

# 2014-2015 GRAND JURY REPORT

## Riverside County Code Enforcement Department

### Background

The Riverside County Code Enforcement Department, herein termed (County Code Enforcement) is responsible for the enforcement of State, County and local health and safety ordinances in unincorporated areas of Riverside County and the contracted City of Perris. Its mission is “To enhance public safety and the quality of life in partnership with communities through fair enforcement of laws and codes.”

County Code Enforcement has a staff of 71 employees and with an annual operating budget of \$12.4 million. It is managed by a Code Enforcement Official and is divided into seven enforcement teams. A team is assigned to each of the County’s five Supervisory Districts, the CalRecycle Waste Tire Grant Program (Tire Grant Program), and the City of Perris. Teams are comprised of a Supervisor, 1-3 Senior Code Enforcement Officers, a technician, an aide, and 4-8 Code Enforcement Officers. A Code Enforcement Officer (CEO) is defined by California Penal Code §829.5, which states in part:

*...Any person ...who is employed ...by a public agency... who has enforcement authority for health, safety and welfare requirements, whose duties include enforcement of any statute, rule, regulation and standard, and who is authorized to issue citations, or file formal complaints...*

County Code Enforcement has four primary functions:

- Respond to complaints
- Investigate allegations
- Enforce County Codes and Ordinances using a variety of methods
- Educate property owners and the public regarding County codes and ordinances

In Fiscal Year 2013-2014, County Code Enforcement responded to 2,785 complaints, conducted 1,807 waste tire inspections, issued 2,374 Notice of Violations, levied \$263,000 in fines, and initiated nine abatements or demolitions of substandard structures.

The focus of this report is to address issues identified during the review of operations of this vital department.

## Methodology

The Grand Jury obtained information from the following sources:

- Interviewed Code Enforcement personnel: Code Enforcement Official, Administrative Division Manager, Supervisors, Senior Code Enforcement Officers, and Code Enforcement Officers from whom both sworn and unsworn testimony were obtained
- Interviewed the Transportation Land Management Agency Senior Accountant
- Reviewed Riverside County Code Enforcement Policies and Procedures
- Researched the California Waste Tire Grant Program and Agreement
- Researched the California Penal Code
- Reviewed the County Code Enforcement Organizational Chart
- Reviewed County Code Enforcement Job Descriptions
- Reviewed Personnel Training Records
- Reviewed Personnel Time Sheets
- Reviewed the Code Enforcement budget
- Observed a demonstration of the CORE and Oasis computer software programs

## Findings

### Supervision

1. County Code Enforcement suffers from a systemic lack of supervision of its field Code Enforcement personnel. Field Code Enforcement personnel self-schedule their daily activities, and are not required to maintain an accounting of the time and location of their daily activities. This lack of supervision is conducive to abuse of County time and resources.

### CalRecycle Waste Tire Grant Program Supervision

2. There is a full-time supervisor assigned to the Tire Grant Program; however, only 40 hours of supervision time is charged or billed to the

Program per year. The Supervisor of the Tire Grant Program stated his supervisory philosophy is to allow the people he supervises to “self-manage” themselves; and therefore, they require and receive very little oversight. This lack of supervision leads to abuse of County time and resources.

#### CalRecycle Waste Tire Grant Program Agreement

3. The Tire Grant Program operates as an agreement with the State of California (State). The State, in its agreement, allows up to four hours per waste tire inspection. Most on-site tire inspections require much less time, some as little as 15 minutes. It is noted in the Tire Enforcement Grant Program Agreement (TEA 18-10-14) that inspection research, report writing, and actual time spent inspecting are included as part of the 3 ½ hours billed, but most on-site inspections are completed in one hour or less.

Since the State is billed at 3 ½ hours per inspection, Tire Grant Program personnel are only tasked to perform three inspections per day. Testimony from some field CEOs has revealed they are “bored” with little to do at times. As a result, Tire Grant Program personnel are underutilized.

