



**Internal Audit Division
Finance Department
DeKalb County**

**BEAUTIFICATION UNIT
CODE ENFORCEMENT**

COMPLIANCE REVIEW

AUGUST 2017

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TRANSMITTAL MEMORANDUM

DATE: August 18, 2017

TO: Marcus Kellum
Director, Beautification Unit
DeKalb County

FROM: Dianne McNabb
Interim Finance Director/Chief Financial Officer
DeKalb County

SUBJECT: Beautification Unit-Code Enforcement

RE: Citizen Complaints

**Chief Executive
Officer**

Michael Thummond

**Board of
Commissioners**

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Nancy Jester

District 2
Jeff Rader

District 3
Larry Johnson

District 4
Steve Bradshaw

District 5
Mereda Davis Johnson


District 6
Kathie Gannon

District 7
Gregory Adams

Attached is our report on Code Enforcement Operations. The issues raised in this report were discussed with you during the Exit Conference on August 4, 2017.

We appreciate the cooperation and assistance we received from the Beautification Unit and Code Enforcement employees during the course of this review. If you have any questions about the audit or this report, please feel free to contact me at extension 404-371-2745.

Sincerely


Dianne McNabb, CPA

cc: Appendix C



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EXECUTIVE SUMMARY

Background

Due to inquiries regarding Code Enforcement's (CE) responses to citizens' complaints, we were asked to review Code Enforcement's operations in the following areas:

1. Standard Operating Procedures (SOP)
2. Record Keeping
3. Documentation of Complaints
4. Use of Officers' Discretion
5. Knowledge of County Code and State Laws
6. Transparency

We primarily reviewed operations related to Section 18 – Nuisances and Section 27 – Zoning of the DeKalb County Code of Ordinances as these contained the majority of the complaints under review.

Objective

Our objective is to determine that Code Enforcement officers are in compliance with County Code (and State Law, if applicable) and internal procedures (SOP).

Summary of Observations

During our review of operations at Code Enforcement, we observed the following:

- Standard Operating Procedures were inadequate for properly documenting and inspecting complaints.
- Instances of complaints that were not adequately documented.
- Inability to track multiple complaints on the same address.
- Inconsistency in documenting case files in accordance with existing SOP.
- Instances of inadequate follow-up to correspondence.
- Misinterpretation of the County Code.
- Instances of inspections that were not timely performed.
- A citizen's ability to determine the violation status is limited (transparency).

Overall Recommendation

We recommend that CE continue to revise and practice their procedures to adhere to existing standards, insure compliance with County Code, and provide prompt and appropriate service to County residents.



Summary Management Response

Overall, Beautification Unit-Code Enforcement management agrees with our findings and recommendations as outlined in this report and is developing plans to implement these recommendations.

We have included Management's detailed responses and completion timeframes, for each recommendation, under the **Observation Details** section of this report:

1. Standard Operating Procedures
 - 90-day plan.
2. Documentation of Complaints
 - 30-day plan.
3. Multiple Complaints
 - 30-day plan and adjusted SOP due to new software.
4. Inconsistent Case File Documentation
 - 30-day plan.
5. Inadequate Follow-up
 - 60-day plan.
6. Knowledge of the County Code
 - Comprehensive training within the next 60 days.
7. Untimely Inspections
 - 30-day plan.
8. Transparency
 - 60-day plan along with implementation of new software.



Approvals:

Original Signed by:



Dianne McNabb, CPA
Interim Finance Director/Chief Financial Officer
DeKalb County



OBSERVATION DETAILS

STANDARD OPERATING PROCEDURES (SOP):

Code Enforcement (CE) receives complaints via phone, email, fax, web portal, and walk-ins, which are logged in the Hansen application. We observed and confirmed the workflow of the administrative staff during our onsite visit of CE, regarding the collection and documentation of complaints received.

At the beginning of our review, up-to-date Standard Operating Procedures (SOP) had not been implemented; personnel used the Training Manual for guidelines. CE was in the process of developing a revised SOP. We reviewed a working copy of the developing SOP manual, workflow procedures for new service requests, follow up inspection procedures, and their training manual. We found that the CE Training Manual does not provide clear and specific guidelines for all the information to be obtained from the complainant to fully document complaints. During the review, CE has implemented a revised SOP, dated July 5, 2016, which provides more specific guidelines on what should be included when recording complaints.

Although the Code addresses the number of days permitted for a violation in a few instances (examples: 7 days for debris – Section 18-9B and 72 hours for an inoperable vehicle outside of an enclosed structure – Section 18-8B), there is no specified number of days permitted for most violations. As a result, we found that different officers give varying periods for compliance for the same code violations. Example: For the violation of “Open storage Trash, Debris”, different officers gave eight, 14, 21, or 45 days to correct the violation.

