

455-JUSTICE

RD A #	RD A Title	Retention	Disposition	PII
<u>00006000.</u>	<u>ADMINISTRATIVE FILES-CORRESPONDENCE</u>	<u>CR+10</u>	<u>SHSW</u>	<u>N</u>
	<p>All incoming mail addressed to the Department of the Attorney General goes directly to the Department mail coordinator. Each letter is given a subject code and a log number. A mail ticket is attached and the letter is forwarded to a staff person for review and reply. Replies are signed by the Attorney General or the staff person, depending on the subject matter. One copy of the reply is attached to the original letter with the mail ticket and returned to the mail coordinator for filing.</p> <p>RETENTION: EVENT (Creation) + 10 years and transfer to State Archives (WHS)</p>			
<u>00007000.</u>	<u>FORMAL OPINIONS</u>	<u>EVT+10</u>	<u>SHSW</u>	<u>N</u>
	<p>Pursuant to Wis. Stat. § 165.015(1), the legislature or head of any department of the state government may request an opinion of the Attorney General on all questions of law. Opinions may also be requested by county corporation counsel and district attorneys under Wis. Stats. § 165.25(3), within guidelines set forth in the Prefact to 62 Op. Atty Gen. (1973).</p> <p>All requests go directly to the Department Mail Coordinator who sets up a file and assigns a log number to the request. The file is then forwarded to the Administrator of the Legal Services Division for review and assignment to an Assistant Attorney General who will be responsible for drafting the opinion. All opinion requests are kept with the file. After the opinion is signed by the Attorney General and sent to the requester, the file along with a copy of the opinion is returned to the mail coordinator.</p> <p>At the end of each calendar year all opinions issued during the year are published in a hard-bound book for distribution per Wis. Stat. § 35.84.</p> <p>Records may contain confidential attorney work product protected documents which are not subject to disclosure. See Wis. Stat. § 804.01(2)(c). This should be noted on the records prior to transfer to the State Historical Society.</p> <p>RETENTION: EVENT (File closure) + 10 years and transfer to State Archives (WHS)</p>			
<u>00008000.</u>	<u>ADMINISTRATIVE FILES-PUBLICATIONS</u>	<u>CR+5</u>	<u>SHSW</u>	<u>N</u>
	<p>All DOJ produced publications to include brochures, bulletins, manuals, newsletters, pamphlets, press releases, reports, speeches which are made available to citizens, public and private group and organizations, law enforcement agencies, newspapers, T.V. and radio stations.</p> <p>Pursuant to section 35.85(7), Wis. Stats., 3 copies of all multiply reproduces documents for public information "shall be delivered to the historical society."</p> <p>RETENTION: EVENT (Creation) + 5 years and transfer to State Archives (WHS)</p>			
<u>00010000.</u>	<u>STATISTICAL WORKLOAD REPORTS</u>	<u>CR+5</u>	<u>DEST</u>	<u>N</u>
	<p>Weekly, monthly and annual statistical workload reports of office activity. These reports include number of investigations conducted, number of cases handles, number of opinions issued, number of complaints received, number of claims handled, number of training sessions given. These reports are used for budget preparation, management planning and biennial reporting to the Governor and Legislature.</p> <p>RETENTION: EVENT (Creation) + 5 years and destroy</p>			
<u>00011000.</u>	<u>CHARITABLE FOUNDATION REPORTS</u>	<u>EVT+2</u>	<u>DEST</u>	<u>N</u>
	<p>Financial statements of charitable foundations filed annually with the Internal Revenue Service on form 990PF are required by Internal Revenue Code 26 sec. 6033 (c)(3) to also be filed with the State Attorney General. Once the IRS reviews the reports they receive they send them to Marquette Memorial Library in Milwaukee, the official depository for U.S. IRS tax returns (990's). The reports are received approximately 6 months to 1 year after they have been filed with the IRS. Justice receives the reports at the same time the IRS is sent a report. Marquette's collection dates back to 1971. All records are open for public inspection.</p> <p>RETENTION: EVENT (Received) + 2 years and destroy</p>			
<u>00012000.</u>	<u>CASE FILES</u>	<u>EVT+11</u>	<u>DEST</u>	<u>Y</u>
	<p>Case files of Assistant Attorneys General in the Division of Legal Services (DLS). These files include but are not limited to: legal documents (i.e. interrogatories, pleadings, motions, and stipulations/orders), subpoenas, writs, findings, legal research, correspondence, reports, newspaper clippings, briefs and appendices, exhibits and transcripts. These files are governed by Wis. Stat. § 165.25(7).</p> <p>This record series may consists of documents received by DLS in electronic format, or received in paper format but subsequently converted to a digital format, and then verified for accuracy. Paper records which have been converted to digital format will be destroyed immediately after verification. Original paper format documents required to be maintained in that format by any other law will be maintained as such other laws require.</p>			

Some of the material in these files may contain personally identifiable information. These files may also contain material that is confidential because it is covered by the attorney-client privilege, Wis. Stat. § 905.03, the attorney work product doctrine, and/or laws mandating confidentiality such as Wis. Stats. § § 51.30, 118.125, and 148.82. DOJ handles cases in a variety of substantive legal areas and this list is necessarily non-exclusive and intended for illustration only.

RETENTION: EVENT (Case closure) + 11 years and destroy confidential

<u>00012A00.</u>	<u>BANKRUPTCY - RECORDS HAVING STATE INTEREST</u>	<u>EVT+11</u>	<u>DEST</u>	<u>Y</u>
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This record series consists of bankruptcy case-related documents received by Assistant Attorneys General in the Division of Legal Services. The series contains: (1) every Notice of Case Filing received by Assistant Attorneys General, and (2) all other bankruptcy case-related documents.

The records in this series include legal filings (e.g. notices, motions, stipulations, requests for discovery and response to discovery requests, applications for various types of judicial relief, plans of reorganization, briefs, exhibits, and court orders), as well as writs, legal research, correspondence, reports, newspaper clippings, and transcripts. Some materials within these files may be confidential based on attorney-client privilege and/or attorney work product doctrine pursuant to Wis. Stats § 905.03 and Wis. Newspress, Inc. v. Sch. Dist. Of Sheboygan Falls, 199 Wis. 2d 768, 782-83, 546 N.W.2d 143 (1996).

This RDA is promulgated pursuant to Wis. Stat. § 165.25(7).

RETENTION: EVENT (Case closure) + 11 years and destroy confidential

<u>00013000.</u>	<u>CASE FILES-HISTORICALLY SIGNIFICANT</u>	<u>EVT+11</u>	<u>SHSW</u>	<u>Y</u>
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Historically significant, precedent setting legal services case files that may have permanent research value. These files are governed by section 165.25(7) of the Wisconsin statutes.

Historically significant cases may include but are not limited to Indian treaty case, environmental issues, civil rights cases, labor relations cases, misconduct by public officials, and defense of state programs that have constitutional dimension. Examples of historically-significant cases include, but are not limited to, cases that garner unusual public and/or media attention, cases that result in particularly significant legal precedents, cases that involve an especially large monetary judgment or settlement, or cases that otherwise present significant social, economic or policy issues.

Supervising attorneys and/or the division administrator will determine which cases are historically significant. Historically significant cases will be retained separately from routine case files and transferred to the State Historical Society after 11 years. Some of the material in these files may contain personally identifiable information. These files may also contain material that is confidential because it is covered by the attorney-client privilege, see Wis. Stat. sec. 905.30, the attorney work product doctrine, and/or laws mandating confidentiality such as Wis. Stat. secs. 51.30, 118.125, and 148.82. DOJ handles cases in a wide variety of substantive legal areas and this list is necessarily non-exclusive and intended for illustration only.

RETENTION: EVENT (Case closure) + 11 years and transfer to State Archives (WHS)

<u>00014000.</u>	<u>CASE FILES - SPECIAL</u>	<u>EVT+20</u>	<u>DEST</u>	<u>Y</u>
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This series consists of civil and criminal case files that for statutory or other reasons should be retained for longer than 11 years (the retention period set for routine case files) (see RDA #12: Case Files), but that do not merit classification as historically significant under RDA #13 (Case Files - Historically Significant). Examples of special cases include, but are not limited to, cases that result in judgments or settlements that must be enforced over an extended period of time, cases that involve an issue of governmental operations of ongoing concern to a state agency, or criminal cases where the sentences may exceed 11 years, but are less than 20 years.)

