

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

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**Code Enforcement:
Law Enforcement of the 21st Century**

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**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

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ABSTRACT

The concept of certified police officers investigating tall grass and weeds has certainly changed the realm of law enforcement in the 21st century. Whether or not the law enforcement community itself is ready to take on this new function of code enforcement is yet to be determined. To make this assessment, a random sample of police departments and code enforcement officers throughout the United States were surveyed and the results were compared. The majority of code enforcement officers surveyed, who are not currently a certified peace officer, stated they felt it would benefit them to be a certified peace officer. Code enforcement is an extension of community policing. It is a response to the needs of citizens. It helps ensure quality of life and property to all residents in the neighborhood. Without it, the Broken Window Theory would surely prevail. If the community does not care enough to insist that maintenance be enforced then it will not take long before property values fall and the quality of life in the neighborhood will fall as well. It is concluded that code enforcement is a new function of law enforcement in the 21st century, however, it varies from agency to agency throughout the United States and Texas.

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INTRODUCTION

Is it within the realm of law enforcement for a certified police officer to come to a residence to discuss the height of the grass? Is grass, which exceeds ten (10) inches just cause for a police officer to investigate? Is code enforcement a new function of law enforcement in the 21st century? The purpose of this project is to conduct thorough research into whether or not code enforcement is and will continue to be a new function of law enforcement in the 21st century. This researcher has discovered that although the literature is limited, a survey of law enforcement agencies and various municipalities will show that code enforcement is in fact a new function of law enforcement in many agencies throughout Texas and various other states across the United States.

Police administrators, mid-line supervisors and patrol officers, are quite familiar with the term “community policing.” Code enforcement will prove to be the next step for law enforcement professionals at all levels. While code enforcement is not necessarily thought of as a police function, research will show that officers specializing in this training will be cost effective for the agency. Specialized training ensures that violations of the municipal code(s) are handled with understanding while protecting the constitutional rights of property owners.

Code enforcement is not a new topic, although depending on the size of the agency, the title of the person assigned the job duties may in fact vary from agency to agency. Most municipalities have hired civilian personnel for this occupation. Code enforcement duties, when handled by police personnel takes on a different level of urgency to property owners than when confronted by civilian personnel. It is undetermined at the present time if the uniformed officer has the

most significant effect on the property owner in relation to compliance. The astute police officer, equipped with skills of city ordinance enforcement, state laws, federal laws and all pertinent amendments to the constitution coupled with outstanding people skills will be more likely to achieve the goals of compliance by the violator rather than forcing the property owner to comply. Confidence and firmness, yet knowing when to be gentle are all necessary attributes for a person in this role; remember the old saying, “one can catch more flies with sugar than with vinegar.” Every code enforcement officer should think about this cliché when deciding how to react to a violation.

Code enforcement is different than what is thought of as “normal” police work, because it deals with various types of personal property. Examples are homes, vehicles on private property, height of grass in the yard, or on acreage in commercial areas, or how much “personalty” one has in public view are just a few of the items addressed by code enforcement officers. Code violations vary in fine amounts, depending on what type of violation(s) have occurred, how long the violation remains, and the wording of each ordinance that has jurisdiction.

Agencies researching the advantages of adding a code enforcement officer will find the results of this research beneficial. Code enforcement is a tool used to ensure quality of life and helps to protect the value of personal property. Code enforcement in conjunction with high visibility patrol helps reduce vandalism and crimes such as illegal dumping.

REVIEW OF LITERATURE

The literature on this subject matter is extremely limited, however, the most important factor that this researcher found relevant to code enforcement and its relationship to law enforcement in the 21st century was the broken window theory. This theory was introduced back in the 1960's and decades later, is still maintaining its effectiveness.

Code enforcement plays an important role in proving this theory. Lack of property maintenance, on any parcel of land, produces with very little time, grown up weeds, consequently, a window is smashed. The integrity of the neighborhood is now in danger of decay. Philip Zimbardo, a Stanford psychologist, also reported his experiments from testing the broken window theory (1969). He arranged to have a vehicle without plates parked with the hood up on a street in the Bronx and a comparable vehicle on a street in Palo Alto, California. The car in the Bronx was attacked within ten minutes and virtually everything of value removed within twenty-four hours. Then random destruction began. The car in Palo Alto sat for more than a week untouched, so Zimbardo smashed part of it with a sledgehammer. Soon, passersby were joining in. Within a few hours the car was turned upside down and utterly destroyed. In both cases, the "vandals" appeared to be primarily respectable whites. Untended property became fair game due to the sense that "no one cared" (Wilson & Kelling, 1982). Code enforcement enhances this theory on a daily basis through the eyes of both law enforcement and public works. When general property maintenance is adhered to, the surrounding community benefits.

