



FINAL REPORT

DEPARTMENT OF SAFETY AND PERMITS INSPECTIONS AUDIT

OCTOBER 20, 2022

Edward Michel, CIG
Inspector General





October 20, 2022

Re: Department of Safety and Permits Inspections

I certify that the inspector general personnel assigned to this project are free of personal or other external impairments to independence.

Edward Michel, CIG
Inspector General

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The City of New Orleans Office of Inspector General (OIG) conducted a performance audit of the City of New Orleans' (City) Department of Safety and Permits (S&P). The objective of the audit was to determine if S&P inspectors (City inspectors) conducted their inspections in accordance with S&P policies and procedures. The scope of the audit was all building, mechanical and electrical permit inspections conducted by City inspectors during the period April 1, 2019 through March 31, 2020.

The audit resulted in the following major findings:

- City inspectors did not perform in-person inspections for 20% of the inspections selected for review.
- City inspectors did not spend adequate time conducting inspections, spending ten minutes or less for 40% of the inspections reviewed.
- City inspectors did not upload required documentation into LAMA¹ in violation of S&P policies and procedures.

Based on these findings, the OIG made the following recommendations to the City:

- S&P management should update and enforce S&P policies and procedures in order to ensure that City inspectors are conducting on-site inspections. S&P should also verify on a quarterly basis that GPS is installed and working for all vehicles driven by City inspectors.
- S&P should require that City inspectors complete an inspection checklist that details the required steps necessary for each type of inspection. City inspectors should upload the checklist into LAMA to document that a comprehensive inspection was conducted.
- S&P supervisors should perform regular quality checks to ensure City inspectors upload required documentation to LAMA for all inspections.

¹ S&P tracked workflow and stored information related to the building permit process using geographic information system (GIS)-based Land Management software (LAMA).¹

Improperly performed inspections could lead to catastrophic and deadly situations. It is imperative that City inspectors perform their inspections in accordance with S&P policies and procedures before an inspection is passed to ensure buildings and work comply with applicable Codes and approved Plans. Any defect and/or hazardous or illegal conditions in the work, buildings, or plans could result in future building collapses, injury or death to person, or damage to property that could affect the City, its citizens, and its many visitors.

I. INTRODUCTION

S&P's responsibilities include administering and enforcing standards for the construction and use of buildings and property within the City, as well as promoting and protecting the public's interest and safety as it relates to buildings and property.

On October 12, 2019, the Hard Rock Hotel in New Orleans partially collapsed, while still under construction, resulting in the deaths of three workers and injuring dozens of others.

The OIG's Investigations Division released three Reports of Investigation (ROI) in 2021 that focused on three S&P building inspectors ("three Hard Rock Hotel inspectors") who performed inspections at the Hard Rock Hotel during its construction. The ROIs determined that the three Hard Rock Hotel inspectors violated S&P policies and procedures in their Hard Rock Hotel inspections, including the following:

- The inspectors were not physically present on site to conduct inspections of concrete pours for each floor of the Hard Rock Hotel prior to its collapse.
- The Inspectors issued "passed" inspection reports for inspections for which they were not physically present on site.

Due to the severe harm resulting from the violations included in the OIG investigations' findings, the OIG decided to conduct a separate audit of the S&P inspections process to determine if inspections by City inspectors occurred in accordance with S&P policies and procedures. The scope of the audit was all building, mechanical and electrical permit inspections conducted by City inspectors during the period April 1, 2019 through March 31, 2020. Due to the seriousness of the allegations against the three Hard Rock Hotel inspectors, the OIG divided the total population of inspections conducted during the scope period into two separate populations for review purposes. The first population was all building, electrical and mechanical inspections performed by the three Hard Rock Hotel inspectors. The second population was all building, electrical and mechanical inspections performed by all other City inspectors.

II. PHYSICAL ATTENDANCE AT INSPECTIONS

S&P tracked workflow and stored information related to the building permit process using geographic information system (GIS)-based Land Management software (LAMA).² After permits are issued, S&P scheduled required inspections in LAMA by address. Inspections were assigned to City inspectors by their supervisors at the beginning of each day. Inspectors accessed LAMA on their phone while in the field and uploaded photos and notes taken during the inspection directly into the system. Each inspector was assigned a vehicle that they used for their inspections. Additionally, pool vehicles were available to be used for inspections if necessary.

