

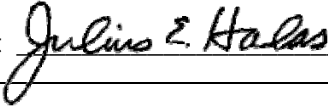


**Department of Financial Services
Bureau of Fire and Arson Investigations
STANDARD OPERATING PROCEDURE**

	Title:		Policy #
	Records Management		2.1.8
	Amends:	Rescinds:	Effective Date:
N/A	N/A	09/22/2009	
Review Date:	Review Date:	Review Date:	

Approved:  Chief John Corbett  Director Julius Halas

I. Purpose

To establish guidelines and procedures for records management in accordance with Chapter 119, Florida Statutes.

II. Policy

It is the policy of the Bureau that each field office shall maintain a records area to serve as the central repository for all law enforcement reports originated by the field office.

III. Authority

Chapter 119, Florida Statutes
Chapter 943, Florida Statutes
AP&P #1-4, "Public Records (Inspection and/or Reproduction of Documents)"
AP&P #2-4, "Records Retention and Disposal"

IV. Definitions

Records - Books, tapes, photographs, films, sound recordings, data processing software and paper documents.

V. Procedures

A. Records Accessibility

The central records area for each field office and headquarters are restricted access areas. (CFA 18.01 "B") Only Bureau members are allowed access into the records area in each field office and Headquarters.

B. Security

1. In offices where files are kept in separate rooms equipped with locking doors, the rooms shall be kept locked when not in use. (CFA 18.01 "C") (CFA 34.03)

2. In offices where files are not kept in separate rooms, the file cabinets shall be kept locked when not in use. (CFA 18.01 "C")(CFA 34.03)
 3. Maintenance personnel and non-Bureau personnel must be escorted when performing work in the records areas. (CFA 18.01 "C") (CFA 34.03)
- C. Public Hours of Operation
1. The records area is not open to the public. (CFA 34.01M "C")
 2. Any individual may make a request for public records from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays, to any Bureau field office. All requests for records will be forwarded to the Division Records Custodian for processing, and will be handled in accordance with AP&P #1-4, Public Records. (CFA 28.01 "E") (CFA 34.02 "C")
- D. Internal Hours of Operation
1. Electronic case management records are accessible to agency members twenty-four (24) hours a day, seven (7) days a week.
 2. Central records information is accessible to agency members twenty-four (24) hours a day, seven (7) days a week. Should a member require access to records after hours, the member shall contact his or her lieutenant. (CFA 34.01M "C") (CFA 34.05)
- E. Records Retrieval System
1. Members will submit all case reports through the electronic ACISS[®] system. All attachments (statements, forms, etc.) will be referenced in the ACISS[®] report. (CFA 34.01)
 2. A supervisor will review and approve all reports and attachments.
 3. In instances where a report or statement is prepared by a member who has assisted another agency, the report or statement will be reviewed and approved by a supervisor prior to being submitted to the agency.
 4. Case packages prepared for presentation to a prosecutor shall adhere to the style and format required by the judicial circuit in which the case is presented.
- F. Report Accountability
1. All case or incident reports generated by agency members will be assigned an individual case number through the ACISS[®] system, which will be used to document and track the report. (CFA 34.01M "A")
 2. All completed case or incident reports shall be submitted for approval within five (5) days of completion of the case. (CFA 34.01M "A")

3. Lieutenants will be responsible for reviewing the ACISS[®] case management system quarterly to determine the status of cases. (CFA 34.01M "A")
4. Should it be determined that any reports or documents are missing from a case file, the assigned sworn member shall be instructed to update the case file and include the missing documents, with appropriate notations made in the ACISS[®] system. (CFA 34.01M "A")

G. Records Maintenance

1. Copies of all case or incident reports are maintained in the central records area for each field office and headquarters. All reports will be maintained in accordance with the Florida Records Retention Schedule. (CFA 34.01M "B")
2. The type of agency records maintained in the field offices and Headquarters include, but are not limited to, the following:
 - a. Incident Reports; (CFA 18.01 "A")
 - b. Juvenile Files; (CFA 18.01 "A")
 - c. Confidential Records; (CFA 18.01 "A")
 - d. Sealed cases, in which files are restricted or amended by Court Order; (CFA 18.01 "A")
 - e. Arrest Reports; (CFA 18.01 "A")
 - f. Evidence and Property Records; and (CFA 18.01 "A")
 - g. Disciplinary Action Records: Original disciplinary action documentation is maintained in the official Department of Financial Services personnel file. These records are subject to public record and will be released according to statute. Copies of these records may be maintained in headquarters. (CFA 11.05)