Special case files may include but are not limited to: court filings, discovery requests and responses, evidentiary materials, subpoenas, court orders, correspondence, settlement agreements and other types of agreements, legal research, reports, newspaper clippings, trial-related materials including exhibits, and transcripts. Some of the material in these files may contain personally identifiable information.

These files may also contain material that is confidential because it is covered by the attorney-client privilege, Wis. Stat. § 905.03, the attorney work product doctrine, and/or laws mandating confidentiality such as Wis. Stat. §§ 19.36, 51.30, 118.125, and 148.82. DOJ handles cases in a wide variety of substantive legal areas and this list is necessarily non-exclusive and intended for illustration only.

RETENTION: EVENT (Closure of file) + 20 years and destroy confidential

<u>00014A00.</u>	<u>CASE FILES - SPECIAL LONG TERM CIVIL</u>	<u>EVT+75</u>	<u>SHSW</u>	<u>Y</u>
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This series consists of civil case files that for statutory or other reasons should be retained for longer than 20 years (the retention period set for Special Case files) (see RDA #14: Special Case Files), that do not merit classification as historically significant under RDA #13 (Case Files - Historically Significant). Example of Special Long Term Civil cases include, but are not limited to, cases that result in judgments or settlements that must be enforced over an extended period of time, e.g., the Fox River clean up case, class actions, cases with claims which will likely be duplicated in future cases and which have pleadings which AAGs are using as templates, cases that resulted in the modification of statutes.)

Special Long Term Civil Case files may include but are not limited to: court filings, discovery requests and responses, evidentiary

materials, subpoenas, court orders, correspondence, settlement agreements and other type of agreements, legal research, reports, newspaper clippings, trial-related materials including exhibits, and transcripts. Some of the material in these files may contain personally identifiable information.

These files may also include material that is confidential because it is covered by the attorney-client privilege, Wis. Stat. § 905.03, the attorney work product doctrine, and/or laws mandating confidentiality such as Wis. Stat. §§ 19.36, 51.30, 118.125, and 148.82. DOJ handles cases in a wide variety of substantive legal areas and this list is necessarily non-exclusive and intended for illustration only.

RETENTION: EVENT (Closure of file) + 75 years and transfer to State Archives (WHS)

<u>00034000.</u>	<u>CASE FILES-MAJOR FELONY CONVICTIONS (OTHER THAN CLASS A FELONY)</u>	<u>EVT+75</u>	<u>DEST</u>	<u>Y</u>
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Major felony criminal (other than Class A felonies covered by RDAs 35 and 35A, and historically significant major felonies covered by RDA 34A) case files of the Division of Legal Services. It is necessary to retain these files for longer periods for federal statutory (28 U.S.C. § 2254) reasons, as well as to ensure the files are available should a prisoner challenge his or her conviction by filing a writ of habeas corpus in federal court. These files will contain the documents necessary to respond to a writ of habeas corpus, which can be filed as long as an individual is in custody - which includes the time an individual is on probation, parole, or extended supervision. These files must be retained for a period sufficient to cover the potential lengthy sentences imposed for these serious offenses.

These major felony criminal files will include, but are not limited to, cases involving convictions for sexual assault, armed robbery, burglary, kidnapping, and other crimes in which substantial sentences for single offenses or substantial consecutive sentences or substantial periods of consecutive probation, parole or extended supervision are imposed.

Confidentiality provisions that may apply to specific cases include, among others: Wis. Stat. §§ 19.36(2) (certain law enforcement records), 19.36(4) (computer programs), 19.36(5) (trade secrets), 19.36(8) (law enforcement informants), 19.36(13) (financial identifying data), 48.396 & 48.78 (Children's Code), 51.30 (mental health treatment records, also HIPAA), 118.125 (pupil records; also FERPA), 146.82 (patient health care records, also HIPAA), 950.04(1v)(ag) & (dr) (crime victim rights), 950.04(2w)(dm) (crime witness rights), 938.396 & 938.78 (Juvenile Justice Code), 968.26 (John Doe), 968.40 (grand jury), attorney work product, and law enforcement sensitive information or other information not subject to disclosure under the Wis. Stat. § 19.35(1)(a) public records law balancing tests.

Supervising attorneys will determine which cases require this longer retention, based upon sentence structure and nature of the offense. They will also determine if the case may have possible historical significance.

RETENTION: EVENT (Case Closure) + 75 years and destroy confidential

<u>00034A00.</u>	<u>LEGAL SERVICES-CASE FILES-MAJOR FELONY CONVICTIONS-HISTORICAL</u>	<u>EVT+75</u>	<u>SHSW</u>	<u>Y</u>
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Major felony criminal (other than Class A felonies covered by RDAs 35 and 35A, and non-historically significant major felonies covered by RDA 34) case files of the Division of Legal Services. It is necessary to retain these files for longer periods for federal statutory (28 U.S.C. § 2254) reasons, as well as to ensure the files are available should a prisoner challenge his or her conviction by filing a writ of habeas corpus in federal court. These files will contain the documents necessary to respond to a writ of habeas corpus, which can be filed as long as an individual is in custody - which includes the time an individual is on probation, parole or extended supervision. These files must be retained for a period sufficient to cover the potential lengthy sentences imposed for those serious offenses.

These major felony criminal files will include, but are not limited to, cases involving convictions for sexual assault, armed robbery, burglary, kidnapping, and other crimes in which substantial sentences for single offenses or substantial consecutive sentences or substantial periods of consecutive probation, parole or extended supervision are imposed.

Confidentiality provisions that may apply to specific cases include, among others: Wis. Stat. §§ 19.36(2) (certain law enforcement records), 19.36(4) (computer programs), 19.36(5) (trade secrets), 19.36(8) (law enforcement informants), 19.36(13) (financial identifying data), 48.396 & 48.78 (Children's Code), 51.30 (mental health treatment records, also HIPAA), 950.04(1v)(ag) & (dr) (crime victim rights), 950.04(2w)(dm) (crime witness rights), 938.396 & 938.78 (Juvenile Justice Code), 968.26 (John Doe), 968.40 (grand jury), attorney work product, and law enforcement sensitive information or other information not subject to disclosure under the Wis. Stat. § 19.35(1)(a) public records law balancing test.

Supervising attorneys will determine which cases require this longer retention, based upon sentence structure and nature of the offense. They will also determine if the case may have possible historical significance.

RETENTION: EVENT (Case closure) + 75 years and transfer to State Archives (WHS)

<u>00035000.</u>	<u>CASE FILES-CLASS A FELONIES (NOT HISTORICALLY SIGNIFICANT)</u>	<u>EVT+75</u>	<u>DEST</u>	<u>Y</u>
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Class A felony criminal case files of the Division of Legal Services (other than historically significant Class A felonies covered by RDA 35A, and major felonies other than Class A felonies covered by RDAs 34 and 34A). It is necessary to retain these files for longer periods for federal statutory (28 U.S.C. § 2254) reasons, as well as to ensure the files are available should a prisoner challenge his or her conviction by filing a writ of habeas corpus in federal court. These files will contain the documents necessary to respond to a writ of habeas corpus, which can be filed as long as an individual is in custody, which includes the time an individual is on probation, parole, or extended supervision. These files must be retained for a period sufficient to cover the potential lengthy sentences imposed for these serious offenses.

These Class A felony criminal files will include, but are not limited to, cases involving convictions for first-degree intentional homicide, partial-birth abortion, first degree sexual assault, and other crimes in which substantial sentences for single offenses or substantial consecutive sentences or substantial periods of consecutive probation, parole or extended supervision are imposed.

Confidentiality provisions that may apply to specific cases include, among others: Wis. Stat. §§ 19.36(2) (certain law enforcement records), 19.36(4) (computer programs), 19.36(5) (trade secrets), 19.36(8) (law enforcement informants), 19.36(13) (financial identifying data), 48.396 & 48.78 (Children's Code), 51.30 (mental health treatment records, also HIPAA), 118.125 (pupil records; also FERPA), 146.82 (patient health care records, also HIPAA), 950.04(1v)(ag) & (dr) (crime victim rights), 950.04(2w)(dm) (crime witness rights), 938.396 & 938.78 (Juvenile Justice Code), 968.26 (John Doe), 968.40 (grand jury), attorney work product, and law enforcement sensitive information or other information not subject to disclosure under the Wis. Stat. § 19.35(1)(a) public records law balancing test.

