Pepper Spray.*

This recommendation will be implemented, subject to meet and confer with designated employee representatives. The department will work with County Human Resources on a proposed requirement for field officers to begin carrying pepper spray by January 1, 2024. Certification is locally available. The department will also continue to evaluate the feasibility of additional protective equipment with the help of the County's Risk Management department.

*R4: By January 1, 2024, the County of Kern Public Works Department, and the BOS should hire one additional Office Service Specialist and one Office Service Technician to alleviate the backlog in paperwork.*

This recommendation will be implemented. The department will hire Office Service Specialist by January 1, 2024. Task reassignment has been done to allow the Senior Office Service Specialist to assist with paperwork. This new arrangement will be evaluated, and staffing level will be adjusted accordingly.