To determine whether or not an inspector stopped at an assigned inspection, the OIG used a five minute or less walk from where the inspector's vehicle was parked to the assigned inspection as a benchmark. The OIG obtained GPS data and all documents uploaded into LAMA for the two samples selected for review to determine whether City inspectors physically attended assigned inspections based on GPS data. Inspectors were required to sign a daily mileage log for each vehicle, which OIG auditors referenced if unable to locate GPS data for the inspector's vehicle the day of the assigned inspection.

Finding 1: City inspectors did not perform in-person inspections for 20% of the inspections selected for review.

City inspectors were required to conduct their inspections in-person. S&P policy required the following protocol for inspectors when conducting an in-person inspection of a building:³

- Contact the requestor prior to conducting an inspection to establish a time or time frame for the inspection.
- Upon arrival at the site, promptly introduce yourself to the contact (contractor, owner, etc.).
- Explain the goal of your activity and request or verify that permission is granted to conduct the inspection.
- If permission is not granted, clarify the reason(s), leave the premises, and inform your Chief or field supervisor of the circumstances.

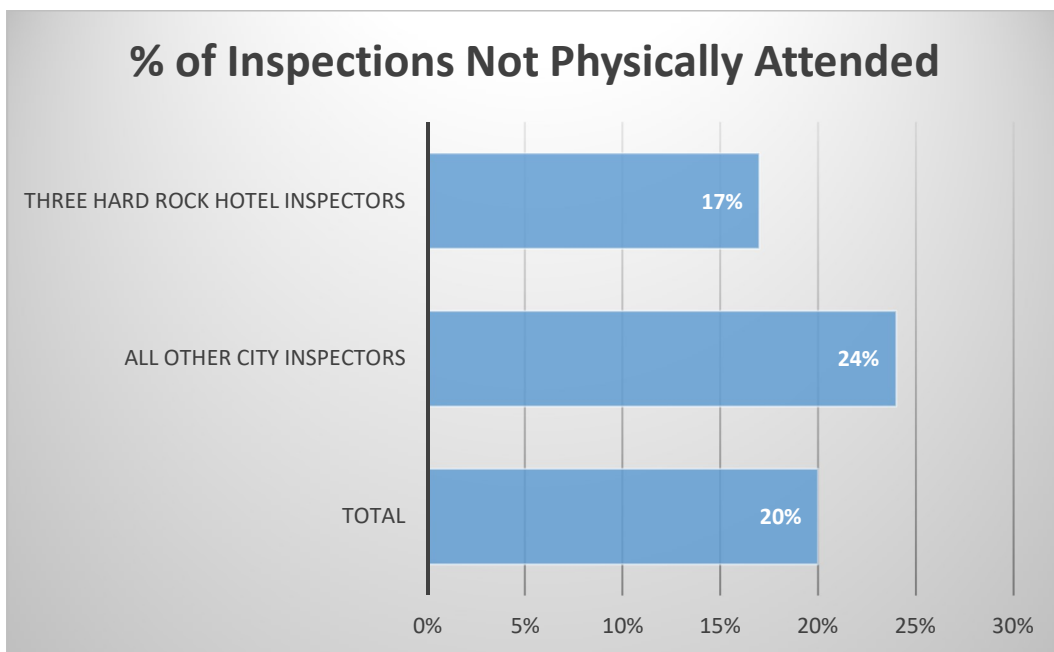
² <https://www.davenportgroup.us/>.

³ S&P Standard Operating Procedure Memorandum 14-02: Building Inspections. Effective April 15, 2014.

- Ask that a person accompany you throughout the inspection, preferably a person with authority, knowledge and/or ability to access all areas.

The OIG determined through GPS data that the three Hard Rock Hotel inspectors did not physically attend 17% of the inspections reviewed, and all other City inspectors did not physically attend 24% of the inspections reviewed. Overall, there was no GPS data to support that inspectors were present at 20% of the inspections reviewed. Refer to Figure 1 for a summary of results.

