

STATE OF ALASKA

RECORDS RETENTION SCHEDULE

Department of Law Criminal Division

Authority: Under AS 40.21.060(4) and AS 40.21.110, the agency shall retain and otherwise manage records in accordance with this schedule.

If this schedule does not cover a record, the agency shall retain and otherwise manage records in accordance with the most current *State of Alaska General Administrative Records Retention Schedules*. If this schedule and the *General Administrative Records Retention Schedules* do not cover a record, the agency must obtain approval to dispose of the record from the Records and Information Management Service.

Disposition: The agency may not destroy permanent records. Notwithstanding any retention period in this schedule or the *Alaska General Records Retention Schedules*, the agency must retain records relevant to ongoing or foreseeable investigations, audits or lawsuits, or responsive to a pending public records request.

Archival Value: Under AS 40.21.030(a)(3), the State Archivist may review for permanent retention all records with potential permanent legal or historical value. All records created prior to 1960 must be retained for review by the Alaska State Archives. This retention schedule does not authorize the transfer of records to any repository other than the Alaska State Archives (AS 40.21.030).

Format and Media: Under AS 40.21.150(6), the retention periods listed on this schedule apply to all electronic and non-electronic records. The agency may store a record in any format as long as the record remains readable and accessible for its retention period. See 4 AAC 59.005.

Accordingly, the agency must, as necessary, periodically update storage media, adopt migration strategies, and implement security plans. Backups produced for data recovery purposes do not serve a recordkeeping function or substitute for archived business essential duplicates.

Essential Designation: Under AS 40.21.060, the agency shall identify, segregate and protect essential records vital to the continuing operation of the agency in the event of natural or man-made disasters. See 4 AAC 59.005(a)(8) and 4 AAC 59.010(5)(E).

Copies: Do not retain copies preserved for convenience or for business essential or data recovery purposes for longer than the retention period of the record copy. See AS 40.21.150(6).

Supersedence: This schedule supersedes: 03-679.2, Department of Law, Criminal Division

Pursuant to the provisions of AS 40.21.030 (b)(10) and 4 AAC 59.005, the records listed on this schedule are approved for retention and disposition as indicated.		Agency CEO/ Division Director Original signature held on file. Angie Kemp, Director, Criminal Division, Department of Law	Date: 12/12/2022
Attorney General/Designee Original signature held on file.	Date: 12/9/2022	Commissioner of Administration/Designee Original signature held on file.	Date: 12/12/2022
Alan Birnbaum, Chief Assistant Attorney General, Department of Law		Hans Zigmund, Director, Division of Finance, Department of Administration	
State Archivist Original signature held on file.	Date: 12/12/2022	Records Analyst Original signature held on file.	Date: 12/12/2022
Karen Gray, State Archivist		Clayton Hainebach, Records Analyst	

Item #	Record Series Title and Description	Retention	Essential	Retention Notes
1	<p>Homicide Case Files</p> <p>Documents the investigation, referral, and prosecution of Murders 1 and 2, Manslaughter, and Criminal Negligence cases. Excludes attempts.</p> <p>Includes appeal, investigation, post-conviction relief, and habeas files.</p>	50		<p>Dispose of records fifty years after date of closure.</p> <p>Retention: AS 12.36.200</p>
2	<p>SA1 and SAM1 Case Files</p> <p>Documents the investigation, referral, and prosecution of Sexual Assault 1 (SA1) and Sexual Abuse of a Minor 1 (SAM1) cases. Excludes attempts.</p> <p>Includes appeal, investigation, post-conviction relief, and habeas files.</p>	50		<p>Dispose of records fifty years after date of closure.</p> <p>Retention: AS 12.36.200</p>
3	<p>Other Sexual Felony Case Files</p> <p>Documents the investigation, referral, and prosecution of Attempted Sexual Assault 1, Attempted Sexual Abuse of a Minor 1, and all other sexual assault and sexual abuse of a minor cases.</p> <p>Includes appeal, investigation, post-conviction relief, and habeas files.</p>	25		<p>Dispose of records twenty-five years after date of closure.</p>

Inactive Records may be transferred to an approved records center at any time. Complete a Records Transfer List (RTL) and submit to your Records Officer for approval.

Item #	Record Series Title and Description	Retention	Essential	Retention Notes
4	<p>Other Felony Case Files</p> <p>Documents the investigation, referral, and prosecution of felonies, regardless of ultimate charging decision or disposition.</p> <p>Includes appeals, investigation, post-conviction relief, and habeas files.</p>	10		Dispose of records ten years after date of closure.
5	<p>Misdemeanor Domestic Violence (DV) and Driving Under Influence (DUI) Cases</p> <p>Documents actions in investigation and prosecution of criminal acts classified as misdemeanors where a charge is DV or DUI.</p>	5		Dispose of records five years after date of closure.
6	<p>Other Misdemeanor Case Files</p> <p>Documents actions in investigation and prosecution of criminal acts classified as misdemeanors except where a charge is DV or DUI.</p>	2		Dispose of records two years after date of closure.

