

DISTRICT OF COLUMBIA OFFICE OF THE INSPECTOR GENERAL

OIG Project No. 17-I-05CR

September 2017



DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

INSPECTION OF THE ILLEGAL CONSTRUCTION ENFORCEMENT PROGRAM



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Our mission is to independently audit, inspect, and investigate matters pertaining to the District of Columbia government in order to:

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- promote economy, efficiency, effectiveness, and accountability;
- inform stakeholders about issues relating to District programs and operations; and
- recommend and track the implementation of corrective actions.

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Our vision is to be a world class Office of the Inspector General that is customer-focused, and sets the standard for oversight excellence!

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Excellence * Integrity * Respect * Creativity * Ownership
* Transparency * Empowerment * Courage * Passion
* Leadership





Why the OIG Did This Inspection

In fiscal year (FY) 2017, the Office of the Inspector General's (OIG) Inspections and Evaluations Unit (I&E) conducted this inspection of the Department of Consumer and Regulatory Affairs as part of its planned activities. The objectives of this inspection were to determine DCRA's capability to: proactively identify and address illegal construction; respond to complaints and allegations within agency identified timeframes; and deter illegal construction before it begins.

What the OIG Recommends

This report presents 3 findings and 10 recommendations to improve and strengthen DCRA's administration and oversight of the Illegal Construction Unit.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

Inspection of the Illegal Construction Enforcement Program

What the OIG Found

The OIG inspection team focused on the Department of Consumer and Regulatory Affairs' (DCRA) oversight and administration of the illegal construction enforcement program. Using publicly available information and documentation provided by DCRA, the team attempted to assess the agency's ability to identify, address, and deter illegal construction proactively, and the agency's responsiveness to illegal construction complaints.

The team determined that DCRA's management information system (Accela), as it is currently configured, is insufficient to track illegal construction inspectors' performance, responsiveness, and workflow. In addition, the agency lacks adequately documented policies and procedures that standardize its response to allegations of illegal construction and response timelines. Finally, although DCRA received additional funds to increase staffing levels to support enforcement on weekends, holidays, and after normal working hours, the agency was unable to fill the required positions and is not consistently covering those time periods.

The team believes that DCRA could ensure that it measures, monitors, and reports performance related to addressing illegal construction and responding to complaints in a meaningful way by improving Accela and documenting internal policies, procedures, and inspection timelines.

The team also believes that DCRA could enhance its ability to address and deter illegal construction activities by increasing staffing levels and consistently administering inspection coverage after-hours, on weekends, and on holidays. These changes would yield significant benefits to DCRA and the District.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



September 29, 2017

Melinda M. Bolling
Director
Department of Consumer and Regulatory Affairs
1100 4th Street, S.W.
Washington, D.C. 20024

Dear Director Bolling:

Enclosed is our final report entitled *Inspection of the Illegal Construction Enforcement Program* (OIG Project No. 17-I-05CR).

We provided you our draft report on September 1, 2017, and received your initial response on September 18, 2017, which is included as Appendix D of this report. Subsequent to that response, the OIG asked DCRA to indicate whether it agrees or disagrees with each of the report's recommendations. DCRA agreed with 4 of the report's 10 recommendations and commented on each recommendation. The OIG incorporated the additional information that you provided in both the body of the report and Appendix D.

The OIG is encouraged by DCRA's current and planned actions to improve the operations of the Illegal Construction Enforcement Program, and will follow up with DCRA during fiscal year 2018 to monitor implementation of the process improvement initiatives described in your responses.

We appreciate the cooperation and courtesies extended to our staff during this project. If you have any questions concerning this report, please contact me or Edward Farley, Assistant Inspector General for Inspections and Evaluations, at (202) 727-2540.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lucas", is positioned above the printed name of the Inspector General.

Daniel W. Lucas
Inspector General

DWL/ejf

Enclosure

cc: See Distribution List

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BACKGROUND

DCRA is “responsible for regulating construction and business activity in the District of Columbia.” The agency’s mission is “to protect the health, safety, economic interests and quality of life of residents, businesses and visitors in the District of Columbia by ensuring code compliance and regulating business.”¹ The Illegal Construction Unit (ICU) is responsible for enforcing any construction work that is performed without a permit, or outside the scope of the permit. Illegal construction inspectors can also “stop work” for unsafe or dangerous conditions, or construction taking place outside the work hours of 7 a.m. – 7 p.m. Monday through Saturday, and on Sundays and holidays.²

Illegal construction impacts the safety of residents and property within the District of Columbia. During fiscal years (FY) 2014-16, DCRA created 6,628 illegal construction CAPs³ and issued 1,476 citations⁴ for unpermitted construction work. In response to the public’s concerns regarding illegal construction, the agency received additional funding in FY 2016 to increase staffing and the regularity of inspections for construction work that occurs after-hours, on weekends, and on holidays.

Most illegal construction cases are initiated in response to resident complaints. The ICU primarily receives telephone complaints through its hotline at 202-442-STOP (7867), but also receives complaints from the District’s 311 hotline, email requests from DCRA’s website, walk-in complaints at the agency’s headquarters, and referrals from the Executive Office of the Mayor, the D.C. Council (Council), or Advisory Neighborhood Commissioners (ANCs). If DCRA inspectors find illegal construction violations during the course of conducting scheduled inspections, they may also request that the ICU conduct an illegal construction inspection.

Upon receiving a complaint of illegal construction, a DCRA representative creates a CAP and assigns an inspector to investigate the allegations. If an inspector finds the complaint to be invalid, he/she notes the case as “no cause” and closes it. If an ICU inspector finds allegations of illegal construction to be valid, he/she has two primary remedies: a Stop Work Order (SWO)⁵ and/or a Notice of Infraction (NOI).⁶ Inspectors may issue one or both remedies depending upon

¹ <https://dcra.dc.gov/page/about-dcra> (last visited March 20, 2017).

² Title 12A DCMR § 105.1.3 requires an after-hours permit—subject to noise regulations set forth in 20 DCMR Chapters 27 and 28, 14 DCMR § 2515, and the “Georgetown Project and Noise Control Amendment Act of 2004” (D.C. Law 15-214, eff. Dec. 7, 2004)—to engage in construction, installation, maintenance, alteration, repair, demolition, or razing activities outside normal working hours. For the purposes of this permit, normal working hours shall be from 7 a.m. to 7 p.m., Monday through Saturday, excluding legal holidays and Sundays. *Id.* § 105.1.2.

³ CAPs are departmental lexicon for a created case file in Accela.

