

Schedule 119

SARPY COUNTY ATTORNEY'S OFFICE

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


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

SCHEDULE NUMBER	119
AGENCY, BOARD OR COMMISSION	SARPY COUNTY ATTORNEY'S OFFICE
DIVISION, BUREAU OR OTHER UNIT	
Supersedes Edition of November 20, 1987	

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

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	Sarpy County Attorney	DATE
		May 8, 2002

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
	STATE ARCHIVIST	May 15, 2002

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 *		
	ADMINISTRATOR	DATE
		May 15, 2002

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. 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, provide 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**

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SCHEDULE 119 – SARPY COUNTY ATTORNEY’S OFFICE

119-1 ALCOHOL DIVERSION PROGRAM RECORDS

119-1-1 ALCOHOL DIVERSION PROGRAM CASE FILES

Confidential case files of those individuals accused of Driving While Intoxicated within the confines of Sarpy County, who are referred by a prosecutor to the Pre-Trial Division Program. Case files may consist of: copies of the Investigative/Intelligence records of the law enforcement agency which apprehended the accused; "contract" between the accused and his caseworker; alcohol evaluation of accused conducted by the caseworker; log of the accused's participation in and compliance with the program; documentation of Alcoholics Anonymous meeting attendance; correspondence with independent alcohol treatment facilities; and, if the accused is unsuccessful, written request of the caseworker, approved by the Program Director, that the accused be prosecuted, with documentation of reasoning underlying that request.

Dispose of 3 years after final disposition of case.

119-1-2 ALCOHOL DIVERSION PROGRAM FISCAL RECORDS

Fiscal information consisting of bank statements, check registers, cancelled checks, stubs and receipts of Checking Account maintained by the Alcohol Diversion Program, and audited by the County.

See Records Retention Schedule #24 - General Records, Local Agencies.

119-1-3 ALCOHOL DIVERSION INVENTORY RECORDS

See Records Retention Schedule Item #119-10, Office Inventory Reports.

119-1-4 ALCOHOL DIVERSION PROGRAM MISCELLANEOUS RECORDS

Records of the Alcohol Diversion Program, including but not limited to Caseworker's work product, training information, documentation of caseworkers certification, and conference notes.

WORK PRODUCT: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

EXCEPTIONS: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

MISCELLANEOUS: See Records Retention Schedule Item #119-9, Miscellaneous Records.

119-2 "BAD CHECK" RECORDS

119-2-1 "BAD CHECK" CASE FILES

Confidential case files of those individuals accused of issuing "insufficient fund" or "no account" checks within the confines of Sarpy County, referred to the County Attorney's Office for collection, and, if collection efforts are unsuccessful, for prosecution. Case file may consist of: check issued; written request of payee that matter be referred to the County Attorney's Office; statement of payee circumstances surrounding the issuance of the check; log of contact with accused; record of legal notice of contact with the accused requiring payment; and, if collection efforts are unsuccessful, copy of complaint, copy of information, if applicable, copies of legal notices issued by the court having jurisdiction, attorneys' work product, and copy of final disposition.

MISDEMEANOR: Dispose of after 3 years.

FELONY CLASS II and I: Dispose of 4 years after release from confinement, OR 4 years after death, whichever is sooner.

FELONY CLASS III: Dispose of 10 years after final disposition of case, OR 4 years after release from confinement, whichever is sooner.

FELONY CLASS IV: Dispose of 5 years after final disposition of case, OR 4 years after release from confinement, whichever is sooner.

119-2-2 "BAD CHECK" FISCAL RECORDS

Fiscal information consisting of documentation of receipts and disbursements, bank statements, check registers, cancelled checks, stubs and receipt of Checking Account maintained by the "Bad Check" Department, and audited by the County.

See Record Retention Schedule # 24 - General Records, Local Agencies.

119-2-3 "BAD CHECK" INVENTORY RECORDS

See Records Retention Schedule Item #119-10, Office Inventory Reports.

119-2-4 "BAD CHECK" MISCELLANEOUS RECORDS

Records of the "Bad Check" Department, including but not limited to file payment records of the accused contained on computer "Data General" mainframe. Data General is backed up to magnetic tape daily with the backup tapes sent off-site on a monthly basis.

WORK PRODUCT: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

EXCEPTIONS: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

MISCELLANEOUS: See Records Retention Schedule Item #119-9, Miscellaneous Records.

ELECTRONIC DATA: Backup daily; dispose of after 8 years.

SECURITY COPY: Dispose of after 8 years.

119-3 CHILD SUPPORT ENFORCEMENT RECORDS

119-3-1 CHILD SUPPORT ENFORCEMENT CASE FILES

Confidential case files of those individuals residing in Sarpy County alleged to be recipients of court-ordered child support payments which are in arrears, or of those individuals residing in Sarpy County alleged to be in arrears of their court-ordered child support payments. Case file may consist of: request for prosecution; background interview of recipient; request for prosecution received from another jurisdiction; records of payments, if any; attorneys' work product; copy of complaint; and if applicable, the information, copies of legal notices issued by court of jurisdiction, and copy of disposition.

