



DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT
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STATE OF ALASKA

Schedule Number: 24910

Agency ID #: 67

RECORDS RETENTION SCHEDULE

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<p>DEPARTMENT OF ADMINISTRATION</p> <p>PUBLIC DEFENDER AGENCY</p>	<p style="text-align: center;">KEY</p> <p>A - After Audit Numerals - Years in addition to current year</p> <p>CFY - Current Fiscal Year</p> <p>CY - Current Year TO - Term of Office</p> <p>P - Permanent S/M - After Scanning/ Microfilming</p> <p>C - Current/or as defined</p>
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The Agency will follow retention periods for common records as listed in the State of Alaska General Administrative Records Schedule #100.2, unless those records have been listed on this schedule.

Unless otherwise noted all records are retained on **Fiscal** year basis.

All records that have potential permanent legal and historical value may be reviewed by the State Archivist for possible retention in the Alaska State Archives in accordance with AS 40.21.030. Accessioned records may be reappraised for permanent value every four years or at the archivist's discretion.

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 records schedule supercedes #24909.

Statutory Authority: US Constitution, Amendment VI; Alaska Constitution, Article 1 Sec. 11; AS 18.85.010 et. Seq; Alaska Criminal Rule 39 and 39.1; Appellate Rule 209.

The Public Defender Agency mission is to provide quality legal service, consistent with constitutional guarantees, to indigent persons who are parties in certain kinds of state court litigation.

NOTE: Under 4 AAC 59 it is the responsibility of departments to ensure that records created and maintained in electronic systems remain accessible for their full retention period. This requires taking into account the issues of refreshing, migration, security duplicates, and analog/digital crosswalks in planning, implementing, and administering the electronic system. Back-ups produced for system recovery purposes do not serve a recordkeeping function and do not substitute for security copies of records.

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

Division Director Quinlan Steiner	State Archivist 	Date 9-4-07	Attorney General 	Date 8/17/07	
Signature of Division Director/Designee 	Date 7-25-07	Records Analyst 	Date 7-20-07	Commissioner of Administration 	Date 8/30/07

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Retention				Disposition			Remarks
Item No.	Records Series Title and Description	Office	Records Center	State Archives	Destroy	Vital Record	
1	<p>Felony Case Files (Adult & Juvenile):</p> <p>Copies of court documents, attorney workpapers and investigative reports. Arranged alphabetically by client name. Justification for "C+20" year retention: Cases are often reopened years after a conviction is entered and 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 CONTINUED IN "REMARKS" SECTION AT THE RIGHT</p>	C+1	19	-	C+20	X	<p>C=Date court assigned a case number. Annual accrual rate is approximately 170 cubic feet.</p> <p>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>
2	<p>Misdemeanor Case Files (Adult):</p> <p>Copies of court documents, attorney workpapers and investigative reports. Arranged alphabetically by client name.</p>	C+1	9	-	C+10		<p>C=Date court assigned a case number.</p> <p>Justification for "C+10" year retention: Administrative need to avoid the Petition to Revoke (PTR), bench warrant, etc. in the event the file must be reopened later.</p> <p>Annual accrual rate is approximately 170 cubic feet.</p>
3	<p>Sanity/Children's Proceedings Case Files:</p> <p>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. Arranged alphabetically by client name.</p>	C+1	17	-	C+18	X	<p>C=Date court assigned a case number.</p> <p>Justification for "C+18" 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+18" meets PDA administrative and legal requirements.</p> <p>Annual accrual rate is approximately 80 cubic feet. This series does not include juvenile felonies.</p>

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Item No.	Records Series Title and Description	Retention		Disposition			Remarks
		Office	Records Center	State Archives	Destroy	Vital Record	
4	<p>Appeal Case Files (Adult and Juvenile):</p> <p>Copies of court documents, attorney workpapers and investigative reports.</p> <p>Arranged alphabetically by client name.</p>	C	25	-	C+25	X	<p>C=When case is closed</p> <p>Annual accrual rate is approximately 70 cubic feet.</p> <p>Justification for "C+25" year retention: Refer to justification detailed in Item 1.</p>
5	<p>Public Defender Agency (PDA) Project Management System (Electronic):</p> <p>Identifying client and case data from many records series listed on this schedule are input into the PDA 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.</p>	C	-	-	C	X	<p>C= Until information complies with authorized records retention requirements under this schedule. Authority: AS 40.21 (Management & Preservation of Public Records) & 4 AAC 59.005 (Retention & Preservation of Electronic Records).</p>
6	<p>GENERAL ADMINISTRATIVE RECORDS:</p> <p>Includes administrative records related to Budget Preparation; General Accounting; Grant Management; Procurement, Leasing & Property; General Administrative; Personnel Administration; and, Information Technology.</p> <p>Public Defender Agency staff will follow retention periods as listed in the General Administrative Records Retention Schedule (GRS).</p>			See GRS	See GRS		<p>All duplicate copies maintained on any media may be destroyed as soon as administrative/management need is met.</p> <p>The General Schedule may be accessed on the Records Management homepage. When transferring records to the records center, please refer to the relevant item number from the GRS.</p>