

100-RICR-50-20-3

TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 20 – STATE AGENCY RECORDS RETENTION SCHEDULES

PART 3 – DEPARTMENT OF THE ATTORNEY GENERAL RECORDS (AG)

3.1 Purpose, Authority, Severability, and Destruction

3.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

3.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

3.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

3.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

AG1

Civil Division

The Attorney General of Rhode Island is the state's chief legal officer for civil as well as criminal matters. The Civil Division is charged with conducting the state's legal affairs and representing the State in legal proceedings. By law, the Attorney General represents the state in the Rhode Island Supreme Court and all lower state courts, institutes and defends actions in state and federal courts whenever warranted, ensures that representation is provided to state officers, employees and agencies in all courts, advises state officers and agencies on legal issues, gives written opinions on legal issues when requested by an appropriate governmental officer, sits as a member on a number of boards and commissions, and represents the interests of the people. The Attorney General, through the department's Civil Division, is responsible for defending and prosecuting hundreds of civil legal actions yearly in state and federal courts, including the Rhode Island and United States Supreme Courts. These responsibilities encompass not only acting as attorney at trial, but also conducting discovery, meeting with clients, researching and writing legal memoranda, and handling motions, administrative hearings and appeals in the Rhode Island Supreme Court and federal appellate courts. Attorney General Criminal Schedule Implementation Issues include separate capital felonies (e.g., P1) from non-capital felonies (e.g. P2) from misdemeanor appeals (e.g. P3) due to different retentions for all three (AG2.1 (Superior Court Unit – Capital Offenses), AG2.2 (Superior Court Unit – Non-Capital Offenses), and AG2.3 (District & Superior Court Unit – Misdemeanor Offenses)); asset forfeiture (AG2.6 (District & Superior Court Unit – Asset Forfeiture)); determine that “all issues concerning feature are resolved.”; juvenile records: determine that records are organized by date respondent reaches age of nineteen (AG2.9 (Juvenile Unit – Delinquency Adjudications and Adult Convictions)); and determine whether Medicaid Fraud files are organized by date cases opened or by date sentence expired (AG2.16 (Medicaid Fraud Unit – Medicaid Fraud Files)).

AG1.1

Civil Actions Brought by and Against the State

The Attorney General, through the department's Civil Division, is responsible for defending and prosecuting civil legal actions in state and federal courts per R.I. Gen. Laws § 9-1-25. These responsibilities include acting as attorney at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. Some limits are specified by R.I. Gen. Laws § 9-31-1 et seq. The records of these actions contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the state agency

represented, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

AG1.1A Routine Cases

Includes all cases that do not result in policy changes and do not involve noteworthy individuals or events.

Retention: Retain seven (7) years after final disposition.

AG1.1B Landmark Cases

Includes cases that result in changes to policy and/or procedures or that involve noteworthy individuals or events, as identified by the Civil Division and/or the State Archives.

Retention: Permanent.

AG1.2 Constitutional Violations

The Attorney General, through the department's Civil Division, is responsible for cases involving allegations of violations of the state constitution and the federal constitution by state employees per 42 U.S.C. § 1983 and R.I. Gen. Laws § 9-1-14. These responsibilities include acting as attorney at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. Some limits are specified by R.I. Gen. Laws § 9-31-1 et seq. The records of these actions contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the state agency represented, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

Retention: Retain seven (7) years after final disposition.

AG1.3 State Constitutional Challenges

The Attorney General has the option of intervening in cases that involve constitutional challenges to state statutes. When the Attorney General does intervene, the associated responsibilities include acting as attorney

at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. The records of all cases contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the individual or entity represented, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

Note: Reports describing cases that challenge the constitutionality of acts of the Rhode Island General Assembly are created on an annual basis. (R.I. Gen. Laws § 42-9-6.1)

AG1.3A Cases in Which the Attorney General Intervenes

Retention: Permanent.

AG1.3B Cases in Which the Attorney General Declines to Intervene

Retention: Retain seven (7) years after final disposition.

AG1.4 Hazardous Substance Cases

The Attorney General, through the department's Civil Division, is responsible for cases involving proofs of claims and/or complaints and pleadings concerning hazardous substances. These responsibilities include acting as attorney at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. The records of these actions contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the individual or entity represented, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

Retention: Retain thirty (30) years after final disposition and then transfer custody to the Rhode Island State Archives for appraisal.

