



DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT  
 Division of Libraries, Archives & Museums  
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# STATE OF ALASKA

Schedule No: 30500

Agency I.D: 679

Page 1 of 9

## RECORDS RETENTION SCHEDULE

### RETENTION KEY

### FORMAT KEY

DEPARTMENT OF LAW  CRIMINAL DIVISION	A – Audit C – Cut-off date/event CY – Current Year CFY – Current Fiscal Year	PA – Permanent (Transfer to State Archives) PO – Permanent (Retain in Office) TO – Term of Office Bus. Ess. – Business Essential Record	H – Hardcopy E – Electronic D – Database S – Scanned M – Microform
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The Agency will follow retention periods for common records as listed in the most current State of Alaska General Administrative Records Retention Schedule, unless those records have been listed on this schedule.

Unless otherwise noted, all records series are retained on a Calendar year basis.

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.

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. This records schedule supersedes #30702 and #30204.

Statutory/Regulatory Authority: The Criminal Division is responsible for prosecuting persons accused of violating state criminal laws and for providing legal advice to other components of the criminal justice system.

The Division administers an automated case management system (CRIMES: Criminal Records Information Management & Exchange System) which provides case data. All cases are assigned a case number; case file numbers begin with a location/office designation, year of opening, and consecutive case number.

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, the records listed below are approved for retention and disposition as indicated.

Typed name of Division Director	State Archivist		Date	Attorney General	Date
Susan S. McLean			7/11/11		7/27/11
Signature of Division Director/Designee	Date	Records Analyst	Date	Commissioner of Administration	Date
	4-26-11		7/12/11		8/12/11

RIMS11/002

Records Retention Schedule Continuation			Agency I.D: 679		Schedule No: 30500		Page 2 of 9	
Prev. Item No.	Item No.	Records Series Title & Description	Format	Retention			Bus. Ess.	Remarks
				Office	Records Center	Total Retention		
-	1A	<b>Murder, SA1 &amp; SAM1 Felony Case Files</b>  Murders 1 & 2; Manslaughter, Criminal Negligence; Sexual Assault 1 & Sexual Assault of a Minor 1 pursuant to AS 12.36.200	H & E	C+3	47	C+50		<p>C = Until case is closed.</p> <p>* = Case files over 5 cubic feet shall be weeded by the State Archives.</p> <p>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.</p> <p>May be confidential or privileged.</p> <p>Refer to the State Archives Policy#8 for exceptions.</p>
-	1B	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	C+3	7	PA*		
-	2	<b>Felony Case Files (All Other)</b>  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.	H & E	C+3	7	C+10		<p>C = Until case is closed.</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. May be confidential or privileged.</p>

Records Retention Schedule Continuation			Agency I.D: 679		Schedule No: 30500		Page 3 of 9	
Prev. Item No.	Item No.	Records Series Title & Description	Format	Retention		Bus. Ess.	Remarks	
				Office	Records Center			Total Retention
-	3	<p><b>Misdemeanor Domestic Violence (DV) &amp; Driving Under Influence (DUI) Cases</b></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+2	3	C+5	<p>C = Until case is closed.</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>	
-	4	<p><b>Misdemeanor Case Files (All Other)</b></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	-	C+2	<p>C = Until case is closed.</p> <p>May be confidential or privileged.</p>	

Records Retention Schedule Continuation			Agency I.D: 679		Schedule No: 30500		Page 4 of 9	
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				Office	Records Center			Total Retention
-	5	<p><b>Matters</b></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+3	7	C+10	<p>C = Until case is closed.</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>	

Records Retention Schedule Continuation			Agency I.D: 679		Schedule No: 30500		Page 5 of 9	
Prev. Item No.	Item No.	Records Series Title & Description	Format	Retention			Bus. Ess.	Remarks
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-	6	<p><b>Welfare Fraud Investigation Files</b></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+3	7	C+10		<p>C = Until case is closed.</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 DHSS are returned upon completion.</p>
-	7	<p><b>Welfare Fraud Litigation</b></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+3	7	C+10		<p>C = Until case is closed.</p> <p>Confidential under 7 AAC 37.030.</p> <p>Maintained in Anchorage only.</p> <p>Original investigation files from DHSS are returned upon completion.</p>
-	8	<p><b>Medicaid Fraud Investigation Files</b></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+3	7	C+10		<p>C = Until case is closed.</p>

Records Retention Schedule Continuation			Agency I.D: 679		Schedule No: 30500		Page 6 of 9	
Prev. Item No.	Item No.	Records Series Title & Description	Format	Retention			Bus. Ess.	Remarks
				Office	Records Center	Total Retention		
-	9	<p><b>Medicaid Fraud Litigation Files</b></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+3	7	C+10		<p>C = Until case is closed.</p> <p>Medicaid Fraud Misdemeanor File: retained in office until restitution is completed.</p>
-	10	<p><b>Legislation Drafting Case Files</b></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	C	-	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>Non-confidential.</p>
-	11	<p><b>Legislation Review Case Files</b></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	C	-	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. Case are opened by the Civil Division and assigned to the Criminal Division.</p> <p>Non-confidential.</p>

Records Retention Schedule Continuation			Agency I.D: 679		Schedule No: 30500		Page 7 of 9	
Prev. Item No.	Item No.	Records Series Title & Description	Format	Retention			Bus. Ess.	Remarks
				Office	Records Center	Total Retention		
-	12	<p><b>Regulation Review Case Files</b></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	C	-	T		<p>C = Until case is closed.</p> <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>Non-confidential.</p>
-	13	<p><b>Execution of Judgment Case Files</b></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	C	-	T		<p>C = Until case closed.</p> <p>T = Transfer to Civil Division when closed.</p> <p>Non-confidential.</p>