Supervising attorneys will determine will if the case may have possible historical significance.

RETENTION: EVENT (Case closure) + 75 years and destroy confidential

<u>00035A00.</u>	<u>CASE FILES-CLASS A FELONIES-HISTORICALLY SIGNIFICANT</u>	<u>EVT+75</u>	<u>SHSW</u>	<u>Y</u>
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Class A felony criminal case files of the Division of Legal Services (other than non-historically significant Class A felony criminal case files covered by RDA 35). It is necessary to retain these files for longer periods for federal statutory (28 U.S.C. § 2254) reasons, as well as to ensure the files are available should a prisoner challenge his or her conviction by filing a writ of habeas corpus in federal court. These files will contain the documents necessary to respond to a writ of habeas corpus, which can be files as long as an individual is in custody - which includes the time an individual is on probation, parole, or extended supervision. These files must be retained for a period sufficient to cover the potential lengthy sentences imposed for these serious offenses.

These Class A felony criminal files will include, but are not limited to, cases involving convictions for first-degree intentional homicide, partial birth abortion, first-degree sexual assault, and other crimes in which substantial sentences for single offenses or substantial consecutive sentences or substantial periods of consecutive probation, parole or extended supervision are imposed.

Confidentiality provisions that may apply to specific cases include, among others: Wis. Stat §§ 19.36(2) (certain law enforcement records), 19.36(4) (computer programs), 19.36(5) (trade secrets), 19.36(8) (law enforcement informants), 19.36(13) (financial identifying data), 48.396 & 48.78 (Children's Code), 51.30 (mental health treatment records, also HIPAA), 118.125 (pupil records; also FERPA), 146.82 (patient health care records, also HIPAA), 950.04(1v)(ag) & (dr) (crime victim rights), 950.04(2w)(dm) (crime witness rights), 938.396 & 938.78 (Juvenile Justice Code), 968.26 (John Doe), 968.40 (grand jury), attorney work product, and law enforcement sensitive information or other information not subject to disclosure under the Wis. Stat. § 19.35(1)(a) public records balancing test.

Supervising attorneys will determine if the case may have possible historical significance.

RETENTION: EVENT (Case closure) + 75 years and transfer to State Archives (WHS)

<u>00036000.</u>	<u>CASE FILES-MAJOR FELONY INVESTIGATIONS-UNSOLVED/ UNCHARGED O</u>	<u>EVT+75</u>	<u>DEST</u>	<u>Y</u>
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Prosecutors files (and John Doe/Grand Jury materials) of unsolved, uncharged or incomplete major criminal investigations.

These prosecutors' files must be retained in order to preserve all pertinent information relating to major uncharged crimes in the event new evidence should come to light allowing criminal charges to be issued within the state of limitations per Wis. Stat. § 939.74. John Doe and Grand Jury materials are often kept in the custody of the prosecutor's office and must be retained pursuant to court order and subject to further order of the courts per Wis. Stat. §§ 968.26 and 968.40.

Confidentiality provisions that may apply to specific cases include, among others: Wis. Stat. §§ 19.36(2) (certain law enforcement records), 19.36(4) (computer programs), 19.36(5) (trade secrets), 19.36(8) (law enforcement informants), 19.36(13) (financial identifying data), 48.396 & 48.78 (Children's Code), 51.30 (mental health treatment records, also HIPAA), 118.125 (pupil records; also FERPA), 146.82 (patient health care records, also HIPAA), 950.04(1v)(ag) & (dr) (crime victim rights), 950.04(2w)(dm) (crime witness rights), 938.396 & 938.78 (Juvenile Justice Code), 968.26 (John Doe), 968.40 (grand jury), attorney work product, and law enforcement sensitive information or other information not subject to disclosure under the Wis. Stat. § 19.35(1)(a) public records law balancing test.

Supervising attorneys will determine the cases that require this longer retention, based upon pertinent statute of limitations and the nature of the offense.

RETENTION: EVENT (Case closure) + 75 years and destroy confidential

<u>00042000.</u>	<u>ADMINISTRATIVE FILES - INFORMAL OPINIONS</u>	<u>P</u>	<u>PERM</u>	<u>N</u>
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Informal opinions are historically significant correspondence written at the request of officials such as attorneys, individual legislators or others not officially able to request a formal opinion. The informal opinions are authoritative but do not carry as much weight as formal opinions. Like the formal opinions these are filed by the unique number assigned upon receipt of initial correspondence (a number made up of year, month, date and sequential number, e.g. I88062901, for the first correspondence received on 6/29/88). The department keeps these records permanently. The topics of informal opinions can remain relevant for years. The Department of Justice's policy is to retain past opinions permanently as they serve as significant points of reference and can provide historical context.

RETENTION: Permanent

<u>00054000.</u>	<u>LEGAL CASE FILES - SPECIAL - CRIMINAL FELONY - 35 YEARS - INTERMEDI</u>	<u>EVT+35</u>	<u>DEST</u>	<u>Y</u>
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Felony criminal case files of the Division of Legal Services, which, for Federal Statutory (28 U.S.C. § 2254) reasons and the likelihood a prisoner could file actions challenging a conviction by writ of Habeas Corpus in Federal Courts, must be retained longer than the 11 year retention set for routine case files and the 20 year retention set for special case files but less than the 50 year retention set for major felony convictions.

A Writ of Habeas Corpus can be filed as long as an individual is in custody, which includes the time an individual is on probation or parole. These Class A Felony criminal files will include the documents required to respond to a Writ of Habeas Corpus in the Federal Courts.

Supervising attorneys will determine the Class A Felony cases that require this retention period based upon sentence structure.

Records may contain information that is confidential or to which access is protected pursuant to Wis. Stat. §§ 19.35(l)(a) (public records law, balancing test); 19.36(1) (public records law, application of other laws); 19.36(2) (public records law, law enforcement records); 19.36(4) (public records law, computer programs); 19.36(5) (public records law, trade secrets); 19.36(8) (public records law enforcement informants); 19.36(10) (public records law, employee personnel records); 19.36(13) (public records law, financial identifying information); 48.396 (Children's Code, records); 48.78 (Children's Code, confidentiality of records); 51.30 (mental health treatment records); HIPAA (health care records - federal); 118.125 (pupil records); FERPA (pupil records - federal); 146.82 (health care records); 165.79 (Crime Laboratory privilege); 804.01(2)(c)1 (attorney work product); 938.396 (Juvenile Justice Code, records); 938.78 (Juvenile Justice Code, confidentiality of records); 950.04(lv)(ag) & (dr) (crime victim rights); 950.04(2w)(dm) (crime witness rights); 968.26 (John Doe); 968.40 (grand jury); 905.03(2) (lawyer-client privilege).

RETENTION: EVENT (Closed) + 35 years and destroy confidential

<u>00063000.</u>	<u>LEGAL CASE FILES-SPECIAL-CRIMINAL FELONY-50 YEARS</u>	<u>EVT+50</u>	<u>DEST</u>	<u>Y</u>
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An agency review identified major felony criminal case files (other than Class A felonies covered by RDAs 35 and 35A) of the Division of Legal Services for which retention periods covered by existing RDAs are not appropriate. A 50 year retention period is required for these case files as it is necessary to retain these files for longer periods for federal statutory (28 U.S.C. § 2254) reasons, as well as to ensure the files are available should a prisoner challenge his or her conviction by filing a writ of habeas corpus in federal court. These files will contain the documents necessary to respond to a writ of habeas corpus, which can be filed as long as an individual is in custody including the time an individual is on probation, parole, or extended supervision. These files must be retained for a period sufficient to cover the potential lengthy sentences imposed for these serious offenses.

These major felony criminal files will include, but are not limited to, cases involving convictions for sexual assault, armed robbery, burglary, kidnapping, and other crimes in which substantial sentences for single offenses or substantial consecutive sentences or substantial periods of consecutive probation, parole or extended supervision are imposed.