Figure 1. Inspections Not Physically Attended



For the sample consisting of the three Hard Hotel Rock inspectors, OIG auditors were unable to determine through GPS data that inspectors physically attended 15 of the 90 inspections reviewed (17%) as detailed below:

- For 11 of the inspections reviewed, the GPS data provided from the inspector’s vehicle indicated that the inspector did not stop at the selected inspection site on the inspection date.
- For four of the inspections reviewed, there was no GPS data available to determine whether the inspector stopped at the assigned location to perform an in-person inspection.

For the sample consisting of all other City inspectors, OIG auditors were unable to determine through GPS data that inspectors physically attended 22 of the 93 inspections reviewed (24%) as detailed below:

- For five of the inspections reviewed, the GPS data provided from the inspector's vehicle indicated that the inspector did not stop at the selected inspection site on the inspection date.
- For 17 of the inspections reviewed, there was no GPS data available to determine whether the inspector stopped at the assigned location to perform an in-person inspection.

For the inspections performed by the three Hard Rock Hotel inspectors, the OIG projected that there was no verifiable GPS data to confirm that the inspectors physically attended between 122 and 315 inspections.⁴ For the inspections performed by all other City inspectors, the OIG projected that there was no verifiable GPS data to confirm that the inspectors physically attended between 1,550 and 3,356 inspections.⁵

S&P management stated that S&P did not have adequate policies and procedures in place and City inspectors did not know what was expected of them. As a result, inspectors were never adequately trained and conducted inspections improperly for many years. S&P management also acknowledged there was a lack of supervisory review, which is an important control to ensure City inspectors conducted their inspections in compliance with S&P policies and procedures. Consequentially, City inspectors neglected their duties of performing physical inspections, which went undetected by S&P management.

S&P management also stated that the department did not perform regular vehicle inspections which would have verified that GPS was installed and properly working and mileage logs were completed.

⁴ Based on a population size of 1,228 and an observed number of 15 deviations in a sample size of 90, auditors were 95% confident that the population deviation rate was between 9.93% and 25.65%.

⁵ Based on a population size of 10,005 and an observed number of 22 deviations in a sample size of 93, auditors were 95% confident that the population deviation rate was between 15.49% and 33.54%.

Improperly performed inspections could lead to catastrophic and deadly situations. It is imperative that City inspectors perform their inspections in accordance with S&P policies and procedures before an inspection is passed to ensure buildings and work comply with applicable Codes and approved Plans. Any defect and/or hazardous or illegal conditions in the work, buildings, or plans could result in future building collapses, injury or death to person, or damage to property that could affect the City, its citizens, and its many visitors.

Recommendation 1: S&P management should update and enforce S&P policies and procedures in order to ensure that City inspectors are conducting on-site inspections. S&P should also verify on a quarterly basis that GPS is installed and working for all vehicles driven by City inspectors.

S&P should review all policies and procedures to ensure compliance with best practices and implement supervisory review to verify those policies are operating effectively. In order to ensure that City inspectors conduct their inspections in-person, S&P supervisors should:

1. Conduct random onsite quality inspection checks and GPS verification checks.
2. Verify GPS is working on all vehicles.
3. Verify inspectors upload time-stamped pictures in front of the location as required by policy.⁶

S&P management should also require that an internal fleet audit is performed quarterly for all S&P vehicles. Such audits should include verification that vehicle logs are completed in accordance with policy and each vehicle's GPS is functioning properly. S&P should conduct regular trainings to ensure City inspectors are familiar with the latest S&P policies and procedures. S&P employees should sign confirmation that they have read and understood all updates to S&P policies and procedures.

⁶ Departmental Policy Memorandum: Inspection Documentation and Photograph Requirements. Effective February 17, 2014.

III. ADEQUACY OF INSPECTION

As outlined in S&P policy, City inspectors must perform the following procedures at all times in order to conduct an adequate inspection:⁷

- The inspection should be organized so that all areas of the structure are viewed.
- Exterior and interior photographs should be taken throughout the inspection.
- Each inspection should be thorough and systematic. Start outdoors working to the interior, or vice versa. Start at the lowest level working to the highest level. On each level, work from front to back, side to side, floor to ceiling, or what best serves the floor arrangement.
- Speculation and personal opinion during the inspection should be minimized. Instead, focus on the provided inspection form. Please note that inspections should not be limited to the provided inspection checklist. Inspectors are responsible for evaluating construction based on the entirety of the Code, and the checklist is provided as a guide for the most common inspection elements.
- Enter notations about deficiencies onto the building inspection form ... so they may be discussed when the inspection is complete. Inspectors will use the Department's designated Inspection Forms/Checklists to record and provide specific data and general information on deficiencies.
- The Inspector should carefully scan the form to verify that all information is accurate and complete.
- Information contained on the report should be verbally summarized to the contractor or property owner.