As code enforcement officers, this theory is proven on a regular basis and the lack of compliance also constitutes another form of proof that this theory still holds true, even today. When a parcel of land is allowed to grow up with tall weeds and grass, then someone will throw out a small amount of trash on that parcel. The location of this parcel will determine whether or not someone then tries to post prohibited signs or not, but generally, there is a pattern to this unsightly, unclean, look. If the owner of the property does not care enough to keep the property mowed, and the city or county does not care enough to make them keep it clean, then the area soon becomes a dumping ground for more environmental violations.

The City of Milwaukee also upheld the integrity of the broken window theory when Martin G. Collins, Commissioner, focused their discretionary resources on 14 small areas in the city for a one-month period in an effort to maximize the immediate impact of the project. Their intent was to reduce crime, improve the appearance of the target area, and improve the confidence of the area residence in the value of their own neighborhoods (Collins, 2002). The results were favorable. As of six months after the project, crime was down as much as 34% in some areas and even more in others (Collins, 2002). In Milwaukee, they were able to gain compliance in areas they previously had been unable to make a difference in. People are more willing to make investments in areas in which they have more confidence. When crime goes down, it is easier to obtain code compliance. This proved to be the case in Milwaukee (Collins, 2002).

In most cities it is code enforcement that combats both zoning and noise violations; and it appears that it is the existence of such laws that guarantees that

code enforcement as a profession will enjoy a long life (Alper, 2002). The emergence of code enforcement as a new profession apart from building, fire or health inspection was necessitated by municipalities' need to respond to new demands from their communities. These demands have been concerned mostly with matters of quality of life rather than pressing needs. In the grand scheme of things the fact that communities pursue issue of less significance may signal that bigger issues have been resolved (Alper, 2002).

It has been said that how the role of police is defined in society is a direct reflection of society's heart. Applying this idea to the question of code enforcement and its role in modern America, it may be said that society's heart today is in a peculiar place where it senses the world's imperfections more acutely than ever before. Some may call this sensitivity trifling, others may call it a sign of progress. But for better or for worse, if society's heart feels it needs to have more control over its environment-for that is what this sensitivity eventually leads to-code enforcement's job as public servants is to answer this call (Alper, 2002).

It is interesting to note the various priorities of laws and how they have come to interact with each other over their years of development .The basic sources of law are found in the state laws and U.S. Constitution. Constitutional rights are the most important legal rights (TEEX, 1997) that one can have, and these rights can only be altered by Constitutional amendment.

City and County ordinances must undergo the same constitutional scrutiny that state statutes are subject to. Local ordinances are inferior to state statutes when there is a conflict in the two laws (TEEX, 1997).

METHODOLOGY

This research project surveys both law enforcement and code enforcement personnel and examines each profession and its perception of code enforcement and its effect, if any, to law enforcement in the 21st century. A sample of convenience was obtained and 60 agencies across the state of Texas received surveys via facsimile and e-mail. This researcher also attended a code enforcement conference in Louisiana, in which code enforcement officers from all over the United States were asked to participate if qualified. The survey sent to professional code enforcement officers (Exhibit “A”) consisted of five questions and a comment section and the survey sent to law enforcement and code enforcement officers (Exhibit “B”) consisted of seven questions. Each survey requested information concerning department size, geographical location, personnel totals and three questions which specifically identified the person completing the survey, the number of years of experience this person had in code enforcement, as well as how often they had to respond to a code enforcement call. Surveys from the conference were collected at the end of the conference. All others were received either via e-mail, facsimile, or via the U.S. Postal Service.

Surveys were sent to the police departments to the attention of the chief of police and to the various municipalities to the attention of the code enforcement division or the city administrator. It was the intent of this researcher to target the upper management of the police department and the code enforcement staff to determine if there was a common denominator between these two departments. It was specifically the intent of this researcher to target experienced code

enforcement officers to survey their opinions regarding whether or not their jobs would be easier if they were certified peace officers.