Records may contain information that is confidential or to which access is protected pursuant to Wis. Stat. §§ 19.35(l)(a) (public records law, balancing test); 19.36(1) (public records law, application of other laws); 19.36(2) (public records law, law enforcement records); 19.36(4) (public records law, computer programs); 19.36(5) (public records law, trade secrets); 19.36(8) (public records law enforcement informants); 19.36(10) (public records law, employee personnel records); 19.36(13) (public records law, financial identifying information); 48.396 (Children's Code, records); 48.78 (Children's Code, confidentiality of records); 51.30 (mental health treatment records); HIPAA (health care records - federal); 118.125 (pupil records); FERPA (pupil records - federal); 146.82 (health care records); 165.79 (Crime Laboratory privilege); 804.01(2)(c)1 (attorney work product); 938.396 (Juvenile Justice Code, records); 938.78 (Juvenile Justice Code, confidentiality of records); 950.04(lv)(ag) & (dr) (crime victim rights); 950.04(2w)(dm) (crime witness rights); 968.26 (John Doe); 968.40 (grand jury); 905.03(2) (lawyer-client privilege).

Supervising attorneys will determine which cases require this 50 year retention, based upon sentence structure and nature of the offense. They will also determine if the case may have possible historical significance; such historically significant cases will be covered by RDA 63A.

RETENTION: EVENT (Closed) + 50 years and destroy confidential

<u>00063A00.</u>	<u>LEGAL CASE FILES-SPECIAL-CRIMINAL FELONY-50 YEARS-HISTORICALLY :</u>	<u>EVT+50</u>	<u>SHSW</u>	<u>Y</u>
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An agency review identified major felony criminal case files (other than Class A felonies covered by RDAs 35 and 35A) of the Division of Legal Services for which retention periods covered by existing RDAs are not appropriate. A 50 year retention period is required for these case files as it is necessary to retain these files for longer periods for federal statutory (28 U.S.C. § 2254) reasons, as well as to ensure the files are available should a prisoner challenge his or her conviction by filing a writ of habeas corpus in federal court. These files will contain the documents necessary to respond to a writ of habeas corpus, which can be filed as long as an individual is in custody including the time an individual is on probation, parole, or extended supervision. These files must be retained for a period sufficient to cover the potential lengthy sentences imposed for these serious offenses.

These major felony criminal files will include, but are not limited to, cases involving convictions for sexual assault, armed robbery, burglary, kidnapping, and other crimes in which substantial sentences for single offenses or substantial consecutive sentences or substantial periods of consecutive probation, parole or extended supervision are imposed.

Records may contain information that is confidential or to which access is protected pursuant to Wis. Stat. §§ 19.35(l)(a) (public records law, balancing test); 19.36(1) (public records law, application of other laws); 19.36(2) (public records law, law enforcement records); 19.36(4) (public records law, computer programs); 19.36(5) (public records law, trade secrets); 19.36(8) (public records law enforcement informants); 19.36(10) (public records law, employee personnel records); 19.36(13) (public records law, financial identifying information); 48.396 (Children's Code, records); 48.78 (Children's Code, confidentiality of records); 51.30 (mental health treatment records); HIPAA (health care records - federal); 118.125 (pupil records); FERPA (pupil records - federal); 146.82 (health care records); 165.79 (Crime Laboratory privilege); 804.01(2)(c)1 (attorney work product); 938.396 (Juvenile Justice Code, records); 938.78 (Juvenile Justice Code, confidentiality of records); 950.04(lv)(ag) & (dr) (crime victim rights); 950.04(2w)(dm) (crime witness rights); 968.26 (John Doe); 968.40 (grand jury); 905.03(2) (lawyer-client privilege).

Supervising attorneys will determine which cases require this 50 year retention, based upon sentence structure and nature of the

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offense. They will also determine if the case may have possible historical significance; cases that do not will be covered by RDA 63.

RETENTION: EVENT (Closed) + 50 years and transfer to State Archives (WHS)

Dept #: /101/ Department Name: CIVIL LITIGATION

RDA #	RDA Title	Retention	Disposition	PII
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<u>00057000.</u>	<u>SHARED CIVIL LAW ENFORCEMENT INVESTIGATION RECORDS OBTAINED F</u>	<u>EVT+0/1</u>	<u>DEST</u>	<u>Y</u>
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As part of its investigation of violations of Wisconsin's consumer protection and antitrust laws, the Department of Justice ("Department") obtains records from federal agencies such as the Federal Trade Commission and Consumer Financial Protection Bureau, as well as from law enforcement agencies in other States. Such records typically include business documents obtained pursuant to a federal or state subpoena or civil investigative demand, and they are maintained by the Department as part of its investigative or litigation case files. (e.g., RDAs 12, 13 and 14). Access to such records is essential to the Department's investigations and is especially common in multistate investigations in which Wisconsin participates. Federal and other State agencies condition the Department's access to such records upon the Department's assurance that it will maintain their confidentiality, consistent with state law. Federal and other state agencies also typically condition the department's assurance that it will maintain their confidentiality, consistent with state law. Federal and other State agencies also typically condition the Department's access to these records upon a promise by the Department to return or destroy the records upon the conclusion of the Department's investigation, or the conclusion of litigation, including any appeals, arising from such an investigation. This RDA permits the Department to return or destroy such records 30 days after the conclusion of the relevant investigation or litigation. These records also may constitute joint attorney work product. Other records held in the investigation or case files shall be maintained pursuant to the appropriate RDAs.

RETENTION: EVENT (Conclusion of investigation or litigation) + 30 days and destroy confidential

Dept #: /113/ Department Name: OFFICE OF OPEN GOVERNMENT

RDA #	RDA Title	Retention	Disposition	PII
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<u>00065000.</u>	<u>PUBLIC RECORDS - OPEN MEETINGS (PROM) HELP LINE RECORDS</u>	<u>EVT+3</u>	<u>DEST</u>	<u>Y</u>
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Pursuant to Wis.Stat. §§ 19.39 and 19.98, any person may request advice from the Attorney General as to the applicability of the open meetings law and the public records law under any circumstances. The Office of Open Government (OOG) manages a Public Records-Open Meetings (PROM) help line to facilitate this. Calls may be received from anyone including potential DOJ clients.

Typically, individuals call the PROM help line number, and the calls are logged into DOJ's case management system according to the name of the caller (individuals may also reach DOJ via another phone number or email.) An assistant attorney general contacts the individual to provide information and advice and then closes the PROM entry in the case management system. Phone calls, emails, or related documents are logged in the case management entry for that PROM call prior to closure. The PROM call entry is also closed if DOJ is unable to connect with the caller. Individuals with more complex issues, or who wish to file a complaint, are asked to submit the issue in writing. Most written questions and complaints are filed and retained as correspondence pursuant to DOJ RDA # 000-06-000.

Occasionally, previous PROM entries are accessed for reference, but generally, they have no long-term value. This retention period matches the retention period for public records requests and responses under ADM0022. These records were identified during an agency review.

Records may contain information that is confidential or to which access is protected pursuant to Wis. Stat. §§ 19.35(1)(a) (public records law, balancing test); 19.35(1)(am) (public records law, requester's personally identifiable information); 19.36 (public records law, limitations upon access); 804.01(2)(c) (attorney work product); 905.03(2) (lawyer-client privilege). PROM calls may involve a wide variety of issues, and this list is necessarily non-exclusive and intended for illustration only.

RETENTION: EVENT (Entry closed) + 3 years and destroy confidential

Dept #: /201/ Department Name: CRIME LAB

RDA #	RDA Title	Retention	Disposition	PII
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Dept #: /201/ Department Name: CRIME LAB

RDA # RDA Title Retention Disposition PII

00015000. CASE FILES - STANDARD EVT+20 DEST Y

Case files of the Crime Laboratories, which include but are not limited to referrals, photo work orders, photographs, drawings, receipts of evidence, analysts work papers, reports of laboratory findings, records of disposition of evidence, certifications, court appearance notices, and related correspondence. Standard case files are those cases that will be adjudicated within a shorter time frame and are cases that are not related to homicides, rapes, or cases involving minors.

As of the date of approval of this Records Disposition Authorization, these records exist and continue to be created in paper form only. It is anticipated that existing paper records will be scanned and stored in the Department's computerized document storage application at some future time. After scanning and verification, the paper records will be destroyed confidentially by a documented and witnessed shredding process. The scanned electronic records then will be retained until the end of the designated retention period. Also at some future time, it is anticipated that these records will be created in electronic/digital format and that scanning paper records into a computerized document storage application no longer will be required. Paper records that reach the end of their retention period without being scanned into the Department's computerized document storage application will be destroyed confidentially of by a documented and witnessed shredding process.

RETENTION: EVENT (File closed) + 20 years and destroy confidential

00016000. CASE FILES - SPECIAL EVT+75 DEST Y

Crime Laboratory case files, which include but are not limited to, referrals, photo work orders, photographs, drawings, receipts of evidence, analysts, work papers, reports of laboratory findings, case information contained in the LIMS, records of disposition of evidence, certifications, court appearance notices, and related correspondence.

