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Department of Justice
Records Management Program

Records Management Inspection Report

National Archives and Records Administration
July 2018

**DEPARTMENT OF JUSTICE
RECORDS MANAGEMENT PROGRAM**

INSPECTION REPORT

INTRODUCTION

The National Archives and Records Administration (NARA) is responsible for assessing the proper management of records in all media within Federal agencies to protect rights, assure government accountability, and preserve and make available records of enduring value. In this capacity, and based on authority granted by [44 United States Code \(U.S.C.\) 2904\(c\)\(7\) and 2906](#), NARA conducted an inspection of the Department of Justice (DOJ) departmental records management (RM) program in March 2018.

The purpose of this inspection was to examine how well the DOJ RM program and the bureau RM programs communicate and cooperate in order to develop and implement effective records management throughout the Department in compliance with Federal records management statutes and regulations. Reflective of the DOJ lexicon, the terms bureaus, independent RM programs, and components are used interchangeably throughout this report.

This inspection focused specifically on RM standards, policies, procedures, and practices at the Department level and their impact on bureau programs. It also examined the controls the Department has implemented to mitigate risks associated with non-compliant handling of records and information and to ensure that departmental policies and procedures are implemented. The bureau RM programs were not the focus of this inspection; they are included here only to the extent that they intersect with, and to some degree, rely upon the departmental program to be effective.

OVERVIEW OF THE DOJ RECORDS MANAGEMENT PROGRAM

The ORMP is located within the Justice Management Division (JMD) under the direction of the Assistant Attorney General for Administration. The Assistant Attorney General for Administration is responsible for planning, directing, administering, and monitoring compliance with Department-wide policies, procedures, and regulations concerning records, reports, procurement, printing, graphics, audiovisual activities (including the approval or disapproval of production and equipment requests), forms management, supply management, motor vehicles, real and personal property, space assignment and utilization, and all other administrative services functions.

The ORMP directly oversees the RM program for their three Senior Leadership Offices -- the Offices of the Attorney General, the Deputy Attorney General, and the Associate Attorney General, in addition to the Department's offices, boards, and divisions (OBDs). The bureau RM programs function as independent records management programs that run their own operations and are assigned their own Agency Records Officers (AROs). Bureaus have full operational responsibility for the management of their Records and Information Management (RIM) program in compliance with DOJ Policy.

The ORMP consists of five Federal records staff, three contracted records managers, three additional contractors who work on technical development for RIM, as well as another unrelated program, and an administrative assistant who serves as a records custodian as a collateral duty. The Director of the ORMP serves as the Departmental Records Officer (DRO). Bureau RM programs vary in size and resource allocation. Several have robust programs with dedicated staffing and resource allocation while others operate on a smaller scale with staff assigned RM duties as a collateral duty. Bureaus have Records Officers for their programs, in particular their operations, but the Bureaus still fall within the scope of all Departmental-level guidance

FINDINGS AND RECOMMENDATIONS

This report makes 4 findings and 5 recommendations to address non-compliance with or to improve implementation of critical elements of 36 Code of Federal Regulations (CFR), Chapter XII, Subchapter B, within the following RM functional areas.

NARA's methodology for conducting this inspection along with the follow up actions required for DOJ are included in the appendices to this report.

DIRECTIVE AND POLICY

Finding 1: Not all DOJ bureaus have developed component-level RIM policies as required by 36 CFR 1220.34(c) and the DOJ Records and Information Management Policy.

Federal regulations require agencies to issue directives establishing program objectives, responsibilities, and authorities for the creation, maintenance, and disposition of agency records ([36 CFR 1220.34\(c\)](#)). DOJ Order 0801, Records and Information Management, "provides overarching policies and procedures for the Department as a whole while the Components support compliance with Departmental guidance through Component-specific policies, practices, and procedures to meet mission goals and to meet the requirements of the Federal Records Act."

During the inspection interviews it was determined that some of the bureaus had not developed component-specific RM directives or policies specific to their practices and procedures.

Some bureaus have developed robust policies satisfying RM requirements. Of the bureaus that do have component-specific policies, some are significantly outdated, while another references a superseded DOJ RM Order. There is no Department-level review of bureau-specific policies to ensure they exist and meet the necessary requirements.