AG1.5 Antitrust Matters

The Attorney General, through the department's Civil Division, is responsible for cases involving alleged antitrust violations per R.I. Gen. Laws § 6-36-1 et seq. These responsibilities include acting as attorney at trials, conducting discovery, meeting with clients, conducting research, writing legal memoranda, and handling motions, administrative hearings, and appeals. The records of these actions contain all files relating to a particular matter from the initial complaint or document that sets out the subject matter of the case, to the documents that indicate the final disposition. They may include, but are not limited to, complaints, answers, other responses of the individual or entity represented, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

Retention: Retain seven (7) years after final disposition.

AG1.6 Public Utilities Commission – Rate Cases

Public utilities must file to effectuate rates, tariffs, tolls, and charges. They must also ensure sufficiency and reasonableness of facilities and accommodations of railroad, ferry boats, gas, electric distribution, water, telephone, telegraph, and other public utilities per R.I. Gen. Laws § 39-2-1. For railroads, this involves the location of depots and stations and the control of grade crossings. When public utilities fail in these obligations, civil actions may be brought by individuals, firms, or corporations adversely affected per R.I. Gen. Laws § 39-2-7. These actions must be brought within three (3) years from the time the cause of action accrues. The records in this series include these filings along with testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

AG1.7 Public Utilities Commission – Commission Initiated Investigations

The Commission has the authority to initiate a docket sua sponte to investigate matters within their jurisdiction granted to them by statute per R.I. Gen. Laws § 39-1-13. The records generated include, but are not limited to, filings to effectuate investigations, testimony, pleadings, discovery, exhibits, correspondence, and research material.

Retention: Retain seven (7) years after final disposition.

AG1.8 Public Utilities Commission – Utilities Required Filings

The Commission's inter-office policy requires public utilities to issue reports detailing conservation and load management and integrated resource plans. The records consist of filings to effectuate these reports, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain three (3) years.

AG1.9 Public Utilities Commission – Consumer Complaints

The Commission assists the public in consumer disputes with public utilities in the areas of billing, utility terminations, and discrimination per R.I. Gen. Laws § 39-2-7. In many cases, referrals to appropriate agencies and/or departments are provided. The records include correspondence and transcripts of hearings in those cases when a hearing is deemed necessary.

Retention: Retain seven (7) years after final disposition.

AG1.10 Public Utilities Commission – Electric Restructuring

The Commission was charged with the responsibility of implementing the Utility Restructuring Act of 1996 (96-H 8124B) (R.I. Gen. Laws § 39-1-1). The series consists of correspondence, pleadings, testimony, discovery, exhibits, and research designed to accomplish this implementation.

Retention: Permanent.

AG1.11 Division of Public Utilities and Carriers – Financing Matters

Public utilities that seek authority to enter into long-term debt and issue bonds must comply with the requirements of R.I. Gen. Laws § 39-3-15, which specifies certain security issues that must be addressed. The records include, but are not limited to, filings, correspondence, pleadings, and testimony.

Retention: Retain seven (7) years after final disposition.

AG1.12 Division of Public Utilities and Carriers – Motor Carrier Matters

The Division protects the public in consumer disputes and investigations for common carriers of property and passengers over the state's public roadways (towing, taxicabs, and moving companies). The files include, but are not limited to, complaints, subpoenas, correspondence, pleadings, exhibits, and orders.

Retention: Retain seven (7) years after final disposition.

AG1.13 Division of Public Utilities and Carriers – Consumer Complaints

The Division assists the public in consumer disputes with public utilities in the areas of billing, utility terminations, and discrimination. In many cases, the Division provides referrals to appropriate agencies and/or departments. The files consist primarily of correspondence, but also include transcripts of hearings when hearings are deemed necessary.

Retention: Retain seven (7) years after final disposition.