The special case files may include, but are not limited to, homicides, sexual assaults, cases involving minors, and cases involving fugitives from justice. Special cases may involve ongoing criminal investigations on unsolved crimes which may be charged at a later date, are subject to legal review, and may have additional evidence submissions. Supervisors will determine whether a file should be maintained as a special case file.

As of the date of approval of this Records Disposition Authorization, these records exists and continue to be created in paper form only. It is anticipated that existing paper records will be scanned and stored in the Department's computerized document storage application at some future tie. After scanning and verification, the paper records will be destroyed confidentially by a documented and witnessed shredding process. The scanned electronic records then will be retained until the end of the designated retention period. Also at some future time, it is anticipated that these records will be created in electronic/digital format and that scanning paper records into a computerized document storage application no longer will be required. Paper records that reach the end of their retention period without being scanned into the Department's computerized document storage application will be destroyed confidentially of by a documented and witnessed shredding process.

RETENTION: EVENT (File closed) + 75 years and destroy confidential

00046000. QUALITY ASSURANCE SUPPORTING DOCUMENTATION CR+20 DEST N

The Crime Laboratory Bureau retains quality assurance records in order to satisfy requirements for accreditation by the American Society of Crime Laboratory Directors Laboratory Accreditation Board, the current accrediting body.

Accreditation assessments occur once every 5 years under the current accreditation program. Documentation on compliance with accreditation criteria and corrective actions taken to come into compliance are the standard practice for this process. Because of potential requirements for later legal proceedings, the Crime Laboratory Bureau plans to retain all quality assurance records related to this accreditation process and quality issues that arise. The Crime Laboratory Bureau is occasionally requested to provide documentation related to accreditation assessments on standard and special cases through public records requests or the discovery process.

As of the date of approval of this Records Disposition Authorization, these records exist and continue to be created in paper form only. It is anticipated that existing paper records will be scanned and stored in the Department's computerized document storage application at some future time. After scanning and verification, the paper records will be destroyed confidentially by a documented and witnessed shredding process. The scanned electronic records then will be retained until the end of the designated retention period. Also at some future time, it is anticipated that these records will be created in electronic/digital format and that scanning paper records into a computerized document storage application no longer will be required. Paper records that reach the end of their retention period without being scanned into the Department's computerized document storage application will be destroyed confidentially of by a documented and witnessed shredding process.

RETENTION: EVENT (Creation) + 20 years and destroy confidential

Dept #: /202/ Department Name: BUREAU OF JUSTICE INFORMATION & ANALYSIS

RDA # RDA Title Retention Disposition PII

Dept #: /202/ Department Name: BUREAU OF JUSTICE INFORMATION & ANALYSIS

RDA # RDA Title Retention Disposition PII

00006000. **UNIFORM CRIME REPORTING DATA FORMS** **CR+4** **DEST** **N**

Uniform Crime Reporting (UCR) forms submitted by local law enforcement agencies that contain aggregated monthly offense and arrest data. These reports also include forms specific to sexual assault, homicide, arson, and hate crime. All data from these forms are entered into a database maintained by the DOJ Bureau of Justice Information and Analysis (BJIA) and then forwarded to the FBI for inclusion in the national UCR program database. The four-year retention period allows for state DOJ BJIA access to the original UCR forms where needed during tri-annual audits conducted by the FBI.

Applicable Wisconsin Statutes:
Wisconsin Stat. § 165.845(1)(a) requires the Wisconsin Department of Justice to:
Collect information concerning the number and nature of offenses known to have been committed in this state and such other information as may be useful in the study of crime and the administration of justice. The department of justice may determine any other information to be obtained regarding crime and justice system statistics. The information shall include data requested by the federal bureau of investigation under its system of uniform crime reports for the United States.

Wisconsin Stat. § 165.846(2) requires:
All persons in charge of law enforcement and other criminal and juvenile justice system agencies shall supply the department of justice with the information described in Wis. Stat. § 19.35(1)(a) on the basis of the forms or instructions or both to be supplied by the department under Wis. Stat. § 19.35(1)(a).

RETENTION: EVENT (Creation) + 4 years and destroy

Dept #: /203/ Department Name: CRIME INFORMATION BUREAU

RDA # RDA Title Retention Disposition PII

00003000. **FINGERPRINT CARDS - MASTER** **P** **PERM** **Y**

Prior to the implementation of the Automated Fingerprint Identification System ("AFIS"), a paper ID Form DJ-LE-241 or its equivalent, commonly referred to as a Fingerprint Card, was submitted to CIB pursuant to Wis. Stat. §§ 165.83 and 165.84 to provide fingerprints and other identifying information on persons arrested or taken into custody in Wisconsin. Since implementation of AFIS, it stores the electronic fingerprint submissions provided under these same statutes according to the fingerprint system of identification standards established by the Director of the FBI. AFIS maintains the best set of fingerprints electronically as the master file. Paper fingerprint cards received prior to AFIS implementation are scanned into electronic format and stored in AFIS along with electronically submitted fingerprints. The original paper fingerprint submissions, received prior to AFIS implementation, are stored at the Madison Crime Lab for a period of 20 years, after which they are to be destroyed in a secure manner. It is CIB policy that all electronically held fingerprints will be held indefinitely, with the following exception:

When a person is released from custody without charge or cleared of a reported offense through court proceedings, and requests expungement pursuant to Wis. Stat. § 164.84(1), the fingerprint card is returned to the person and/or removed from the electronic storage system. This includes all electronically submitted fingerprints and all fingerprints submitted on paper forms and later transferred to electronic format.

RETENTION: Permanent

00004A00. **COMPUTERIZED CRIMINAL HISTORY RECORD** **P** **PERM** **Y**

The Computerized Criminal History (CCH) is an electronic file kept pursuant to Wis. Stat. §§ 165.83 and 165.84 of the criminal histories of all persons arrested or taken into custody by Wisconsin law enforcement agencies. The file contains State Identification Number ("SID") number, name, aliases, sex, race, birthdate, and other identifying information submitted by the agency; arresting agency; charges; and disposition of charges. This information obtained from the Fingerprint Card, DJ-LE-241 or its equivalent, is entered into the criminal history database after the fingerprint impressions have been searched against the Automated Fingerprint Identification System ("AFIS") database. Information may be submitted electronically or in paper format. Paper submissions are scanned and stored electronically; the original paper documentation then is destroyed in a secure manner. The CCH file is accessed by criminal justice and law enforcement agencies authorized to run a check for prior criminal activity on a person arrested or taken into custody. In addition, the criminal history is also used by non-law enforcement personnel for caregiver background checks and by the general public for criminal history reports. Information in the CCH file is maintained (with periodic backups) permanently except under the following condition:

Expungement pursuant to Wis. Stat. 165.84(1) - If a person is released without charge or cleared of an offense through court proceedings, upon that person's request all references to that arrest/charge are removed/erased from the CCH electronic file and the SID number is reused.

RETENTION: Permanent

00040000. **LAW ENFORCEMENT AGENCIES-TIME SYSTEM CORRESPONDENCE** **CR+7** **DEST** **Y**

Dept #: /203/ Department Name: CRIME INFORMATION BUREAU

RDA # RDA Title Retention Disposition PII

The Crime Information Bureau (CIB) operates and manages a computerized telecommunications system (TIME - Transaction Information for Management and Enforcement) which provides law enforcement agencies with real-time information for: state and national wanted, missing and unidentified persons; stolen/wanted motor vehicles; stolen and identifiable property; driver and vehicle registration data; and criminal history record information. CIB also serves as the state repository for criminal history record information, including fingerprint identification and criminal history record information. The law enforcement agencies indicated above have record files that contain TIME system correspondences from the Director of CIB and include audit reports, correspondences, training, training certificates, etc.

As of the date of approval of this Records Disposition Authorization, these records exist and continue to be created in paper form only. It is anticipated that existing paper records will be scanned and stored in the Department's computerized document storage application at some future time. After scanning and verification, the paper records will be destroyed confidentially by a documented and witnessed shredding process. The scanned electronic records then will be retained until the end of the designated retention period. Also at some future time, it is anticipated that these records will be created in electronic/digital format and that scanning paper records into a computerized document storage application no longer will be required. Paper records that reach the end of their retention period without being scanned into the Department's computerized document storage application will be destroyed confidentially of by a documented and witnessed shredding process.

