

## **Report from NCIR Task Force-Working Group 1 (John Bloodworth and David Hanson)**

Although our primary charge was to submit recommendations on how the taskforce should evaluate CDD nuisance code case files, we decided that it should be broadened to include other aspects of nuisance code implementation by CDD. We agreed that asking the task force to judge whether a particular case merited a violation is unlikely to achieve unanimity; we should therefore defer to the expertise and experience of our enforcement officers. We think that our focus should be on the text of the code, its completeness, clarity and consistency of enforcement. We are also concerned about Item 3 of the Scope of Work in the Task Force's Charter- "Engaging with the directly impacted members of the public...". We recommend that the task force seek an opinion on this from the Paul Andrus prior to committing to a course of action. Experience has shown that the nuisance code is controversial and can elicit passionate responses from the public. In the interest of maintaining orderly task force meetings, we recommend that public comments by individuals be limited to 2 or 3 minutes.

### **Recommendations for discussion by task force for reviewing case files:**

I Review some or all of the case files to verify that all CDD procedures were followed

- A Was a courtesy letter issued, all information in data base, time line etc.?
- B Flag those cases for which the property owner **disputes** the violation.
- C What was the resolution of the violation?
- D Was the complaint about something **not** in the current version of the code, eg. weeds?

II Assess the adequacy of the nuisance code text cited in the courtesy letter.

- A Is it clear to the recipient that the code text is relevant to the violation?
- B Is it clear what the property owner needs to do to resolve the violation?

III Create a standing agenda item to discuss issues that have been identified by task force members or CDD personnel.

### **Possible items for future task force meetings:**

I Is it possible to address the common criticism that decisions by the enforcement officers are "arbitrary and capricious" or whether it is really a matter of "aesthetics"? There is data available that represents the nuisance standards of the community at large: the county-wide opinion survey on nuisance code violations. Could CDD use this data as a guideline to develop a set of representative 'training' or 'reference' photos for some of the common violations? That is, assemble example photos from the survey for which the opinion survey indicated that 50% or more of the respondents agreed that the photo exhibited a violation. It might also be useful to select a complimentary set of photos for which the survey response indicated that 50% or more of the respondents did not consider it to be a violation.

II Assess the adequacy of CDD's data base and tracking procedures.

## Procedure for evaluating individual nuisance cases

Our primary reason for reviewing individual cases is to better understand how the nuisance code is implemented. Reviewing cases may also help uncover gaps within the code – would modification of code sections better match enforcement methodology, or provide better support to CDD staff when interacting with citizens?

- 0) At each meeting, assign at least two task force members to randomly select at least 1/4<sup>th</sup> of the new cases to review. Members may review more if they choose.
- 1) For each reviewed case, record the following items in a spreadsheet:
  - a. Case ID or address
  - b. Courtesy letter date
  - c. Date of supporting picture
  - d. If cited code requires a timeline (e.g., 30 consecutive days of an inoperable vehicle), record [yes/no] if enough information exists to support that the required time has passed
  - e. Record [yes/no] if there is indication that the case was resolved.
  - f. Record [yes/no] if the courtesy letter cites an appropriate section of code. If no, optionally record a comment to help with follow-up, to better understand the potential discrepancy
  - g. Record [yes/no] if case is worthy of follow-up / discussion with the Task Force or CDD staff. Optionally, record commentary or concern.
- 2) Individually send these data to the Task Force chair

## Additional items for discussion

- 1) Review CDD business process

We have identified the need to review the nuisance case business process in order to better understand the full scope of code enforcement. We would like to hear code enforcement officers describe the scope of work and individual process steps, from pre-case identification (e.g., procedure & frequency of patrols, making nuisance determinations, etc.) through case close-out / resolution; including typical interactions with citizens and how confrontations are handled. We are particularly interested in learning more about the post- courtesy letter process and disputes.

- 2) Review complaint-initiated cases

We propose all Task Force members review the complaint-initiated nuisance cases for the following:

- a) Check that the complaint is sufficiently anonymous. If it is possible to discern the complainer, we are concerned about general community safety revolving around the complaint
  - b) Check if the substance of the complaint references the previous nuisance code. This could point towards communication gaps related to the code revision.
- 3) Review cases that are disputed

We propose all Task Force members review cases that are disputed, including any notes or other information related to a disputed case. It is currently unclear to what extent these data are recorded by CDD.

- 4) Appoint a 2-person task force to review general nuisance information & communication practices.

Is the code sufficiently publicly available? Do all county webpages that discuss the nuisance code reference the updated revision? Are any assistance programs adequately advertised?