

**DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
CRIMINAL DIVISION
PUBLIC SAFETY SECTION**

PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE

The Program Records Retention and Disposition Schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records of the

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do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The Department of Natural and Cultural Resources consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in this schedule. The agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Electronic records will be destroyed so that the data and metadata are overwritten, deleted, or unlinked in such a way that the records may not be practicably reconstructed. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

The Department of Justice and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow them to be destroyed when "*reference value ends.*" The Department of Justice hereby agrees that it will establish and enforce internal policies setting minimum retention periods for records with this disposition instruction. Without the establishment of internal policies, the agency is not authorized by the Department of Natural and Cultural Resources to destroy these records. For those record series scheduled to be microfilmed, the Department of Justice will be responsible for cost of microfilm production.

The Department of Justice and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. The Department of Justice agrees to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records and to make electronic records accessible for the period of time prescribed in this schedule. Where the method of recording information changes (for example, to an electronic system), the retention periods governing the records listed herein still apply, provided the records document the same agency function.

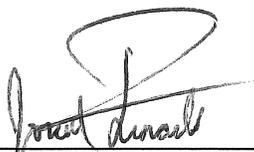
E-mail messages sent or received by Executive Branch agencies shall be retained for 5 years pursuant to Executive Order No. 12 (issued May 21, 2013 by Governor Pat McCrory). Any e-mail messages requiring retention longer than 5 years, including those with permanent historical value, shall be designated with specific retention periods in this schedule. Public records including electronic records not listed in this schedule or in the *General Schedule for State Agency Records* are not authorized to be destroyed.

The Department of Justice agrees to destroy, transfer or dispose of records in the manner and the times specified herein. This schedule is to remain in effect until superseded.

APPROVAL RECOMMENDED



Scarlett Hargis
Chief Records Officer



Joseph Finarelli, Special Deputy Attorney General
Public Safety Section



Robert Montgomery, Senior Deputy Attorney
General
Criminal Division



Sarah E. Koonts, Director
Division of Archives and Records

APPROVED



Roy Cooper, Attorney General
Department of Justice



Susan W. Kluttz, Secretary
Department of Natural and Cultural
Resources

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ITEM 14262. ACTIVE CRIMINAL CASES FILE

Records concerning each criminal case assigned to the section attorneys by the Department of Justice. Each case file includes all records and documents used in preparing the case. (Comply with applicable confidentiality provisions of G.S. § 132-1.1.)

DISPOSITION INSTRUCTIONS: Transfer to Closed Criminal Cases File (Item 14263) when case is closed.

ITEM 14264. ACTIVE PUBLIC SAFETY CASES FILE

Records concerning each Department of Public Safety case assigned to the section. Each case file includes all legal documents used in preparing and processing the case. (Comply with applicable confidentiality provisions of G.S. § 126-22 and G.S. § 132-1.1.)

DISPOSITION INSTRUCTIONS: Transfer to Closed Public Safety Cases File (Item 2362) when case is closed.

ITEM 29717. ATTORNEY GENERAL'S CORRESPONDENCE FILE

Inquiries addressed to the Attorney General and assigned to this section for response.

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center after 2 years. Records will be held for agency in the State Records Center 3 additional years and then destroyed.

ITEM 3452. CIVIL RIGHTS CASES FILE

Records concerning civil rights cases opened under Section 1983 of the Civil Rights Act. Each case file includes petitions, writs, judgments, transcripts, and other documents regarding the case. (Comply with applicable confidentiality provisions of G.S. § 126-22 and G.S. § 132-1.1.)

DISPOSITION INSTRUCTIONS: Destroy in office confidential inmate records and medical records when case is closed. Transfer remaining records to the State Records Center 1 year after case is closed. Records will be held for agency in the State Records Center 10 additional years and then transferred to the custody of the Archives.

ITEM 14333. CIVIL RIGHTS CASES LISTING FILE

Electronic records listing all civil rights cases opened by section attorneys since July 1, 1968. File includes the name of each case, date case was opened, dates that specific actions were taken, and date case was closed.

DISPOSITION INSTRUCTIONS: Retain in office permanently.

ITEM 14263. CLOSED CRIMINAL CASES FILE

Records concerning criminal cases assigned to the section by the Attorney General and closed.

