5-09/060.10 - Responsibilities of Station/Unit Detectives

Station/unit detectives shall verify the information in the incident report to determine if a violation still exists. If the investigation substantiates that a safety or water hazard exists (except a swimming pool fence violation), a copy of the incident report shall be forwarded to the nearest regional office of the Department of Public Works.

In contract cities where the Department of Public Works is not under contract, the local department performing the same function shall be utilized if the city ordinance does not prohibit such procedure. The file shall remain "A" active until notification is received from the Department of Public Works that the hazard has been corrected or that abatement proceedings have been filed with the board of supervisors or the city council.

If the hazard is corrected prior to resolution, the file shall be inactivated with the necessary supplemental reports; however, if the hazard has been declared a nuisance by legislative resolution, the following procedures shall be followed:

- Obtain the name of the owner of the property, person in possession of the property, and the person making or maintaining the hazard on the property;
- Notify the person concerned by certified mail, utilizing the Hazard Notice (form SH-CR-333); and
- Post a copy of the notice as required by section 50234 of the Government Code.

Upon completion of the above procedures, an oral conference shall be held with the station/unit detective supervisor to determine if a complaint should be sought. In closing the case file, all necessary supplemental reports containing the following information shall be submitted:

- Date of resolution by the board of supervisors;
- Date of mailing of the Notice to concerned party or parties;
- Nature of criminal action taken, if any;
- Date of posting; and
- Date of correction by owner if completed prior to commencement of county abatement.

If the hazard exists due to a violation of either section 402b of the Penal Code or County Ordinance Title 11, section 44, and is not immediately corrected, proceed in the normal manner to obtain a criminal complaint.

If the hazard exists due to a violation of section 24403 H&S, proceed in the normal manner to obtain a criminal complaint.

If the hazard exists due to a violation of County Ordinance Title 11, sections 48 and 50, the following procedures shall apply:

- Where the hazard is caused by inadequate or faulty gate catches or inadequate security, notify the owner or possessor in person or by certified mail;
- If the owner or possessor is notified and immediate compliance is not obtained, seek a criminal complaint or issue a citation for the responsible party or parties. Initiate abatement procedures upon approval of the detective supervisor;
    - Notify the board of supervisors or city council; and

    - After a resolution is passed, proceed as outlined in the abatement proceedings;
- If unable to notify the owner or possessor, post a copy of the certified letter at the site of the hazard;
    - Initiate abatement proceedings; and
    - If contact is not received from the owner or possessor, or correction has not been made within a reasonable time from posting of the letter, seek a criminal complaint against the responsible party or parties.

Where it appears that fencing is inadequate, the nearest regional office of the Department of Public Works shall be called upon for an official ruling as to a violation. If a violation exists, the owner or possessor shall be given notice in person or by certified mail to immediately proceed with corrective steps.

If the owner or possessor is notified and the corrective measures are inadequate, unreasonably delayed or refused, seek a criminal complaint or issue a citation. Initiate abatement procedures. The Director of Public Works will evaluate any corrective measures to determine their adequacy.

If the hazard is an abandoned pool site under valid county engineer construction permit, the procedures outlined for hazards other than swimming pool fence violations shall be followed.

When the hazard is a violation of County Ordinance Title ll, section 46 (Oil Well Fence), and a complaint is received or a violation observed, the following shall apply:

- Report incident as outlined in section 5-09/060.05; and
- Conduct periodic patrol checks until the hazard is corrected.

The assigned station/unit detective shall:

- Verify the incident report information and forward a copy to the Department of Public Works;
- If, within a reasonable time, the hazard has not been corrected, obtain a progress report from the Department of Public Works; and
- Obtain a criminal complaint if the circumstances warrant.