TO: Ken Burke, CPA
     Clerk of the Circuit Court
     Ex Officio County Auditor

FROM: Hector Collazo, Jr., Director
      Division of Inspector General

SUBJECT: Follow-Up Audit of Record Retention Clerk’s Operations

DATE: September 29, 2011

I am enclosing a copy of the follow-up review dated September 29, 2011 on the above-referenced audit.

cc: Myriam Irizarry, Chief Deputy Director, Court and Operational Services Division
   Vanessa Carro, Director, Court and Operational Services Division
   Charlie A. Miller, Manager, Records & Information Management
   Jim Bennett, County Attorney
   Claretha N. Harris, Chief Deputy Director, Finance Division
   Ernst & Young
FOLLOW UP AUDIT OF RECORD RETENTION CLERK’S OPERATIONS

Audit Services
Division of Inspector General

Ken Burke, CPA*
Clerk of the Circuit Court
Ex Officio County Auditor

Hector Collazo, Jr., CFE, CFS, CISA, CIG, CIGI, CRISC
Director/Inspector General/Chief Audit Executive
Division of Inspector General**

Audit Team
Gregory McCullough, CPA*, CIA, CFE, CIGA – Inspector General Auditor II
Ken Green, CIGA – Senior Inspector General Auditor

September 29, 2011
REPORT NO. 2011-16

*Regulated by the State of Florida
**Accredited Office of Inspector General
By the Commission of Florida Law Enforcement Accreditation
September 29, 2011

The Honorable Ken Burke
Clerk of the Circuit Court

We have conducted a Follow-Up Audit of Record Retention, Clerk Operations. The objectives of our review were to determine the implementation status of our previous recommendations.

Of the 11 recommendations contained in the audit report, we determined that 11 have been implemented. The status of each recommendation is presented in this follow-up review.

We appreciate the cooperation shown by the staff of the Clerk’s Records and Information Management during the course of this review.

Respectfully Submitted,

Hector Collazo, Jr., Director
Audit Services, Division of Inspector General
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1. Forty Percent (40%) of Shelf Space Will be Cleared if Records Management is in Compliance With the Six Year Retention Standard for Microfilming Court Files.  
2. Court Files Eligible for Destruction are Held on Warehouse Shelves Indefinitely.  
3. Records Management Internal Processes for Microfilming are Not Effective and Efficient and in Compliance With State Retention Guidelines.  
4. Destruction Processing Procedures are Not Effective, Efficient and in Compliance With State Retention Guidelines.  
5. Intake Documentation for Non-Court Files are Not Sufficient to Facilitate the Retention and Destruction Processes.  
6. There are No Guidelines in Place to Prioritize the Protection of Vital (Permanent) Records Against Disaster Using Off-Site Storage. | 4 8 12 14 19 22 23 |
INTRODUCTION

Scope and Methodology

We conducted a follow-up audit of Record Retention, Clerk’s Operations. The purpose of our follow-up review was to determine the status of previous recommendations for improvement.

The purpose of the original audit was to:

1) Determine if long-term and short-term goals were sufficiently identified to effectively manage the Clerk’s Records Management Services Department program.
2) Determine if procedures were effective and efficient and in compliance with state retention guidelines.
3) Determine if the supervision of daily operations were efficient and effective.

To determine the current status of our previous recommendations, we surveyed and/or interviewed management to determine the actual actions taken to implement recommendations for improvement. We performed limited testing to verify the process of the recommendations for improvement.

Our follow-up audit was conducted in accordance with the International Standards for the Professional Practice of Internal Auditing and the Standards for Offices of Inspector General, and, accordingly, included such tests of records and other auditing procedures, as we considered necessary in the circumstances. Our follow-up testing was performed during the month of July, 2011. The original audit period was October 1, 2006 through October 30, 2007. However, transactions and processes reviewed were not limited by the audit period.

Overall Conclusion

Of the 11 recommendations in the report, we determined that 11 were implemented. We commend management for implementing all of the recommendations.
# Status