The target groups were selected at random based on population estimates as recorded, according to those surveyed, or the attendees of the conference in Louisiana. A survey was sent at random to 20 from each population group: less than 5,000, 5,000 to 10,000 and over 10,000.

FINDINGS

A total of 60 random surveys were sent out, plus the surveys received at the Louisiana conference. Of those 60 surveys, approximately 58% responded (Table 1). Twelve of the 32 surveys received were from departments outside the state of Texas. This number represents 2.7% of the total surveys received (Table 2 and Figure 1).

Table 1

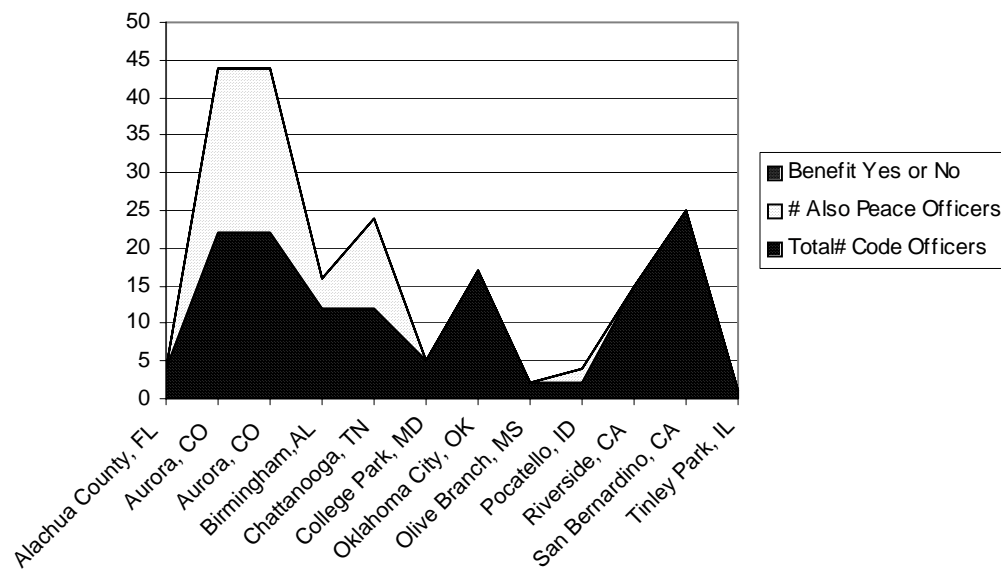
| City Name | Population Served | Total # Employees | # Code Officers | # Also Certified | Years Exp. | Police Assist | Certified Y or N ? |
|--------------------|--------------------------|--------------------------|------------------------|-------------------------|-------------------|----------------------|---------------------------|
| Alachua County, FL | 220,000 | 60 | 4 | 0 | 30 | 1-2 / week | No |
| Arlington, TX | 335,000 | 30 | 19 | 0 | 6.5 | 1-2 / week | Yes |
| Arlington, PD | 345,000 | 800 | 0 | 800 | N/A | 2+ / week | NR |
| Arlington, TX | 394,000 | 69 | 23 | 0 | 5 | 3-5 / week | NR |
| Aurora, CO | 263,000 | 38 | 22 | 22 | 5 | 1-2 / month | Yes |
| Aurora, CO | 263,000 | 38 | 22 | 22 | 2 | 3-5 / week | No |
| Birmingham, AL | 240,000 | 1200 | 12 | 4 | 13 | < 5 / week | Yes |
| Chattanooga, TN | 100,000 | 27 | 12 | 12 | 13 | < 5 / week | Yes |
| College Park, MD | 49,000 | 22 | 5 | 0 | 34 | 1-2 / month | Yes |
| Conroe, TX | 40,000 | 118 | 0 | 91 | N/A | >2 / week | Yes |
| Cuero, TX | 6700 | 15 | 0 | 13 | N/A | 3-5 / week | No |
| Dickinson, TX | 17,787 | 14 | 3 | 1 | 6 | Never | Yes |
| Freeport, TX | 13,000 | 3 | 3 | 1 | 4 | Never | Yes |
| Freeport, TX | 11,300 | 37 | 0 | 37 | N/A | N/A | No |
| Friendswood, TX | 35,000 | 70 | 0 | 50 | N/A | N/A | NR |
| Georgetown, TX | 36,000 | 8 | 3 | 0 | 2 | 1-2 / week | No |
| Giddings, TX | 5,500 | 17 | 0 | 10 | N/A | 3-5 / week | NR |
| GunBarrel City, TX | 5,600 | 43 | 1 | 0 | 3 | 3-5 / week | Yes |
| LaMarque, TX | 14,000 | 34 | 0 | 28 | N/A | N/A | Yes |
| LaMarque, TX | 14,600 | 4 | 2 | 0 | 8 | Never | Yes |
| LaPorte, TX | 35,000 | 135 | 4 | 0 | 0 | < 5 / week | No |
| Lufkin, TX | 32,000 | 102 | 0 | 77 | N/A | >2 / week | NR |
| Lufkin, TX | 32,709 | 20 | 4 | 0 | 5.5 | 1-2 / week | No |
| Mathis, TX | 5,500 | 12 | 1 | 7 | 6.5 | 1-2 / week | Yes |
| Midland, TX | 100,000 | 204 | 0 | 204 | 8 | > 2 / week | No |
| Missouri City, TX | 59,000 | 83 | 0 | 83 | N/A | >2 / week | No |
| Missouri City, TX | 52,000 | 5 | 4 | 1 | 3 | 1-2 / month | No |
| Oklahoma City, OK | 500,000 | 91 | 17 | 0 | N/A | 3-5 / week | No |
| Olive Branch, MS | 25,000 | 12 | 2 | 0 | 4 | 1-2 / week | Yes |
| Plano, TX | 232,000 | 30 | 8 | 0 | 5 | 1-2 / week | No |
| Pocatello, ID | 150,000 | 12 | 2 | 2 | 4 | 1-2 / week | Yes |
| Riverside, CA | 200,000 | 30 | 15 | 0 | 14 | 1-2 / week | No |
| Rowlett, TX | 50,000 | 7 | 3 | 0 | 17 | 3-5 / week | No |
| San Bernardino, CA | 181,000 | 30 | 25 | 0 | 7 | 3-5 / week | Yes |
| Tinley Park, IL | 52,000 | 13 | 1 | 0 | 10 | 1-2 / week | Yes |

