Executive Summary

Records management is the practice of managing and controlling records throughout their life cycle, from their creation and distribution, through filing and use, and for the final disposition or permanent retention. Section 119.011, Florida Statutes (F.S.), defines public records as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Department uses two general records schedules established by the Department of State (DOS) in accordance with Chapters 119 and 257, F.S. The General Records Schedules for State and Local Government Agencies (GS1) may be used by all Florida public agencies and provides retention periods for common administrative records. The Department also utilizes The General Records Schedule for Law Enforcement, Correctional Facilities, and District Medical Examiners (GS2).

Section 257.36(6), F.S., states a public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division of Library and Information Services of DOS.

The purpose of this audit was to review and evaluate the efficiency and effectiveness of the Florida Highway Patrol (FHP) field records management process and compliance with applicable laws and Department policy and procedure. Our review determined the following items require management attention:

- Strengthening training and guidance for records custodians would improve records management;
- Accuracy and completeness of disposition documents should be improved;
- Obsolete records should be destructed; and
- Clarification on the use of troop administrative files is needed.
Background and Introduction

Records management is the practice of managing and controlling records throughout their life cycle, from their creation and distribution, through filing and use, and for the final disposition or permanent retention. Records management is more than retention, storage, and disposition of records. It entails all recordkeeping requirements and policies that allow an agency to establish and maintain control over the information flow and administrative operations.

Section 119.011, F.S., defines public records as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. Section 119.021, F.S., requires DOS to establish retention schedules and a disposal process for public records.

The Department uses two general records schedules established by the DOS in accordance with Chapters 119 and 257, F.S. The GS1 may be used by all Florida public agencies and provides retention periods for common administrative records. The GS2 covers records utilized by law enforcement and related functions and activities. These include records created and/or maintained by state law enforcement agencies, county sheriff’s offices, local police departments, campus police departments, local and state jails, prisons, other correctional and detention facilities, and district medical examiner’s offices.

Records retention schedules apply to all records regardless of the physical format. Records created or maintained in electronic format must be retained in accordance with the minimum retention requirements outlined in the retention schedules whether the electronic records are the official record or duplicates. Printouts of standard correspondence and processing files are acceptable in place of the electronic files. Printouts of electronic communications are acceptable in place of the electronic files, provided that the printed version contains all date and time stamps and routing information.

Department Policy 9.04, Records Management, was instituted to establish and maintain an effective records management program for the custody, retention and disposal of public records made or received by the Department. It requires each division of the Department to assign a member records management duties. The policy defines records custodians as the member within each division who has custody of public records, is responsible for the records, and should ensure records are maintained appropriately.
FHP

The FHP has ten patrol troops and two Commercial Vehicle Enforcement (CVE) troops throughout the state. Each troop has multiple district offices and each office has administrative assistants or clerks to handle records specific to their office.

Each office maintains records that are essential to the successful operation of the FHP. These records include but are not limited to staff administration records, patrol vehicle accident reports, citations, division memorandums, off-duty police records, and equipment or vehicle usage records. Supervisors also keep member work files. Documents included in work files are defined in FHP Policy 7.03 Performance Planning and Evaluation, and include letters of counseling or disciplinary actions, letters of commendation, monthly inspections, and performance observation forms.

In addition to the paper records, the FHP uses Mobile Forms, an electronic system used by all troopers to document work in the field including incident reports, crash reports, and citations.

Process for Destruction

Section 257.36(6), F.S., states a public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division of Library and Information Services of the DOS. Agencies must identify an appropriate general records schedule or individual records schedule for any records being disposed of. Agencies must also maintain internal documentation of the records disposition. The Department utilizes the Records Disposition Document form, created by the DOS, to dispose of records which have met the required retention periods.

Each troop office determines which records are eligible for destruction. Once determined, they fill out and send the DOS Records Disposition Document for disposal authorization with the following information:

- Record Schedule Number;
- Item Number;
- Title Series;
- Retention Period; and
- Dates of Records.