<table>
<thead>
<tr>
<th>OFI NO.</th>
<th>PREVIOUS RECOMMENDATION</th>
<th>IMPLEMENTATION STATUS</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Implemented</td>
</tr>
<tr>
<td>1</td>
<td>Forty Percent (40%) of Shelf Space Will be Cleared if Records Management is in Compliance With the Six Year Retention Standard for Microfilming Court Files.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A. Management develop a project plan that will require microfilming and destruction of court files in compliance with the six year retention policy.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>B. Management develop a project plan that will require developing and establishing productivity standards for the microfilm area to include reorganizing internal procedures to improve productivity that would free up shelf space more efficiently and effectively.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Court Files Eligible for Destruction are Held On Warehouse Shelves Indefinitely.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Management install a procedure to periodically monitor FND (filmed not destroyed) records to determine if they are eligible for destruction to efficiently and effectively utilize warehouse space and comply with retention guidelines. In addition, the Clerk's Office should discuss the retention/filming deviations requested by the State Attorney's Office to determine if the requirement is still needed. The deviations are impacting the cost of operations at the Clerk Records Management Services Department and taking up storage space.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Records Management Internal Processes for Microfilming are Not Effective and Efficient and in Compliance With State Retention Guidelines.</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>A. Management reduce the time it takes to obtain authorization for destruction and the beginning of microfilm projects. In addition, management should document reasons for significant delays (in starting a project) in project management files. This information can be used to address the duration issues.</td>
<td></td>
</tr>
<tr>
<td>OFI NO.</td>
<td>PREVIOUS RECOMMENDATION</td>
<td>IMPLEMENTATION STATUS</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Implemented</td>
</tr>
<tr>
<td>B.</td>
<td>Management assign an appropriate project duration period based on the microfilm project's complexity and volume.</td>
<td>✓</td>
</tr>
<tr>
<td>C.</td>
<td>Management dispose of destruction only records within a reasonable period of time.</td>
<td>✓</td>
</tr>
<tr>
<td>D.</td>
<td>Management install internal procedures that would ensure all destruction only records are retained within State Retention Guidelines.</td>
<td>✓</td>
</tr>
<tr>
<td>4</td>
<td><strong>Destruction Processing Procedures are Not Effective, Efficient and in Compliance With State Retention Guidelines.</strong></td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>Management install planning and monitoring procedures to ensure the records destruction process is carried out according to State retention requirements and administered properly and timely.</td>
<td>✓</td>
</tr>
<tr>
<td>B.</td>
<td>Management verify the data listed in the Eligible for Destruction report to ensure that the information complies with the final judgment criteria as required by State Retention Guidelines.</td>
<td>✓</td>
</tr>
<tr>
<td>5</td>
<td><strong>Intake Documentation for Non-Court Files are Not Sufficient to Facilitate the Retention and Destruction Processes.</strong></td>
<td></td>
</tr>
<tr>
<td>Records Management has drafted internal procedures to guide the Clerk's department in preparing intake documentation according with State Retention Guidelines. This process was implemented by management during the audit. In addition, management has added the retention information to their database. Therefore, we have no further recommendations.</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td><strong>There are No Guidelines in Place to Prioritize the Protection of Vital (Permanent) Records Against Disaster Using Off-Site Storage.</strong></td>
<td></td>
</tr>
<tr>
<td>Management establish a Vital Records Program identifying vital records for timely archiving and storage to protect against potential disaster.</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>
Background

The Clerk of the Circuit Court Records Management Services Department operates under the authority of the Florida Supreme Court Rules of Court, Florida Statutes 119 and 257, and Florida State Retention guidelines. Its primary responsibilities include the preservation, disposal, and destruction of records including service support to the Courts’ and Clerk’s departments and the general public. Some of the services provided by the department include customer service, support services to the court, on-site and off-site storage, retrieval services, retention, microfilming and destruction services. In Fiscal Year 2006-2007, the Records Management Services Department accomplished several goals. The three most significant accomplishments are:

- The customer access computer system was updated to provide additional information to the general public.
- Two archival film writers were purchased to provide twice the operating efficiency of existing equipment.
- The TRAKMAN file tracking system was updated to provide more effective service to the Probate, Civil, Felony, Misdemeanor, and Court Departments.
STATUS OF RECOMMENDATIONS

This section reports our follow-up on actions taken by management on the Recommendations for Improvement in our original audit of the Record Retention Clerk’s Operations. The recommendations contained herein are those of the original audit, followed by the current status of the recommendations.

1. Forty Percent (40%) of Shelf Space Will be Cleared if Records Management is in Compliance With the Six Year Retention Standard for Microfilming Court Files.

The microfilm scheduling and the filming process of court files are causing shelf space limitations that are affecting available storage space at the 49th Street warehouse. At the time of the audit, the capacity of space available at the 49th Street warehouse was 8,376 shelves. The court files created for 1997 through 2007 occupy 7,375 shelves. Court files represent a large majority of the records stored at the 49th Street warehouse location, occupying approximately 88% of the shelf space, not counting records in the process of being microfilmed. We note the following related concerns:

A. Ten Year vs. Six Year Standard. Forty percent (40%) of the records represent court files that should have been filmed after six years, therefore contributing to the space issues found at the 49th Street warehouse (using due dates supplied by Management). The effect of microfilming court files after ten years vs. the six year standard has resulted in court files for 1997 to 2004 occupying 3,338 shelves or 40% of the 49th Street warehouse shelf capacity. Based on the age of the court files currently in process, the microfilm program is approximately five years behind schedule. Therefore, the Records Management Services Department is not in compliance with the Clerk’s internal Policy Statement No. 21.21, which requires paper court files to be converted into microfilm images after a six year retention period has expired. If management had carried out this policy for calendar year 2007, paper files would have been converted into microfilm images through year 2001.
There are several factors that are preventing the Records Management Services Department from becoming compliant with the six year microfilm standard.

1. There are staff limitations associated with the microfilm process which include the number of staff assigned to film and the additional duties they perform.

2. The microfilm equipment used at the 49th Street location (6 filming and 4 microfilm reader machines) may be insufficient to support production requirements.

3. The lack of space at the 49th Street location prohibits adding new equipment. Management indicated that production standards and benchmarks are not established for the microfilm process because the process is not considered a production function that could be monitored by predetermined standards.

The retention of court files is covered under two policies:

- The Clerk’s Policy Statement No. 21.21 provides for the microfilming and editing of court files (having retention greater than 10 years) after a six year retention period of the paper files.

- Court files that are microfilmed should be processed within the six year retention period and the destruction process should be timely to free up shelf space. By implementing retention schedules and systematically destroying the records that have met their retention requirements, an organization can significantly reduce the space occupied by records. (State of Florida, The Basics of Records Management; Revised Issue Date October 2004).