⁴ As discussed further in finding one regarding Accela, DCRA’s data were, in some cases, unclear whether the citations included fines, stop work orders, or both.

⁵ Title 12A DCMR § 114.1.1 states that “[t]he stop work order shall be in writing, in a form prescribed by the code official, and shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work. If the stop work order cannot be delivered personally, notice shall be effected by posting the stop work order as provided in Sections 114.1.4 and 114.2 below. Upon service of a stop work order pursuant to 114.1.4, the cited work shall immediately cease until the situation is corrected.”

⁶ Title 12A DCMR § 113.2 states: “The code official is authorized to serve a notice of violation, notice of infraction, or order on the owner, operator, occupant or other person responsible, for the erection, construction,

the severity of the violation. When an illegal construction inspector observes a violation, he/she places an orange Stop Work Order sticker on a property that does not have the proper building permit(s). DCRA may assess a \$2,000 fine per infraction for illegal construction violations, not to include an additional fine of 50 percent of the cost of the permit that should have been obtained. Repeat offenders may be fined up to \$4,000 per infraction.

FINDINGS

Overall, the team found it difficult to evaluate how effectively the ICU was deterring and combatting illegal construction. This difficulty arose from both a lack of performance measures by which to judge the ICU's performance and deficient documentation related to the day-to-day activities of the ICU. Although the team believes that the unit's small size⁷ may help management informally evaluate performance more easily, the lack of defined performance standards, as well as incomplete and inconsistent recordkeeping, precluded the team from evaluating these two objectives. As a result, the team was unable to assess thoroughly DCRA's ability to identify and address illegal construction proactively or determine whether DCRA has the ability to deter illegal construction before it begins.

The findings and recommendations in this report focus on how DCRA can better respond to complaints and allegations of illegal construction. We present three findings that address issues identified through our review and analysis of DCRA files, Accela data, and interviews conducted with DCRA employees. Specifically, we discuss how DCRA should: configure Accela to track illegal construction inspectors' performance, responsiveness, and workflow; implement policies and procedures that make internal and external oversight more efficient and effective; and ensure inspectors conduct inspections after normal working hours on weekdays, over weekends, and during holidays.

In total, we make 10 recommendations to DCRA in order to enhance its management of the illegal construction enforcement program.

DCRA HAS NOT CONFIGURED ACCELA IN A WAY THAT MANAGEMENT CAN TRACK ILLEGAL CONSTRUCTION INSPECTORS' PERFORMANCE, RESPONSIVENESS, AND WORKFLOW.

DCRA implemented Accela, its management information system, in fiscal year (FY) 2008 to improve internal tracking, performance monitoring, data integrity, and customer service. In addition, it was hoped that Accela would provide DCRA's administration with accurate, accessible, real-time data, to establish measurable and meaningful metrics to meet performance

alteration, extension, repair, razing, demolition, use, or occupancy of a building or other structure in violation of the provisions of the Construction Codes or Zoning Regulations, or in violation of a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of the Construction Codes or Zoning Regulations...." Title 12A DCMR § 113.2.1.4 states: "Notices of infraction shall be issued in accordance with the procedures and fine amounts set forth in Section 201 of the Civil Infractions Act and Title 16 of the DCMR."

⁷ The ICU is a small unit with fewer than 10 employees.

targets in the agency's mission-critical functions – permitting, licensing, inspections, and enforcement.⁸

Complaints and code violation information⁹ are tracked in Accela; however, the system is not meeting the day-to-day needs of the illegal construction inspectors and managers because the current configuration of the system makes performance-monitoring and reporting difficult. Accela's configuration hinders DCRA's ability to evaluate its performance, assess the timeliness of its inspections, and monitor illegal construction inspectors because it does not: 1) capture data required to provide internal managers and external stakeholders with a full picture of the inspection process; or 2) ensure performance data are accurate and reliable. The following deficiencies make oversight of the ICU's performance difficult for both internal and external stakeholders.

Insufficient Case Information Detail

DCRA inspectors must complete pre-determined fields in Accela. DCRA determines what data inspectors must record. The data fields DCRA has chosen, however, do not capture the following details necessary to understand the intricacies of each case:

- Information regarding what occurs between complaint intake and the final action on a case, including the steps an inspector took to make his/her determination. Although each CAP has a field allowing inspectors to include a narrative describing the actions taken, narratives are optional, and the amount of detail that inspectors include varies greatly. Without information regarding the process and reasoning leading to the end result, it is difficult to evaluate the effectiveness of each inspection.
- Information regarding the source of complaints. DCRA receives illegal construction complaints via telephone (202-442-STOP, 311, voicemail) and email requests from its website. Other DCRA inspectors may also recommend illegal construction inspections. Accela currently has no field that tracks how DCRA receives the complaint.¹⁰ Lacking information about the source of complaints prevents DCRA from obtaining more information from the complainant and determining how effective each method of reporting has been.
- A field designating when inspectors have issued an NOI. Although DCRA uses three statuses that may indicate a violator has received an NOI: "cause for action," "citation," and "SWO," the use of these statuses does not guarantee that DCRA issued an NOI. Without the date of service for each NOI, it is difficult to ascertain how many NOIs DCRA issued over a given period.

⁸ Testimony of Linda K. Argo, Director, *Capital Improvements Public Oversight Hearing*, D.C. Council (March 6, 2008).

⁹ Accela also tracks property addresses, regular building inspections, zoning, licenses, and certificates of occupancy for DCRA.

¹⁰ To maintain complainant confidentiality, DCRA usually does not record the complainant's name. Although this practice protects the complainant's identity from disclosure, the lack of identification creates two adverse issues: 1) DCRA cannot inform complainants whether the illegal construction issue has been addressed; and 2) ICU inspectors cannot seek clarification about the allegation from the complainant.

