



Department of Education and Early Development
 Division of Libraries, Archives & Museums
 Alaska State Archives/Records & Information Management Service (ASA/RIMS)
 P.O. Box 110525, 141 Willoughby Avenue
 Juneau, AK 99811-0525
 T: (907) 465-2317/2275
 F: (907) 465-2465

STATE OF ALASKA

Records Retention and Disposition Schedule

Agency I.D: 679 Schedule No: 03-679.2

DEPARTMENT OF LAW
 679 - CRIMINAL DIVISION

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.

Most Department of Law files contain a combination of confidential and public documents. The attorney/client privilege, physician/patient privilege and attorney work product may restrict certain documents deliberative process. This supersedes #03-679.1.

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 John B. Skidmore	Signature of Division Director 	Date 16 Jan '13
Attorney General/Designee 	Date 1/7/13	Commissioner of Administration/Designee FOR
State Archivist 	Date 1/29/13	Records Analyst

Item No - Record Series Title & Description	Format	Total Retention	Bus. Ess.	Remarks
001.1 - Felony Case Files (Murder) Murders 1 & 2, Manslaughter, Criminal Negligence pursuant to AS 12.36.200.	H & E	C+50		C = Until case is closed Recommend transferring these files to the records center upon closure of the case.
001.2 - Felony Case Files (Murder) (Appeals) All actions in the appellate courts, such as appeals and petitions. Documents the investigations, referral and prosecution of cases where the most serious referred charge, as listed above.	H & E	PA*		* = Case files over 5 cubic feet shall be weeded by the State Archives. Recommend transferring these files to the records center upon closure of the case. Records series includes investigative materials, charging documents, criminal history records, court proceedings, copies of exhibits and documentary evidence, correspondence, case research materials, e-mail and transcripts. May include underlying case file for an extradition/requisition action or for cases not prosecuted due to a guilty plea, dismissal or dropped charges. May be confidential or privileged.
002 - Felony Case Files (SA1 & SAM1) Sexual Assault 1 & Sexual Assault of a Minor 1 pursuant to AS 12.36.200. Includes appeals.	H & E	C+50		C = Until case is closed Recommend transferring these files to the records center upon closure of the case.

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Retention Key	Format Key	Bus. Ess = Business Essential
A = Until Audit C = Cut-off event/date CY = Current Year CFY = Current Fiscal Year PA = Permanent (Transfer to State Archives) PO = Permanent (Retain in agency office) S = Until Scanned T = Transfer TO = Term of Office	H = Hardcopy E = Electronic D = Database M = Microform	1. Are necessary for emergency response 2. Are necessary to resume or continue operations

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<p>003 - Felony Case Files (All Other)</p> <p>Documents the investigation, referral and prosecution of felonies where (a) the most serious referred charge is a felony and no charges were accepted for prosecution; (b) the most serious accepted charge is a felony and no charges were subject to conviction; or, (c) the most serious charge of conviction is a felony case.</p>	H & E	C+10*		<p>C = Until case is closed</p> <p>* = Significant cases that the Criminal Division believes to have permanent historical value will be referred to the State Archives for archival review and possible accession.</p> <p>Recommend transferring these files to the records center upon closure of the case.</p> <p>Records series includes investigative materials, charging documents, criminal history records, court proceedings, copies of exhibits and documentary evidence, correspondence, case research materials, and transcripts. May include underlying case file for an extradition/requisition action or for cases not prosecuted due to a guilty plea, dismissal, or dropped charges.</p> <p>May be confidential or privileged.</p>

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<p>004 - Misdemeanor Domestic Violence (DV) & Driving Under Influence (DUI) Cases</p> <p>Documents actions in investigation and prosecution of criminal acts classified as misdemeanors where (a) the most serious referred charge is a DV and no charges were accepted for prosecution; (b) the most serious accepted charge is a misdemeanor DV and no charges were subject to conviction; or, (c) the most serious charge conviction is a DUI or misdemeanor DV.</p>	H & E	C+5		<p>C = Until case is closed</p> <p>Recommend transferring these files to the records center upon closure of the case.</p> <p>Records series includes materials from investigations, charging documents, criminal history records, pleadings, exhibits and documentary evidence, correspondence, research materials, e-mail, offers, judgments and transcripts.</p> <p>May be confidential or privileged.</p>
<p>005 - Misdemeanor Case Files (All Other)</p> <p>Documents actions in investigation and prosecution of criminal acts classified as misdemeanors.</p> <p>Includes materials from investigations, charging documents, criminal history records, pleadings, exhibits and documentary evidence, correspondence, research materials, and transcripts.</p>	H & E	C+2		<p>C = Until case is closed</p> <p>Recommend transferring these files to the records center upon closure of the case.</p> <p>May be confidential or privileged.</p>