Recommendation 1: The ORMP must periodically review bureau-specific policies to ensure they are created and revised when necessary to meet Department and NARA requirements.

RECORDS MANAGEMENT TRAINING

Finding 2: Not all DOJ bureaus have developed component-specific RIM training as required by DOJ Records and Information Management Policy (DOJ Order 0801, II.D.2(f)), and the Department Wide RIM Training Plan.

In 2005, the ORMP developed a training module for records management for DOJ employees. While the RM training created by the ORMP is available to most DOJ employees—including bureaus—it is only mandatory for employees who fall under the direction of the ORMP RM program. It is not mandatory for bureaus with independent RM programs, nor does it replace the requirement for bureau RM programs to create RM training specific to the mission, practices and policies of their organization.

Recommendation 2.1: ORMP should develop a strategy to ensure the creation of bureau-specific RM training to satisfy the DOJ Records and Information Management Policy (DOJ Order 0801, II,D,2(f)).

Recommendation 2.2: ORMP should review their basic RM training module, that was developed in 2005, for currency, and regularly review all bureau-specific RM training materials.

Finding 3: RIM training is not always administered within the timeframe as required by NARA Bulletin 2017-01.

The ORMP requires RIM training for all new employees under their direct RM purview within six months of employment, rather than 60 days, and all employees are required to take refresher training every three years, rather than annually per [NARA Bulletin 2017-01 \(3\(B\)\)](#). Similarly, some bureaus who have developed training do not meet this requirement.

Recommendation 3: ORMP must ensure that all new employees receive RM training within 60 days of employment and that all employees take RM training annually per NARA Bulletin 2017-01.

RECORDS MANAGEMENT PROGRAM OVERSIGHT

Finding 4: The ORMP does not validate records management evaluations for accuracy.

Federal regulations require agencies to conduct formal evaluations to measure the effectiveness of their records management programs and practices ([36 CFR 1220.34\(j\)](#)). The ORMP has established an innovative method of conducting RM evaluation and review by incorporating the assessment into the Department's Office of Management and Budget (OMB) Circular A-123 controls process. RM topics covered include governance and policy, business foundations, supporting technologies, training, and evaluation and review and are measured using a RIM Program Maturity Model. All DOJ components are required to respond to the evaluation survey.

The evaluation process includes a RIM Program Maturity Model to measure and evaluate component RIM program effectiveness and progression, but lacks a validation element to ensure that responses are accurate. A validation process will also strengthen component and the Department's risk mitigation strategies.

Bureau AROs are also responsible for conducting formal, regular, and comprehensive records management evaluations on their programs. Some bureaus incorporate RM questions on program compliance audits; however, not all of the bureaus evaluate their RM programs.

Recommendation 4: The ORMP should develop a strategy for validating RM evaluation responses to ensure accuracy and strengthen risk mitigation strategies.

COMMUNICATION AND COLLABORATION

[OMB Circular A-130](#) and the [Managing Government Records Directive \(M-12-18\)](#) require agencies to designate a Senior Agency Official for Records Management (SAORM) who has “overall agency-wide responsibility for records management,” which includes “coordinating with the Agency Records Officer and appropriate agency officials to ensure the agency’s compliance with records management statutes and regulations.”

DOJ Order 0801.II.B specifies that the SAORM “is responsible for coordinating with the DOJ records officer and appropriate Department officials to ensure the Department’s compliance with RIM statutes and regulations and policies. The SAO shall make adjustments to DOJ practices, personnel, and funding as may be necessary to ensure compliance and support for the business needs of the Department.”

The DOJ has designated the position of Deputy Assistant Attorney General for Policy, Management and Planning within JMD as the SAORM for all the OBDs and bureaus. The SAORM meets regularly with the senior leaders of the Department and with the DRO who is a direct report. The Chief Information Officer (CIO) is also located within the JMD at the same level providing ample opportunity for them to interact and coordinate their efforts.

The SAORM meets with the Bureau AROs following NARA’s SAORM meetings that occur twice a year for Cabinet-level agencies. All of the AROs interviewed reported that this frequency and level of direct contact with the SAORM was adequate. However, bureaus that are not meeting critical RM requirements could benefit from more frequent and direct contact with the SAORM.