- An explanation for why DCRA has rescheduled a case. Accela data from FY 2014 through FY 2016 revealed 2,442 CAPs bearing the status “rescheduled.” According to DCRA officials, the agency reschedules inspections for various reasons, including inspectors being on leave, inspectors not finishing their scheduled inspections, or inspectors having to attend to other competing priorities. Lacking this information, DCRA cannot determine the reasons for untimely inspections or delayed determinations, which makes it difficult to evaluate DCRA’s timeliness.
- An indication that a fine has been paid. Violators pay fines associated with SWOs to the DCRA Office of Civil Infractions (OCI), not the ICU. No mechanism in Accela exists to indicate when violators pay these fines. Instead, the OCI emails ICU a notice when a fine is paid. An ICU employee then tracks this information in a separate spreadsheet. Lacking this mechanism creates a delay between the time when a violator pays a fine and when the ICU knows to lift a hold on a property permanently.¹¹

Unreliable Determinations Data

DCRA cannot always rely on the data it gathers to make accurate determinations because the data may be faulty or incomplete. The team found the following issues related to Accela’s data integrity:

- Variation in data entry. Inspectors are using irrelevant or obsolete statuses for CAPs. DCRA management described 8 of the 21 (38%) different statuses used during the scope of our inspection by illegal construction inspectors as “not likely in use” or “completely irrelevant” to illegal construction.¹² In addition, DCRA inspectors frequently use different statuses for the same event. For example, some inspectors use “case notes” status, while others use “activity log” status to describe identical events. Duplicative or obsolete statuses can skew reports generated by DCRA reviewing officials by causing responsive results to be omitted from search queries mistakenly.
- Co-mingling data with the Office of Planning’s (OP) Historic Preservation (HP) Inspectors. DCRA has a Memorandum of Understanding (MOU) with the OP that allows OP HP inspectors to use DCRA’s SWO process in enforcement cases. The CAPs created by HP inspectors look identical to those created by ICU inspectors. To isolate ICU inspectors’ CAPs, reviewing officials must have a list of HP inspectors and explicitly filter their names out of the results. Otherwise, the reviewing officials will receive a comingled set of responses when running a search query, which could skew any analysis of DCRA’s performance.
- Distortion of dates. When creating a CAP, inspectors must manually change the “inspection date” to its proper date. If unchanged, the inspection date defaults to the date the inspector entered the CAP. These inaccuracies are especially evident on holidays and weekends because inspectors rarely create CAPs until the next work day. Without

¹¹ When the ICU issues an SWO, it places a hold on the property. During the adjudication process, the hearing officer may temporarily lift the ICU hold, so the violator can obtain permits.

¹² DCRA inspectors labeled 86 CAPs using obsolete or irrelevant statuses during the scope of this inspection.

accurate inspection dates, DCRA cannot adequately assess the timeliness of ICU inspections.

- System reliability. The team found 663 CAPS created during the period of review that listed a status but lacked the subject address. When the team inquired about this issue, a DCRA manager theorized that the omission must be the result of a software glitch because inspectors cannot enter a CAP without an address. Later, he/she showed the team that someone had entered the address into each CAP, but, for some reason, the addresses did not appear on the aggregated reports. As such, if one was to rely on the aggregate reports, this information would not be included.
- Queries limited to 1,000 results. Accela search queries yield a maximum of 1,000 CAPs, even if more than 1,000 results are responsive to the query. Accela also does not indicate that more results exist. DCRA averages over 2,000 CAPs per year, so analysis of just 1 year requires multiple queries. To analyze more than 1,000 CAPs, a requestor must work with DCRA's internal Office of Information Systems (OIS) or search shorter periods of time and then aggregate the results. The search results appear complete, but they are merely a subset of the overall results.

As criteria for this condition, we used the U.S. Government Accountability Office's (GAO) Internal Control Management and Evaluation Tool (GAO-01-1008G), which states that an agency should ensure that it "has established and monitors performance measures and indicators."¹³

Further, GAO's Standards for Internal Control in the Federal Government (GAO-14-704G) state that an agency's management should "establish[] activities to monitor performance measures and indicators. These may include comparisons and assessments relating different sets of data to one another so that analyses of the relationships can be made and appropriate actions taken."¹⁴

Deficiencies related to the ICU's use of Accela affect DCRA's ability to analyze important data related to the effectiveness of its efforts to stop illegal construction and its timeliness in responding to complaints. Specifically, Accela's current deficiencies, in both its configuration and DCRA's use, hinder DCRA's ability to produce adequate management reports to help it determine, among other items, how quickly inspectors respond to complaints or how much time inspectors spent researching complaints.

Accela's deficiencies can lead to inaccurate dates distorting the amount of time it takes for an inspector to address a complaint and affect DCRA's ability to assess the ICU's timeliness. For example, DCRA estimated that it inspects 80-90% of illegal construction complaints on the same day it receives the complaint. However, the team found that approximately 47% of CAPs over the 3 FYs had inspection dates more than 48 hours after their request dates. The possible corruption of Accela's data makes it impossible to know whether that number is accurate. As

¹³ U.S. GENERAL ACCOUNTING OFFICE, INTERNAL CONTROL MANAGEMENT AND EVALUATION TOOL 39, GAO-01-1008G (Aug. 2001).

¹⁴ U.S. GOVERNMENT ACCOUNTABILITY OFFICE, STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT 47, GAO-14-704G (Sept. 2014).

proof of the system's unreliability, the same analysis revealed that Accela had approximately 200 CAPs with inspection dates at least 1 day prior to the CAP's request date.

In addition, Accela's deficiencies have affected DCRA's ability to record other timeliness measurements. For example, DCRA management indicated that inspectors must record SWO cases in Accela within 3 days of the SWO being issued. This performance metric is not consistently enforced because Accela currently does not differentiate between an inspection date and an SWO case preparation date.

Accela's deficiencies also affect DCRA's ability to evaluate employee performance related to stopping illegal construction and responding to complaints. DCRA is not enforcing any case resolution performance metrics because Accela is not configured to help managers track whether inspectors meet the case resolution performance goal. Accela's role in DCRA's performance-tracking and monitoring system is especially important because ICU management otherwise provides little oversight of the activities that inspectors perform while in the field.

Accela, in its current configuration, adversely affects DCRA managers' ability to produce clear and insightful performance reports easily to help them review records and ensure that inspectors have entered data properly. The lack of informative performance reports has led to data entry errors that may compromise the integrity of DCRA statistics. Specifically, during its initial inspection, the team observed several CAPs that had a blank in place of their statuses. DCRA management theorized that a contact representative may have forgotten to schedule and assign the complaint to an inspector. Without manually searching the database, DCRA may not have discovered these errors. Frequent, easily readable reports would likely catch these and other errors.

Even if management runs queries in Accela to analyze performance, Accela's deficiencies can affect the veracity and usefulness of those results. The OIG team experienced this difficulty first hand when it attempted to analyze how many Accela CAPs remained in the "scheduled" status. This analysis is important for DCRA and reviewing officials to conduct because CAPs should not remain in the scheduled phase for longer than about 2 weeks according to DCRA management.¹⁵ When conducting this inquiry, the OIG team found 1,341 CAPs from FY 2014 through FY 2016 that remained in the "scheduled" status. Upon further inquiry, the team learned that HP inspectors formulated 1,190 of those CAPs, and ICU inspectors created 151 of those CAPs. Because of the co-mingling of data, the results of the initial query were misleading and ultimately inaccurate.