RETENTION: EVENT (Creation) + 7 years and destroy confidential

00050000. CONCEALED CARRY - LICENSE APPLICATIONS AND RELATED DOCUMENTS EVT+7 DEST Y

Pursuant to Wis. Stats 175.60 the Department of Justice (DOJ) shall issue licenses to carry a concealed weapon to any individual that is not disqualified. The concealed carry license program includes the following processes; receiving paper and electronic applications, assigning application numbers, processing of applications that include a background check to determine eligibility, denial of applications, issuing license numbers, ongoing receipt and review of updated court information, change of address notifications, requests for replacement licenses, revocations, suspensions and renewals. Documentation may be received on paper or electronically as allowed by Wis. Stats 175.60(7). In addition pursuant to Wis. Stats 175.49 the DOJ may issue certifications to carry a concealed weapon by former federal law enforcement officers and includes the same processes ad described for the concealed carry license.

The DOJ is required to maintain, control and restrict access to the concealed carry license and certificate information pursuant to Wis. Stats 175.60(12) & (12g). The DOJ's intent is that all paper documentation related to the application and accompanying training records received will be scanned and stored in the Department's computerized document storage application and maintained for the time period specified after expiration. Once scanned, all paper documents will be disposed of by a documented and witnessed shredding and the electronic record will be the agencies record retention medium for all application materials.

RETENTION: EVENT (After expiration of license) + 7 years and destroy confidential

00058000. HANDGUN HOTLINE RELATED RECORDS EVT+75 DEST Y

Pursuant to Wis. Stat. §§ 175.35 and 941.29, CIB conducts firearm restriction checks on individuals attempting to purchase and handgun in the State of Wisconsin. CIB's Handgun Hotline program includes the following processes: receiving paper and electronic handgun purchase requests and forms, obtaining paper and electronic court documents, and assigning approval or denial numbers. Individuals denied the purchase of a handgun may appeal the denial decision.

DOJ maintains and controls access to the records associated with handgun purchase requests, denials, and appeals of handgun purchase requests pursuant to Wis. Stat. § 175.35 and Wis. Admin. Code ch. Jus 10. These records are confidential, with some exceptions, pursuant to Wis. Stat. § 175.35(2k).

All paper documentation received is scanned, stored in CIB's computerized document storage application, and maintained electronically for the specified retention period. After scanning, all paper documents will be disposed of by a documented and witnessed shredding process, and the electronic record will be the agency's official record retention medium.

RETENTION: EVENT (Denial of purchase/appeal process completed) + 75 years and destroy confidential

Dept #: /204/ Department Name: TRAINING & STANDARDS BUREAU

RDA # RDA Title Retention Disposition PII

00048000. LAW ENFORCEMENT, JAIL AND SECURE JUVENILE DETENTION OFFICER RE EVT+30 DEST Y

These records identify the certification, employment and training status of law enforcement, jail and secure juvenile detention officers. They include reports from employers and from training academics to verify that the standards established by the Law Enforcement Standards Board in compliance with Wis. Stats. § 165.85 have been achieved. They may include educational transcripts.

As of the date of approval of this records disposition authorization, these records exist and continue to be created in paper form only. It is anticipated that existing paper records will be scanned and stored in the Department's computerized document storage application at some future time. After scanning and verification, the paper records will be destroyed confidentially by a documented and witnessed shredding process. The scanned electronic records then will be retained until the end of the designated retention period. Also at some

Dept #: /204/ Department Name: TRAINING & STANDARDS BUREAU

RDA # RDA Title Retention Disposition PII

future time, it is anticipated that these records will be created in electronic/digital format and that scanning paper records into a computerized document storage application no longer will be required. Paper records that reach the end of their retention period without being scanned into the Department's computerized document storage application will be destroyed confidentially of by a documented and witnessed shredding process.

RETENTION: Event (Termination of employment) + 30 years and destroy confidential

00049000. RECERTIFICATION TRAINING RECORDS CR+5 DEST Y

These records are for law enforcement officer annual recertification training as required by s. 165.85 (4) (bn) 1., and biennial vehicle pursuit training as required by s. 165.85 (4) (bn) 1m.; jail officer annual recertification training as required by s. 165.85 (4) (bn) 2.; and secure juvenile detention officer annual recertification training as required by s. 165.85 (4) (bn) 3.

Electronic records are maintained in Adobe PDF file format. All new recertification training records received on or after July 1, 2013, shall be maintained electronically.

Recertification training records are to be maintained for a period of 5 fiscal years (July 1 - June 30).

RETENTION: EVENT (Creation) + 5 years and destroy confidential

00059000. LAW ENFORCEMENT STANDARDS BOARD CERTIFIED INSTRUCTOR RECOR EVT+7 DEST Y

These records identify the instructor certification of qualified applicants by the Law Enforcement Standards Board to instruct preparatory law enforcement, jail and secure juvenile detention officer training topics. They include applications, certificates, letters of recommendation and correspondence verifying that the instructor certification standards of the Law Enforcement Standards Board set forth in Wisconsin Administrative Code Chapter LES 4 have been achieved. They may contain educational transcripts.

As of the date of approval of this Records Disposition Authorization, these records exist and continue to be created in paper form only. It is anticipated that existing paper records will be scanned and stored in the Department's computerized document storage application at some future time. After scanning and verification, the paper records will be destroyed confidentially by a documented and witnessed shredding process. The scanned electronic records then will be retained until the end of the designated retention period. Also at some future time, it is anticipated that these records will be created in electronic/digital format and that scanning paper records into a computerized document storage application no longer will be required. Paper records that reach the end of their retention period without being scanned into the Department's computerized document storage application will be destroyed confidentially of by a documented and witnessed shredding process.

RETENTION: EVENT (After instructor certification expiration) + 7 years and destroy confidential

Dept #: /211/ Department Name: CRIMINAL INVESTIGATION

RDA # RDA Title Retention Disposition PII

00037000. INVESTIGATIVE FILES EVT+50 SHSW Y

On complaint and/or requests from citizens of the state of Wisconsin; federal, state and local government agencies; the Attorney General; the Legislature; and the Governor, criminal investigations are initiated by the Division of Criminal Investigation. These alleged violations of Wisconsin statutes include narcotics and other controlled substances, criminal anti-trust, arson, financial crimes, and public corruption as well as allegations of violations of general criminal statutes. Many of these investigations result in judicial action, while some are determined to lack investigative merit, are unfounded, or unsubstantiated. The evidence to prove or disprove an alleged violation is obtained from a variety of sources including concerned citizens of the state. Many persons who provide information to the Division of Criminal Investigation ("DCI") do so with an expectation of confidentiality, unless their testimony is necessary at a trial. These closed investigative case files contain legal documents, subpoenas, writs, findings, correspondence, reports, briefs, and related materials.

In addition to criminal investigative files involving cases which involve Class A felonies, the Division of Criminal Investigative Records (DCIR) case files include unsolved crimes, confidential informant records and cases which could be of potential relevance decades after the investigation is concluded. Such as files are potentially relevant to report offenders, related cases and involve sensitive crimes. It is necessary to retain these files for an extended period of time for federal statutory (28 U.S.C. § 2254) reasons, as well as to ensure the files are available should a prisoner challenge his or her conviction by filing a writ of habeas corpus in federal court. These files will contain the documents necessary to respond to a writ of habeas corpus, which can be filed as long as an individual is in custody, which includes the time an individual is on probation, parole, or extended supervision. These files must be retained for a period sufficient to cover the potential lengthy sentences imposed for these serious offenses.

These files are governed by Wis. Stat. § 165.25(7). Confidentiality provisions that may apply to specific cases include, among others: Wis. Stat. §§ 19.36(2) (certain law enforcement records), 19.36(4) (computer programs), 19.36(5) (trade secrets), 19.36(8) (law enforcement informants), 19.36(13) (financial identifying data), 48.396 & 48.78 (Children's Code), 51.30 (mental health treatment records, also HIPAA), 118.125 (pupil records; also FERPA), 146.82 (patient health care records, also HIPAA), 950.04(1v)(ag) & (dr) (crime victim rights), 950.04(2w)(dm) (crime witness rights), 938.396 & 938.78 (Juvenile Justice Code) 968.26 (John Doe), 968.40

RDA #	RDA Title	Retention	Disposition	PRI
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(grand jury), attorney work product, and law enforcement sensitive information or other information not subject to disclosure under the Wis. Stat. § 19.35(1)(a) public records law balancing test.