Recommendations:

We recommend that CE continue to revise and update their SOP to insure adequate and consistent inspections and documentation of complaints, along with a consistent number of days to comply with warning notices.

Management Response:

“We agree with this recommendation, and embrace the notion that well-written standard operating procedure will provide direction, improve communication, reduce training time, and improve work consistency. As aforementioned, this division began the task of writing a standard operating procedure manual; however due to several internal changes such as relocation and departmental transition, the project was suspended.

“It is important to note however that the need for an officer to exercise independent latitude for judgment is extremely important. Furthermore, the service delivery of this division varies insomuch as officers must adjust their level of response based on the different types of cases encountered. An example would be the way an officer handles a vacant property (in terms of issuing notices and establishing compliance dates) versus an occupied property.



"A variation in a compliance deadline is based on the specifics of the individual violator. While an SOP can provide a blueprint for the general application of the code, officers 'enforce' the laws based on the details of the case, general directions given to them by their administration, the Solicitor's instructions, and the courts (while backed by local, state and federal law). The newly established SOP will integrate this philosophy accordingly.

"This division will develop a 90-day plan to complete this task, and begin the implementation of the newly adopted practices and policies during Q1, 2018."

DOCUMENTATION OF COMPLAINTS

We selected complaints (Service Requests) for review from addresses received from complainants. We reviewed eight (8) complaints received via phone. Five of the eight (62.5%) reviewed did not document specifics of the complaint. Documentation noted in each service request did not fully describe complainant's comments (example: the complaint may be a washing machine and construction material in the yard and the file might only say "debris in yard").

The Training Manual states, "Type the caller's comments describing the complaint" with an example provided - "Plant machinery too loud after 10PM". The revised SOP (not implemented as of the testing) further expands on the specific requirements for recording complaints. It states, in part, "Comments: Specific description of violations, like color of car, location of open storage etc., complainant's name and telephone number; with the complainant permission, and Owner information and or tenant information based on record."

As a result of the lack of specifics, users of the information do not have a full picture of the complaint, which increases the risk of not resolving the complaint on a first time basis. As an example, key information may include the time of day that the violation tends to occur. Knowing the likely time of occurrence would increase the officer's opportunity to witness the violation.

Recommendation:

We recommend that CE continue to revise and update their SOP to insure that key information will be contained in their records.

Management Response:

"We agree with this recommendation and will ensure adherence by all staff to the newly adopted standard operating procedure; however, it is important to note the percentage of "complaints received anonymously through email, fax, web portal and voicemail that lacks specifics. As such, staff is limited by the information provided.

"This division will develop a 90-day plan to complete this task, and begin the implementation of the newly adopted practices and policies during Q1, 2018."



MULTIPLE COMPLAINTS

We selected nineteen (19) addresses with prior and or outstanding violations from the list of addresses provided by complainants. Two of the nineteen (10.5%) addresses reviewed had multiple Service Requests (SR - a tracking number in the Hansen system) created for the same compliant and address.

1208 Rowland Rd – CE received a compliant via Email on July 29, 2016 for Parking on Unpaved Surface violation (code sec. 27-766 (B2)), generating SR # 175862. A code violation was observed during the initial inspection and a warning notice was issued. A court summons was issued December 20, 2016, as violations still existed after several months of trying to identify owners of vehicles, along with delays in the court hearings. The case was eventually dismissed (closed case) on June 21, 2017. However, on April 13, 2017, CE received a compliant via phone regarding the same code violation (code section 27-766 (B2)), that was still open at that time. A new SR (# 190754) was generated, creating a new case, rather than relating it to the open case.

4551 Ruby Rd – CE received a compliant via phone on January 5, 2015 for multiple code violations including Vacant and Abandoned property, open trash, high weeds and grass, etc. (code sec. 18-38.C, 18-9.A, 18-118), generating SR # 147629. At the time of this review, the SR is still open. CE received a compliant via phone for the same violations on January 13, 2015, which generated SR # 148065, without relating it to the previous SR.

CE's Work Flow for New Service Requests-Administrative processing states, "Confirm non-duplicate status". Not being able to automatically associate complaints by address may result in duplication of effort, inefficient operations, and inaccurate reporting.

Recommendation:

We recommend that CE research the possibility of adapting their system or procedures so that multiple complaints at the same address could be associated, in adherence to their own internal operating procedures.

Management Response:

"We agree with this recommendation and will ensure adherence by all staff to the newly adopted standard operating procedure, but the current Hansen case management software lacks the functionality to track duplicate services requests/cases. The County is currently in the process of upgrading the case management software to provide staff with the functionality to address this issue, and complete work procedures consistently and accurately.

"This division will develop a 30-day plan (internal) to complete this task, and based on the implementation schedule of the new software, will adjust the SOP accordingly. Projected Q1, 2018."



