

# Schedule 122

## COUNTY PUBLIC DEFENDERS

August 22, 2005

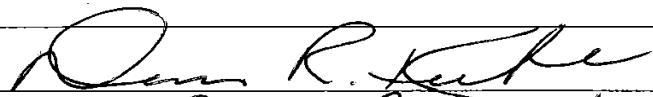
Nebraska Records Management Division  
440 South 8<sup>th</sup> Street, Suite 210  
Lincoln, NE 68508  
(402) 471-2559

**REQUEST FOR APPROVAL  
OF RECORDS RETENTION  
AND DISPOSITION SCHEDULE**

SCHEDULE	122
AGENCY, BOARD OR COMMISSION	<b>COUNTY PUBLIC DEFENDER</b>
DIVISION, BUREAU OR OTHER UNIT	
<b>Supersedes Edition of October 21, 1988</b>	

<b>TO: STATE RECORDS ADMINISTRATOR STATE OF NEBRASKA</b>
--

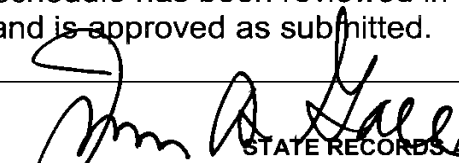
**PART I -- AGENCY STATEMENT**

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.	
SIGNATURE	
TITLE	<i>Lancaster County Public Defender</i>
DATE	<i>8/8/2005</i>

**PART II - ARCHIVAL APPROVAL**

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.	
SIGNATURE	DATE
<i>Andrea I. Faling</i>	<i>Aug. 17, 2005</i>
STATE ARCHIVIST	

**PART III -- APPROVAL BY STATE RECORDS ADMINISTRATOR**

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.	
SIGNATURE	DATE
	<i>8/22/05</i>
STATE RECORDS ADMINISTRATOR	

## **INSTRUCTIONS FOR USING THIS SCHEDULE**

Records retention and disposition schedules are designed to serve as your records management guidelines for storing and disposing of records, ***regardless of the media on which they reside***, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. Local Agencies General Records Schedule #24 contains those records common to most local government agencies. This schedule, along with the unique schedule written specifically for records unique to your office, approved by the State Records Administrator, provides your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### **DISPOSING OF RECORDS**

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over General Records Schedule #24 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. This report establishes that the destruction was performed in your normal course of business.

**Please remember to retain the blank form for future use.**

### **NON-SCHEDULED RECORDS**

Contact a Records Management Consultant in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### **SCHEDULE UPDATE**

It is the responsibility of each agency to periodically update their schedule. A Records Management Consultant in Records Management can assist you with the schedule update, which involves adding new records and making revisions to existing items. Keeping your schedule current will ensure that you have the ongoing authority to discard records when their useful life has ended.

### **QUESTIONS**

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Consultant in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or State Archives, microfilming records, scanning records, etc.

**Records Management Division  
440 South 8th Street, Suite 210  
Lincoln, NE 68508-2294  
402-471-2559**

# INDEX

## SCHEDULE 122 COUNTY PUBLIC DEFENDERS

	Item	Page
CHILD SUPPORT CONTEMPT CASE FILES .....	122-1	5
CORONERS INVESTIGATIVE RECORDS (OBSOLETE).....	122-2	5
FELONY CASE FILES .....	122-3	5
FISCAL RECORDS .....	122-11	7
INVESTIGATIVE CASE FILES (OBSOLETE) .....	122-4	5
JUVENILE CASE FILES .....	122-5	5
MENTAL HEALTH BOARD CASE FILES .....	122-6	6
MISCELLANEOUS CASE FILES .....	122-7	6
MISDEMEANOR CASE FILES .....	122-8	6
RECORDS DISPOSITION REPORT (BLANK FORM) .....		8
SUPREME COURT APPEAL AND NEBRASKA COURT OF APPEALS CASE FILES .....	122-9	6
WORK PRODUCT (EXCEPTIONS).....	122-10	6

## **SCHEDULE 122 – COUNTY PUBLIC DEFENDERS**

**NOTICE:** *The following dispositions establish minimum retention periods for the usual cases in each category. Records of high profile cases with potential for ongoing reference should be retained for longer time periods at the discretion of the County Public Defender. Subject to review by the County Public Defender to the records series affected.*

### **122-1 CHILD SUPPORT CONTEMPT CASE FILES**

Confidential case files of those individuals alleged to be in arrears of their court-ordered child support payments. Case file may consist of individual's employment history, payment history, medical history, attorney's work product, as well as documents relating to the contempt action itself and may also include actions for paternity.

**Dispose of 10 years after opening.**

### **122-2 CORONERS INVESTIGATIVE RECORDS (OBSOLETE)**

All coroners' records including autopsy reports.