Once approved, the troop office coordinates the destruction by one of the approved methods listed in Rule 1B-24, Florida Administrative Code.
Records Management Training

All members of the Department are required to take the Department’s Records Management course through the Department’s online learning system (iLearn). The training is required annually for all members of the Department. It was created with input from the Office of General Counsel, and the Department’s Records Management Liaison Officer and is based on Department Policy 9.04, Records Management.

In addition to the iLearn, the Department’s Records Management Liaison Officer, with assistance from FHP, made four trips to the field between September 2015 and April 2016 to clarify issues and answer questions regarding records and destruction.

Findings and Recommendations

Our review determined the following issues require management attention:

Training and Guidance

Finding No. 1: Strengthening training and guidance for records custodians would improve records management.

Department Policy 9.04, Records Management, states the Department will establish and maintain an effective records management program. It also states records custodians are responsible for the records in their custody.

While visiting eight troop offices we noted duplicate copies of FHP records are stored at more than one office and some troop offices could not determine the owner of the official record. Troops are also maintaining paper copies of records that can be accessed through Mobile Forms; including items such as crash reports, incident reports, and citations.

Retaining duplicate copies and paper copies of records also maintained electronically increases storage costs and may create confusion in the administration of records as well as pose risks that records are not managed in accordance with Department policy.

The following are samples of records issues noted during field visits:

- Traffic Homicide Investigation records (reports and pictures) are both stored in the troop offices and in Tallahassee;
• CVE recaps\(^1\) are stored at the troop offices and at troop headquarters; and

• FHP specific requests, such as “Personally Owned Handgun Request – 61142,” memorandum to reside within 30 miles of city of assignment, or a memorandum to use a patrol vehicle for physical fitness purposes are stored at district offices, troop headquarters, the training academy, or the Bureau of Personnel Services.

Department policy, iLearn training, and the DOS retention schedules are the information provided to those responsible for records management when hired. Troop members believe these do not provide enough records management guidance for new hires and current members. Specifically, members stated the Records Management iLearn training is not detailed enough. Some troop members also felt FHP specific records were not clearly identifiable within the DOS retention schedules, and the schedules were difficult to comprehend.

Currently, there is no formal designation of specific records custodians within each FHP field office, and troop members also had differing views on who is considered the records custodian or contact for the files and records at troop offices. FHP currently has a position in the Office of Strategic Services that assists with approving the Records Disposition Document for destruction of records. The primary responsibility of the position is to manage the day-to-day activities of the FHP Hireback program.

**Recommendation**

We recommend the FHP in coordination with the Division of Administrative Services and the Learning and Development Office, develop and administer a formal recurring training on records management, storage, retention and destruction.

We recommend that the FHP formally designate a division records management liaison with the authority to standardize, train, and provide oversight of the records management function.

We recommend the FHP formally designate a records custodian for each troop office function.

We recommend the FHP, in coordination with the Division of Administrative Services; determine where the official record is maintained for routinely used FHP records, including electronic documents, and disseminate this information to members at the troop level.

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\(^1\) CVE members are required to submit a breakdown of duty hours. Each day, the members fill out a spreadsheet which gets compiled monthly to show specific patrol or enforcement operations.
Management Response

The Division of Administrative Services (DAS) and FHP are currently working with the Learning and Development Office (LDO) to update and strengthen Department annual mandatory in-service training regarding records management. On-going records management training is continuing statewide with DAS/FHP facilitators travelling to field troops to provide instruction and question/answer sessions to personnel dealing with records and records retention responsibilities. Training classes are preceded by attendees' first completing iLearn training to set a foundation for the face-to-face follow-up class. Future instruction will include an emphasis on proper terminology of items and files as well as quick reference information. All training sessions are documented on training rosters and/or iLearn electronic verification.