* Information provided by person completing survey form. Accuracy of each individual form not verified.

Table 2

| City Name | Population Served | Total # Employees | Total # Code Officers | # Also Peace Officers | Years Exp. | How Often Call for Police AssistN | Benefit Y or |
|--------------------|-------------------|-------------------|-----------------------|-----------------------|------------|-----------------------------------|--------------|
| Alachua County, FL | 220,000 | 60 | 4 | 0 | 30 | 1-2 / week | No |
| Aurora, CO | 263,000 | 38 | 22 | 22 | 5 | 1-2 / month | Yes |
| Aurora, CO | 263,000 | 38 | 22 | 22 | 2 | 3-5 / week | No |
| Birmingham, AL | 240,000 | 1200 | 12 | 4 | 13 | < 5 / week | Yes |
| Chattanooga, TN | 100,000 | 27 | 12 | 12 | 13 | < 5 / week | Yes |
| College Park, MD | 49,000 | 22 | 5 | 0 | 34 | 1-2 / month | Yes |
| Oklahoma City, OK | 500,000 | 91 | 17 | 0 | N/A | 3-5 / week | No |
| Olive Branch, MS | 25,000 | 12 | 2 | 0 | 4 | 1-2 / week | Yes |
| Pocatello, ID | 150,000 | 12 | 2 | 2 | 4 | 1-2 / week | Yes |
| Riverside, CA | 200,000 | 30 | 15 | 0 | 14 | 1-2 / week | No |
| San Bernardino, CA | 181,000 | 30 | 25 | 0 | 7 | 3-5 / week | Yes |
| Tinley Park, IL | 52,000 | 13 | 1 | 0 | 10 | 1-2 / week | Yes |

Figure 1



CONCLUSIONS

Is it within the realm of law enforcement for a certified police officer to come to a resident to discuss the height of the grass? Is grass height, which exceeds ten (10) inches just cause for a police officer to investigate? Is code enforcement a new function of law enforcement in the 21st century? It is the opinion of this researcher that one must draw their own conclusion. There appears to be no definite answer. Likewise, there is no right or wrong answer. The research clearly shows that if one works for a large agency, law enforcement most likely, is not responsible for code enforcement. However, let us remember that code enforcement falls into the category of community policing that helps our neighborhoods both socially and politically. Socially, when the neighborhood is free from code violations, all is well. This is both practical and politically correct for the police department, public works department, or fire department, whichever umbrella is chosen to administer the code enforcement duties. While smaller agencies utilize their police officers to handle code enforcement issues, they accomplish multiple tasks on limited budgets and they have a pragmatic approach to problems which larger agencies are not mindful of.