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<p>006.1 - Matters</p> <p>CHILD SUPPORT</p> <p>CHILDREN'S PROCEEDINGS - Child in Need of Aid (CINA), juvenile delinquency cases and termination cases.</p> <p>EXTRADITIONS - actions related to requests for fugitives from other states; the agency's review of extradition or requisition requests and recommendations to the Governor.</p> <p>GENERAL LITIGATION - civil actions such as mental or alcohol commitments, administrative actions, coroner's inquests, presumptive death hearings, forfeitures, prisoner cases and other criminal justice agency litigation.</p> <p>CASE ASSISTS/AID TO AGENCY - all advice on criminal justice matters to state agencies and other offices legislative drafting.</p> <p>INVESTIGATIONS - investigation of alleged criminal acts.</p> <p>PROBATION REVOCATION AND POST-CONVICTION RELIEF in felony cases.</p>	H & E	C+10		<p>C = Until case is closed</p> <p>Recommend transferring these files to the records center upon closure of the case.</p> <p>Files may include correspondence, research materials, investigative reports, court pleadings, briefs, final orders and decisions. Some information may be confidential by law or privileged from public disclosure.</p>
<p>006.2 - Matters (Appeals)</p> <p>All actions in the appellate courts, such as appeals and petitions.</p> <p>Documents the investigations, referral and prosecution of cases where the most serious referred charge, as listed in item #006.1.</p>	H & E	C+20		<p>C = Until case is closed</p> <p>Recommend transferring these files to the records center upon closure of the case.</p> <p>Files may include correspondence, research materials, investigative reports, court pleadings, briefs, final orders and decisions. Some information may be confidential by law or privileged from public disclosure.</p>

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<p>007 - Welfare Fraud Investigation Files</p> <p>This series documents the agency's investigation into welfare fraud; both prosecuted and non-prosecuted cases are included. Includes complaints, eligibility information system reports, log of actions, correspondence, and research materials.</p> <p>Arranged by case number.</p>	H & E	C+10		<p>C = Until case is closed</p> <p>Recommend transferring these files to the records center upon closure of the case.</p> <p>Confidential under 7 AAC 37.030 and AS 47.05.020.</p> <p>Maintained in Anchorage only.</p> <p>Original investigation files from the Department of Health and Social Services are returned upon completion.</p>
<p>008 - Welfare Fraud Litigation</p> <p>This series documents the agency's prosecution of welfare fraud cases. Includes court pleadings, investigative materials, briefs, and correspondence.</p> <p>Arranged by case number.</p>	H & E	C+10		<p>C = Until case is closed</p> <p>Recommend transferring these files to the records center upon closure of the case.</p> <p>Confidential under 7 AAC 37.030.</p> <p>Maintained in Anchorage only.</p> <p>Original investigation files from the Department of Health and Social Services are returned upon completion.</p>
<p>009 - Medicaid Fraud Investigation Files</p> <p>This series documents the agency's investigation of Medicaid fraud cases. Includes court pleadings, investigative materials, briefs, and correspondence.</p> <p>Arranged by case number.</p>	H & E	C+10		<p>C = Until case is closed</p> <p>Recommend transferring these files to the records center upon closure of the case.</p>

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<p>010 - Medicaid Fraud Litigation Files</p> <p>This series documents the agency's prosecution of Medicaid fraud cases. Includes court pleadings, investigative materials, briefs, and correspondence.</p> <p>Arranged by case number.</p>	H & E	C+10		<p>C = Until case is closed</p> <p>Recommend transferring these files to the records center upon closure of the case.</p> <p>Medicaid Fraud Misdemeanor File: Retained in office until restitution is completed.</p>
<p>011 - Legislation Drafting Case Files</p> <p>This series represents the division's work on Executive Branch proposed legislation related to criminal justice matters.</p> <p>Arranged by bill number.</p>	H & E	T		<p>T = Transfer to Civil Division when closed</p> <p>Records series includes correspondence, draft bills, draft and copy of final transmittal letter to the Governor, copy of the final bill and research materials. Cases are opened by the Civil Division and assigned to the Criminal Division.</p> <p>Nonconfidential.</p>
<p>012 - Legislation Review Case Files</p> <p>This series represents the department's review of enacted legislation related to criminal justice matters and recommendations to the Governor as to whether it should be signed into law.</p> <p>Arranged by bill number.</p>	H & E	T		<p>T = Transfer to Civil Division when closed</p> <p>Records series includes correspondence, copies of the bill, bill history summary, committee reports or journal entries, research materials and copies of recommendation letter to the Governor. Cases are opened by the Civil Division and assigned to the Criminal Division.</p> <p>Nonconfidential.</p>