B. There are no production standards for filming and editing the turnaround process. The slow microfilming process is contributing to the delay of destruction of records and freeing up shelf space. The 1996 and 1997 court files maintained on the 49th Street shelves are in the microfilming process as follows: Circuit Criminal Felony, Circuit Civil Family, Probate, and Juvenile. At the time of our audit, court files were prepared for the microfilming process more than 135 to 355 days before the filming process began. Based on our inventory of boxes prepared and pending filming on November 19, 2007, there were 1,029 boxes held on the warehouse shelves where filming had not yet begun. In addition, 339 boxes were pending the final stage of the microfilming process (including editing and record destruction).

As of the audit, the boxes of court files listed in the chart below were prepared for microfilming, but the filming had not started.
### COURT FILES PREPARED FOR MICROFILMING
**FILMING NOT STARTED AS OF NOVEMBER 19, 2007**

<table>
<thead>
<tr>
<th>Oldest File</th>
<th>Name of Court</th>
<th>Box Number Range</th>
<th>Number of Boxes</th>
<th>Start Prep. Date</th>
<th>End Prep. Date</th>
<th>Date Of Analysis</th>
<th>Days in Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Boxes</td>
<td></td>
<td></td>
<td>1,029</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated Number of Shelves Occupied at 2 Boxes Per Shelf</td>
<td>516</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The boxes of court files pending the editing and destruction process are listed in the chart below.

<table>
<thead>
<tr>
<th>Oldest File</th>
<th>Name of Court</th>
<th>Box Number Range</th>
<th>Number of Boxes</th>
<th>Start Prep. Date</th>
<th>End Prep. Date</th>
<th>Internal Audit Observation Date</th>
<th>Longest Days in Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>Felony</td>
<td>58 - 248</td>
<td>191</td>
<td>02/05/2007</td>
<td>02/12/2007</td>
<td>11/19/2007</td>
<td>287</td>
</tr>
<tr>
<td>Total Boxes</td>
<td></td>
<td></td>
<td>339</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Estimated Number of Shelves Occupied at 2 Boxes Per Shelf | 169.50 |

Internal controls should be in place to establish a reasonable microfilm processing cycle (once files are filmed and developed), or the minimum records that should be filmed and destroyed each month. Based on the department’s production results, the backlog in filming and destruction of court files cannot be improved without additional resources. Without production standards, management cannot have guidelines to support an action plan that will reduce the backlog of court files to improve space availability.

Management stated that plans were underway to purchase two new microfilm readers and train two persons to edit the film to improve productivity. Without productivity standards and benchmarks, the impact on the back end of the microfilming process is unknown.

**We Recommended:**

Management develop a project plan that will require:

A. Microfilming and destruction of court files in compliance with the six year retention policy.
B. Developing and establishing productivity standards for the microfilm area to include reorganizing internal procedures to improve productivity that would free up shelf space more efficiently and effectively.

Status:

A. Implemented. Management’s previous procedure provided for the microfilming of court files (having a retention greater than 10 years) after a six year retention period of the paper files. Management changed the procedure to reflect a ten year retention period of the paper files prior to microfilming. The paper files will then be destroyed after microfilming at this 10 year period.

B. Implemented. Management developed and established productivity standards and a monthly report of records management statistics for the microfilm area. These will allow management to expedite and track microfilm projects and personnel. Also, these will assist to improve productivity, which would free up shelf space more efficiently and effectively.

2. Court Files Eligible for Destruction are Held on Warehouse Shelves Indefinitely.

Original records eligible for destruction are held on the warehouse shelves indefinitely, and therefore, are contributing to space issues. In addition, both an original and a microfilm copy of certain court files are also being maintained. We identified three types of records that are microfilmed and the original paper records are maintained indefinitely. These records are: Circuit Criminal Felony Capital cases, Circuit Criminal Family Division support cases, and Traffic DUI (Driving Under the Influence) and DWLSR (Driving While License Suspended or Revoked) cases. These are discussed below:

A. Circuit Criminal Felony Capital cases:

These case files are retained for two primary reasons:

1. The Records Management Services Department does not have internal control procedures to identify retained court files once the State retention period has been met. Policy Statement 21.21(3)(a)(1) states, “The original court record in capital cases... will be preserved until such time as the sentence is carried out.” We found that there is no procedure in place to monitor when the State sentencing is carried out; therefore, the paper court files are being held indefinitely.

2. The State Attorney’s request of 1998, Internal Policy Statement 21.21(3)(a)(2), states that the, “original criminal court files where the defendant may qualify for civil commitment under Florida Statute 916.30,” in which a defendant has been convicted of sexually violent offenses be retained. The request did not state any retention time frame for the paper files.
At the time of our audit, there were 248 boxes of Circuit Criminal capital and sex offender duplicate records, microfilmed and original, for records series 1981 through 1996. Without periodic purging and destruction procedures, the warehouse shelves will continue to grow with these records.

B. Circuit Civil Family and Support cases:

There are no procedures in place to monitor when civil cases become closed and the paper files are eligible for destruction. Policy Statement 21.21.1 requires microfilming after six years and only the open court files be retained. Once records are microfilmed, there are no procedures in place to periodically review records that are retained to determine if they are eligible for destruction. Therefore, these records are microfilmed and the paper records are held in duplicate indefinitely.