Investigations completed by the Internet Crimes Against Children ("ICAC") task force require unique disposition and are not governed by this RDA. (see instead RDA 00037A000.) For all other DCI investigations, when an investigation is completed and the file is closed, the physical investigative case file is transferred to the State Record Center for the 50-year retention period. It should be noted that this physical investigative case file does not contain all of the records related to an investigation; related records that are created and maintained electronically in the ACISS case management system are not included in the physical investigative case file.

At the conclusion of the retention period, the physical investigative case file is transferred to the State Historical Society for preservation. If the State Historical Society decides it wishes to preserve an investigative case file, contact may be made with DCI to obtain copies of related records from the ACISS case management system and ensure that any legally confidential information or other content requiring redaction is identified and removed.

RETENTION: EVENT (Investigative case closed) + 50 years and transfer to State Archives (WHS)

00037A00. **INTERNET CRIMES AGAINST CHILDREN (ICAC) INVESTIGATIVE FILES** **EVT+50** **DEST** **Y**

On complaint and/or requests from citizens of the state of Wisconsin; federal, state and local government agencies; the Attorney General; the Legislature; and the Governor, criminal investigations are initiated by the Division of Criminal Investigation. These alleged violations of Wisconsin statutes include narcotics and other controlled substances, criminal anti-trust, arson, financial crimes, and public corruption as well as allegations of violations of general criminal statutes. Many of these investigations result in judicial action, while some are determined to lack investigative merit, are unfounded, or unsubstantiated. The evidence to prove or disprove an alleged violation is obtained from a variety of sources including concerned citizens of the state. Many persons who provide information to the Division of Criminal Investigation ("DCI") do so with an expectation of confidentiality, unless their testimony is necessary at a trial. These closed investigative case files contain legal documents, subpoenas, writs, findings, correspondence, reports, briefs, and related materials.

In addition to criminal investigative files involving cases which involve Class A felonies, the Division of Criminal Investigative Records (DCIR) case files include unsolved crimes, confidential informant records and cases which could be of potential relevance decades after the investigation is concluded. Such as files are potentially relevant to report offenders, related cases and involve sensitive crimes. It is necessary to retain these files for an extended period of time for federal statutory (28 U.S.C. § 2254) reasons, as well as to ensure the files are available should a prisoner challenge his or her conviction by filing a writ of habeas corpus in federal court. These files will contain the documents necessary to respond to a writ of habeas corpus, which can be filed as long as an individual is in custody, which includes the time an individual is on probation, parole, or extended supervision. These files must be retained for a period sufficient to cover the potential lengthy sentences imposed for these serious offenses.

These files are governed by Wis. Stat. § 165.25(7). Confidentiality provisions that may apply to specific cases include, among others: Wis. Stat. §§ 19.36(2) (certain law enforcement records), 19.36(4) (computer programs), 19.36(5) (trade secrets), 19.36(8) (law enforcement informants), 19.36(13) (financial identifying data), 48.396 & 48.78 (Children's Code), 51.30 (mental health treatment records, also HIPAA), 118.125 (pupil records; also FERPA), 146.82 (patient health care records, also HIPAA), 950.04(1v)(ag) & (dr) (crime victim rights), 950.04(2w)(dm) (crime witness rights), 938.396 & 938.78 (Juvenile Justice Code) 968.26 (John Doe), 968.40 (grand jury), attorney work product, and law enforcement sensitive information or other information not subject to disclosure under the Wis. Stat. § 19.35(1)(a) public records law balancing test.

Investigations completed by the Internet Crimes Against Children ("ICAC") task force require unique disposition and are not governed by RDA 000370000. Therefore, this RDA was created to apply just to ICAC investigative files. When an ICAC investigation is completed and the file is closed, the ICAC investigative case file is transferred to the State Record Center for the 50-year retention period.

NOTE: Because ICAC investigative files may contain illegal contraband (child pornography), Records Center personnel may not open or otherwise access the contents of these files.

At the conclusion of the 50-year retention period, ICAC investigative case files are to be destroyed confidentially.

RETENTION: EVENT (Investigative case closed) + 50 years and destroy confidential

00061000. **BACKGROUND CHECKS INVESTIGATIVE FILES - OTHER AGENCIES** **EVT+0/1** **DEST** **Y**

Other state agencies often request the Department of Justice (DOJ) Division of Criminal Investigation to conduct background check investigations of applicants. Once the investigation is completed and the final report is delivered to the requesting agency, DOJ has no need for the final report or related investigative records. This record series includes the final report that is delivered to the requesting agency as well as all other records related to DOJ's background check investigation that are not delivered to the requesting agency. A new RDA addresses a need for a more efficient disposition of these records of short-term usefulness to DOJ.

Human Resources General Schedule HROOOO17 (Criminal Background Checks and Fingerprint Documentation) has a minimum retention period of event plus six and one half years, and DOJ RDA #000370000 (Investigative Files) has a minimum retention period of 50 years. Background check investigative files for other agencies differ in that they have no value to DOJ once the background check investigation is complete and the final report is delivered to the requesting agency. Requesting agencies retain the final report pursuant to their respective record retention schedules. A fifteen day retention time period ensures the final report is successfully delivered to the requesting agency prior to the disposition of the background check investigative file.

Records may contain information that is confidential pursuant to Wis. Stat. §§ 19.36(1) (public records law, application of other laws); 19.36(2) (public records law, law enforcement records); 19.36(10) (public records law, employee personnel records); 19.36 (13) (public

Dept #: /211/ Department Name: CRIMINAL INVESTIGATION

RDA # RDA Title Retention Disposition PII

records law, financial identifying information); 48.396 (Children's Code, records); 48.78 (Children's Code, confidentiality of records); 51.30 (mental health treatment records; HIPAA (health care records - federal); 118.125 (pupil records); FERPA A (pupil records - federal); 146.82 (health care records); 938.396 (Juvenile Justice Code, records); 938.78 (Juvenile Justice Code, confidentiality of records); and 19.35(l)(a) (public records law balancing test).

RETENTION: EVENT (Background check investigation closed) + 15 days and destroy confidential

00062A00. YOUTH AT RISK FOR SEX TRAFFICKING (YRST) RECORDS - HIGH EVT+7 DEST Y

DOJ's Crime Information Bureau receives missing person reports that are entered by law enforcement into the National Crime Information Center (NCIC). Those reports are shared electronically with WSIC and entered into the Youth at High-Risk for Sex Trafficking (YRST) database, which contains data for all missing persons. The retention periods for this information are desired as the data will assist human trafficking investigations that have adult victims (to age 25) who were considered high risk as juveniles (as determined by specific criteria).

*Once a missing person report is cancelled, related records will be retained as follows:

- For high-risk individuals, the later of the following:
 - o Seven (7) years after the individual attains the age of 18 years, or
 - o Thirteen (13) months

(Retention for all other individuals covered by RDA 62B.)

Records may contain information that is confidential pursuant to Wis. Stat. §§ 938.396 (Juvenile Justice Code, records); 938.78 (Juvenile Justice Code, confidentiality of records); 19.36(1) (public records law, application of other laws); 19.36(2) (public records law, law enforcement records); 48.396 (Children's Code, records); 48.78 (Children's Code, confidentiality of records); 51.30 (mental health treatment records); 146.82 (health care records); HIPAA (health care records - federal); 118.125 (pupil records); FERPA (pupil records - federal); and 19.35(l)(a) (public records law balancing test).

RETENTION: EVENT (Missing person report cancelled) + 7 years and destroy confidential

00062B00. YOUTH AT RISK FOR SEX TRAFFICKING (YRST) RECORDS - ALL OTHER EVT+1/1 DEST Y

DOJ's Crime Information Bureau receives missing person reports that are entered by law enforcement into the National Crime Information Center (NCIC). Those reports are shared electronically with WSIC and entered into the Youth at High-Risk for Sex Trafficking (YRST) database, which contains data for all missing persons. The retention periods for this information are desired as the data will assist human trafficking investigations that have adult victims (to age 25) who were considered high risk as juveniles (as determined by specific criteria).

*Once a missing person report is cancelled, related records will be retained as follows:

- For all other individuals, the later of the following:
 - o The individual attains the age of 18 years, or
 - o Thirteen (13) months

(Retention for high-risk individuals covered by RDA 62A.)