Inactive Records may be transferred to an approved records center at any time. Complete a Records Transfer List (RTL) and submit to your Records Officer for approval.

Item #	Record Series Title and Description	Retention	Essential	Retention Notes
7	<p>Matters</p> <p>JUVENILE DELINQUENCY CASES – Documents any assistance given in Division of Juvenile Justice cases or prosecution of cases referred by the Division of Juvenile Justice.</p> <p>INVESTIGATIONS – Documents investigation of alleged criminal acts not associated with a charged criminal case.</p> <p>GENERAL LITIGATION – Documents civil actions, including administrative actions, presumptive death hearings, forfeitures, and other criminal justice agency litigation.</p>	10		Dispose of records ten years after the case, including any appeal, ended or the matter was closed.
8	<p>Other Matters</p> <p>EXTRADITIONS – Documents the review of extradition or requisition requests, including recommendations to the Governor.</p> <p>CASE ASSISTS/AID TO AGENCY – Documents advice on criminal justice matters to state agencies.</p> <p>PROBATION REVOCATION AND POST-CONVICTION RELIEF – Documents actions regarding probation revocation and post-conviction relief in misdemeanor cases.</p>	2		Dispose of records two years after date of closure.
9	<p>Felony Petitions to Revoke Probation</p> <p>Documents actions regarding petitions to revoke probation in felony cases.</p>	5		Dispose of records five years after disposition of petition.

Inactive Records may be transferred to an approved records center at any time. Complete a Records Transfer List (RTL) and submit to your Records Officer for approval.

Item #	Record Series Title and Description	Retention	Essential	Retention Notes
10	<p>Misdemeanor Appeals</p> <p>Documents actions regarding appeals in misdemeanor cases.</p>	5		Dispose of records five years after date of closure.
11	<p>Welfare Fraud Investigation and Litigation Files</p> <p>Documents investigations into welfare fraud, including prosecuted and non-prosecuted cases.</p> <p>Includes eligibility information system reports, logs of actions, correspondence, research materials, pleadings, investigative materials, briefs, orders, decisions, and correspondence.</p>	10		Dispose of records ten years after the investigation was closed or, if a case was filed, the case or the final appeal ended, whichever was later.
12	<p>Medicaid Fraud Investigation and Litigation Files</p> <p>Documents the investigation and prosecution of Medicaid fraud cases.</p> <p>Includes pleadings, investigative materials, research materials, briefs, orders, decisions, and correspondence.</p>	10		Dispose of records ten years after the investigation was closed or, if a case was filed, the case or the final appeal ended, whichever was later.
13	<p>Legislation Files</p> <p>Documents the drafting of proposed legislation: each proposed version of the bill, correspondence, a copy of the final bill, and a copy of the letter of transmittal to the governor.</p> <p>Includes correspondence, draft bills, final transmittal letters to the Governor, final bills, and research materials.</p>	Current		Maintain records until administrative need is met. Transfer records to Civil Division after date of closure.

Item #	Record Series Title and Description	Retention	Essential	Retention Notes
14	<p>Regulation Files</p> <p>Documents the review of an adopted regulation: correspondence, each version of the regulation noticed for public comment, the memorandum from the assigned agency attorney to the regulations attorney, a copy of the memorandum sent to the lieutenant governor and the agency head, and a copy of the final regulation.</p> <p>For an adopted emergency regulation: a copy of the regulation.</p>	Current		Maintain records until administrative need is met. Transfer records to Civil Division after date of closure.
15	<p>Manuals</p> <p>Includes Criminal Division Sentencing Manual, Criminal Division Policy Manual, District Attorney's Notebook, Post-Conviction Relief Manual, and Case Management Manual.</p>	Current		Retain records until administrative need is met.
16	<p>Discretionary Review Files</p> <p>Documents the Deputy Attorney General's or Division Director's review of actions related to the handling of cases.</p> <p>Includes complaints from the public.</p>	3		Dispose of records three years after the review was completed.

Inactive Records may be transferred to an approved records center at any time. Complete a Records Transfer List (RTL) and submit to your Records Officer for approval.

Item #	Record Series Title and Description	Retention	Essential	Retention Notes
17	<p>Reports (Statistical Management and PROMIS/CRIMES/PBK/Other Database)</p> <p>Year-end case management reports and daily, weekly, and monthly case activity reports.</p> <p>PROMIS = Prosecutor's Management Information System</p> <p>CRIMES = Criminal Records Information Management and Exchange System</p> <p>PBK = Prosecutor by Karpel</p>	Current		Retain until administrative need is met.
18	<p>CDCO Reports (Statistical Management and PROMIS/CRIMES/PBK/Other Database)</p> <p>Year-end case management reports.</p> <p>CDCO = Criminal Division Central Office</p> <p>PROMIS = Prosecutor's Management Information System</p> <p>CRIMES = Criminal Records Information Management and Exchange System</p> <p>PBK = Prosecutor by Karpel</p>	Permanent		Retain records permanently in office.

Inactive Records may be transferred to an approved records center at any time. Complete a Records Transfer List (RTL) and submit to your Records Officer for approval.