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<p>013 - Regulation Review Case Files</p> <p>This series represents the department's review of regulations related to criminal justice matters and recommendation to the Lieutenant Governor and agency head.</p> <p>Arranged by bill number.</p>	H & E	T		<p>T = Transfer to Civil Division when closed</p> <p>Records series includes correspondence, working drafts of the regulations which incorporate public comments, copies of public notices, copy of approval memorandum to the Lieutenant Governor and agency head and copy of final regulation.</p> <p>Nonconfidential.</p>
<p>014 - Execution of Judgment Case Files</p> <p>This series documents the agency's actions in lien, garnishment and attached cases related to inmates.</p> <p>Includes court pleadings, briefs, case research materials, correspondence, final orders and decisions.</p> <p>Arranged by case number.</p>	H & E	T		<p>T = Transfer to Civil Division when closed</p> <p>Nonconfidential.</p>
<p>015 - Tort Case Files</p> <p>This series documents the agency's work on tort actions brought against the state and its officers by inmates.</p> <p>Includes court pleadings, briefs, case research materials, correspondence, final orders and decisions.</p> <p>Arranged by case number.</p>	H & E	T		<p>T = Transfer to Civil Division when closed</p> <p>May be confidential or privileged.</p>

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<p>016 - Manuals</p> <p>Criminal Division Sentencing Manual</p> <p>Criminal Division Policy Manual</p> <p>District Attorney's Notebook</p> <p>Post-Conviction Relief Manual</p> <p>Case Management Manual</p>	H & E	C		C = Until obsolete or superseded
<p>017 - Discretionary Review Files</p> <p>This series documents the Director of Criminal Prosecution's review of District Attorney actions related to the handling or presentation of cases which involve exceptions to policy.</p> <p>May include challenges or complaints from the public.</p>	H	C+3		C = Until end of review
<p>018.1 - Reports (Statistical Management & PROMIS/CRIMES/Other Database)</p> <p>DAO/OSPA: Year-end case management reports, daily weekly and monthly case activity reports.</p> <p>Arranged chronologically.</p>	H & E	C		<p>C = Until obsolete, superseded or business need is concluded</p> <p>DAO = District Attorney's Office</p> <p>OSPA = Office of Special Prosecutions and Appeals</p> <p>PROMIS = Prosecutor's Management Information System</p> <p>CRIMES = Criminal Records Information Management & Exchange System</p>
<p>018.2 - Reports (Statistical Management & PROMIS/CRIMES/Other Database)</p> <p>CDCO: Year-end case management reports</p> <p>Arranged chronologically.</p>	H & E	PO		<p>CDCO = Central Office</p> <p>PROMIS = Prosecutor's Management Information System</p> <p>CRIMES = Criminal Records Information Management & Exchange System</p>

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<p>019.1 - Reading Files</p> <p>Copies of outgoing letters, memoranda, and messages. Maintained as a discrete records series, these files are used for various administrative purposes.</p> <p>Arranged chronologically.</p>	H	3		<p>District Attorney Office/Office of Special Prosecutions and Appeals: Maintained with criminal file record or until business need is concluded.</p>
<p>019.2 - Reading Files (Deputy/Chief Deputy/Attorney General)</p> <p>Copies of outgoing letters and memoranda from the Criminal Division's Deputy, Chief Deputy and Attorney General.</p> <p>Arranged chronologically.</p>	H	PA		
<p>020 - Criminal Case Card [Form DL-11]</p> <p>This series consists of an alphabetic cross-reference index to cases.</p>	H	PO		<p>These are no longer being created but are still used.</p>
<p>021 - Log Sheets</p> <p>Handwritten or computer generated indexes to cases showing case numbers, names, date opened, and date closed.</p>	H	PO		<p>These are no longer being created but are still used.</p>

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