



Department of Education and Early Development
 Division of Libraries, Archives & Museums
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STATE OF ALASKA

Records Retention and Disposition Schedule

Agency I.D: 67 Schedule No: 02-67.1

DEPARTMENT OF ADMINISTRATION
 67 - PUBLIC DEFENDER AGENCY

The agency will follow retention periods for common records as listed in the most current State of Alaska General Administrative Records Retention and Disposition Schedule (GARRDS), unless those records have been listed on this schedule.

Unless otherwise noted, all record series are confidential and protected by Attorney/Client Privilege per AS 40.25.300 and Rule 1.6, Alaska Rules of Professional Conduct. This schedule supersedes #24910.

All records that have potential permanent legal and historical value may be reviewed by the State Archivist for possible permanent retention in the State Archives in accordance with AS 40.21.030.

Under 4 AAC 59.005, it is the responsibility of agencies to ensure that records created and maintained in electronic systems remain accessible and durable for their prescribed retention period. This requires addressing the issues of periodic media refreshment, digital migration strategies and security plans. Backups produced for system recovery purposes do not serve a recordkeeping function or substitute for archived business essential duplicates.

Pursuant to the provisions of AS 40.21 and 4 AAC 59, the records listed on this schedule are approved for retention and disposition as indicated.

Division Director Quinlan Steiner	Signature of Division Director *	Date 8/16/12
Attorney General/Designee Alan Birnbaum *	Date 10/8/12	Commissioner of Administration/Designee Scot Arehart *
State Archivist Dean Dawson*	Date 9/7/12	Records Analyst Gordon Brown*

* = Original signatures held on file.

Item No - Record Series Title & Description	Format	Total Retention	Bus. Ess.	Remarks
<p>001 - Felony Case Files (Adult & Juvenile) Copies of court documents, attorney workpapers and investigative reports.</p> <p>Arranged alphabetically by client name.</p>	H & E	C+35	Y	<p>C = Until case is closed.</p> <p>If original paper records are scanned, they can be disposed of once the electronic copies have been certified as being a "true and correct" copy of the original.</p> <p>Justification for "C+35" year retention: Cases are often re-opened years after a conviction is entered and the case file is closed. If a felony conviction is appealed, a new appeal case file is opened, but original felony case file must be available. Appeals often take up to 2 years, and sometimes 3-5 years. After an appeal, per the AK Rules of Criminal Procedure, a defendant has up to a year to apply for post-conviction relief. These can be lengthy proceedings, sometimes taking 2 years or more. PDA also needs to retain felony/appeals files if probation and parole revocations proceedings take place - often after a defendant serves a lengthy sentence. Defendants sometimes reoffend and are subject to enhanced sentences based on the original conviction. In all these cases effective representation requires the original case file.</p>

You can transfer records to an approved records center at any point - complete a Records Transfer List (RTL) and submit it to your Records Officer for approval.

<p align="center">Retention Key</p> <p>A = Until Audit C = Cut-off event/date CY = Current Year CFY = Current Fiscal Year PA = Permanent (Transfer to State Archives)</p> <p>PO = Permanent (Retain in agency office) S = Until Scanned T = Transfer TO = Term of Office</p>	<p align="center">Format Key</p> <p>H = Hardcopy E = Electronic D = Database M = Microform</p>	<p align="center">Bus. Ess = Business Essential</p> <p>1. Are necessary for emergency response 2. Are necessary to resume or continue operations</p>
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Item No - Record Series Title & Description	Format	Total Retention	Bus. Ess.	Remarks
<p>002 - Misdemeanor Case Files (Adult) Copies of court documents, attorney workpapers and investigative reports.</p> <p>Arranged alphabetically by client name.</p>	H & E	C+35		<p>C = Until case is closed.</p> <p>If original paper records are scanned, they can be disposed of once the electronic copies have been certified as being a "true and correct" copy of the original.</p> <p>Justification for "C+35" year retention: Administrative need to avoid the Petition to Revoke (PTR), bench warrant, etc. in the event the file must be reopened later. Refer also to justification detailed in item #001.</p>
<p>003 - Sanity/Children's Proceedings Case Files This series includes cases for juvenile misdemeanors as well as other types of actions involving juveniles and the mentally incompetent. Also includes copies of court documents, attorney workpapers and investigative reports.</p> <p>Arranged alphabetically by client name.</p>	H & E	C+35	Y	<p>C = Until case is closed.</p> <p>If original paper records are scanned, they can be disposed of once the electronic copies have been certified as being a "true and correct" copy of the original.</p> <p>Justification for "C+35" year retention: Children's Proceedings (CINA) may be opened at birth with the possibility of case reopening any time through the age of majority. "C+35" meets PDA administrative and legal requirements. Refer also to justification detailed in item #001.</p>

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RRDS Continuation		Agency I.D: 67		Schedule No: 02-67.1		Page 4 of 4	
Item No - Record Series Title & Description	Format	Total Retention	Bus. Ess.	Remarks			
004 - Appeal Case Files (Adult and Juvenile) Copies of court documents, attorney workpapers and investigative reports. Arranged alphabetically by client name.	H & E	C+35	Y	C = Until case is closed. If original paper records are scanned, they can be disposed of once the electronic copies have been certified as being a "true and correct" copy of the original. Justification for "C+35" year retention: Refer to the justification detailed in item #001.			
005 - Project Management System Identifying client and case data from many records series listed on this schedule are input into the Project Management System including: court case numbers, arrest tracking numbers, Alaska driver's license or identification numbers, dates of birth, client's addresses/telephone numbers, and court dates. Descriptive information includes: charges brought, whether there was a conviction, and, if so, for what offense.	D	PO	Y				

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