Records may contain information that is confidential pursuant to Wis. Stat. §§ 938.396 (Juvenile Justice Code, records); 938.78 (Juvenile Justice Code, confidentiality of records); 19.36(1) (public records law, application of other laws); 19.36(2) (public records law, law enforcement records); 48.396 (Children's Code, records); 48.78 (Children's Code, confidentiality of records); 51.30 (mental health treatment records); 146.82 (health care records); HIPAA (health care records -federal); 118.125 (pupil records); FERPA (pupil records - federal); and 19.35(l)(a) (public records law balancing test).

RETENTION: EVENT (Missing person report cancelled) + 13 months and destroy confidential

Dept #: /301/ Department Name: ADMINISTRATIVE SERVICES DIVISION

RDA # RDA Title Retention Disposition PII

00017000. EXECUTIVE STAFF FILES CR+8 SHSW N

This record series covers the administrative files of the Attorney General, Deputy Attorney General and Executive Assistant, to include correspondence, speeches, press releases, official schedule and submissions to the Legislature.

Retain eight years and transfer to WHS.

RETENTION: EVENT (Creation) + 8 years and transfer to State Archives (WHS)

RDA #	RDA Title	Retention	Disposition	PII
<u>00001000.</u>	<u>CRIME VICTIM CLAIM FILE-AWARD</u>	<u>EVT+20</u>	<u>DEST</u>	<u>Y</u>
<p>Pursuant to ch. 949, Wis. Stats., "innocent victims of violent crime" may apply to the DOJ for compensation. A claim file is set up for each application received by the department. The file may contain any or all of the following: victim's application, DJ-CVC-1, or its equivalent; law enforcement, medical, and investigative reports; hearing summary; employment verification; copies of bills of claimant; insurance company detail of payments; correspondence; worksheets of claim processor; notice of award; and record of payments.</p> <p>These files may contain material that is confidential because it is covered by the attorney-client privilege, Wis. Stat. sec. 905.03 and/or the attorney work product doctrine. Some material also may be closed to public access under the Wisconsin public records law, Wis. State. ss. 19.31-.39, or other relevant statutes and rules such as Wis. Stat. s. 148.62 (patient health care records) or 938.396 (juvenile justice records).</p> <p>RETENTION: EVENT (Opened) + 20 years and destroy confidential</p>				
<u>00002000.</u>	<u>CRIME VICTIM CLAIM FILE-DENIAL</u>	<u>EVT+5</u>	<u>DEST</u>	<u>Y</u>
<p>Pursuant to ch. 949, Wis. Stats., "innocent victims of violent crime" may apply to the DOJ for compensation. A claim file is set up for each application received by the department. The file may contain any or all of the following: victim's application, DJ-DVC-1, or its equivalent; law enforcement, medical, and investigate reports; hearing summary; employment verification; copies of bills of claimant; insurance company detail of payments; correspondence. All records in file are reviewed by a claims processor of the department who makes a recommendation to the Director of the Office of Crime Victim Services as to whether or not an award should be made. If the claim is denied, the claimant has 30 days to file an appeal with the department and 60 days to file with the court</p> <p>These files may contain material that is confidential because it is covered by the attorney-client privilege, Wis. Stat. sec 905.03, and/or the attorney work product doctrine. Some material also may be closed to the public access under the Wisconsin public records law, Wis. Stats. Ss. 1931 - .39, or other relevant statutes and rules such as Wis. Stat. s. 148.62 (patient health care records), or 938.396 (juvenile justice records.)</p> <p>RETENTION: EVENT (Opened) + 5 years and destroy confidential</p>				
<u>00041000.</u>	<u>DOMESTIC ABUSE FORMS</u>	<u>FIS+10</u>	<u>DEST</u>	<u>Y</u>
<p>Pursuant to Sec. 968.075(9), Wis. Stats., each district attorney must submit an annual report to the Department of Justice (DOJ) listing information regarding domestic abuse. DOJ encourages each county to submit a form (DJ-OCVS-23, Rev. 01292) for each incident of domestic abuse. The submission of these forms meets the requirements of Sec. 968.075(9), Wis. Stats. Sec. 968.075(9), Wis. Stats., did not take effect until April 1989 and forms were not submitted until the fall of 1989. Records in this file are open for public inspection.</p> <p>Paper copies are no longer submitted to DOJ. Rather the required documents are submitted to DOJ electronically and are retained at DOJ for 10 years and then destroyed.</p> <p>RETENTION: EVENT (Fiscal) + 10 years and destroy confidential</p>				
<u>00044000.</u>	<u>VICTIM OF CRIME ACT (VOCA) SUBGRANTS</u>	<u>CR+10</u>	<u>DEST</u>	<u>N</u>
<p>The file may contain records relating to the award and administration of subgrants under the U.S. Victims of Crime Act (VOCA). The subgrant file may include contracts, modifications, financial reimbursement requests, payment records, audits, programmatic reports and related correspondence.</p> <p>Records are open to the public.</p> <p>RETENTION: EVENT (Creation) + 10 years and destroy</p>				
<u>00051000.</u>	<u>SEXUAL ASSAULT VICTIM SERVICES (SAVS) GRANTS</u>	<u>CR+10</u>	<u>DEST</u>	<u>Y</u>
<p>Pursuant to Sec. 165.93, Wis. Stats., non-profit or public agencies may apply to the DOJ for grants to provide services to sexual assault victims.</p> <p>A file is set up for each grantee and will contain records relating to the award and administration of the SAVS Grant for that year. Files may contain applications, award letters, grant agreements, budgets, narrative and fiscal reports, and other related correspondence.</p> <p>Records are open to the public.</p> <p>RETENTION: EVENT (Creation) + 10 years and destroy confidential</p>				
<u>00052000.</u>	<u>VICTIM RESOURCE CENTER</u>	<u>CR+10</u>	<u>DEST</u>	<u>Y</u>
<p>The file may contain the Victim Resource Center's case files relating to the department's information and mediation services pursuant to section 950.08(1) and (3), Stats. The file may contain information from a crime victim regarding a problem or complaint and the documentation of the efforts the department has made to resolve the matter. Files relating to a complaint made under section 950.08(3) are confidential with exceptions. Sec. 950.095(1)(a), Stats.</p> <p>The file may contain information and records related to services provided to crime victims and witnesses in a case investigated and/or</p>				

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prosecuted by the DOJ. Information may include personal contact information, crime victim impact information, restitution requests and related correspondence. These files may contain material that is confidential because it is covered by the attorney work product doctrine. Some material also may be closed to public access under the Wisconsin public records law, Wis. Stat. ss. 19.31-.39, or other relevant statutes and rules such as Wis. Stat. s. 148.62 (patient health care records) or 938.396 (juvenile justice records).

The file may also contain records pertaining to the Victim Appellate Notification Services. Crime victims may submit a form (DJ-CVS-30) to register with the program to be notified regarding the outcome of an appeal filed by a defendant in a felony case. The case file would contain victim contact information, letters and court decisions regarding the appeal.

RETENTION: EVENT (Creation) + 10 years and destroy confidential

<u>00053000.</u>	<u>VICTIM/WITNESS PROGRAMS (CH. 950.06)</u>	<u>CR+10</u>	<u>DEST</u>	<u>N</u>
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The file may contain records related to the administration of Wisconsin's county victim witness assistance programs in accordance with Chapter 950.06. Files may contain related correspondence, financial reimbursement reports and documentation, and annual county reports; all related to the provision of services and program administration.

RETENTION: EVENT (Creation) + 10 years and destroy

<u>00056000.</u>	<u>SEXUAL ASSAULT FORENSIC EXAM (SAFE)</u>	<u>FIS+10</u>	<u>DEST</u>	<u>Y</u>
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Pursuant to Sec. 949.20, Wis. Stats., any health care provider who conducts an examination to gather evidence regarding a sex offense may apply to the Department of Justice (DOJ) for reimbursement for the examination costs with some exceptions.

A file is set up for each health care provider and will contain records relating to applications for payment and payments made to that health care provider for that year. Files may contain applications, itemized medical bills, payment documentation, and correspondence with the health care provider.

Any personally identifiable information of the victim who received the examination is confidential under Wis. Stat. § 949.36 unless written consent is provided for release. Patient health care records are confidential under Wis. Stat. § 146.82 and HIPAA.

RETENTION: EVENT (Fiscal) + 10 years and destroy confidential