At the time of our audit, the records microfilmed and not destroyed consisted of 1976 through 1997 for Circuit Civil and 1992 through 1997 for Family Division cases. The paper records will continue to grow on warehouse shelves under the current process.

C. Traffic DUI and DWLSR cases:

The Traffic DUI (Driving Under the Influence) and DWLSR (Driving While License Suspended or Revoked) paper case files are being retained indefinitely. At the start of our audit, there were 1,000 boxes of case files consisting of records series 1984 through 1997 held on warehouse shelves with no plans to destroy.

Management Attachment Policy 21-1, item 1, states, “In accordance to February 20, 2002 memo from the State Attorney’s office, DUI and DWLSR records were to be microfilmed.” In addition, the March 4, 2002 memo from the State Attorney’s Office requested that these records be retained for a minimum of ten years rather than five years after the final judgment.

There is no internal control procedure to review the paper files after ten years to see that the files are eligible for destruction. Both the paper and microfilmed cases are being retained.

During our audit, management assigned a microfilming project to address this issue.
We Recommended:

Management install a procedure to periodically monitor FND (Filmed Not Destroyed) records to determine if they are eligible for destruction to efficiently and effectively utilize warehouse space and comply with retention guidelines. In addition, the Clerk’s Office should discuss the retention/filming deviations requested by the State Attorney’s Office to determine if the requirement is still needed. The deviations are impacting the cost of operations at the Clerk Records Management Services Department and taking up storage space.

Status:

Implemented.

Management has implemented regularly scheduled document purge processes. Management has a procedure for FND (Filmed Not Destroyed) and destruction (purge process procedures), including the person responsible for each task. The destruction procedure indicates that Records Management runs the destruction program for paper records four times per year, in January, April, July, and October. This establishes a schedule for it to be done on a regular basis.

In addition, Records Management requested feedback from the State Attorney's Office to determine if the retention/filming deviation requirement is still needed for DUI and DWLSR files. Records Management stated they later sent a second memo to the State Attorney's Office since no comment was received back on the first memo. Management stated that they sent the second memo to notify them of the effective date of October 1, 2008 of adhering to the retention guidelines and not retaining the specific files beyond the normal retention period authorized in the Florida Rules of Judicial Administration. Management stated they received no comment on any disagreement or conflict with this memo from the State Attorney's Office.

3. Records Management Internal Processes for Microfilming are Not Effective and Efficient and in Compliance With State Retention Guidelines.

Our review and analysis of the Records Management's processes found the following areas that need attention:

A. The microfilming process is not efficient to manage warehouse space effectively. Processing time for four of five microfilm projects were substantial for the following microfilm projects reviewed:
<table>
<thead>
<tr>
<th>Year</th>
<th>Division</th>
<th>Number of Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>Circuit Criminal</td>
<td>768</td>
</tr>
<tr>
<td>1996</td>
<td>Probate</td>
<td>536</td>
</tr>
<tr>
<td>1997</td>
<td>Circuit Civil</td>
<td>483</td>
</tr>
<tr>
<td>1996</td>
<td>Juvenile</td>
<td>443</td>
</tr>
</tbody>
</table>

Based on our analysis of the total processing duration starting from the destruction authorization date and ending with the project completion date are as follows:

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Court Description</th>
<th>Volume in Boxes</th>
<th>(1) Authorize Date</th>
<th>(2) Microfilm Project Date</th>
<th>(3) Delay Before Project Starts (Col. 2-9)</th>
<th>(4) Projected Completion Date</th>
<th>(5) Project Duration (Col. 4-2)</th>
<th>(6) Total Duration Since Authorization (Col 4-1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>409</td>
<td>1996 Criminal Court</td>
<td>628</td>
<td>02/09/2006</td>
<td>03/16/2007</td>
<td>400</td>
<td>33/18/2008</td>
<td>368</td>
<td>768</td>
</tr>
<tr>
<td>425</td>
<td>1997 Civil - Family Div.</td>
<td>451</td>
<td>10/05/2006</td>
<td>05/31/2007</td>
<td>238</td>
<td>01/31/2008</td>
<td>245</td>
<td>483</td>
</tr>
</tbody>
</table>

In addition, there are significant delays between the time records are authorized for destruction and the time microfilm projects are started. We noted that the 1996 Criminal Court project was assigned a project duration of 368 days, but the total duration of the project was actually 768 days when the destruction authorization date is included. The 1996 Circuit Criminal project, for example, had a 400 day gap between the date of the destruction authorization and the microfilming project start date; therefore, indicating substantial slack time in the processing cycle that effects the timely destruction of records. The chart above highlights three projects that are authorized 238 to 400 days before the projects are actually started. On December 14, 2007, we asked management why there are significant delays before a microfilm project is started. Management indicated that the delay of the 1996 Criminal Court files and 1996 Juvenile projects were because management required the Juvenile files to be indexed to the Criminal Court system. The indexing of Juvenile files was a special project that required delays in the Criminal and Juvenile filming projects.
Although management provided a reasonable explanation for delaying the Circuit Criminal and Juvenile projects, there is no documentation provided to support this explanation.