#### Training

4. Code Enforcement Policies and Procedures do not reflect any mandated training/certification requirements or subsequent in-service training, which leads to inconsistencies in code enforcement practices. All training is optional except for California Penal Code §832, which is titled, *Course of training prescribed by commission on peace officer standards and training; examination; necessity to exercise powers; exemptions; examination fees.*

#### Communications

5. There is no practice of regularly scheduled staff meetings among the CEOs to facilitate the dissemination of County Code Enforcement related information, as outlined in the Policies and Procedures Manual.

#### Operating Procedures

6. The County Code Enforcement Policies and Procedures Manual is incomplete and outdated. The manual does not adequately reflect the current procedures nor communication equipment available to field personnel (e.g., handie – talkie). Various sections of the manual are seven to eight years old.

### County Counsel Interference

7. During the course of this investigation regarding abuses and deficiencies in the Code Enforcement Department, the Grand Jury encountered interference from the Riverside County Office of County Counsel (County Counsel). County Counsel has directed all County department heads to advise their subordinates to obtain legal representation from his office for sworn interviews, as well as screening of any documentation prior to complying with Grand Jury requests. County Counsel has taken the position that his office has the legal responsibility to represent all County employees in any matters involving the Riverside County Civil Grand Jury.

The Grand Jury is tasked with examining County departments for possible improprieties or inefficiencies pursuant to California Penal Code §925. Efforts by County Counsel to hinder the examination process and impede transparency are not beneficial to the citizens of the County of Riverside.

## **Recommendations**

**Riverside County Board of Supervisors  
Riverside County Transportation & Land Management Agency, Director  
Riverside County Office of County Counsel, County Counsel**

### Supervision

1. Re-evaluate the supervisory responsibilities and structure of the entire Code Enforcement Department to ensure that consistent oversight is obtained.

Supervisors with direct responsibility over field personnel shall require the completion of a daily field activity log which chronicles the officers' activities. The log shall consist of, but not limited to, time, location, type of activity, and disposition of each log entry. The logs shall be reviewed daily by the respective supervisor for accuracy.

Supervisors shall make unannounced visits to field CEOs and obtain real time knowledge of their activities.

Supervisors shall, in accordance with their job description, which states in part:

*...assign, review and evaluate the work performed by Code Enforcement personnel; direct day-to-day operations of the Code Enforcement function; create and assign work schedules as outlined in their job description.*

### CalRecycle Waste Tire Grant Program Supervision

2. To further enhance the efficiency of the operation of their organization, the supervisor assigned to the Tire Grant Program shall not be limited to waste tire activities only, but assigned additional code enforcement duties and responsibilities. The supervisor shall monitor employees on a regular basis to stop abuse of County time.

### CalRecycle Waste Tire Grant Program Agreement

3. Code Enforcement Officers assigned to the Tire Grant Program shall not be limited to waste tire activities only, but assigned additional Code Enforcement responsibilities.

### Training

4. In lieu of the California Penal Code §832 Training, County Code Enforcement shall mandate a 40-hour Officer Training Program as offered by the California Association of Code Enforcement Officers. This training includes: Ethics, Basic Inspection Protocols, Vehicle Abatement, Drug Recognition and Gang Awareness, Abatement of Substandard Housing and Dangerous Buildings, Case Preparation for Administration, and Civil & Criminal Cases.

County Code Enforcement shall establish training for all supervisors focused on the oversight of CEO's duties and responsibilities to increase accountability.

### Communications

5. County Code Enforcement shall mandate regularly scheduled staff meetings conducted by supervisors or department heads to facilitate the dissemination of information to CEOs.

### Operating Procedures

6. The County Code Enforcement Policies and Procedures Manual shall be reviewed and revised to reflect current practices.

### County Counsel Interference

7. The Riverside County Board of Supervisors shall instruct County Counsel to comply with California Penal Code §925 titled, County officers, departments or functions; operations, accounts and records; investigations and reports.

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