

### **How should the Case Files: Criminal series be used?**

There are four (4) Case Files: Criminal series which allow each Commonwealth's Attorney office to classify its records according to offense severity. The types of offenses that belong in each category (less serious, serious, most serious, and historically significant) must be determined by the Commonwealth's Attorney in conjunction with any stipulations identified in the series description. The decision-making process should be documented to ensure recordkeeping consistency.

### **What does "after closed" mean as a cutoff event?**

Each of the Case Files: Criminal series has a cut-off event of "after closed." The Library of Virginia recognizes that the meaning of "closed" is subjective. It will be the responsibility of the individual Commonwealth's Attorney office to determine its definition of a closed case. The point at which an office considers a case closed is the point at which the retention period begins. It is exceedingly important that each office create an internal policy regarding the definition of a closed case.



## **LIBRARY OF VIRGINIA**

Archives, Records, and Collections Services  
800 E. Broad St., Richmond VA 23219  
(804) 692-3600

## **RECORDS RETENTION AND DISPOSITION SCHEDULE**

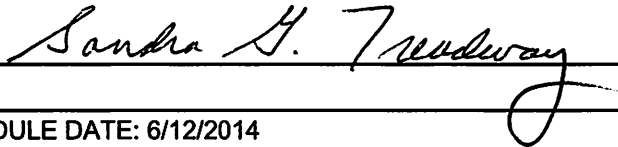
**GENERAL SCHEDULE NO. GS-13**

**COUNTY AND MUNICIPAL GOVERNMENTS**

**Commonwealth's Attorney**

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition policies listed below:

APPROVED:

  
\_\_\_\_\_

EFFECTIVE SCHEDULE DATE: 6/12/2014

### **POLICIES FOR RECORDS RETENTION AND DISPOSITION**

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, § 42.1-76, et seq. of the Code of Virginia for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the Certificate of Records Destruction (RM-3 Form). A signed RM-3 Form must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 Form must be sent to Library of Virginia (LVA).
4. Any records created prior to 1913 must be offered, in writing, to LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from LVA. A copy of the offer must be attached to the RM-3 Form when it is submitted to LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations, or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.

7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. Microfilming must be done in accordance with 17VAC15-20-10, et seq. of the Virginia Administrative Code, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting, or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must ensure that information in confidential or privacy-protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Ultimate destruction is accomplished through shredding, pulping, burning, and overwriting or physically destroying media. Deletion of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Records containing Social Security numbers must be destroyed in compliance with 17VAC15-120-30.
9. Under the Virginia Public Records Act, § 42.1-79, LVA is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. LVA may purge select records in accordance with professional archival practices in order to ensure efficient access.
10. Unless otherwise directed, files are closed out at the end of each calendar or fiscal year as appropriate. Retention periods start at that time.



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RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<p><u>Case Files: Civil</u></p> <p>This series documents the Commonwealth's Attorney's involvement with civil proceedings. This series may include, but is not limited to: petitions, pleadings, correspondence, applications, arrest records, notices, motions, answers, orders, and reports.</p>	200263	0 Years after no longer administratively useful	Confidential Destruction
<p><u>Case Files: Criminal - Less Serious</u></p> <p>This series documents the prosecution of criminal cases that the Commonwealth's Attorney determines to be less serious in nature, to include misdemeanor cases. This series may include, but is not limited to: indictment forms, pleadings, answers, jury instructions, notices, motions, orders, reports, jury lists, witness information, subpoenas, photographs, victim impact statements, and interview notes.</p>	010535	1 Year after closed	Confidential Destruction
<p><u>Case Files: Criminal - Most Serious</u></p> <p>This series documents the prosecution of criminal cases that the Commonwealth's Attorney determines to be the most serious in nature, to include felony cases. This series may include, but is not limited to: indictment forms, pleadings, answers, jury instructions, notices, motions, orders, reports, jury lists, witness information, subpoenas, photographs, victim impact statements, and interview notes.</p>	200264	20 Years after closed	Confidential Destruction
<p><u>Case Files: Criminal - Serious</u></p> <p>This series documents the prosecution of criminal cases that the Commonwealth's Attorney determines to be serious in nature and can include misdemeanor and felony cases. This series may include, but is not limited to: indictment forms, pleadings, answers, jury instructions, notices, motions, orders, reports, jury lists, witness information, subpoenas, photographs, victim impact statements, and interview notes.</p>	010534	10 Years after closed	Confidential Destruction



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RECORD SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION PERIOD	DISPOSITION METHOD
<u>Case Files: Historically Significant</u> This series documents the prosecution of criminal cases or involvement in civil cases that the Commonwealth's Attorney determines to have enduring historical value. This series may include, but is not limited to: indictment forms, pleadings, answers, jury instructions, notices, motions, orders, reports, jury lists, witness information, subpoenas, photographs, victim impact statements, and interview notes.	200265		Permanent, In Agency
<u>Forfeiture Files</u> This series documents the Commonwealth's Attorney's involvement with asset forfeiture proceedings. This series may include, but is not limited to: pleadings, orders, seizure warrants, property records, and notices.	200266	3 Years after order	Confidential Destruction
<u>Special Grand Jury Files</u> This series documents the Commonwealth's Attorney's involvement with Special Grand Jury investigations. This series may include, but is not limited to: appointments, orders, notes, and reports.	200267	3 Years after closed	Confidential Destruction