In summary, Accela's limitations affect oversight of the ICU's performance, timeliness, and response times as it pertains to stopping illegal construction. Although ICU management believes that inspectors are handling most cases within 48 hours of receipt, it cannot make this claim definitively. Although ICU inspectors may have the certifications and skills to carry out the technical aspects of their work, DCRA management cannot objectively evaluate the ICU's performance because the agency uses no performance measures as standards.

¹⁵ Delays in changing the status of a CAP can impact customer service. A customer who received an SWO cannot appeal the SWO and schedule a hearing with DCRA until the inspector writes up the case. The customer could experience unnecessary delays in adjudicating the SWO if the inspector has not completed the SWO case file.

To improve performance, we recommend DCRA:

- 1) Configure Accela to generate management reports that track ICU's performance in meeting initial response time goals and better ensure the integrity of the data collected. If configuring Accela to produce these reports is not feasible, DCRA should establish a more efficient process for monitoring and reporting performance.

Agree X Disagree

DCRA's September 2017 Comment, As Received: This Administration has worked diligently since 2015 to upgrade long ignored and unfunded legacy data systems. ACCELA, the agency's land management system, has received vital upgrades which allow utilization of its entire array of modules. However, the agency will use other information technology products to generate performance reports based on data within ACCELA.

- 2) Establish procedures that guide the use of Accela, specifically those for complaint intake, inspection activities, and other data entry practices, and publish these procedures in a user-friendly guide.

Agree X Disagree

DCRA's September 2017 Comment, As Received: Since the upgrade of ACCELA, the agency is now poised to use new technology (i.e. mobile inspections) that will improve the efficiency and effectiveness of many agency services. As such, new workflows and business processes will have to be developed, refined, and implemented. When the new workflows and business processes are developed, the agency will have companion user-guides for agency staff to use to complete their jobs and assignments.

- 3) Implement a process that ensures all inspectors are trained on data entry procedures for Accela and maintain inspectors' related training records.

Agree Disagree X

DCRA's September 2017 Comment, As Received: Currently, inspectors are trained on all aspects of their jobs including data entry procedures. Therefore, the agency disagrees with the conclusion/determination that inspectors are not trained on data entry procedures. As mentioned previously, the upgrades of ACCELA has allowed the agency to use new technology (i.e. mobile inspections) which fundamentally changes the way in which inspectors result their work. As such, new workflows and business processes will have to be developed, refined, and implemented. When the new workflows and business processes are developed, inspectors will be appropriately trained and the training records will be automatically captured.

- 4) Collaborate with OIS to find a way to better distinguish between Office of Planning HP cases and ICU cases in the Accela database.

Agree _____ Disagree _____ **X** _____

DCRA's September 2017 Comment, As Received: *As there are not that many Office of Planning enforcement cases, the agency believes it will be an undue burden to segregate those cases when performance audits are required rather than spend limited agency IT funds on this recommendation.*

- 5) Conduct yearly audits of ICU cases to ensure inspectors are entering data correctly and meeting performance standards.

Agree _____ Disagree _____ **X** _____

DCRA's September 2017 Comment, As Received: *As previously explained, the upgrades of ACCELA have introduced new technology into the way that inspectors complete their duties. One such improvement is the use of mobile inspections. When fully implemented, inspectors will not enter data into ACCELA in the manner in which the audit found. The agency is committed to monitoring the work and results of inspectors' work and making improvements and changes as needed.*

DCRA LACKS STANDARDIZED PROCEDURES FOR RESPONDING TO ILLEGAL CONSTRUCTION COMPLAINTS.

According to DCRA management, ICU inspectors use standard operating procedures (SOPs) and Title 12A of the DCMR to guide illegal construction inspections. ICU inspectors, however, were mostly unaware of any documented standard procedures. Only one employee recalled receiving a scaled-down version of a policies and procedures document. DCRA management reported discussing complaint response timeframes in unit meetings; however, those administrators were uncertain of where the timeframes were documented.

Interviewees were also unclear about whether DCRA has a documented inspection process or official performance metrics for responding to illegal construction complaints. An inspector stated that DCRA does not have an SOP for responding to complaints; rather, inspectors try to respond to complaints as soon as possible – usually the same day.

DCRA views illegal construction enforcement as somewhat discretionary. Violators may not be cited if they have a good reason for the violation; or if the violation is minor. Some violators just receive warnings. An interviewee stated that warnings are issued for after-hours work because the inspectors have often not caught them in the act of performing illegal construction. In addition, regular construction inspectors do not have to issue a SWO if they uncover unpermitted construction during an inspection. They have the discretion to give the contractors time to obtain a permit for the unpermitted work.

Some inspectors are unclear about how to re-prioritize assignments if an emergency inspection impacts their schedule. An inspector stated that inspectors perform inspections on the day they are assigned; however, if an emergency inspection occurs, scheduled inspections may be pushed to the next day. Although the inspector was aware of a 3-day deadline for writing up the results of the inspection after an SWO is issued, the inspector was unaware of a deadline for performing inspections. Inspectors' caseloads are also impacted when customers appeal¹⁶ SWOs. A manager reported that a prompt appeal can reduce the likelihood that inspectors complete other cases in a timely manner because the appeal takes precedence over responding to complaints.

DCRA provided the team with draft SOPs that were incomplete, as they did not include procedures related to pre-inspection and post-inspection activities.

The document did not address the following procedures:

- prescribed deadlines for investigating complaints; recording the results of the inspections, or preparing SWO and NOI case files for the appeals process;
- procedures related to the intake process for complaints submitted via means other than direct calls to DCRA (complaints emailed to DCRA from the website, complainants who walk into DCRA, call transfers from 311, noise complaints from the Metropolitan Police Department (MPD), etc.); or
- procedures for illegal construction observed on holidays, weekends, or between the prohibited construction hours of 7 p.m. and 7 a.m.

Much of the SOPs' guidance related to entering data into Accela was incomplete. The document lacked adequate information explaining the definition and proper use of various statuses in Accela. The SOPs only provide descriptions for 4 statuses (No Cause, Stop Work Order, No Show, and Citation) even though inspectors have used 21 different statuses in Accela during the last 3 FYs.