⁷ S&P Standard Operating Procedure Memorandum 14-02: Building Inspections. Effective April 15, 2014.

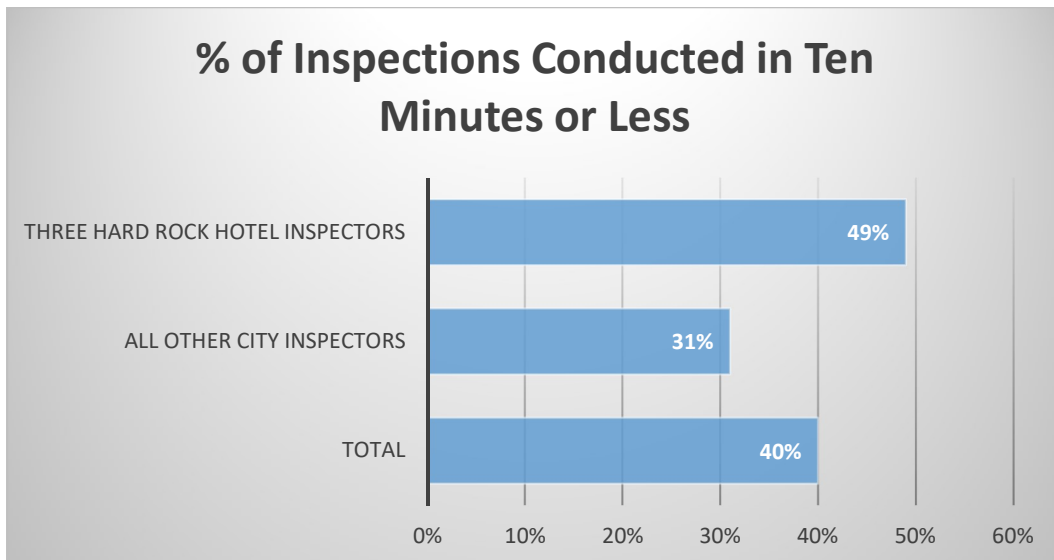
The OIG obtained and reviewed the GPS data for the two populations of inspections selected for testing to determine how long each inspector spent at the assigned location. The OIG only reviewed the duration of inspections City inspectors performed in-person, as supported by GPS data. See Finding 1 concerning inspections not performed in-person.

Finding 2: City inspectors did not spend adequate time conducting inspections. Inspectors completed their inspections in ten minutes or less for 40% of the inspections reviewed.

Per discussion with S&P management, an adequate inspection should take at least ten minutes. Management also stated that if an inspector stopped at an inspection site for less than ten minutes, that was not considered an inspection and was referred to as a "pass by". Therefore, if the inspector's vehicle stopped at the inspection site for ten minutes or less, the OIG determined that an adequate inspection was not conducted.

For the 75 inspections that the three Hard Rock Hotel inspectors conducted in-person, 37 (49%) of those inspections were conducted in ten minutes or less. For the 71 inspections that all other City inspectors conducted in-person, 22 (31%) were conducted in ten minutes or less. Refer to Figure 2 for a summary of results.

Figure 2. Inspections Conducted in Ten Minutes or Less



The OIG determined that in 49 of 71 inspections performed in person, the City inspectors stopped at their assigned location for more than ten minutes. However, five of those 49 inspections (10%) were mechanical fuel gas inspections that required a gas line pressure test. The OIG determined from GPS data that the inspector's vehicle was not stopped at the inspection site long enough to have performed a gas line pressure test. International Fuel Gas Code followed by City inspectors required, “[w]hen testing a system ... in a single-family dwelling, the test duration shall be not less than ten minutes.”⁸

S&P management stated that S&P did not have adequate policies and procedures in place and City inspectors did not know what was expected of them. As a result, inspectors did not spend adequate time at inspection sites to perform all necessary procedures. Additionally, S&P management stated there was a lack of supervisory review, which is an important control to ensure City inspectors are performing adequate inspections.