B. We performed an analysis of the duration of microfilm projects assigned and noted that the longest project assignment was for the 1996 Probate project. The 1996 Probate project duration was excessive in comparison to other microfilm projects. Our review found that the Probate project’s duration was 518 calendar days for the filming of 258 boxes in comparison to the Circuit Criminal records project of 184 calendar days for the filming of 246 boxes of Juvenile court files. Also, the 1996 Circuit Criminal Records project was assigned 368 calendar days to film 628 boxes. According to management, the duration of the projects microfilmed/destroyed depends upon the volume and complexity of the microfilm project. Also, the assigned time includes non-filming hours anticipated. We verified with management that the duration of the Probate project was not normal. According to management, there were other factors that may affect project duration.

The microfilm projects were not continuously processed for the following reasons:

1. Several film operators were on sick leave for substantial periods of time.
2. Staff turnover.
3. Film operators were working in the warehouse rather than filming projects.
4. Film operators were covering the front desk phones during lunch breaks.
5. Certain microfilming processes were not sufficiently assigned to provide a continuous work flow through to destruction.

Management indicated that all these factors are considered in the project assignment. Whenever an operator is cut on annual leave, it is difficult to cover the operator’s duties and projects; therefore, project delays occur. The problem exists because each microfilming project is assigned to one individual to maintain filming continuity. Therefore, an assessment of daily work activities is needed to shift more time to filming and editing tasks.

C. Two record series that were destroyed in 2007 were not destroyed within a reasonable time after authorization for destruction only. Destruction only records are not always destroyed timely. Two of 16, or 12.5%, of Request for Records Destruction (destruction only) schedules included records that were destroyed more than 90 days after management’s authorization. The two schedules below represent records that were not destroyed in a reasonable time after management authorized the records for destruction.
### ANALYSIS OF 2007 DESTRUCTION ONLY RETENTION NOT MET

<table>
<thead>
<tr>
<th>Destruction Schedule</th>
<th>(1) Authorize Date</th>
<th>(2) Destruction Confirmation</th>
<th>Oldest Record Listed</th>
<th>(2)-(1) Delay Before Records Destroyed</th>
<th>Cubic Feet</th>
<th>Retention Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>423</td>
<td>09/27/2006</td>
<td>09/07/2007</td>
<td>2006-2007</td>
<td>345</td>
<td>430.0</td>
<td>60 days after FJ*</td>
</tr>
<tr>
<td>424</td>
<td>10/05/2006</td>
<td>10/13/2006</td>
<td>1998-2004</td>
<td>8</td>
<td>180.0</td>
<td>60 days after FJ*</td>
</tr>
<tr>
<td>429</td>
<td>12/12/2006</td>
<td>Pending</td>
<td>1999</td>
<td>365</td>
<td>300.0</td>
<td>5 years FJ*</td>
</tr>
<tr>
<td>430</td>
<td>02/21/2007</td>
<td>03/27/2007</td>
<td>2003-2005</td>
<td>34</td>
<td>30.0</td>
<td>90 days after FJ*</td>
</tr>
<tr>
<td>431</td>
<td>07/09/2007</td>
<td>07/20/2007</td>
<td>2000-2005</td>
<td>11</td>
<td>3.0</td>
<td>90 days after FJ*</td>
</tr>
<tr>
<td>432</td>
<td>08/07/2007</td>
<td>10/09/2007</td>
<td>1997-1998</td>
<td>63</td>
<td>25.0</td>
<td>3 years after FJ*</td>
</tr>
<tr>
<td>433</td>
<td>08/02/2007</td>
<td>08/14/2007</td>
<td>2001-2007</td>
<td>12</td>
<td>20.0</td>
<td>90 days after FJ*</td>
</tr>
<tr>
<td>435</td>
<td>10/15/2007</td>
<td>Pending</td>
<td>1995-2000</td>
<td>492.0</td>
<td></td>
<td>5 years after FJ*</td>
</tr>
<tr>
<td>437</td>
<td>10/08/2007</td>
<td>10/17/2007</td>
<td>1987-1998</td>
<td>9</td>
<td>76.8</td>
<td>3 Fiscal Years</td>
</tr>
<tr>
<td>441</td>
<td>08/01/2007</td>
<td>10/26/2007</td>
<td>2004</td>
<td>86</td>
<td>1.2</td>
<td>30 days</td>
</tr>
<tr>
<td>443</td>
<td>09/14/2007</td>
<td>10/26/2007</td>
<td>1994-2003</td>
<td>42</td>
<td>1.2</td>
<td>3 Fiscal Years</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,653.60</td>
<td></td>
</tr>
</tbody>
</table>

* FJ is Final Judgment

Destruction Schedule items, 423 Traffic and 429 Misdemeanor files, were delayed by changes in the handling of this type of files by the Record Retention Department process that caused some delay in the process.

There were 430 cubic feet of Traffic Infraction (non-DUI) files destroyed 345 days after the records were authorized for destruction. The 1999 Criminal Court Misdemeanor records authorized for destruction on December 12, 2006 were still pending destruction after 365 days had passed.

D. Destruction only records are held in the originating departments beyond the retention period. In the chart above, we listed the oldest record series that were not in compliance with State Retention Guidelines. In the Records Destruction Request schedules reviewed, we noted that 14 of 16 (87.5%) included records that did not comply with the State Retention Guidelines. Records are not destroyed within retention guidelines covering 1,654 cubic feet of warehouse space. Procedures are not clear as to how court files are purged year after year when they are held for more than the retention period. It is possible for a series of records to be retained over...
multiple retention periods; therefore, effecting records remaining on warehouse shelves.