The results of this research did not support the hypothesis, however, it is believed that due to the lack of references and lack of prior research in this field, this researcher believes that there are more practicing code enforcement officers who are in fact certified peace officers at this time.

For those of us who are certified in both code enforcement and law enforcement, it does make our job easier on several levels. The research shows that the

majority of civilians are of the opinion that their jobs would be easier if they too were certified police officers.

The best analogy this researcher found to explain the concept of code enforcement is according to John R. Chancellor (personal communication, February 26, 2004) code enforcement resembles the dominos a child uses when he carefully sets them side by side. As long as code enforcement is being handled properly, all is well, but take a domino and lay one down, and just as easily as one would recognize that one domino is out of place, when code enforcement is not working, it is very easily recognized.

REFERENCES

- Alper, Eugene (2002). Municipal Code Enforcement: Toward a Fashion Police, *The AACE Perspective*, 20-24.
- Collins, Martin G. (2003). Focusing Discretionary Resources: Evidence That The Window Theory Is Correct, *The AACE Perspective*, 19
- TEEX, (1997). Basic Code Enforcement, 6-1-6-3
- Wilson, James Q. & Kelling, George L. (1989) Making Neighborhoods Safe. *The Atlantic online* 46-52. Retrieved February 20, 2003, from <http://www.theatlantic.com/politics/crime/windows>

Exhibit "A"

The following questions will be used to compile raw data for research, as part of the requirements for completion of the Bill Blackwood Law Enforcement Management Institute of Texas Leadership Command College. Your assistance in the completion of this survey is greatly appreciated. Please answer all questions completely. If a question does not apply to your agency, please answer N/A. Incomplete answers or blank lines will corrupt the data received. Thanking you in advance for your cooperation in this matter.

Please return to: Officer Tammy S. Lewis, Shenandoah Police Department, 29811 I-45 North, Shenandoah, TX 77381 or via e-mail at tammylewis@ci.shenandoah.tx.us.

Completed by: _____ Title _____
Date: _____

Municipality/Department: _____
Population Served: _____

1. What is the current size of your department?

Total # Employees _____ Total # Code Enforcement Officers

Total # Civilians _____ Total # CE Officers also Sworn Peace Officers

2. Are you a certified peace officer? YES NO

3. How many years' experience as a code enforcement officer do you have?

4. How often do you as a code enforcement officer require the assistance of the police department? Please circle the statement which best describes your experience.

a) 1 to 2 times per week

b) 3 to 5 times per week

c) More than 5 times per week

d) Never

5. In your opinion as a code enforcement officer, would it benefit you to be a certified peace officer? YES NO

6. Comments:

Exhibit "B"

The following questions will be used to compile raw data for research, as part of the requirements for completion of the Bill Blackwood Law Enforcement Management Institute of Texas Leadership Command College. Your assistance in the completion of this survey is greatly appreciated. Please answer all questions completely. If a question does not apply to your agency, please answer N/A. Incomplete answers or blank lines will corrupt the data received. Thanking you in advance for your cooperation in this matter.

Please return to: Officer Tammy S. Lewis, Shenandoah Police Department, 29811 I-45 North, Shenandoah, TX 77381 or via e-mail at tammylewis@ci.shenandoah.tx.us.

Completed by: _____ Date: _____

Department: _____ Population Served: _____

1. What is the current size of your department?
 Total # Sworn Officers _____ Total # Reserve Officers _____
 Civilians _____
2. Does your department currently operate municipal code enforcement? YES NO
3. If you answered YES to question #2 please list the number of code enforcement officers your department has.
4. If you answered NO to question #2, please list which agency/department and a contact number of the person who handles code enforcement for your municipality.

5. If you answered NO to question #2 please circle which statement applies to your agency.
 a) We are considering adding code enforcement to our police department.
 b) We have had code enforcement in our police department in the past.
 c) We have never considered adding code enforcement to our police department.
6. If you answered NO to question #2, please circle which statement applies to your agency.
 a) Less than 2 times per week
 b) More than 2 times per week
 c) 3 to 5 times per week
 d) Never, we do assist the code enforcement officers
7. Do you have a personal opinion about certified police officers as code enforcement officers? If YES, please comment. _____