DISPOSITION INSTRUCTIONS: Destroy in office when reference value ends.

ITEM 2362. CLOSED PUBLIC SAFETY CASES FILE

Records concerning each Department of Public Safety case assigned to the section and closed. File includes all legal documents used in preparing, processing, and officially closing the case. (Comply with applicable confidentiality provisions of G.S. § 126-22 and G.S. § 132-1.1.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center 1 year after case is closed if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, transfer after completion of action and resolution of issues involved. Records will be held for agency in the State Records Center 9 additional years and then destroyed.

ITEM 29718. CRIMINAL BRIEFS FILE

Briefs and other related records presented to the Supreme Court and Court of Appeals by counsel for the State in criminal appeals.

DISPOSITION INSTRUCTIONS: Destroy in office when legal and reference values end.

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ITEM 29719. INFORMAL/ADVISORY LETTER OPINIONS FILE

Informal/advisory letter opinions written by the section attorneys. File includes copies of the requests.

DISPOSITION INSTRUCTIONS: Destroy in office when reference value ends.

ITEM 14268. INVESTIGATIVE REPORTS AND PERSONNEL MANAGEMENT CASES FILE

Reports prepared concerning each investigation of alleged criminal activities of North Carolina State Highway Patrol personnel. File also includes correspondence, reference copies of investigative reports, hearing documents, and other related records. (Comply with applicable confidentiality provisions of G.S. § 126-22.)

DISPOSITION INSTRUCTIONS: Destroy in office confidential personnel records when case is closed. Transfer remaining records to Closed Public Safety Cases File (Item 2362).

ITEM 14269. SECTION ADMINISTRATIVE FILE

Correspondence and memoranda concerning the organization and daily operations of the section.

DISPOSITION INSTRUCTIONS: Destroy in office when reference value ends.

ITEM 14267. SECTION CORRESPONDENCE FILE

Correspondence written by section attorneys for the North Carolina State Highway Patrol and for the Department of Public Safety. File also includes memoranda and correspondence with the Attorney General's staff.

DISPOSITION INSTRUCTIONS: Destroy in office when reference value ends.

ITEM 3646. STATE PERSONNEL CASES FILE

Records concerning equal employment cases referred to the section by the Department of Public Safety. Each case file may include correspondence, complaints, briefs, information copies of personnel records of plaintiff, and other related records. (Comply with applicable confidentiality provisions of G.S. § 126-22 and G.S. § 132-1.1.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center 1 year after case is closed. Records will be held for agency in the State Records Center 10 additional years and then destroyed.

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The following items are discontinued
or are no longer being created.**

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ITEM 37205. ACTIVE FORFEITURE FILE

Records concerning all forfeiture cases. File includes correspondence and all legal working papers used in preparing and handling each case.

DISPOSITION INSTRUCTIONS: Function and records transferred to Special Litigation Section.

ITEM 14334. CIVIL RIGHTS CASES INDEX CARD FILE

Card file providing data concerning all civil rights cases processed by the Public Safety Section. File includes date each case was closed and date of transfer of case to the State Records Center.

DISPOSITION INSTRUCTIONS: Item discontinued. All records destroyed.

ITEM 37207. CLOSED FORFEITURE FILE

Records concerning all closed forfeiture cases. File includes correspondence and all legal working papers used in preparing and handling each case.

DISPOSITION INSTRUCTIONS: Function and records transferred to Special Litigation Section.

ITEM 3645. MULTIPLE CIVIL RIGHTS LITIGATIONS CASES FILE

Records concerning multiple civil rights litigators (individuals filing three or more complaints within a 3-year period) cases opened under Section 1983 of the Civil Rights Act. Each case file includes petitions, writs, judgments, transcripts, and other documents regarding the case.

DISPOSITION INSTRUCTIONS: Records no longer being created. Transfer records held at the State Records Center as of 6/6/16 immediately to the custody of the Archives.

ITEM 14337. STATE PERSONNEL CASES INDEX CARD FILE

Card file providing data concerning all state personnel cases processed by Public Safety Section. File includes date each case was closed and date of transfer of case to the State Records Center.

DISPOSITION INSTRUCTIONS: Item discontinued. All records destroyed.