Records Retention Schedule Continuation			Agency I.D: 679		Schedule No: 30500		Page 8 of 9	
Prev. Item No.	Item No.	Records Series Title & Description	Format	Retention			Bus. Ess.	Remarks
				Office	Records Center	Total Retention		
-	14	<p><b>Tort Case Files</b></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	C	-	T		<p>C = Until case closed.</p> <p>T = Transfer to Civil Division when closed.</p> <p>Maybe confidential or privileged.</p>
-	15	<p><b>Manuals</b></p> <p>Criminal Division Sentencing Manual</p> <p>District Attorney's Notebook</p> <p>Post-Conviction Relief Manual</p> <p>Case Management Manual</p>	H & E	C	-	C		C = Until obsolete or superseded.
-	16	<p><b>Discretionary Review Files</b></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+3		C = Until end of review.

Records Retention Schedule Continuation			Agency I.D: 679		Schedule No: 30500		Page 9 of 9	
Prev. Item No.	Item No.	Records Series Title & Description	Format	Retention			Bus. Ess.	Remarks
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		<b>Reports (Statistical Management &amp; PROMIS/CRIMES/Other Database)</b>						
-	17A	DAO/OSPA: Year-end case management reports, daily weekly and monthly case activity reports.	H & E	C	-	C		C = Until obsolete, superseded or business need is concluded. PO = Permanent (Retain in Office) DAO= District Attorney's Office OSPA=Office of Special Prosecutions and Appeals CDCO= Central Office PROMIS: Prosecutor's Management Information System CRIMES: Criminal Records Information Management & Exchange System
-	17B	CDCO: Year-end case management reports  Arranged chronologically.	H & E	PO	-	PO		
		<b>Reading Files</b>						Central Office-PO
-	18A	(Office)	H	PO	-	PO		District Attorney Office/Office of Special Prosecutions and Appeals: Maintained with criminal file record or until business need is concluded.  <b>NOTE:</b> Refer to the General Administrative Records Retention Schedule for all reading files.
-	18B	(Author)	H	C	-	C		
-	18C	(Deputy/Chief Deputy)  Copies of outgoing letters and memoranda from all staff and Criminal Division Deputy Attorney General.  Arranged chronologically.	H	4	-	PA		
-	19	<b>Criminal Case Card [Form DL-11]</b>  This series consists of an alphabetic cross-reference index to cases.	H	PO	-	PO		These are no longer used.
-	20	<b>Log Sheets</b>  Handwritten or computer generated indexes to cases showing case numbers, names, date opened, and date closed.	H	PO	-	PO		These are no longer used.

# STATE OF ALASKA

Sean Parnell, GOVERNOR

## DEPARTMENT OF EDUCATION & EARLY DEVELOPMENT

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### DIVISION OF LIBRARIES, ARCHIVES & MUSEUMS

<http://archives.state.ak.us/>

TO: File

DATE: January 7, 2011

FILE: Policy#8.doc

E-MAIL: dean.dawson@alaska.gov

FROM: <sup>d</sup> D. Dawson  
State Archivist  
Division of Libraries, Archives & Museums  
Department of Education & Early Development

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### SUBJECT: DISPOSITION POLICY Re DEPARTMENT OF LAW FELONY CASE FILES

It shall be the *Policy* of the Alaska State Archives to permanently retain only felony case files that have been heard at the appellate court level. In specific matters where the total volume of appellate material exceeds five cubic feet, the Archives will weed extraneous drafts, notes, exhibits, etc. from the files at the time of accessioning or soon thereafter. If weeding is not executed at the time of accessioning, a note will be placed in Minisis indicating thusly.

Reasons for this decision include:

- 1) Retaining appellate files will preserve major landmark cases that document the state's Department of Law core administration of criminal justice prosecutions.
- 2) Retaining appellate files provides the researcher with records that document Criminal Division activities, focal points of state prosecution, case development strategies, office policies, internal operating procedures, and other evidentiary data; and, ensures adequate documentation of agency functions.
- 3) The Alaska Court System administers the *Official Record Copy* of these cases. These records are scanned and microfilmed; the silver master microfilm is retained permanently in the State Archives. All motions, pleadings, correspondence, investigative reports, exhibits, transcripts, final orders, decisions, substantive information, research material; etc. that is the result of the Department of Law's legal work is contained in the *ACS Record Copy*.
- 4) Under *Records Retention Schedule #30204*, Items 1 & 3, Felony Case Files (Murders); and, Felony Case Files (All Other) Criminal Division case file records series do not possess enduring archival value.

Exceptions to this *Policy* include:

- 1) Significant, important cases that have not reached the Appellate level may be permanently retained if the archivist feels that the records have permanent historical value useful for study and research under AS 40.21. These cases may include special prosecutions that involve major fraud, anti-environmental and white-collar crimes. Case issues may also include the following violations: limited entry, game management, aircraft accident, drug trafficking, bootlegging, death/suicides (when a significant person is involved).

Prudent selectivity is the best practical and conscientious approach to preservation and, while this *Policy* addresses selection criteria, it also correlates with earlier appraisal decisions. In 1996 - 1997 a previous state archivist reviewed and authorized destruction of 343 boxes of 1960 - 1976 felony case files. Additionally, of 100 boxes that were identified as containing potential historical files, only 60 boxes were retained permanently. At this time it was agreed that only major felonies, except grand larceny, would be retained for potential archival value, if the volume exceeded five boxes.

Finally, under *Records Retention Schedule #30204*, Item 5, Matters, Appeals are not scheduled for permanent retention. When this schedule is updated Appeals will be scheduled for permanent retention; and, in the case where a case file has a volume that exceeds five cubic feet, be weeded.

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