H. Case Files

1. All criminal investigations are to be labeled with the case number, the date the case was initiated and the assigned sworn member's name.
 - a. All files will be maintained in chronological order by case number. Case files shall be maintained in the field office where the investigation is assigned.
 - b. Files shall not be released without the prior approval of the Field Office Lieutenant. Only cases eligible pursuant to the Florida Records Retention Act may be released. (CFA 18.01 "B") (CFA 18.01 "C") (CFA 28.01 "E") (CFA 34.02 "C")

- 1) Sworn members may maintain working copies of a case file while the case is active. (CFA 18.01 "A")
- 2) Any public record information request for obtaining records shall be forwarded to the Division Records Custodian; and (CFA 34.02 "C")
- 3) Any public records request in which the case file contains documents received from an insurance company shall be handled in the following manner:
 - a) The insurance company shall be notified in writing of the Bureau's intent to release public records and specific case information. The notice shall be sent by certified mail with return receipt notification;
 - b) The notification letter will indicate that the information will be released ten (10) days after the company's receipt of the notification; and
 - c) If the company has not contacted the Bureau by the eleventh (11) day, the records may be released.

I. Information Systems

The Bureau Distributed Computer Systems Analyst is responsible for maintaining the agency's computerized database of record (including the backup of files), which stores reports generated throughout the agency. The analyst shall conduct an annual audit, to verify all passwords, access codes, access violations and to verify only authorized personnel have access to the database. (CFA 34.12) (CFA 34.13M "A") (CFA 34.13M "B") (CFA 34.13M "C")

1. Reports maintained electronically may include, but are not limited to: (CFA 18.01 "A")
 - a. Case Reports (ACISS[®]); (CFA 18.01 "A")
 - b. Agency Property; (CFA 18.01 "A")
 - c. Use of Force; (CFA 18.01 "A")
 - d. Training (Skills Manager[®]); and (CFA 18.01 "A")
 - e. Accreditation Process. (Accreditation Manager[®]) (CFA 18.01 "A")
2. The analyst is responsible for the maintenance, backup and retention of the records in the database in accordance with procedures established by the Department of Financial Services. (CFA 34.13M "B")

J. Records Retention (CFA 34.04M)

Agency records will be retained in accordance with the Florida Department of State, Division of Archive and Records Management, State Retention Schedule GS-1-SL and/or GS-2, available at:

<http://dhis.dos.state.fl.us/barm/genschedules/GS1-SL-2006.pdf> and/or

<http://dhis.dos.state.fl.us/barm/genschedules/g02.pdf>

K. Records Disposition & Records Destruction

1. Requests for records destruction must be made pursuant to Department of Financial Services AP&P #2-4, Records Retention and Disposal. The following procedure shall be adhered to for all requests for disposal: (CFA 18.01 "D")

- a. A Department of State Records Disposition Document must be completed identifying the records series to be disposed. The form is available through the Florida Department of State, Division of Library and Archives at: Publications for Records Management – State Library and Archives of Florida. (CFA 18.01 "D")
- b. Each Field Office Lieutenant is responsible for reviewing and signing off on all Records Disposition Documents. The form shall be sent to the appropriate major for review and approval; then to the Bureau Chief. The final reviewing authority is the Director. The Office of the Director shall notify the originating lieutenant when the destruction has been approved. (CFA 18.01 "D")
- c. Once approved, the Field Office Lieutenant will then ensure that all items listed in the request are handled pursuant to AP&P #2-4, Records Retention and Disposal. (CFA 18.01 "D")

L. Report Distribution

1. The following procedures will govern the distribution of reports routed to the various organizational components of the Bureau. (CFA 34.02 "A")
 - a. Members are authorized to obtain copies of agency reports, including, but not limited to: incident reports, case files and arrest reports, as may be necessary for court proceedings or investigative purposes. (CFA 34.02 "A") (CFA 34.02 "B")
 - b. Members may make requests for records by telephone, written request, in person at the field office, or via computer.
 - c. All staff inspections, evidence inspections and audits, will be forwarded to the Bureau Chief through the chain of command, with copies retained by the entity submitting the inspection or audit.
(CFA 34.02 "A")
 - d. Training files and proof of attendance or completion, will be submitted to the Training Lieutenant, with copies forwarded to the