In addition, an authorization sheet is not signed by management confirming that the records are actually destroyed. We determined that this is a documentation oversight. On December 17, 2007, we verified that the 1996 court files (with last activity dates ranging from 1996 through 1998) were pulled from the Eligible for Destruction Information Technology (IT) report and actually destroyed.

By implementing retention schedules and systematically destroying those records that have met the retention requirements, an organization can significantly reduce the space occupied by records. Appropriate disposition of records will greatly reduce the need for record storage space. Management should ensure compliance with legal retention requirements and the establishment of administrative, fiscal, and historical retention requirements. In the absence of such requirements, many organizations either destroy records that should be retained or retain everything, thereby taking a legal risk or assuming unnecessary operating costs. Space savings are the most immediately realized benefit of a records management program.

**We Recommended** Management:

A. Reduce the time it takes to obtain authorization for destruction, and the beginning of microfilm projects. In addition, management should document reasons for significant delays (in starting a project) in project management files. This information can be used to address the duration issues.

B. Assign an appropriate project duration period based on the microfilm project's complexity and volume.

C. Dispose of destruction only records within a reasonable period of time.

D. Install internal procedures that would ensure all destruction only records are retained within State Retention Guidelines.

**Status:**

A. Implemented. Management documents on a "Records Management Services Microfilm Log," the duration data. This shows the number of days for each stage of microfilm project, per box, per project type, including the destroy date, which reflects a day by day project status. This report could indicate duration issues that management might need to address.

B. Implemented. Management is monitoring duration data by project and computing a percent complete by category (open, film, edit, duplication, microfilm, etc.) and average days open to destroy on the Monthly Film Project Statistics report. In addition,
management is monitoring the day to day project status on the microfilm log as mentioned in paragraph A. above.

C. Implemented. Records Management is performing this process where they request authorization from a county court area department management for the prior year list of files eligible for destruction. The county court area management submits a request to Information Technology to run the list. Records Management requests this annual list at one time to perform a monthly purge schedule.

D. Implemented. Records Management has installed procedures to provide for records to be properly stored until their retention is met and disposed of within State minimum retention guidelines. Records Management has an operating procedure entitled Retention. The procedure states that in the State of Florida, retention requirements are minimum requirements, and are applied to all records. They also have an operating procedure entitled Storage and it mentions that the records center provides climate controlled storage for inactive records (no longer needed, but have not yet met their mandatory retention requirement). It also states that inactive records are stored in the records center until they have been authorized for destruction by the Department Manager and the Records Manager.

4. Destruction Processing Procedures are Not Effective, Efficient and in Compliance With State Retention Guidelines.

Our review of 2006-2007 destruction orders found that the destruction process is not always efficient and effective and in compliance with State Retention Guidelines.

A. Records are not destroyed efficiently and effectively. Delays in the destruction process have affected space availability for new incoming files. The destruction planning procedures are not sufficient to ensure that all court files eligible for destruction are destroyed timely.

- Traffic DUI/DWLSR court files, occupying 1,200 cubic feet of shelf space, are held significantly beyond the five year retention period. The records held on the shelves include record series 1984 through 1997; as long as 18 years past the five year retention period. The Clerk’s internal policy had extended the retention period for these files to ten years based on the State Attorney’s request. In addition, these records are also being microfilmed based on the State Attorney’s request. The court files are stored at the 118th Avenue warehouse location pending completion of the microfilm project that began September 27, 2007. The records destruction request was sent for authorization during our audit on October 24, 2007; therefore, the microfilm project was started before receipt of management’s authorization and after this audit began. According to internal policy, microfilm projects should begin after six years for records with a retention period greater than ten years.
• In addition, misdemeanor court files of record series 1999, occupying 300 cubic feet of shelf space, are still pending destruction more than one year after the Records Management Services Department received authorization to destroy. According to management, the records destruction request was voided (one year later) on January 23, 2008 and replaced by another records destruction request. The request included prior year records, 1995 through 1998 (not included in the original request), and was extended to include record series 1999 and 2000. According to management, the originating department did not make an IT request for the required reports; therefore, causing the delay in the destruction of records reaching the State Retention Guidelines.

• Civil and Small Claims records representing 392 cubic feet of warehouse space were destroyed without receipt of management’s authorization in violation of internal policy. According to management’s inquiry on January 25, 2008, “The request to Civil for the IT run was submitted to Civil via e-mail on March 9, 2007. The IT request for services destruction list was signed off by the Civil Manager and Executive Director of Court and Operational Services and forwarded to IT.” The IT Eligible for Destruction list was received on June 12, 2007 and the destruction was completed on August 16, 2007. On October 1, 2007, management sent the Records Destruction Request for authorization and it was signed and returned on October 16, 2007. Management stated that the error was an oversight related to their follow-up process.

Sufficient monitoring procedures are not in place to ensure that pertinent documentation required in the destruction process is received prior to records being destroyed.

B. We also noted other processing deficiencies. The database used for recording destruction only inventory is not an effective tool to monitor when administrative records are eligible for destruction. Management has to manually review each record series to determine which records are eligible for destruction. In addition, the access inventory database did not include a records receipt date that would establish when the Records Management Department assumed custodial responsibility of records exceeding the retention period. The retention expiration date is not recorded in the inventory record; therefore, the destruction date is determined by an inefficient manual process. A destruction date field will allow management to more efficiently monitor when records are eligible for destruction. During our audit, management changed the inventory database to include a destruction date field.