Dispose of 3 years after final disposition of case.

119-3-2 CHILD SUPPORT ENFORCEMENT FISCAL RECORDS

Fiscal information consisting of bank statements, check registers, cancelled checks, stubs and receipt of Checking Account maintained by the Child Support Enforcement Office for minor miscellaneous expenses and audited by the County.

See Records Retention Schedule # 24 - General Records, Local Agencies.

119-3-3 CHILD SUPPORT ENFORCEMENT INVENTORY RECORDS

Copy of the original records maintained by the County showing physical assets of the Child Support Enforcement Office.

See Records Retention Schedule Item #119-10, Office Inventory Reports.

119-3-4 CHILD SUPPORT ENFORCEMENT MISCELLANEOUS RECORDS

All other records of the Child Support Enforcement Office.

WORK PRODUCT: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

EXCEPTIONS: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

MISCELLANEOUS: See Records Retention Schedule Item # 119-9, Miscellaneous Records.

119-4 CIVIL LITIGATION RECORDS

119-4-1 CIVIL LITIGATION CASE FILES

Confidential case files of those civil actions involving the County defended by the County Attorney's Office. Case file consists of: Notice of Suit; attorneys' work product; copies of legal notices of court of jurisdiction; copy of disposition.

Dispose of 5 years after final disposition of case.

119-4-2 CIVIL MISCELLANEOUS FILES

Case files concerning the actions of the County Attorney's Office in providing legal advice to the various county offices. Includes correspondence, research and research notes, opinions, copies of associated records and documents, and attorney's work product.

WORK PRODUCT: See Records Retention Schedule #119-14, Work Product and Exceptions.

EXCEPTIONS: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

ALL OTHER RECORDS: Dispose of 5 years after final disposition of case.

119-5 CRIMINAL RECORDS

119-5-1 MISCELLANEOUS CASE FILES

Confidential case files of those adult individuals accused of any traffic, misdemeanor or felony violations of the laws of the State of Nebraska, or any political subdivision thereof, committed within the confines of Sarpy County. Case file may consist of: copies of the Investigative/Intelligence report of the law enforcement agency apprehending or identifying the accused; copy of the criminal record of the accused; attorneys' work product; and, if applicable, copy of the complaint and/or information, copies of legal notices of court having jurisdiction, and copy of final disposition.

Dispose of 3 years after final disposition of case.

119-5-2 FELONY CASE FILES

Confidential case files of those adult individuals accused of any felony violations of the State of Nebraska. Case file may consist of: copies of the Investigative/Intelligence report of the law enforcement agency apprehending or identifying the accused; copy of the criminal record of the accused; attorney's work product; and, if applicable, copy of the complaint and/or information, copies of legal notices of court having jurisdiction, copy of the final disposition.

CLASS I and II: Dispose of 4 years after release from confinement, OR 4 years after death, whichever is sooner.

CLASS III: Dispose of 10 years after final disposition of case, OR 4 years after release from confinement, whichever is sooner.

CLASS IV: Dispose of 5 years after final disposition of case, OR 4 years after release from confinement, whichever is sooner.

119-5-3 CRIMINAL FISCAL RECORDS

Fiscal information consisting of bank statements, check registers, cancelled checks, stubs and receipts of Checking Account maintained by the County Attorney's Office for minor miscellaneous expenses including but not limited to service of process fees for witnesses who are not residents of Sarpy County, Nebraska.

See Records Retention Schedule # 24 - General Records, Local Agencies.

119-5-4 CRIMINAL INVENTORY RECORDS

See Records Retention Schedule Item #119-10, Office Inventory Reports.

119-5-5 CRIMINAL MISCELLANEOUS RECORDS

Criminal records including but not limited to the attorney's work product, copies of investigative/intelligence reports prepared by law enforcement agencies for which no action is required by the County Attorney, copies of various warrants issued by the County Court and District Court, investigative case files which do not result in prosecution.

WORK PRODUCT: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

EXCEPTIONS: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

MISCELLANEOUS: See Records Retention Schedule Item #119-9, Miscellaneous Records.

119-6 JUVENILE INTAKE PROGRAM RECORDS

119-6-1 JUVENILE INTAKE PROGRAM CASE FILES

Case files of those individuals under the age of eighteen (18) years accused of any traffic or misdemeanor violation of the laws of the State of Nebraska, or of any political subdivision thereof, committed within the confines of Sarpy County, who are referred by a prosecutor to the Pre-Trial Diversion Program. Case files may consist of: copies of the Investigative/Intelligence reports of the law enforcement agency which apprehended the accused; "contract" between the accused and his caseworker; documentation of compliance of the program; and, if the accused is unsuccessful, request that the accused be prosecuted.

Dispose of 5 years after final disposition of case.

119-6-2 JUVENILE INTAKE PROGRAM FISCAL RECORDS

Fiscal information consisting of bank statements, check registers, cancelled checks, stubs and receipts of Checking Account maintained by the Juvenile Intake Program for miscellaneous minor expenses and audited by the County.

