

PEP Talk

Public Entity Publication



Safety Inspections of Public Property

Claims against public entities typically allege a dangerous or defective property condition exists which led to an injury. Inspections and related corrective actions are critical in preventing injuries before they occur as well as mitigating severity after an injury has been sustained.

Identification

Staff should be vigilant and report potential dangerous conditions they notice. Note that once a public entity is on notice of a potential dangerous condition, and the entity fails to correct the problem, the defense of any claim arising from the condition will be problematic. In other words, if the problem is not corrected and a loss occurs, defense of the claim is more difficult. It is also important to acknowledge reports made by the public at large. In these cases, an inspection should be commenced as soon as possible to determine the condition of the public property. Lastly, empowering staff to identify and report problems will help correct conditions before a loss.

Documentation

An often missed component to inspection and repair of a potentially dangerous condition is documentation. When a report of dangerous condition is received, it should be documented and maintenance staff should assess the reported (written/photo) condition, also documenting their findings.

Mitigation

While the hazard may not be easily or quickly repaired due to costs or delays in equipment purchase, demonstrating that efforts are being made to correct the hazard do strengthen defense should a loss arise. In addition to this point, demarcating or creating notice to the public that a hazard is present helps the public avoid the hazard and also helps defend against a loss as the public is made aware of the hazard yet chose to disregard the warning. Although there may be budgetary constraints in regard to certain types of repairs and corrective measures, it is important that the District take reasonable steps to mitigate the risk of injury. Failure to mitigate these hazardous conditions will inevitably result in cost to the District and/or its insurer.

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