It is imperative that City inspectors perform their inspections in accordance with S&P policies and procedures before an inspection is passed to ensure buildings and work comply with applicable Codes and approved Plans. Any defect and/or hazardous or illegal conditions in the work, buildings, or plans could result in injury or death to person, or damage to property that could affect the City, its citizens, and its many visitors.

Recommendation 2: S&P should require that City inspectors complete an inspection checklist that details the required steps necessary for each type of inspection. City inspectors should upload the checklist into LAMA to document that a comprehensive inspection was conducted.

S&P supervisors should perform regular quality checks to ensure required documentation is uploaded to LAMA for inspections. S&P should conduct regular trainings to ensure City Inspectors are familiar with the latest policies and procedures.

⁸ 2006 International Fuel Gas Code. Section 406.4.2 Test duration.

IV. LACK OF DOCUMENTATION

S&P policy stated,

A record in LAMA shall be generated of every examination and inspection and of all violations of the Building Code of the City of New Orleans and the corrections and disposition of such violations. Records shall include notes, photographs, communications, and any other documentation generated or received. All records should be reflected in LAMA, including the digitization of records pursuant to Departmental Policy Memorandum Electronic Data Storage and Record Retention.⁹

Finding 3: City inspectors did not upload required documentation into LAMA in violation of S&P policies and procedures.

S&P policies and procedures required,

All final building inspections must have at least four (4) photographs accompanying the inspection, including all four sides of the subject structure. The photograph of the front of the building should include the front-yard area. If the scope of permitted work is entirely interior, additional photographs documenting completion of the work specified in the scope are required (minimum two (2)).¹⁰

For the 75 inspections that the three Hard Rock Hotel inspectors conducted in-person, 37 (49%) of those inspections were conducted in ten minutes or less, as addressed in Finding 2. Of the 38 inspections that the inspector's vehicle stopped at the assigned location for more than ten minutes, the OIG determined 11 (29%) did not have required photographs uploaded into LAMA as detailed below:

- Ten inspections did not have at least four photographs uploaded as required by S&P policy.

⁹ S&P Standard Operating Procedure Memorandum 14-02: Building Inspections. Effective April 15, 2014.

¹⁰ Departmental Policy Memorandum: Inspection Documentation and Photograph Requirements. Effective February 17, 2014.

- One inspection had four photographs uploaded to LAMA; however, additional photographs documenting completion of the work specified in the scope were not uploaded as required by S&P policy.

For the 71 inspections that all other City inspectors conducted in-person, 49 (69%) of those inspections were conducted in ten minutes or less, as addressed in Finding 2. Of the 49 inspections that the inspector's vehicle stopped at the assigned location for more than ten minutes, the OIG determined eight (16%) did not have at least four photographs uploaded into LAMA as required by S&P policy.

S&P management stated that S&P did not have adequate policies and procedures in place and City inspectors did not know what was expected of them. As a result, City inspectors were never properly trained and were conducting inspections improperly for many years, including not uploading the required documentation to LAMA. S&P management also acknowledged there was a lack of supervisory review, which is an important control to ensure City inspectors uploaded the required documentation to LAMA for each inspection.

When required supporting documentation is not uploaded into LAMA, there is a lack of support to verify that the City inspector performed in-person inspections in compliance with S&P policies and procedures.

Recommendation 3: S&P supervisors should perform regular quality checks to ensure City inspectors upload required documentation to LAMA for all inspections.

S&P should conduct regular trainings to ensure City inspectors are familiar with the latest S&P policies and procedures. Supervisors should receive regular training to ensure they perform an adequate review of the documentation uploaded into LAMA.

APPENDIX A. OBJECTIVES, SCOPE, AND METHODOLOGY

The objective of the audit was to determine if City inspectors conducted their inspections in accordance with S&P policies and procedures.