• Management could not be ensured that court files listed on the Eligible for Destruction report are being destroyed based on the final judgment requirement of the State Retention Guidelines. We analyzed one page of the Cases Eligible for Destruction report to determine how court files are identified for destruction based on the final judgment criteria. This report is used to identify court files eligible for destruction; without it, court records cannot be destroyed properly. We asked management if they determined if court files listed on the report met the final
judgment criteria. Neither management nor the warehouse staff could explain how they verified if records met the final judgment criteria.

- Management indicated that they did not utilize any guidelines to verify which docket codes represented the final judgment of court cases listed in the IT report. There is no documentation provided that could explain the meaning of disposition docket codes listed in the report. The following are examples of docket codes that we questioned: TEXT, PLEA, LETR and CASH. These docket codes do not appear to represent a final judgment disposition of court cases; therefore, we could not be ensured that the final judgment criteria are met before court files are processed for destruction.

- The outstanding IT requests for the Cases Eligible for Destruction report are not sufficiently monitored. The IT reports received are missing run dates that would establish how promptly IT requests are actually processed.

An effective records management program consists of the timely destruction of obsolete records and the documentation thereof. Pinellas County’s Clerk’s Records Management Services Department is responsible for carrying out the records management program for the Clerk of the Circuit Court and administrative records.

We Recommended Management:

A. Install planning and monitoring procedures to ensure the records destruction process is carried out according to State retention requirements and administered properly and timely.

B. Management verify the data listed in the Eligible for Destruction report to ensure that the information complies with the final judgment criteria as required by State Retention Guidelines.

Status:

A. Implemented. Records Management has improved the planning and monitoring of the records destruction process. First, as mentioned in the status for Opportunity for Improvement No. 2 above, Records Management requested feedback from the State Attorney’s Office to determine if the retention/filming deviation requirement is still needed for DUI and DWLSR files. Records Management stated they later sent a second memo to the State Attorney’s office since no comment was received back on the first memo. Management stated that they sent the second memo to notify them of the effective date of October 1, 2008 of adhering to the normal retention guidelines and not retaining the specific files beyond the retention period authorized in the Florida Rules of Judicial Administration. Second, Records Management installed an operating procedure entitled Destruction, which shows tasks as well as the frequency and responsible employee title (i.e., the workflow for destruction). The Destruction procedure helps to ensure accuracy and compliance in that the procedure includes
tasks, which discuss requesting the agency user contact/Department Manager to identify exception conditions (on reports). Several tasks in this procedure include steps to review or verify reports and lists. Also, as noted in the status for Opportunity for Improvement Nos. 3A and 3B, Records Management is monitoring statistics on duration from open to destroy to monitor projects so that duration can be expedited by timely identifying issues and resolving them. In addition, Records Management established productivity standards for microfilming. For administrative files, Records Management inventory reports now include additional data fields to improve workflow.

B. Implemented. Records Management requests each originating department to review the destruction list for their area for accuracy. In addition, as mentioned in paragraph A above, the Destruction procedure has tasks that include steps to verify data on reports.

5. Intake Documentation for Non-Court Files are Not Sufficient to Facilitate the Retention and Destruction Processes.

In our review, we found that the intake documentation excluded State Retention requirements for non-court files.

A. Records' intake documentation received from originating departments did not include State Retention information that would facilitate the destruction of administrative type records. This situation exists because the Records Management Services Department has not provided Clerk's departments with standard procedures for retaining and documenting records sent to the warehouse for storage. Without standard procedures, management cannot be ensured that Clerk's departments are consistently following State Retention Guidelines and records received are eligible for destruction. Determining if records are eligible for destruction at the time of intake can impact storage usage if records are destroyed promptly and within retention guidelines.

During our audit, management has written and distributed guidelines for all Clerk's departments to improve the record retention and intake documentation.

B. Warehouse staff did not input sufficient information into the inventory system (access database) to effectively monitor when records become eligible for destruction. We determined that the inventory record did not include any State retention identification numbers or a destruction date. Therefore, each year management has to manually determine if records listed in the inventory listing are eligible for destruction. With the retention information not in the database, a report of the projected records to be destroyed can not be obtained.

The Florida Department of State, "The Basics of Records Management" handbook states the following concern in compliance with retention requirements:
"The hallmark of a good records management program was the establishment of retention requirements based upon an analysis of the records’ legal, fiscal, administrative, and historical requirements and values. In the absence of such requirements, many organizations either destroy records that should be retained or retain everything, thereby taking a legal risk or assuming unnecessary operating costs."

Chapter 6 of the State of Florida, "File Management" handbook states:

"The [retention] schedule controls the movement of records on a regular and continuing basis. When implemented, the schedules will prevent old and obsolete materials from backing up in the files. Records from one series may be combined with records from another series, the longer retention period must be observed."

We Recommended:

Records Management drafted internal procedures to guide the Clerk’s department in preparing intake documentation according with State Retention Guidelines. This process was implemented by management during the audit. In addition, management has added the retention information to their database. Therefore, we have no further recommendations.

Status:

Implemented.

Management stated non-court files have been converted to an automated box management system and are now scheduled for destruction on a regular basis. Management has established procedures in a user manual on the use of the automated box management system for the user departments including data entry screens, navigation, and reports. The user departments are to enter information into the system. The Administrative Box System is controlled by Records Management and IT. The user inputs data and retention codes and the system generates the eligible destruction date. Records Management sends Destruction Memos to the user department who owns the boxes for approval of boxes identified for destruction.