The ORMP hosts the DOJ Records Council, a quarterly meeting with bureau AROs. The meetings are held to disseminate information, share RM practices, and collaborate on RM initiatives. The ORMP also posts RM policy, directives, common practices and procedures, training materials, and other RM-related information on their departmental intranet, which is accessible by all bureaus. Outside of the quarterly meetings, the ORMP staff are available to bureau AROs for any needed assistance.

RECORDS MANAGEMENT STRATEGIC PLAN

The DOJ RIM Strategic Plan (2015-2019) was developed to meet the goals of the Managing Government Records Directive (M-12-18). The strategic plan identifies critical stakeholders who define and implement strategies to meet Directive goals and outlines stakeholder roles and responsibilities. Stakeholders include the SAORM, DRO, CIO, and heads of components and their records managers/officers and component CIOs, in addition to other representatives. The plan defines program elements and success criteria for meeting Directive goals. Program elements include governance and policy, business foundations, supporting technologies, training,

and evaluation and review. Progress toward these goals is measured through the Department's evaluation process.

SCHEDULING AND DISPOSITION

The AROs of bureau RIM programs have full authority to engage directly with NARA with respect to scheduling and disposition of their records. They also have the ability to use Department-wide disposition authorities if appropriate.

The DOJ has developed the Justice Records Control Schedule (JRCS) application to consolidate all approved disposition authorities including applicable General Records Schedule (GRS) items. It allows for the categorization of disposition authorities using an established taxonomy and aligns with the Federal Enterprise Architecture lines of business and provides a numbering system for information categorization by function across multiple components. The JRCS application also provides an automated tool for building file plans with the flexibility to allow components to tailor their file plans in accordance with mission activities.

RECORDS MANAGEMENT INTEGRATED INTO IT PROCESSES

In compliance with OMB memorandum [Management and Oversight of Federal Information Technology \(M-15-14\)](#), which implements the [Federal Information Technology Acquisition Reform Act \(FITARA\)](#), DOJ has successfully incorporated RM involvement and requirements into systems development.

The ORMP has developed a strong and collaborative relationship with the Department's Office of the Chief Information Officer (OCIO). Together they ensure incorporation of recordkeeping requirements into the development and operation of DOJ IT systems, applications, and services that capture, create, or maintain federal records.

One example of this collaboration is the Records and Information Management Certification (RIMCert) process. Components must complete and submit a RIMCert application for review by ORMP and the OCIO. To receive the RIMCert, each system must meet established criteria. Upon certification, the system must then be re-certified every three years. All components are subject to the RIMCert requirement unless granted an exemption. Exemptions are granted to those components with an existing RIM certification process.

EMAIL MANAGEMENT

The DOJ has adopted the Capstone approach to email management using agency-specific schedules for the permanent records and is currently working with NARA to schedule temporary email records. The ORMP has worked to ensure consistency of transfer times across components based on their business needs.

The ORMP and the OCIO continue their coordinated effort to migrate all the components to the Microsoft Office 365 Email and Cloud environment.

One bureau has developed an email management marking tool for associating emails with case files. The ORMP should consider adapting this tool for use by other components where appropriate.

CONCLUSION

Overall, DOJ has established a robust RM program with strong communication channels, published and disseminated a comprehensive policy directive, and successfully integrated RM and IT.

While many aspects of the DOJ RM program are well established and contain many strengths, making the improvements recommended in this report will mitigate and minimize risks to departmental records, further strengthen the DOJ Departmental records management program and the RM programs of the bureaus, contribute to the Department's overall mission, and enhance the effective management and preservation of the Department's records.

APPENDIX A INSPECTION PROCESS

OBJECTIVE AND SCOPE

The objective of this inspection was to determine if the DOJ implements standards, policies, procedures, and other records management coordination practices to ensure that the Department and its bureaus have effective records management programs.