The team did not find evidence of documented procedures for tracking SWOs and NOIs issued between the hours of 7 p.m. and 7 a.m., Monday through Saturday, or for those issued on Sundays and holidays. ICU contact representatives do not work weekends, holidays, or after 7 p.m., and the SOPs do not specify the responsibilities of the assigned weekend inspector. Specifically, the SOPs lack information related to complaint intake procedures, permissions for placing holds, and updating the case status in Accela outside of normal business hours. Criteria for acceptable performance comes from the GAO Internal Control Management and Evaluation Tool (GAO-01-1008G), which stipulates that control activities are "the policies, procedures, techniques, and mechanisms" that enforce management's directives and are "an integral part of the agency's planning, implementing and reviewing. They are essential for proper stewardship and accountability for government resources and for achieving effective and efficient program results."¹⁷ The standards also provide that internal control activities must be

¹⁶ The appeals process consists of an internal hearing and/or settlement with DCRA, as opposed to a hearing with the Office of Administrative Hearings (OAH).

¹⁷ GAO, INTERNAL CONTROL MANAGEMENT AND EVALUATION TOOL 33, GAO-01-1008G (Aug. 2001).

clearly documented, and that the documentation should appear in management directives, administrative policies, or operating manuals.¹⁸

Employees' achievement of inspection and case preparation targets varied, in part, due to the lack of standardized procedures. Because DCRA is not tracking inspectors' performance, responsiveness, and workflow, the team could only rely on anecdotal evidence as a measure of achieving targets. When asked how often they met any internal deadlines for preparing SWO cases, the responses ranged from "the majority of time" to "50-60 percent of the time," to "sometimes not at all due to the workload." Another interviewee reported being assigned 5-10 inspections per day; however, sometimes he/she cannot get to all of them due to administrative requirements and paperwork.

Without documented policies and procedures, DCRA cannot ensure that inspection activities are carried out in accordance with management's intent, or applicable laws and regulations.

To improve performance in this area, we recommend DCRA:

- 6) Update, finalize, and distribute the Illegal Construction Unit's operating procedures to include thorough documentation of pre-inspection requirements, workflow timelines, case preparation and tracking standards, and post-inspection procedures, to include:
 - a) details addressing the type of pre-inspection research that should be performed, including what happens when permits and plans are not found in Accela, and how to access ProjectDox;
 - b) prioritization instructions for investigating complaints and follow-up on older cases, timelines for responding to complaints, writing up SWO cases, and performing follow up inspections post-adjudication;
 - c) instructions for preparing NOIs;
 - d) guidelines for Accela data entry, including definitions for case statuses, how to provide detailed activity notes, and next steps; and
 - e) procedures for addressing and documenting illegal construction identified on weekends, holidays, and after-hours.

Agree X Disagree

DCRA's September 2017 Comment, As Received: As the agency brings new IT technology on line, including work flows and business processes, those processes will be documented for the staff and training will occur.

¹⁸ *Id.* at 42-43.

DCRA DOES NOT CONSISTENTLY INSPECT FOR ILLEGAL CONSTRUCTION AFTER-HOURS, OR ON WEEKENDS AND HOLIDAYS.

The team found that DCRA does not regularly pursue allegations of illegal construction between the hours of 7 p.m. and 7 a.m. (after-hours).¹⁹ Instead, the DCRA ICU relies on the Metropolitan Police Department (MPD) to respond to any noise complaints caused by after-hours illegal construction and then communicate those incidents to DCRA. This coordination is not formalized in any MOU, but rather relies on an individual officer calling to alert the ICU when another officer has issued a construction-related noise violation. The ICU inspector then inspects the property the next business day during working hours.

The ICU lacks dedicated after-hours coverage because DCRA management does not think it is necessary or effective to provide it. Management indicated that, many times, after-hours construction would already have ceased by the time an inspector could arrive at the scene. A DCRA manager explained, “Complaints after-hours typically fall into one of two categories: 1) it is a routine issue that can be handled during regular hours, i.e. “my neighbor is building an addition without posted permits;” or 2) “contractors are making noise and I am trying to sleep.” Because the noise complaint is the only one that requires an after-hours response, the process of notifying MPD is “90% effective.”

Further, the team found that prior to December 12, 2015, DCRA did not conduct inspections on weekends or holidays. Since then, DCRA has asked illegal construction inspectors to volunteer to work outside their typical tours of duty, on Saturdays, Sundays, and holidays.²⁰ Despite this process, DCRA did not have an inspector assigned on 7 of 8 holidays (88%) and 22 of 84 weekend days (26%) from December 12, 2015, through the end of FY 2016, meaning DCRA had someone on duty for only 63 out of 92 days (approximately 68% of the time).²¹

When DCRA was unable to fill assignments on weekends, holidays, or after-hours, it designated a manager as a “Duty Officer,” whose job it was to respond to “building emergency issues,” such as a collapse or other emergencies that endanger occupants or the public. The Duty Officer was often at home when the call to respond arrived, and frequently was unable to respond quickly, often taking 40-60 minutes to arrive at the scene.

The ICU lacked weekend and holiday coverage because it did not hire the recommended new FTEs under a contract permitting the new hires to work weekends. Since the publication of the

¹⁹ Title 12A DCMR § 105.1.2 permits construction “for work conducted under a permit . . . from 7 a.m. to 7 p.m. Mondays through Saturdays, excluding legal holidays.” Anything outside those times is considered “after-hours” and is illegal without a specialized permit.

²⁰ DCRA originally limited its volunteer requests to those in the ICU. Beginning on the first day of FY 2017, October 1, 2016 (which is outside of this inspection’s scope), DCRA opened up after-hours/weekend/holiday duty to inspectors from the regular construction unit. From October 1, 2016, until February 12, 2017, DCRA had weekend/holiday coverage on 40 out of 47 days (85%).

²¹ Despite requests from the OIG team, DCRA was unable to provide the number of weekend and holidays worked by one inspector because he left the agency in January 2017. DCRA management indicated that this employee did not work regularly on the weekends or during holidays; therefore, his impact on the ultimate conclusion should be negligible.

D.C. Council Committee on Business, Consumer, and Regulatory Affairs' FY16 Budget Report, DCRA has added one new Combination Code Compliance Specialist II²² inspector (hired December 15, 2015).²³ The agency has not filled any other FTEs with ICU inspectors. During that period, DCRA has replaced three inspectors who left by internally transferring two inspectors from within the Inspections and Compliance Division and by internally hiring an inspector from a different DCRA division. During this period, DCRA attempted to hire ICU inspectors²⁴ but was unable to find qualified applicants to fill the positions, possibly because the positions DCRA posted required a higher grade and certification than those recommended by the D.C. Council.