INCONSISTENT CASE FILE DOCUMENTATION

According to the revised SOP, “Photographs are to be taken of all inspections and actions for the purpose of documenting conditions and notices posted on the property.”

We reviewed nineteen (19) initial inspection files chosen from addresses provided by complainants.

- In two of the nineteen (10.5%), there were no inspection photographs.
- Six of the nineteen (31.5%) inspection photographs were date stamped, but the date did not match the date of the inspection, indicating they were not taken at the initial inspection.

Photographs provide documentary evidence of a violation, *or a lack of violation*, at the time of the inspection. Failure to take photographs increases the risk of ineffective and untimely enforcement of County Code as well as being a violation of SOP.

Recommendation:

We recommend that CE insure that all officers take photographs at the address of complaint at all inspections regardless if a violation is observed or not, to document and justify actions taken.

Management Response:

“We agree with this recommendation and will ensure adherence by all staff to the newly adopted standard operating procedure that governs the way by which cases are documented.

“This division will develop a 30-day plan to add an extra layer of reconciliation and a system of checks and balances by administrative staff.”

INADEQUATE FOLLOW-UP

A memorandum addressed to All Administrative Support Personnel, dated April 7, 2015, stated, “All faxes, Emails and voicemails will receive a follow-up call/email with service request number, and time frame for initial inspection (Effective immediately, that timeframe will be messaged as “within 5 days”).” In addition, the auto response generated once an Email is received states in part “will process your request to be inspected within 5 business days.”

We selected thirty-three (33) emails from the period March 24, 2017 through March 31, 2017 to review regarding follow-ups.



- Twenty-three (70%) emails had an average response time of 11.4 days.
- Ten (30%) had no response as of July 13, 2017 (average 107.3 days).

One of the main complaints we received from talking with County residents is the lack of responsiveness from County departments. This leads to frustration on the part of the citizens and damages the County's reputation.

Recommendation:

We recommend that CE adhere to the SOP implemented April 7, 2015 to make a follow-up response within 5 days.

Management Response:

"We agree with this recommendation and have recently introduced procedures to foster greater accountability, supervision and management in this area. These new practices will include random sampling of responses, and policies governing deletion of emails and will be included in the newly adopted standard operating procedure and add the value of consistency and enhanced creditability of operational delivery.

"This division will develop a 60-day plan to complete this task."

KNOWLEDGE OF THE CODE

We selected four Service Requests from the complaints received from citizens relating to excessive animals, open storage of trash and debris, business in improper zone, and permit complaint. Of the four SRs selected, one was found to misinterpret the Code. During our review of the SR relating to Excessive Animals (Code Section 4.2.7 E), we noted the initial inspection resulted in "pass inspection-no violation observed".

Section 4.2.7 E states, in part:

1. "Livestock regulations apply to animals over **twelve (12) months** of age."
2. "...there shall be no more than **two (2)** animals, per fenced acre for horses, llamas, mules, asses, cows or large aviary such as emus; and no more **than three (3)** animals per fenced acre for sheep or goats."
3. "A structure providing at least **one hundred (100) square feet** of floor space per animal for housing horses, llamas, asses, cows or large aviary such as emus is required, and **at least twenty-five (25) square feet** of floor space per animal is required for housing sheep or goats."

We obtained an aerial view of the property in question from DeKalb GIS and was able to determine with reasonable assurance the total acreage of the location is 11.5 acre with a total fenced area of 0.71 acres. This should limit the number of animals in the fenced area to one large or three small. From the notes in the SR file and photographs, we were not



able to determine the age of the animals, but there were several more than three small animals (goats) plus one large animal (horse) in the fenced area. In addition, we were unable to identify any housing structure for the animals from the aerial pictures nor from the photographs in the SR file.

Not interpreting County Code as it is written increases the risk of damage to the County's reputation as well as leading citizens to perceive officers as lacking the knowledge of the Code or misusing their officer's discretion. Furthermore, misinterpretation of the Code may result in violations not being resolved efficiently and effectively.

Recommendation:

We recommend that CE officers enforce compliance of the Code as it is written.

Management Response:

"We agree with this recommendation, and have recently adopted a policy (to be included in the new SOP) which highlights this division's commitment to training and development. The goal is to maintain a continuous learning program to develop a core of well-trained individuals whose performance will enhance the County's abilities to perform at a level that is consistent with growth and high performance objectives.

"This division has implemented a comprehensive training program with an emphasis and focus on property maintenance, zoning, inspection procedures as well as other codes and ordinances. *Within the next 60-days*, this division will use subject matter experts (both internal and external) to conduct comprehensive training sessions that will assist in the pursuit of the division's primary business objectives and with regard to long-term growth, operational stability and organizational change; and develop an assessment tool to further identify the gaps in knowledge and provide individualized training."