See Records Retention Schedule # 24 - General Records, Local Agencies.

119-6-3 JUVENILE INTAKE PROGRAM INVENTORY RECORDS

See Records Retention Schedule Item #119-10, Office Inventory Reports.

119-6-4 JUVENILE INTAKE PROGRAM MISCELLANEOUS RECORDS

All other records of the Juvenile Intake Program.

Dispose of after 5 years.

119-7 JUVENILE RECORDS

119-7-1 JUVENILE CASE FILES

Confidential case files of those individuals under the age of eighteen (18) years accused of any traffic, misdemeanor or felony violation of the laws of the State of Nebraska, or of any political subdivision thereof, committed within the confines of Sarpy County. Case file may consist of: copies of the Investigative/Intelligence report of the law enforcement agency apprehending or identifying the accused; applicable copy of the complaint and/or information; copies of legal notices of the court having jurisdiction; and copy of final disposition.

Dispose of 5 years after final disposition of case.

119-7-2 JUVENILE INVENTORY RECORDS

See Records Retention Schedule Item #119-10, Office Inventory Reports.

119-7-3 JUVENILE MISCELLANEOUS RECORDS

Juvenile records including but not limited to the attorney's work product, conference notes, correspondence, etc.

WORK PRODUCT: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

EXCEPTIONS: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

ALL OTHER RECORDS: Dispose of after 5 years.

119-8 MENTAL HEALTH BOARD RECORDS

119-8-1 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 Investigative/Intelligence report of the law enforcement agency apprehending or identifying the subject; copies of the examining psychiatrist's evaluation and diagnosis; copies of the petition filed with the Mental Health Board; copies of legal notices issued by the Mental Health Board; copy of Board's final disposition of petition.

Dispose of 5 years after final disposition of case.

119-8-2 MENTAL HEALTH BOARD INVENTORY RECORDS

See Records Retention Schedule Item #119-10, Office Inventory Reports.

119-8-3 MENTAL HEALTH BOARD MISCELLANEOUS RECORDS

All other records of the Mental Health Board.

WORK PRODUCT: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

EXCEPTIONS: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

ALL OTHER RECORDS: Dispose of after 5 years.

119-9 MISCELLANEOUS RECORDS

Records of the County Attorney's Office including: a copy of the one-page Death Certificate issued by a mortuary and signed by the County Attorney (original filed with the Bureau of Vital Statistics as required by law); copy of annual budget prepared by the County Attorney (original forwarded to the County Clerk); copies of expense reports received from the County Clerk; copies of Inheritance Tax Records signed by the County Attorney (originals filed with County Court); copies of Investigative/Intelligence reports prepared by law enforcement agencies for which no action is required by the County Attorney's Office; copies of various warrants issued by the County Court and District Court; copies of invoices for purchases made by the County Attorney's Office; copies of Casualty Reports prepared by the law enforcement agencies; and all other copies of records in which the original is maintained by another office.

WORK PRODUCT: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

EXCEPTIONS: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

ALL OTHER RECORDS: Dispose of after 3 years.

119-10 OFFICE INVENTORY REPORTS (COPY)

Copies of inventory reports kept and maintained by the County Clerk's Office which identify physical assets of the County Attorney's Office and the programs run by that office.

Dispose of after superseded or obsolete.

119-11 PERSONNEL RECORDS (COPY)

All original personnel records are kept and maintained by the Sarpy County Personnel Office. Copies may be kept by Department Heads.

Dispose of after obsolete.

119-12 TAX AND LAND VALUATION RECORDS

Copies of land valuations made at the County Board's request and supervised by the County Attorney's Office. Originals maintained by the County Board.

WORK PRODUCT: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

EXCEPTIONS: See Records Retention Schedule Item #119-13, Work Product and Exceptions.

ALL OTHER RECORDS: Dispose of after 5 years.

119-13 WORK PRODUCT AND EXCEPTIONS

For the purposes of these regulations, the phrase “work product” shall include all documents representing work done by the County Attorney and his/her agents in his/her professional capacity and will be disposed of in conjunction with the case file to which it pertains. Work products 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 prosecuting attorney or another on his/her behalf; (3) comments and evaluations of witnesses and evidence by the prosecuting attorney 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 prosecuting attorney.

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

119-14 CORONERS' INVESTIGATIVE RECORDS

All coroners' records, including autopsy reports.

Dispose of after 4 years.

119-15 COMPUTER INDEXING SYSTEM

Electronic data on cases, giving ID number, date of birth, charge, disposition and limited information of the attorneys and law enforcement officer(s) to which the file pertains. Stored on the “Data General” mainframe system, which is backed up to magnetic tape daily, with the backup tapes sent off-site on a monthly basis.

ELECTRONIC DATA: Backup daily; dispose of after 8 years.

SECURITY COPY: Dispose of after 8 years.

RECORDS DISPOSITION REPORT

TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8TH STREET SUITE 210 LINCOLN, NE 68508-2294	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
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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