The ICU has been unable to cover holidays and weekends with existing staff because the terms of the Collective Bargaining Agreement, under which most of the ICU inspectors were hired, prevent DCRA from compelling current ICU inspectors to work on the weekends or holidays as part of their regular tour of duty. With one exception, DCRA had to rely on inspectors volunteering to work overtime on weekends and holidays. One inspector was hired under a different contract that allowed the inspector to work on weekends as part of his/her normal tour of duty. This inspector worked 37 of the 63 days (59%) that had coverage, but DCRA management chose not to schedule that inspector to work every weekend and holiday to avoid "burning out" the inspector. DCRA could expressly stipulate that any newly hired FTEs must work on weekends and holidays as part of his/her tour of duty.

Finally, the lack of after-hours and weekend coverage is hindered by DCRA's approach to reporting. DCRA relies almost entirely on customer complaints via phone or email. Its 311 application is not currently configured in a way that would allow customers to report illegal construction and attach time-stamped photos of the construction occurring. Because after-hours construction is always illegal unless such construction has an after-hours permit, identifying illegal construction would be relatively easy for citizens and reporting it with time-stamped pictures could increase DCRA's ability to enforce after-hours violations and provide an effective deterrent to wrong-doers.

Criteria for acceptable agency performance can be found with DCRA's legislative oversight committee. The D.C. Council Committee on Business, Consumer, and Regulatory Affairs (BCRA) addressed DCRA's performance in its Fiscal Year 2016 Committee Budget Report dated May 13, 2015, and filed with the D.C. Council Office of the Secretary on July 9, 2015. *See* Section II.C, at 39-40. (FY 2016 Budget Report).

The FY 2016 Budget Report contained the following recommendation: "The Committee also urges DCRA to explore alternative scheduling for inspectors. Many building violations occur on holidays, weekends, and in the evenings; in order to properly document and cite these violations, the District needs to have staff conducting inspections during these times." *Id.* at 40. The

²² The differences between a Combination Code Compliance Specialist I, Combination Code Compliance Specialist II, and Combination Code Compliance Specialist III are the certifications and grades required.

²³ That inspector has since left the agency, meaning, DCRA had returned to having only four full-time illegal construction inspectors at the conclusion of the OIG's fieldwork.

²⁴ According to a DCRA Human Resource employee, DCRA does not differentiate between recruitment of illegal construction inspectors and general construction inspectors.

Committee also recommended the transfer of \$175,902 to use for two Combination Code Compliance Specialist I Positions. *Id.* at 42.

The lack of dedicated after-hours, weekend, and holiday coverage hinders DCRA's ability to deter and halt illegal construction. Builders can operate after-hours and on the weekends and holidays with little concern for enforcement. Because DCRA only responds to customer complaints, the lack of enforcement is especially evident in areas of the city that are mostly commercial as there are no residents to report illegal construction after regular business hours.

To improve performance in this area, we recommend DCRA:

- 7) Announce vacancies for two Combination Code Compliance Specialist I positions that remain open until they are filled; ensure that requirements of the position include after-hours, weekend, and holiday hours as part of the regular tour of duty.

Agree _____ X _____ Disagree _____

DCRA's September 2017 Comment, As Received: *The agency has maintained open job announcements (until filled) for all unfilled inspector positions including these two Combination Code Compliance Specialists. The job announcements have requirements that include after-hours, weekend and holiday hours as a regular tour of duty. However, given the reality of how extremely difficult these technical positions are to fill and then to impose swing-shift requirements, the agency has taken steps to develop a robust training program so that some coverage can be accomplished with the current staff. The new Chief Building Official, who has extensive national and international experience, is providing new innovative ideas to cover the additional shifts, but implementation will require eighteen months.*

- 8) Implement a program for conducting random after-hours patrols on a weekly basis, which could include volunteer coverage by inspectors outside the ICU.

Agree _____ Disagree _____ X _____

DCRA's September 2017 Comment, As Received: *Given the recruitment challenge of hiring for these technical positions, developing a program for random after-hours patrols on a weekly basis is not practical. Rather, the agency will seek to form a specific partnership with MPD because the remedy for illegal after-hours work is a stoppage of the work and MPD has great results making people stop working using the threat of incarceration.*

- 9) Expand DCRA's reporting ability within the District's 311 application to incorporate a time-stamped picture of after-hours construction and take action based on citizen reports.

Agree _____ Disagree _____ X _____

DCRA's September 2017 Comment, As Received: *Based on the agency's recent experience with major information technology upgrades, we have discovered how costly*

and time-consuming changes to agency's database are when you cross agencies. So while the concept is not objectionable, it is a major request with an expensive price tag that is not currently funded.

- 10) Ensure Accela includes fields that detail when complaints arrive and aggregate after-hours and weekend/holiday complaints; task DCRA management to study the prevalence of the complaints; and draft a plan to address complaints based on the study results.

Agree _____ Disagree _____ X

DCRA's September 2017 Comment, As Received: *While the request to document and track when after-hours and weekend/holiday complaints are received for the purpose of determining the prevalence of the complaints in and of itself is not objectionable, this recommendation to make these changes to ACCELA are expensive and unfunded.*

APPENDIX A. OBJECTIVES, SCOPE, AND METHODOLOGY

The objectives of the inspection were to assess the Department of Consumer and Regulatory Affairs' (DCRA) oversight and administration of the Illegal Construction Enforcement Program to determine DCRA's capability to: 1) proactively identify and address illegal construction; 2) respond to complaints and allegations within agency identified timeframes; and 3) deter illegal construction before it begins.

The team limited its scope of inspection to current policies and procedures, as well as data related to allegations of illegal construction²⁵ during fiscal years (FY) 2014-2016. From December 2016 through February 2017, the team interviewed nine DCRA employees, reviewed and analyzed internal documents provided by DCRA, and analyzed illegal construction CAPs²⁶ from FY 2014 – FY 2016.

Our inspection was conducted in accordance with standards established by the Council of the Inspectors General on Integrity and Efficiency. As a matter of standard practice, our inspections pay particular attention to the quality of internal control.²⁷

²⁵ Title 12A DCMR § 113.7 defines illegal construction as when: “a building or other structure or part thereof is being erected, constructed[,], reconstructed[,], converted[,], or altered, or has been erected, constructed, reconstructed, converted, or altered in violation of the Construction Codes or the Zoning Regulations[.]”

²⁶ CAPs are departmental lexicon for a created case file in Accela.