Human Resources Section for inclusion in the member's personnel file, when required. (CFA 34.02 "A")

2. Distribution to Criminal Justice Agencies

Copies of all agency records not restricted by public records laws, state statutes, or DFS/DSFM/BFAI policy, are authorized for release to criminal justice entities. All records released shall be stamped with the Bureau records distribution stamp. Only red ink shall be used with the stamp. (CFA 28.01 "E") (CFA 34.02 "B") (CFA 34.02 "C")

M. Juvenile Records

1. The collection and storage process for juvenile records not involving arrest records will be the same as that of adults. Juvenile reports will be collected in the following manner: (CFA 34.10)
 - a. Members will submit juvenile records to the supervisor for review; and
 - b. Any incident report or arrest affidavit produced will be labeled "Juvenile."
2. All juvenile records are confidential and will not be disseminated unless specific criteria are met. Agency members will strictly control access to juvenile records, and the information contained within. (CFA 34.10)
 - a. Juvenile records will not be made available for public disclosure or inspection except as provided by law. (CFA 34.10)
 - b. Juvenile records are available to other law enforcement agencies, State Attorneys, the courts, the juvenile and the juvenile's parents or legal guardian. (CFA 34.10)
3. Juvenile records will be retained in accordance with the Department of State, Division of Archive and Records Management, State Retention Schedule. Destruction of juvenile records will be conducted in accordance with the Florida General Records Retention Schedule. (CFA 34.10)
4. Juvenile arrest records include: juvenile transcripts or arrest affidavits, Notice To Appear (NTA), adult probable cause affidavits, (if being charged as an adult), and the associated booking photograph and fingerprint card. (CFA 34.09M)
5. All juvenile fingerprints and photographs will be stored in the records area, separately from adult arrest records. (CFA 34.09M)
6. Case file folders containing juvenile information will be marked in red as "Confidential and Juvenile" unless not required by Florida Law. Juvenile case file files are not required to be maintained separately from adult records.(CFA 34.09M)

N. FCIC/NCIC Information

Only authorized members will access FCIC/NCIC computer terminals. All FCIC/NCIC regulations will be adhered to when accessing criminal histories or other law enforcement information. FCIC/NCIC criminal history or other information will be used for law enforcement purposes only. (CFA 34.06M "A") (CFA 34.06M "B") (CFA 34.06M "C") (CFA 34.06M "D")

1. Receipt and Dissemination of Information: Criminal history information is received from the FCIC/NCIC network via computer terminals. The following procedure will be used to document the receipt and dissemination of criminal history information. (CFA 34.06M "A") (CFA 34.06M "B")
 - a. Only sworn members and Crime Intelligence Analysts are authorized to request or receive FCIC/NCIC criminal history information.
 - b. Sworn members accessing FCIC/NCIC on mobile terminals shall only view the information, and shall not print the document.
 - c. Members requesting criminal history information will provide the following information:
(CFA 34.06M "A")
 - 1) Subject's Name;
 - 2) Detective's Name & Case Number, if applicable; and
 - 3) Purpose of the Request.
2. Security of Information: The Bureau computer terminals authorized to transmit and receive FCIC/NCIC criminal history information are located in Bureau facilities throughout the State. The computer screens shall not be visible to unauthorized agency members, or members of the public. (CFA 34.03) (CFA 34.06M "C")
3. Destruction of FCIC/NCIC Documents: Documents relating to FCIC/NCIC criminal histories will be destroyed in the following manner: (CFA 34.06M "D")
 - a. Criminal Histories: The disposal of criminal histories will be in accordance with FCIC/NCIC Regulation # 18.4 which states: "When users are finished with the criminal history information it should be shredded and not retained in the case files. In addition, copies of criminal histories will not be maintained in applicant or employees files." (CFA 34.06M "C") (CFA 34.06M "D")
 - b. Bureau personnel will not release any information received from the FCIC/NCIC terminals outside of the BFAI. (CFA 34.03) (CFA 34.06M "B") (CFA 34.06M "C")