FHP is in the process of designating a Records Management Liaison. This liaison will have the authority to standardize, train and provide oversight of the records management function within the Division. Additionally, this person will supplement internal Staff Inspections to provide management with updated status on the compliance with established policy. By January 31, 2017, a Records Custodian will be designated for each FHP field troop. The Records Custodian will be responsible for forwarding records retention and destruction documentation to the Records Management Liaison at General Headquarters for final quality review.

Records Destruction

Finding No. 2: Accuracy and completeness of disposition documents should be improved.

The DOS requires the disposal of public records to be documented on a disposition form. Currently, the FHP uses the DOS Records Disposition Document, which lists all of the records that will be destructed along with the series and item number from the DOS general schedules to document the disposal. We reviewed recent disposition documents for eight troop offices for completeness and accuracy. Based on our review, we noted the following:

- Two CVE troops destructed documents in 2015 and 2016 using the Department of Transportation retention schedules;
- One troop destructed documents in 2015 and did not label which schedule the record items corresponded with; and
One troop destructed documents in 2012, 2013, and 2015, and labeled incorrect series and item numbers for multiple record types, and the incorrect retention period for one item.²

**Recommendation**

We recommend the FHP ensure the Department uses General Schedule records series titles and item numbers accurately on the *Records Disposition Documents*.

**Management Response**

FHP will continue to coordinate with DAS and Bureau of Personnel Services (BPS) on determining the location that specific official records are to be maintained within the Division, and identify which General Schedule records series applies to individual documents. Documents will then be accurately identified on Records Disposition Documents to be quality reviewed by the Records Management Liaison. The determination of the location, retention, labeling and ultimate legal destruction of applicable records will be determined by January 31, 2017.

FHP will coordinate with BPS to identify specific item types commonly found in record files, and provide guidance to field troops to facilitate proper items being maintained in those records and/or local files. A quick reference Resource Index consistent with the General Schedule will be available for Division supervisors and records custodians. This action will be completed by January 31, 2017.

Future records retention in-service classes presented by FHP will include an emphasis on proper terminology for items and files to ensure clarity of records and that status of the record. Additionally, in-service training will include the aforementioned identification, listing, and quality review of Records Disposition Documents.

**Finding No. 3:** Obsolete records should be destructed.

Appropriate destruction of paper records is important to protect sensitive information. Retaining outdated or obsolete records for an extended period of time increases the cost of maintenance, increases the cost of providing public records requests, and increases the difficulty of storing the records securely.

While visiting eight troop offices, we observed records that met DOS general records retention periods including:

² Although our review determined records were destructed with inappropriate information, the correct retention periods were shorter than the ones listed. Therefore, the records were not destructed prior to the appropriate retention schedule.
• Court Overtime Pay Program, Statewide Overtime Action Response, and Off-duty police records from 2005 (GS2 states four anniversary year retention period);
• Property Records from 2008 (GS2 states four anniversary year retention period);
• Victim Advocate files from 2004 (GS2 states five fiscal year retention period);
• Juvenile files from 1998 (GS2 states five anniversary year retention period); and
• Patrol crashes from 2003 (GS1 states 4 anniversary years).

FHP troops also maintained the following FHP records where the retention period in the DOS general schedules stated to retain until obsolete, superseded, or administrative value is lost:

• Monthly and weekly inspection reports from 2005;
• Staff administration records from 1986;
• Arrest records from 2007; and
• Traffic Homicide Investigation field notes from 1992.

Currently, there is no standard guidance on the time frame for administrative or obsolete values for FHP records.

**Recommendation**

We recommend the FHP establish the administrative value time frame for the records that the GS1 and GS2 requires are retained until obsolete or administrative value is lost.

We also recommend the FHP provide specific directives to each troop to determine records eligible for disposal and allocate appropriate resources to execute future disposals.

**Management Response**

DAS is currently updating the Department’s Management Policy 9.04, Records Management. FHP will establish administrative value time periods upon finalization of the management policy. FHP is currently providing directives to each troop regarding records eligible for disposal and will allocate the necessary resources to appropriately dispose of such records, according to the General Records Schedule.