²⁷ “Internal control” is defined by the U.S. Government Accountability Office (GAO) as comprising “the plans, methods, policies, and procedures used to fulfill the mission, strategic plan, goals, and objectives of the entity” and is not one event, but a series of actions that occur throughout an entity’s operations. Furthermore, internal control is a process that provides reasonable assurance that the objectives of an entity will be achieved, serves as the first line of defense in safeguarding assets, and is an integral part of the operational processes management uses to guide its operations. U.S. GOVERNMENT ACCOUNTABILITY OFFICE, STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT 5-6, GAO-14-704G (Sept. 2014).

APPENDIX B. ACRONYMS AND ABBREVIATIONS

311	Citywide Call Center operated by the Office of Unified Communications
BCRA	D.C. Council Committee on Business, Consumer, and Regulatory Affairs
CIC CAP	Departmental lexicon for a created case file in Accela
DCMR	D.C. Municipal Regulations
DCRA	Department of Consumer and Regulatory Affairs
FTEs	Full-Time Equivalents
FY	Fiscal Year
GAO	U.S. Government Accountability Office
HPO	Historic Preservation Office
ICC	International Code Council
ICU	Illegal Construction Unit
I&E	Inspections and Evaluations
MOU	Memorandum of Understanding
NOI	Notice of Infraction
OCI	Office of Civil Infractions
OIG	Office of the Inspector General
OIS	Office of Information Systems
OP	Office of Planning
SWO	Stop Work Order

APPENDIX C. LIST OF RECOMMENDATIONS

DCRA has not configured Accela in a way that management can track illegal construction inspectors' performance, responsiveness, and workflow.

- 1) Configure Accela to generate management reports that track ICU's performance in meeting initial response time goals and better ensure the integrity of the data collected. If configuring Accela to produce these reports is not feasible, DCRA should establish a more efficient process for monitoring and reporting performance.
- 2) Establish procedures that guide the use of Accela, specifically including those for complaint intake, inspection activities, and other data entry practices and publish these procedures in a user-friendly guide.
- 3) Implement a process that ensures all inspectors are trained on the data entry procedures for Accela and keep records regarding inspectors' training related to it.
- 4) Collaborate with OIS to find a way to better distinguish between Office of Planning HP cases and ICU cases in the Accela database.
- 5) Conduct yearly audits of ICU cases to ensure inspectors are entering data correctly and meeting performance standards.

DCRA lacks standardized procedures for responding to illegal construction complaints.

- 6) Update, finalize, and distribute the Illegal Construction Unit's operating procedures to include thorough documentation of pre-inspection requirements, workflow timelines, case preparation and tracking standards, and post-inspection procedures, to include:
 - a) details addressing the type of pre-inspection research that should be performed, including what happens when permits and plans are not found in Accela, and how to access ProjectDox;
 - b) prioritization instructions for investigating complaints and follow-up on older cases, timelines for responding to complaints, writing up SWO cases, and performing follow up inspections post-adjudication;
 - c) instructions for preparing NOIs;
 - d) guidelines for Accela data entry, including definitions for case statuses, how to provide detailed activity notes, and next steps; and
 - e) procedures for addressing and documenting illegal construction identified on weekends, holidays, and after-hours.

APPENDIX C. LIST OF RECOMMENDATIONS

DCRA does not consistently inspect for illegal construction after-hours, or on the weekends or holidays.

- 7) Announce vacancies for two Combination Code Compliance Specialist I positions that remain open until they are filled; ensure that requirements of the position include after-hours, weekend, and holiday hours as part of the regular tour of duty.
- 8) Implement a program for conducting after-hours patrols on a weekly basis, which could include volunteer coverage by inspectors outside the ICU.
- 9) Expand DCRA's reporting ability within the District's 311 application to incorporate a time-stamped picture of after-hours construction and take action based on citizen reports.
- 10) Ensure ACCELA includes fields that detail when complaints arrive and aggregate after-hours and weekend/holiday complaints; task DCRA management to study the prevalence of the complaints; and draft a plan to address complaints based on those results.

APPENDIX D. DCRA'S RESPONSES TO DRAFT REPORT



GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE DIRECTOR

September 18, 2017

Daniel W. Lucas
Inspector General
717 14th Street, NW
#500
Washington, DC 20005

Dear Inspector General Lucas:

We are in receipt of your draft report on the Inspection of the Illegal Construction Enforcement Program (OIG Project No. 17-I-##CR) here at the D.C. Department of Consumer and Regulatory Affairs (DCRA). Thank you for the opportunity to respond to your draft report.

Since this Administration has come into office, we have worked diligently to upgrade the long ignored and unfunded legacy data systems here at DCRA. One of those systems which has required significant financial resources and months of upgrades is the agency's land management system, ACCELA. As a result of these recent infusions of capital and system upgrades, ACCELA is now running on the updated version of the technology. This major enhancement has allowed DCRA's Office of Information Systems to make many of the changes suggested in your draft report. By the end of FY18, DCRA will have the suggested changes in place except for the distinction between Office of Planning HP cases and DCRA's Inspection cases. As there are not that many Office of Planning enforcement cases, we believe it will not be an undue burden to segregate those cases when performance audits are required for DCRA enforcement actions. For FY19, DCRA will include the request to segregate Office of Planning enforcement cases from DCRA Inspection cases.

As for the draft report's suggestions regarding training, DCRA will finalize and implement required SOPs for inspectors. With respect to recruiting, scheduling and operational changes to staff, the report's suggestions were attempted in the last fiscal year with limited results. While DCRA can announce the Combination Code Compliance Specialist positions until filled, the reality is that these positions are extremely difficult to fill especially when you are requiring the individuals to work after-hours, weekend, and holidays as part of the regular tours of duty.

1100 FOURTH STREET S.W. 5TH FLOOR ~ WASHINGTON D.C. 20024 ~ PHONE: (202) 442-8947 FAX (202) 442-9445

APPENDIX D. DCRA'S RESPONSES TO DRAFT REPORT

DCRA has recently hired a new Chief Building Official (CBO) who has extensive national and international experience. The new CBO has some innovative ideas of how the division can progress and accomplish operational goals, but their implementation will require approximately eighteen months to execute. Some of the ideas include intensive on-the-job training for existing inspection staff so that the agency can develop the required number of Combination Code Compliance Specialists. Another idea is to develop a specific partnership with MPD because the reality is that the remedy for illegal after-hours work is a stoppage of the work – and MPD has great results making people stop working because they have the threat of incarceration.

Again, thank you for the opportunity to respond to the draft report.

Sincerely,


Melinda Bolling
Director

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To improve performance, we recommend DCRA:

- 1) Configure Accela to generate management reports that track ICU's performance in meeting initial response time goals and better ensure the integrity of the data collected. If configuring Accela to produce these reports is not feasible, DCRA should establish a more efficient process for monitoring and reporting performance.