The scope of the audit included was all building, mechanical and electrical permit inspections conducted by City inspectors during the period April 1, 2019 through March 31, 2020. To accomplish the audit objectives, OIG auditors:

1. Conducted interviews with S&P employees to obtain an understanding of the procedures for building, mechanical, and electrical inspections from initiation to completion;
2. Requested and reviewed S&P written policies and procedures for compliance with best practices;
3. Obtained a listing of all “passed” building, electrical, and mechanical inspections performed by City inspectors during the scope period, totaling 12,600 inspections. Auditors removed 1,367 inspections from the population where the City inspector was not required to be present and/or have the potential to not pose a catastrophic threat (e.g. temporary power, attached sign, etc.). The auditors selected samples for testing from the remaining 11,233 inspections.

Due to the seriousness of these allegations and the potential for catastrophic consequences if the structural integrity of buildings were not validated, the OIG separated the total population of 11,233 inspections into the following two groups for testing purposes:

- **Population 1 (Three Hard Rock Hotel Inspectors):** The auditors filtered the total population of inspections performed during the scope period for those inspections performed by the three Hard Rock Hotel inspectors, totaling 1,228. The OIG selected a random sample of 90 from those 1,228 inspections. Auditors projected the testing results from the sample to the entire population. See Figure 3 for the sampling methodology.
- **Population 2 (All Other City Inspectors):** The second population consisted of the remaining 10,005 inspections performed by all other City inspectors during the scope period. The OIG selected a random sample of 93 from those 10,005 inspections. Auditors

projected the testing results from the sample to the entire population. See Figure 3 for the sampling methodology.

Figure 3. Sampling Methodology

Population	Confidence Level	Tolerable Error	Expected Error	Sample Size
1	95%	5%	1%	90
2	95%	5%	1%	93
Total Number of Inspections Tested				183

4. Reviewed GPS data for each inspection selected for testing to determine if:
 - a. The inspector was in the vicinity¹¹ of the assigned location for the selected inspection; and
 - b. The inspector stopped in the vicinity of the assigned location for more than ten minutes.
5. For inspections, the auditors were able to determine that the inspector’s vehicle stopped at the assigned location for more than ten minutes based on GPS data, the auditors:
 - a. Determined whether the inspectors uploaded photographs into LAMA, adequately portraying the scope of permitted work from the inspection; and
 - b. Reviewed all of the information uploaded into LAMA for the selected inspection to verify the inspection was thoroughly conducted and documented appropriately.

The OIG assessed the reliability of LAMA data by (1) interviewing City employees knowledgeable about the data, (2) comparing data to source documents for reliability, and (3) reviewing selected system controls. Auditors determined that the data was sufficiently reliable for the purposes of this report.¹²

Auditors used the following criteria for this performance audit:

- S&P Policy Memoranda;
- New Orleans, LA Code of Ordinances; and
- International Building, Mechanical and Fuel Gas Codes.

¹¹ The OIG defined vicinity as a five minute or less walk, based on Google Maps, from where the inspector’s vehicle was parked to the inspection site.

¹² GAO-20-283G Assessing Data Reliability. December 2019.

AUDITING STANDARDS

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.¹³

Auditors also conducted this performance audit in accordance with the *Principles and Standards for Offices of Inspector General*.¹⁴

LEGAL AUTHORITY

The authority to perform this audit is established in La. R.S. 33:9613 and in City Code Sec. §2-1120 of the City of New Orleans.

¹³ *Government Auditing Standards, Chapter 9.03*; U.S. Government Accountability Office, 2021.

¹⁴ "Quality Standards for Audits by Offices of Inspector General," *Principles and Standards for Offices of Inspector General* (Association of Inspectors General, 2014).

OFFICIAL COMMENTS FROM THE CITY OF NEW ORLEANS

City of New Orleans Ordinance, §2-1120(8)(b) provides that a person or entity who is the subject of a report shall have 30 days to submit a written explanation or rebuttal of the findings before the report is finalized, and that such timely submitted written explanation or rebuttal shall be attached to the finalized report.

On September 8, 2022, the OIG distributed an Internal Review Copy of this report to S&P so they would have an opportunity to comment on the report prior to the public release of this Final Report. The OIG received S&P's comments on October 6, 2022. The OIG attached these comments to the report.

S&P agreed with the OIG's findings and recommendations in this report and were responsive to OIG requests throughout the audit.