METHODOLOGY

NARA carried out this inspection by conducting interviews at the DOJ Headquarters with most of the DOJ administrations and by reviewing DOJ program documentation. More specifically, the inspection team:

- reviewed records management policies, directives, and other documentation provided by DOJ and its administrations;
- interviewed RM representatives from the six Departmental records management programs;
- guided the course of the inspection using a detailed checklist of questions based on Federal statutes, Federal regulations, and NARA guidance; and
- reviewed DOJ and administration responses to current and past annual Records Management Self-Assessments (RMSA) and current and past reports of Senior Agency Official for Records Management (SAORM).

BUREAUS INTERVIEWED

NARA visited the ORMP and the headquarters of the independent RM programs in the Washington, DC, area on February 15, 2018 and March 6 - 21, 2018.

- Bureau of Prisons
- Drug Enforcement Administration
- Executive Office for United States Attorneys
- Federal Bureau of Investigation
- Office of Justice Programs
- United States Marshals Service

APPENDIX B
RELEVANT INSPECTION DOCUMENTATION

“DOJ Order 0801 Records and Information Management,” Departmental of Justice, March 12, 2014.

“Department of Justice RIM Program Strategic Plan: Meeting the OMB NARA RIM Directive 2015-2019.”

“DOJ Policy Statement 0801.01, Records & Information Management Certification (RIMCert),” Department of Justice, June 23, 2014.

APPENDIX C AUTHORITIES AND FOLLOW-UP ACTIONS

AUTHORITIES

- 44 U.S.C. Chapter 29
- 36 CFR Chapter XII, Subchapter B
- 36 CFR 1239, Program Assistance and Inspections

OTHER GUIDANCE

- OMB/NARA *Managing Government Records Directive* (M-12-18)
- OMB/NARA *Guidance on Managing Email* (M-14-16)
- Other NARA Bulletins currently in effect

STATUTES AND REGULATIONS

36 CFR Chapter XII, Subchapter B, specifies policies for Federal agencies' records management programs relating to proper records creation and maintenance, adequate documentation, and records disposition. The regulations in this Subchapter implement the provisions of 44 U.S.C. Chapters 21, 29, 31, and 33. NARA provides additional policy and guidance to agencies at its records management website - <http://www.archives.gov/records-mgmt/>.

At a high level, agency heads are responsible for ensuring several things, including:

- The adequate and proper documentation of agency activities (44 U.S.C. 3101);
- A program of management to ensure effective controls over the creation, maintenance, and use of records in the conduct of their current business (44 U.S.C. 3102(1)); and
- Compliance with NARA guidance and regulations, and compliance with other sections of the Federal Records Act that give NARA authority to promulgate guidance, regulations, and records disposition authority to Federal agencies (44 U.S.C. 3102(2) and (3)).

FOLLOW-UP ACTIONS

The DOJ will submit to NARA a Plan of Corrective Action (PoCA) that specifies how the agency will address each inspection report recommendation, including a timeline for completion and proposed progress reporting dates. The plan must be submitted within 60 days after the date of transmittal of the final report to the head of the agency.

NARA will analyze the adequacy of the DOJ's action plan, provide comments to the DOJ on the plan within 60 calendar days of receipt, and assist the DOJ in implementing recommendations.

The DOJ will submit to NARA progress reports on the implementation of the action plan until all actions are completed. The frequency of progress reports will be determined during development of the PoCA. NARA will inform the DOJ when progress reports are no longer needed.

APPENDIX D
ACRONYMS AND ABBREVIATIONS

ARO	Agency Records Officer
CFR	Code of Federal Regulations
CIO	Chief Information Officer
DOJ	Department of Justice
DRO	Departmental Records Officer
FITARA	Federal Information Technology Acquisition Reform Act
GRS	General Records Schedule
JMD	Justice Management Division
JRCS	Justice Records Control Schedule
NARA	National Archives and Records Administration
OBD	Offices, Boards, and Divisions
OCIO	Office of the Chief Information Officer
OMB	Office of Management and Budget
ORMP	Office of Records Management Policy
PoCA	Plan of Corrective Action
RIMCert	Records and Information Management Certification
RIM	Records and Information Management
RM	Records Management
RMSA	Records Management Self-Assessment
SAORM	Senior Agency Official for Records Management
U.S.C.	United States Code



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