Agree with comments Disagree _____

Comment: This Administration has worked diligently since 2015 to upgrade long ignored and unfunded legacy data systems. ACCELA, the agency's land management system, has received vital upgrades which allow utilization of its entire array of modules. However, the agency will use other information technology products to generate performance reports based on data within ACCELA.

- 2) Establish procedures that guide the use of Accela, specifically those for complaint intake, inspection activities, and other data entry practices, and publish these procedures in a user-friendly guide.

Agree with comments Disagree _____

Comment: Since the upgrade of ACCELA, the agency is now poised to use new technology (i.e. mobile inspections) that will improve the efficiency and effectiveness of many agency services. As such, new workflows and business processes will have to be developed, refined, and implemented. When the new workflows and business processes are developed, the agency will have companion user-guides for agency staff to use to complete their jobs and assignments.

- 3) Implement a process that ensures all inspectors are trained on data entry procedures for Accela and maintain inspectors' related training records.

Agree _____ Disagree with comments

Comment: Currently, inspectors are trained on all aspects of their jobs including data entry procedures. Therefore, the agency disagrees with the conclusion/determination that inspectors are not trained on data entry procedures. As mentioned previously, the upgrades of ACCELA has allowed the agency to use new technology (i.e. mobile inspections) which fundamentally changes the way in which inspectors result their work. As such, new workflows and business processes will have to be developed, refined, and implemented. When the new workflows and business processes are developed, inspectors will be appropriately trained and the training records will be automatically captured.

- 4) Collaborate with OIS to find a way to better distinguish between Office of Planning HP cases and ICU cases in the Accela database.

Agree _____ Disagree with comments

Comment: As there are not that many Office of Planning enforcement cases, the agency believes it will be an undue burden to segregate those cases when performance audits are required rather than spend limited agency IT funds on this recommendation.

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- 5) Conduct yearly audits of ICU cases to ensure inspectors are entering data correctly and meeting performance standards.

Agree _____

Disagree with comments

Comment: As previously explained, the upgrades of ACCELA have introduced new technology into the way that inspectors complete their duties. One such improvement is the use of mobile inspections. When fully implemented, inspectors will not enter data into ACCELA in the manner in which the audit found. The agency is committed to monitoring the work and results of inspectors' work and making improvements and changes as needed.

DCRA LACKS STANDARDIZED PROCEDURES FOR RESPONDING TO ILLEGAL CONSTRUCTION COMPLAINTS.

According to DCRA management, ICU inspectors use standard operating procedures (SOPs) and Title 12A of the DCMR to guide illegal construction inspections. ICU inspectors, however, were mostly unaware of any documented standard procedures. Only one employee recalled receiving a scaled-down version of a policies and procedures document. DCRA management reported discussing complaint response timeframes in unit meetings; however, those administrators were uncertain of where the timeframes were documented.

Interviewees were also unclear about whether DCRA has a documented inspection process or official performance metrics for responding to illegal construction complaints. An inspector stated that DCRA does not have an SOP for responding to complaints; rather, inspectors try to respond to complaints as soon as possible – usually the same day.

The lack of dedicated after-hours, weekend, and holiday coverage hinders DCRA's ability to deter and halt illegal construction. Builders can operate after-hours and on the weekends and holidays with little concern for enforcement. Because DCRA only responds to customer complaints, the lack of enforcement is especially evident in areas of the city that are mostly commercial as there are no residents to report illegal construction after regular business hours.

To improve performance in this area, we recommend DCRA:

- 6) Update, finalize, and distribute the Illegal Construction Unit's operating procedures to include thorough documentation of pre-inspection requirements, workflow timelines, case preparation and tracking standards, and post-inspection procedures, to include:
- a) details addressing the type of pre-inspection research that should be performed, including what happens when permits and plans are not found in Accela, and how to access ProjectDox;

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- b) prioritization instructions for investigating complaints and follow-up on older cases, timelines for responding to complaints, writing up SWO cases, and performing follow up inspections post-adjudication;
- c) instructions for preparing NOIs;
- d) guidelines for Accela data entry, including definitions for case statuses, how to provide detailed activity notes, and next steps; and
- e) procedures for addressing and documenting illegal construction identified on weekends, holidays, and after-hours.

Agree with comments Disagree _____

Comment: As the agency brings new IT technology on line, including work flows and business processes, those processes will be documented for the staff and training will occur.

- 7) Announce vacancies for two Combination Code Compliance Specialist I positions that remain open until they are filled; ensure that requirements of the position include after- hours, weekend, and holiday hours as part of the regular tour of duty.

Agree with comments Disagree _____

Comment: The agency has maintained open job announcements (until filled) for all unfilled inspector positions including these two Combination Code Compliance Specialists. The job announcements have requirements that include after-hours, weekend and holiday hours as a regular tour of duty. However, given the reality of how extremely difficult these technical positions are to fill and then to impose swing-shift requirements, the agency has taken steps to develop a robust training program so that some coverage can be accomplished with the current staff. The new Chief Building Official, who has extensive national and international experience, is providing new innovative ideas to cover the additional shifts, but implementation will require eighteen months.

- 8) Implement a program for conducting random after-hours patrols on a weekly basis, which could include volunteer coverage by inspectors outside the ICU.

Agree _____ Disagree with comments

Comment: Given the recruitment challenge of hiring for these technical positions, developing a program for random after-hours patrols on a weekly basis is not practical. Rather, the agency will seek to form a specific partnership with MPD because the remedy for illegal after-hours work is a stoppage of the work and MPD has great results making people stop working using the threat of incarceration.

- 9) Expand DCRA's reporting ability within the District's 311 application to incorporate a time-stamped picture of after-hours construction and take action based on citizen reports.

Agree _____ Disagree with comments

Comment: Based on the agency's recent experience with major information technology upgrades, we

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have discovered how costly and time-consuming changes to agency's database are when you cross agencies. So while the concept is not objectionable, it is a major request with an expensive price tag that is not currently funded.

- 10) Ensure Accela includes fields that detail when complaints arrive and aggregate after-hours and weekend/holiday complaints; task DCRA management to study the prevalence of the complaints; and draft a plan to address complaints based on the study results.

Agree _____ Disagree with comments

Comment: While the request to document and track when after-hours and weekend/holiday complaints are received for the purpose of determining the prevalence of the complaints in and of itself is not objectionable, this recommendation to make these changes to ACCELA are expensive and unfunded.

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