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Response to OIG Inspections Audit Report
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RECOMMENDATION 1

S&P management should update and enforce S&P policies and procedures in order to ensure that City inspectors are conducting on-site inspections. S&P should also verify on a quarterly basis that GPS is installed and working for all vehicles driven by City inspectors.

RESPONSE: The Department of Safety and Permits agrees with this finding and accepts the recommendation. Annually, since August 2021, the previous Standard Operating Procedures for conducting building inspections, made effective in 2014, was revised and implemented with all Building, Mechanical, Electrical and Code Enforcement inspectors assigned to the zoning Division. These procedures detail all aspects of conducting an on-site inspection, including but not limited to required documentation (photographs and reports), minimum time for each inspection, and parking directives. The Department Director and Deputy Director will review this with all inspectors on a yearly basis and they will be required to sign new policy and procedure acknowledgement forms. On a monthly basis, the Chief Building Inspector, Chief Mechanical Inspector, and Chief Electrical Inspector are responsible for ensuring inspections are completed according to policy and procedure.

In an effort to further support the inspectors, in September 2022, the inspection division received two office worker support staff members to assist with routine in-office work, such as answering incoming calls, checking emails, and updating LAMA with inspection documents. The addition of administrative support allows inspectors more time in the field and provides additional monitoring to maintain the accuracy of the inspection status during each phase. Administrative staff updates are available on One Stop to further ensure that inspections are conducted and completed in a timely manner as well as provide transparency of the process throughout permitting.

All vehicles assigned to the Department are equipped with GPS monitoring. The Department of Safety and Permit's vehicle coordinator is responsible for GPS maintenance and monitoring and conducts vehicle audits on a quarterly basis. An audit consists of ensuring the GPS unit is properly plugged into the vehicle, cleanliness, odometer reading and checking for any maintenance issues. A new vehicle coordinator was assigned to the department in June 2021, and subsequently completed vehicle audits in October 2021, February 2022, and June 2022. GPS monitoring is done on a weekly basis or at the request of the Department administration.



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RECOMMENDATION 2

S&P should require that City inspectors complete an inspection checklist that details the required steps necessary for each type of inspection. City inspectors should upload the checklist into LAMA to document that a comprehensive inspection was conducted.

Response: The Department of Safety and Permits agrees with this finding and accepts the recommendation. In response to the City of New Orleans' Office of Performance and Accountability Permit Inspection audit completed in July 2021, DSP developed seventeen checklists (that included life-safety, major and minor items) to guide common inspection types. These checklists were updated by the Chief Building Official and the IT Database Administrator and implemented for the Building division inspectors in accordance with the standard operating procedures in September 2021. Checklists for the Electrical and Mechanical divisions are due to be finalized by those division chiefs by November. The checklists will be incorporated into LAMA as required drop down fields to be completed when conducting on-site inspections by the end of the year. Until then, inspectors have been directed to complete paper copies of the old checklists on-site and site photos must corroborate satisfaction of checklist items. As an additional verification, a photo of the checklist should also be included in the LAMA documents.

RECOMMENDATION 3

S&P supervisors should perform regular quality checks to ensure City inspectors upload required documentation to LAMA for all inspections.

RESPONSE: The Department of Safety and Permits agrees with this finding and accepts the recommendation. In response to the City of New Orleans' Office of Performance and Accountability Permit Inspection audit completed in July 2021, DSP revised their organizational chart to clarify lines of accountability and the Office of Performance and Accountability created an inspector performance dashboard that utilizes GPS data to determine if inspectors are attending all scheduled inspections. The Chief Building Official (CBO) meets once monthly with the division chiefs to review their work in the office and in the field on an ad hoc basis.

With the addition of the office worker support staff handling routine in-office work, division chiefs can begin to dedicate time to supervision, management, and discipline as part of their daily job functions. Weekly check-ins by supervisors are required.



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In addition to the administrative support staff, the department plans to hire a compliance officer by the first quarter of 2023 whose primary responsibility will be daily review of inspections, plan review and certificate of occupancy issuance. This position will further provide another quality control for inspector output and supervisor oversight. Moreover, in adherence to City policies, all supervisors are required to conduct yearly performance evaluations which include inspection conduct with their direct reports.