UNTIMELY INSPECTIONS

CE's Work Flow Procedures for Initial Inspections calls for an inspection within three days of the complaint (five if the complaint was received by fax or Email, see above). We reviewed fifteen (15) complaints – eight received by phone and seven received by Email.

- Phone complaints – Four of the eight complaints were inspected outside of the three-day window allowed, with an average period before inspection of 9.75 days.
- Email complaints – Six of the seven complaints were inspected outside of the five-day window allowed, with an average period before inspection of 75.8 days. This average is skewed due to one complaint with a period of 398 days. Without this outlier, the average of the remaining five is 11.4 days.



By not adhering to its own internal process, it is difficult for CE to assess the effectiveness and efficiency of their department's operations. Furthermore, there is the risk of damage to the County's reputation as residents of the County may perceive CE's untimely action as "nothing is being done" to address their complaints.

Recommendation:

We recommend that CE perform initial inspections of all complaints within the time limits set by their SOP.

Management Response:

"We agree with this recommendation and will ensure adherence by all staff to the newly adopted standard operating procedure. Notwithstanding certain email limitations in assigning cases (i.e. cases electronically forwarded to incorrect staff), anomalies and outliers, as well as improper electronic case management (i.e. officer not closing the case after completion) may affect the overall average. An anticipated benefit of the new SOP and new case management system will include greater capacity to track and respond to cases, consistent work performance and predictable results, as well as officers and support staff that complete work procedures consistently and accurately.

"This division will develop a 30-day plan to add an extra layer of reconciliation, and a system of checks and balances by supervisory and administrative staff."

TRANSPARENCY

We reviewed DeKalb County's Beautification Unit web page (<https://www.dekalbcountyga.gov/beautification/code-enforcement-report-violation>) and confirmed that the public has the online ability to submit new code violation complaints and check the status of an existing complaint if they have the SR#. This provides a level of transparency regarding the handling of code violations by CE but is somewhat limited due to the need for the SR# of the initial complaint.

We reviewed the ability to obtain the status of inspections online in Cobb and Gwinnett County. Both provide the public with the ability to obtain the status using four search functions.



Search Method	Gwinnett	Cobb	DeKalb
Service Request Number	✗	✗	✓
Case Number	✓	✓	✗
Address	✓	✓	✗
Parcel No.	✓	✓	✗
Search All Record	✓	✓	✗

Limited online search capability increases the need for residents to obtain the status of a complaint by phone, email, or in person. An increase in personal customer contact regarding a case status reduces customer service resources available. With limited resources, new code violation complaints will take priority over status inquiries causing more untimely responses. Untimely responses are perceived by the public as inefficient, ineffective, and unprofessional operations.

Recommendation:

We record that CE develop and implement a search capability that will allow the public to research code violations using multiple data rather than the SR# assigned to the case.

Management Response:

“We agree with this recommendation. The County is currently in the process of upgrading and implementing a diverse web based software system (Hansen upgrade) that will have dynamic web portal functionality, and will provide a more enhanced online customer experience.

“This division will develop a 60-day plan (internal) to update the webpage with processes and provide additional case information; however, based on the implementation schedule of the new software, the additional features will be added to foster greater transparency. Projected Q1, 2018.”

Further Remarks by Management:

“Each employee in this division is responsible for guaranteeing that their work processes are effective and continually getting better. Leadership’s role is to provide the training and an appropriate motivating environment to support teamwork. Ultimately, everyone in this department is responsible for the quality of its services, and providing high-quality service depends on a commitment to consistency. Effective code compliance and enforcement depends on how well these systems work together to produce an amenable outcome for all interested parties.”



APPENDIX A – ACKNOWLEDGEMENTS

We would like to take this opportunity to thank the management and staff of Beautification Unit-Code Enforcement for their assistance during this engagement.

Conducted by:

Oneil P. Pusey
Senior Auditor
Finance Department - Internal Audit Division

Reviewed by:

A. Murray Walters
Principal Auditor
Finance Department - Internal Audit Division



APPENDIX B – DEFINITIONS AND ABBREVIATIONS

Acronyms and Abbreviation

- CE** Code Enforcement - A department within the Beautification Unit charged with enforcing the DeKalb County Code of Ordinances
- SR#** Service Request # - An initial identifier assigned to a code violation complaint
- GIS** DeKalb County Geographic Information Systems – uses mapping technology to bring efficiency and effectiveness to County mapping functions and databases.



APPENDIX C – DISTRIBUTION LIST

This report has been distributed to the following individuals:

DeKalb County Board of Commissioners

Michael L. Thurmond, Chief Executive Officer

Zachary L. Williams, Chief Operating Officer/ Executive Assistant

Preston L. Stephens, Interim Assistant Finance Director