**Troop Administrative Files**

**Finding No. 4:** Clarification on the use of troop administrative files is needed.
According to the Bureau of Personnel Services Procedure, *Member Personnel Files and Records*, the personnel file is retained in the Bureau of Personnel Services. Based on interviews with Bureau of Personnel Services members, FHP troop offices should not maintain a personnel file and should only maintain a member troop file and a member work file containing documentation to conduct member evaluations.

During interviews with FHP troop members we noted conflicting views on what records are maintained in each type of file. Some troop members referred to the member troop file or the member work file as a personnel file. During on-site visits we observed member troop files and member work files containing duplicate copies of records which should be maintained in personnel files. We also observed member troop files and member work files labeled as personnel files. FHP Policy 7.03, *Performance Planning and Evaluation*, states what should be included within member work files and the retention period. Misclassifying member troop files and member work files as personnel files and maintaining duplicate records, may cause records to be retained substantially longer than necessary or lead to confusion when fulfilling public record requests.

**Recommendation**

We recommend the FHP in coordination with the Bureau of Personnel Services; provide guidance to troops regarding the difference between a personnel file, a member work file, a member troop file, and the records that should be maintained in each.

**Management Response**

FHP will coordinate with BPS to identify specific item types commonly found in specific records, and provide guidance to field troops to facilitate proper and appropriate items being maintained in those records and/or local files. A Resource Index will be generated as a quick reference resource for Division supervisors and records custodians. This action will be completed by January 31, 2017.

Future records retention in-service classes presented by FHP will include an emphasis on proper terminology of items and files to ensure clarity of records and the status of the record.

**Purpose, Scope, and Methodology**

The purpose of this audit was to review and evaluate the efficiency and effectiveness of the FHP field records management process, and compliance with applicable laws and Department policy and procedure.
The scope of this engagement included all FHP records and recent records destruction forms.

The methodology included:

- Reviewing applicable Florida Administrative Code and Florida Statutes;
- Reviewing applicable Department policies and procedures;
- Interviewing appropriate Department members;
- Review records management and retention training documents;
- On-site visits of troop offices;
- Observation of on-site file storage methods and access;
- Sampling of troop destruction documentation; and
- Reviewing the process for the destruction of records.
Distribution, Statement of Accordance, and Project Team

Distribution

Terry L. Rhodes, Executive Director
Col. Gene Spaulding, Director of Florida Highway Patrol

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Chief Troy Thompson, FHP Commercial Vehicle Enforcement
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Major Gary Howze, FHP Office of Strategic Services
Anat Michaeli-Ling, Chief Learning Officer
Terry Stepp, Chief of Personnel Services
Janie Westberry, Records Management Liaison Officer

Melinda M. Miguel, Chief Inspector General
Sherrill F. Norman, Auditor General

Statement of Accordance

Section 20.055, Florida Statutes, requires the Florida Department of Highway Safety and Motor Vehicles' Inspector General to review, evaluate, and report on policies, plans, procedures, accounting, financial, and other operations of the Department and to recommend improvements.

Project Team

Engagement conducted by:
John Brancale, Auditor
Megan Frink, Auditor

Under the supervision of:
David Ulewicz, Audit Director

Approved by:

Julie M. Left thesis, Inspector General
ATTACHMENT - Management Response

MEMORANDUM

DATE: October 31, 2016
TO: David Ulewicz, Audit Director
FROM: Lieutenant Colonel Michael J. Thomas
SUBJECT: REVISED - Florida Highway Patrol Response to the FHP Field Records Management Audit (Audit Report No. 201516-26)

The following is our response to the findings and recommendations presented in the Florida Highway Patrol Field Records Management Audit Report. The following should close out the audit.

Finding 1 - Training and Guidance

Strengthening training and guidance for records custodians would improve records management.

