

BASICS OF MANAGING PROSECUTING ATTORNEY RECORDS

WASHINGTON



Secretary of State
Washington State Archives

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**.



Evergreen Point Floating Bridge,
Department of Transportation, Agency Library,
Photograph Collections, Washington State Archives,
Digital Archives.

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?

www.sos.wa.gov/archives

Local Governments

Counties...Prosecuting Attorneys

*Local Government Common Records Retention Schedule (CORE)
+ Prosecuting Attorney Schedule*

RECORDS RETENTION SERIES/SCHEDULE

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
GS 09009 Rev. 1	<p>Meetings – Staff and Internal Committees</p> <p>Records documenting meetings of the agency’s staff and those of internal committees, commissions, councils, boards, task forces, etc.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Agendas, meeting/agenda packets (briefs, reference materials, etc.); • Speaker sign-up, written testimony; • Audio/visual recordings and transcripts of proceedings; • Minutes. <p>Excludes records covered by:</p> <ul style="list-style-type: none"> • <i>Advisory Body Records (DAN GS 10015);</i> • <i>Governing/Executive/Policy-Setting Body Records (DAN GS 10004);</i> • <i>Meeting Arrangements (DAN GS 09024);</i> • <i>Meeting Materials – Members’ Copies/Notes (DAN GS 09026).</i> 	<p>Retain for 2 years after end of calendar year <i>and</i> until no longer needed for agency business <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OFM

*** 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

Destroy

or

Transfer

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!



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

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