**Currently a function of the County Attorney's office.**

### **122-3 FELONY CASE FILES**

Confidential case files of those individuals accused of any felony violations. Case file may consist of: copies of the police report; copy of the criminal record of the accused; attorney's work product; copy of the complaint or information; copies of all other documents filed in the court having jurisdiction; letters or copies of letters between the attorney and the client; written statement of facts by the defendant or witnesses; photocopies of any applicable statutes or cases; copies or original of Bills of Exceptions; copy of the final disposition; etc.

**Dispose of 5 years after final disposition of case.**

### **122-4 INVESTIGATIVE CASE FILES (OBSOLETE)**

All investigative case files which do not result in prosecution of a case.

**Currently a function of the County Attorney's office.**

### **122-5 JUVENILE CASE FILES**

Confidential case files of those individuals under the age of 18 years accused of any traffic, misdemeanor or felony violation. Case file may consist of: police report; copy of the criminal record of the accused; attorney's work product; and, if applicable, copy of the complaint, information or petition; copies of all pleadings in the case file; copy of the final disposition; etc.

**Dispose of 5 years after final disposition of case.**

**122-6 MENTAL HEALTH BOARD CASE FILES**

Confidential case files of those individuals accused of being mentally ill and dangerous as defined in the state statutes. Case file may consist of: copy of the police report; copies of the examining psychiatrist evaluation and diagnosis; copies of all pleadings with the Mental Health Board; copies of the attorney's work product; copy of the Board's final disposition of Petition, etc.

**Dispose of 5 years after final disposition of case.**

**122-7 MISCELLANEOUS CASE FILES**

Files are opened in a variety of cases where the courts appoint a Public Defender to represent individuals who are already incarcerated and are challenging their conviction or the condition of their confinement or where a fugitive from justice complaint has been filed involving the request from another state to have the client extradited. May include legal pleadings, letters to and from client, attorney notes, etc.

**Dispose of 5 years after final order of the court.**

**122-8 MISDEMEANOR CASE FILES**

Confidential case files of those individuals accused of any misdemeanor violation. Case file may consist of: copies of the police report; copy of the criminal record of the accused; attorney's work product; copy of the complaint or information; copies of all other documents filed in the court having jurisdiction; letters or copies of letters between the attorney and the client; written statement of facts by the defendant or witnesses; photocopies of any applicable statutes or cases; copies or original of Bills of Exceptions; copy of the final disposition; etc.

**Dispose of 5 years after final disposition of case.**

**122-9 SUPREME COURT APPEAL AND NEBRASKA COURT OF APPEALS CASE FILES**

Files are opened whenever the Public Defender appeals any action to the Nebraska Supreme Court. Case files may consist of pleadings from the District Court, correspondence with the client concerning the appeal, legal research and memorandums, as well as the briefs themselves, etc.

**Dispose of 5 years after filing of the Court's opinion.**

**122-10 WORK PRODUCT (EXCEPTIONS)**

For the purpose of these regulations, the phrase 'work product' shall include all documents representing work done by the County Public Defender and their agents in his/her professional capacity, and will be disposed of in conjunction with the case file to which it pertains. Work product will not include (exceptions): (1) investigative and intelligence information concerning the crime the subject of the criminal information or other allegations of criminal conduct not specified in the criminal information; (2) interviews conducted by the public defender or another on his/her behalf; (3) comments and evaluations of witnesses and evidence by the public defender or another on his/her behalf; (4) comments and evaluations relating to any settlement of the case without trial through an adjustment in the charges filed; and, (5) all other notes, reports and documents not filed with the court.

**EXCEPTIONS (1-5): Dispose of when no longer needed at the discretion of the public defender.**

**WORK PRODUCT: Dispose of in conjunction with the case file to which it pertains.**

**122-11 FISCAL RECORDS**

Fiscal information consisting of bank statements, check receipts, cancelled checks and stubs, receipts of checking account, etc.

**Dispose of according to Schedule 24 – GENERAL RECORDS, LOCAL AGENCIES.**

---

**NOTE**

*1. These records may be disposed of after the required retention period provided the audit has been completed with the audit report released and all related audit comments resolved. Check with the organization that performed the audit, and, if applicable, the Federal cognizant agency if there is a question whether resolution is complete. For records retention purposes only, the issuance of an audit waiver (or an Unaudited Financial Statement for villages) by the Auditor of Public Accounts shall take the place of an actual audit.*

# RECORDS DISPOSITION REPORT

<b>TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8<sup>TH</sup> STREET SUITE 210 LINCOLN, NE 68508-2294</b>	AGENCY
	DIVISION
	SUB-DIVISION

## REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

## OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

DATE	SIGNATURE
------	-----------

**SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.**

RMA 03006D



## VOLUME ESTIMATING GUIDE

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)**

Vertical File Cabinet, 4 drawer letter-size .....	6 cubic feet
Vertical File Cabinet, 4 drawer legal-size.....	8 cubic feet
Lateral File, 4 drawer/shelf letter-size .....	9 cubic feet
Lateral File, 4 drawer/shelf legal-size.....	12 cubic feet
Records center carton.....	1 cubic foot
About a pickup load.....	50 cubic feet