6. There are No Guidelines in Place to Prioritize the Protection of Vital (Permanent) Records Against Disaster Using Off-Site Storage.

Management has not established a vital records program to assist departments in identifying and protecting those records essential to continuing its operations under other than normal business conditions. We noted the following specific concerns:
A. Records of permanent archival value are not shipped to off-site storage at reasonable intervals. The time span between shipments is a three year period; therefore, exposing vital records to risk of potential disaster with no backup. In our analysis, we found that records were sent twice during April 2003 through April 2006; therefore, they were not shipped routinely. According to management, the infrequency of shipments was caused by insufficient storage capacity rented by the County during that period. Prior to 2003, records were sent to off-site storage more frequently (one to two months apart); therefore, management needs to review shipment procedures to establish reasonable intervals for off-site shipments.

The Florida State Retention Guidelines state, “The vital records program was intended to assist agencies in identifying and protecting those records essential to continuing their operations under other than normal business conditions.” Protection of vital records requires identifying vital records and preparing a carefully designed disaster recovery plan to help an organization reduce its vulnerability. Written guidelines should be in place to ensure that management identifies vital records for permanent storage and to establish reasonable intervals for shipment to off-site storage.

B. Not all vital records are being shipped to off-site storage on a consistent basis. The ability to recover vital records such as Plat and Condo records after a major disaster is important to the County. Plat/Unplatted land records are microfilmed and the originals held, but no microfilm copies were sent to off-site permanent storage in the last shipment. The total volume of microfilmed copies not sent consisted of 48 microfilm rolls that would fill half of one storage container; therefore, very little storage space would be occupied. Management agreed that the shipment of these records would improve disaster preparedness.

The purpose of off-site storage is to protect vital records against any potential disaster. Without sufficient guidelines, vital and/or permanent records may not be archived timely to protect against potential disaster. A vital records program would identify records of vital importance that should be preserved in off-site storage on a consistent basis.

C. The Records Management Department’s internal policy does not include guidelines for identifying vital (permanent) records that must be archived and shipped to off-site storage. There are no guidelines in place to prioritize vital/permanent records in the microfilming process. From the inventory list of microfilmed records, we were not able to distinguish which vital/permanent records were archived in the past year and sent to off-site storage. Therefore, management could not be assured that all vital records are properly archived on a consistent and timely basis. Untimely archiving of vital (permanent) records exposes permanent and vital records to potential loss. In the event of a disaster, vital records could be destroyed without sufficient backup protection.
Other than the State Retention Guidelines, the Records Management Services Department does not have any guidelines in place to ensure timely archiving of vital (permanent) records to protect against disaster. Based on this observation, there is a need for Records Management to review archiving procedures to identify and prioritize vital records that must be archived timely and shipped to off-site storage. Guidelines should include, a vital records program that prioritizes records needing protection and internal controls to establish the frequency of off-site shipments.

D. The volume of non-permanent records may be impacting permanent storage capacity. Non-permanent microfilmed images are being stored at the off-site storage indefinitely. Based on documentation of records sent to off-site storage in the past four years, non-permanent microfilmed images are stored permanently. The following microfilm records with a retention of ten years or less are identified as sent to off-site storage:

<table>
<thead>
<tr>
<th>RECORD RETENTION GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documents</td>
</tr>
<tr>
<td>Civil Pleadings</td>
</tr>
<tr>
<td>Civil Files</td>
</tr>
<tr>
<td>Grantee Records</td>
</tr>
<tr>
<td>(no longer sent)</td>
</tr>
<tr>
<td>Civil-Family Division</td>
</tr>
<tr>
<td>Probate Files</td>
</tr>
<tr>
<td>Civil Non-Family</td>
</tr>
</tbody>
</table>

Based on our discussion with management, all microfilmed permanent and non-permanent records are being sent to off-site storage and held permanently. Also, management is planning to send a new shipment of Clerk’s records to permanent storage in the near future.

Since all microfilmed records are shipped to off-site storage for permanent storage, there are non-permanent records occupying storage space beyond the required retention period. The volume of non-permanent records is not monitored by management to determine if the impact of storing these records affects space availability. During our audit, management provided documentation indicating the relocation of inventory to a larger vault at off-site storage to provide more storage. The cost of leasing the new storage space is $5,400 per year. In this transaction, the BCC Records Management Department and the Clerk’s Records Department storage facilities were combined, potentially realizing a cost savings for permanent storage.

Management has not performed any analysis of non-permanent records stored at off-site storage to determine the value of retaining these records indefinitely. According to management, there are no particular written guidelines for sending microfilm records to off-site permanent storage.
We Recommended:

Management establish a Vital Records Program identifying vital records for timely archiving and storage to protect against potential disaster.

Status:

Implemented.

Management has a written procedure for protecting vital records using an off-site storage facility. It describes the process and supporting documents required. It also identifies the types of vital records for permanent storage. We encourage management to include this procedure in the User Manual of the Records and Information Management Department.
DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
PINELLAS COUNTY, FLORIDA

Write: Fraud Hotline
Public Integrity Unit
Division of Inspector General
510 Bay Avenue
Clearwater, FL 33756

Phone: (727) 453-3728
Fax: (727) 464-8386

Internet: www.mypinellasclerk.org
          www.twitter.com/pinellasig
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