Recommendation

We recommend the FHP in coordination with the Division of Administrative Services and the Learning and Development Office, develop and administer a formal recurring training on records management, storage, retention and destruction.

We recommend that the FHP formally designate a division records management liaison with the authority to standardize, train, and provide oversight of the records management function.

We recommend the FHP formally designate a records custodian for each troop office function.

We recommend the FHP, in coordination with the Division of Administrative Services; determine where the official record is maintained for routinely used FHP records, including electronic documents, and disseminate this information to members at the troop level.
Management Response

The Division of Administrative Services (DAS) and FHP are currently working with the Learning and Development Office (LDO) to update and strengthen Department annual mandatory in-service training regarding records management. On-going records management training is continuing statewide with DAS/FHP facilitators travelling to field troops to provide instruction and question/answer sessions to personnel dealing with records and records retention responsibilities. Training classes are preceded by attendees’ first completing iLearn training to set a foundation for the face-to-face follow-up class. Future instruction will include an emphasis on proper terminology of items and files as well as quick reference information. All training sessions are documented on training rosters and/or iLearn electronic verification.

FHP is in the process of designating a Records Management Liaison. This liaison will have the authority to standardize, train and provided oversight of the records management function within the Division. Additionally, this person will supplement internal Staff Inspections to provide management with updated status on the compliance with established policy. By January 31, 2017, a Records Custodian will be designated for each FHP field troop. The Records Custodian will be responsible for forward records retention and destruction documentation to the Records Management Liaison at General Headquarters for final quality review.

Finding 2 - Records Destruction

Accuracy and completeness of disposition documents should be improved.

Recommendation

We recommend the FHP ensure the Department uses General Schedule records series titles and item numbers accurately on the Records Disposition Documents.

Management Response

FHP will continue to coordinate with DAS and Bureau of Personnel Services (BPS) on determining the location that specific official records are to be maintained within the Division, and identify which General Schedule records series applies to individual documents. Documents will then be accurately identified on Records Disposition Documents to be quality reviewed by the Records Management Liaison. The determination of the location, retention, labeling and ultimate legal destruction of applicable records will be determined by January 31, 2017.

FHP will coordinate with BPS to identify specific item types are commonly found in record files, and provide guidance to field troops to facilitate proper items being maintained in those records and/or local files. A quick reference Resource Index consistent with the General Schedule will be available for Division supervisors and records custodians. This action will be completed by January 31, 2017.

Future records retention in-service classes presented by FHP will include an emphasis on proper terminology for items and files to ensure clarity of records and the status of the record. Additionally, in-service training will include the aforementioned identification, listing and quality review of Records Disposition Documents.
**Finding 3 - Records Destruction**

Obsolete records should be destroyed.

**Recommendation**

We recommend the FHP establish the administrative value time frame for the records that the GS1 and GS2 requires are retained until obsolete or administrative value is lost.

We also recommend the FHP provide specific directives to each troop to determine records eligible for disposal and allocate appropriate resources to execute future disposals.

**Management Response**

DAS is currently updating the Department's Management Policy 8.04, Records Management. FHP will establish administrative value time periods upon finalization of the management policy. FHP is currently providing directives to each troop regarding records eligible for disposal and will allocate the necessary resources to appropriately dispose of such records, according to the General Records Schedule.

**Finding 4 - Troop Administrative Files**

Clarification on the use of troop administrative files is needed.

**Recommendation**

We recommend the FHP in coordination with the Bureau of Personnel Services; provide guidance to troops regarding the difference between a personnel file, a member work file, a member troop file, and the records that should be maintained in each.

**Management Response**

FHP will coordinate with BPS to identify specific item types commonly found in specific records, and provide guidance to field troops to facilitate proper and appropriate items being maintained in those records and/or local files. A Resource Index will be generated as a quick reference resource for Division supervisors and records custodians. This action will be completed by January 31, 2017.

Future records retention in-service classes presented by FHP will include an emphasis on proper terminology of items and files to ensure clarity of records and the status of the record.