BASICS OF MANAGING PROSECUTING ATTORNEY RECORDS



AGENDA

- 1. Basics
- 2. Retention Schedules
- 3. Prosecuting Attorney Records
- 4. Q&A



WHAT IS RECORDS MANAGEMENT?

Records Management is **control** at every stage of a record's lifecycle.





BENEFITS OF MANAGING RECORDS

- ☐ Enables the agency to fulfill its mission
- ☐ Promotes cost-effective use of agency resources
- ☐ Strengthens transparent and accountable government
- ☐ Reduces Agency Risk

WHAT IS A PUBLIC RECORD?

A public record is:

- ☐ ANYTHING made or received in the transaction of public business
- ☐ Regardless of format

Invoice? Public record.

Database entry? Public record.

E-mail? Public record.

Voicemail? Public record.

Public Records are Public Property

All public records are the property of the state of Washington. (RCW 40.14.020)

Anyone who destroys, conceals, erases or falsifies a public record...is guilty of a class B felony. (RCW 40.16.020)

WE'RE ALL CONTENT CREATORS

You could be stuck on a ferry texting your boss on your personal cellphone.

If it's about work, it's a public record.



BORN DIGITAL RECORDS

Maintain electronic records in electronic format...for the length of the retention period.

(WAC 434-662-040)



Initiative 207 Petitions, 1960, Merle Junk, General Subjects Photograph Collection, 1845-2005, Washington State Archives, Digital Archives.

How Do I Know What to Keep?

Agencies have the ongoing legal authority to disposition public records using...

RECORDS RETENTION SCHEDULES

The State & Local Records Committees review and approve the retention schedules.

(RCW 40.14.060 and 40.14.070; chapters 434-624 and 434-630 WAC)



WHICH SCHEDULE(S) DO I USE?



RECORDS RETENTION SERIES/SCHEDULE

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
GS 09009	Meetings – Staff and Internal Committees	Retain for 2 years after end	NON-ARCHIVAL
Rev. 1	Records documenting meetings of the agency's staff and those of internal committees, commissions, councils, boards, task forces, etc.	of calendar year and	NON-ESSENTIAL OFM
	Includes, but is not limited to:	until no longer needed for agency business	
	 Agendas, meeting/agenda packets (briefs, reference materials, etc.); 		
	 Speaker sign-up, written testimony; 	then	
	Audio/visual recordings and transcripts of proceedings;Minutes.	Destroy.	
	Excludes records covered by:		
	 Advisory Body Records (DAN GS 10015); 		
	 Governing/Executive/Policy-Setting Body Records (DAN GS 10004); 		
	 Meeting Arrangements (DAN GS 09024); 		
	 Meeting Materials – Members' Copies/Notes (DAN GS 09026). 		

* You cannot destroy or transfer records without a DAN



DIGITIZING PAPER RECORDS

ARCHIVAL VS. NON-ARCHIVAL

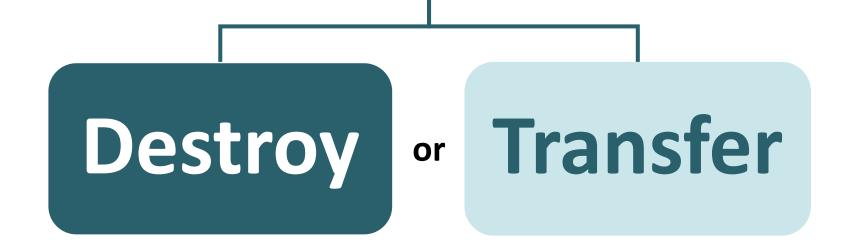
Transfer original format to Archives

Follow our published requirements

PLAN before you scan.

Digitization is time-consuming, expensive & labor intensive.

keep PUBLIC RECORDS for MINIMUM RETENTION



HOLD IT!



Records responsive to

☐ Litigation Holds or

□ Public Records Requests

must be retained until matter is resolved.

WHAT CAN I DESTROY NOW?



- □ Drafts
- ☐ Empty forms
- Working documents
- ☐ Duplicate copies
- ☐ Records formalized elsewhere
- □ Reference materials
- ☐ Personal, non-work-related material

FIND THE RIGHT DAN

How to find the right DAN

- 1. Ask clarifying questions.
 - ☐ Is the record unique to your agency?
 - ☐ Who is doing what to whom?
 - ☐ Why was the record created/received?
 - ☐ What is the record about?
- 2. Review your approved schedules.
 - ☐ Browse the schedules by table of contents, subject index, and keyword search.
- 3. Reach out.



CIVIL CASE FILES

Example: Civil Case Files

1. Do the records relate to:

- ☐ Cases where your city/county **is not** a party?
- ☐ Cases where your city/county **is** a party?
- ☐ Notorious/historically significant cases?

2. Review

☐ Civil Case Files section of Prosecuting Attorney schedule and Legal Affairs section of CORE schedule.

3. Reach Out



SETTLEMENT AGREEMENTS

Example:
Agency
Settlement
Agreements

1. Do the records relate to:

- ☐ The agreement itself?
 - ☐ Final copy, negotiations, amendments, monitoring, etc.
- ☐ Case management?

2. Review

☐ Legal Affairs and Contracts/Agreements sections of CORE schedule.

3. Reach Out

CRIMINAL CASE FILES

Example: Criminal Case Files

1. Do the records relate to:

- ☐ Adults or juveniles?
- ☐ Convictions/adjudications of guilt or acquittals?
- ☐ Class A, B, or C felonies?
- ☐ Misdemeanors (gross or other)?
- Notorious/historically significant cases?

2. Review

☐ Criminal/Juvenile Offender/Other Attorney
Case Files sections in Prosecuting Attorney
schedule.

3. Reach Out



Notorious/Historically Significant

Identifying Notorious/ Historically Significant Case Files

Did this case:

- ☐ Receive significant media coverage?
- ☐ Affect a wide range of people?
- ☐ Cause changes in policy, law, or professional standards?
- ☐ Result in unusual or unprecedented restitution or sentencing?

Public Defender & Indigence Determination

What about Public Defender case files and Indigence Determination records?

- □ Public defender client case files are not public records for the purposes of RCW 40.14.070
- ☐ Financial records that document payment by agencies to public defenders *are* public records
- ☐ Indigence determination records
 - ☐ Consult presiding judge for retention.
- ☐ Indigent defense certification



RETENTION SCHEDULE UPDATES

We want to hear from you

If there have been changes in...

- ☐ Language and terminology
- Business value
- ☐ Legal & regulatory requirements
- ☐ Agency functions



SAY HELLO!



THE RECORDS MANAGEMENT TEAM IS HERE FOR YOU WITH FREE CONSULTATION, TRAINING, & ADVICE.

www.sos.wa.gov/archives recordsmanagement@sos.wa.gov (360) 586-4901