AG1.14 Federal Energy Regulatory Commission – Rate Cases

The Commission oversees the transmission of wholesale natural gas and electricity products into Rhode Island and the surrounding area per 42 U.S.C. § 7172. The records consist of, but are not limited to, filings to effectuate this transmission, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

AG1.15 Federal Energy Regulatory Commission – Commission Initiated Investigations

The Commission has the authority, conferred by Federal statute 42 U.S.C. § 7172, to initiate investigations into various components of the transmission of wholesale natural gas and electricity products. The records include, but are not limited to, filings to effectuate the investigations, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

AG1.16 Federal Energy Regulatory Commission – Tariff Changes

The Commission is responsible for changes in fixed rates of the transmission of natural gas and electricity products per 42 U.S.C. § 7172. The records include, but are not limited to, filings to effectuate the changes, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

AG1.17 Federal Energy Regulatory Commission – Electric Restructuring

The Commission is responsible for filings made by utilities to provide wholesale all-requirements contracts. The records include, but are not limited to, filings to effectuate the contracts, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Permanent.

AG1.18 Energy Facility Siting Board Cases

The Board handles cases involving placement of upgrades and repairs to high voltage electrical lines within the state and the licensing and authority for siting, construction, or alteration of a major energy facility per R.I. Gen. Laws § 39-25-3. The records include, but are not limited to, filings to effectuate the placement of upgrades and repairs, testimony, pleadings, discovery, exhibits, correspondence, and research.

Retention: Retain seven (7) years after final disposition.

AG1.19 Securities and Exchange Commission Cases

Public utilities are required to file financial transactions with this Commission. This series includes these filings.

Retention: Retain seven (7) years after final disposition.

AG1.20 Federal Communications Commission Cases

The Commission is responsible for monitoring and communicating state positions on activities involving the telecommunications industry and cable television.

AG1.20A Telecommunications Restructuring Files

Retention: Permanent.

AG1.20B All Other Records

Retention: Retain seven (7) years after final disposition.

AG1.21 Nuclear Regulatory Commission Cases

The Commission monitors cases and requires filings of utilities that generate electricity by nuclear reaction/fission and are licensed by the Commission. (42 U.S.C. § 2278)

Retention: Retain ten (10) years after final disposition.

AG1.22 Insurance Unit – Rate Filings

Insurance companies must submit filings for premium increases, changes in coverage, and new types of coverage. The files include, but are not limited to, filings, actuarial testimony, exhibits, correspondence, and research material.

AG1.22A Final Decisions of Business Regulation

Retention: Permanent.

AG1.22B All Other Records

Retention: Retain ten (10) years after final decision (including all appeals).

AG1.23 Insurance Unit – Insurance Assessments

Assessments are made to insurance companies that write policies in Rhode Island. This series contains the records of those assessments. They may include, but are not limited to, correspondence, printouts, and calculations.

Retention: Retain ten (10) years.

AG1.24 Insurance Unit – Healthcare Merger Files

The Insurance Unit involves itself in proposed mergers of businesses in the health care field. These files contain records pertaining to those mergers, whether they actually happen or not.

Retention: Permanent.

AG1.25 Insurance Unit – Department of Business Regulation Decisions

The Department of Business Regulation renders decisions regarding insurance matters. This series includes those decisions.

Retention: Permanent.

AG1.26 Insurance Unit – Complaints Brought by Individuals and Miscellaneous Correspondence

The unit handles correspondence from private individuals concerning insurance related matters. These files include that correspondence, along with associated research material.

Retention: Retain seven (7) years after final resolution of complaint.

AG1.27 Insurance Unit – Annual Miscellaneous Memoranda

The unit drafts memoranda in response to inquiries about insurance matters. These memoranda are filed and one file is created each year. These records contain those files.

Retention: Retain seven (7) years.

AG1.28 Insurance Unit – NAAG Task Force Files

The unit formed a task force to interact with NAAG (National Association of Attorneys General). These records consist of the Task Force's correspondence, memoranda, compiled research, notes, and other items.

Retention: Retain seven (7) years after Task Force is disbanded.

AG1.29 Consumer Protection – Cases Settled Out of Court

The Consumer Protection Unit handles consumer complaints that fall within its statutory authority per R.I. Gen. Laws § 6-13.1-1 et seq. Some cases never reach a courtroom. This series contains files on those cases. They may include, but are not limited to, complaint forms, investigative notes, correspondence with consumers, and correspondence with businesses, supporting documentary evidence, tangible evidence, and resolution documents. (R.I. Gen. Laws § 9-1-13)

Retention: Retain ten (10) years after final resolution.

AG1.30 Consumer Protection – Civil Investigative Demands (CID's)

The Consumer Protection Unit handles consumer complaints that fall within its statutory authority per R.I. Gen. Laws § 6-13.1-1 et seq. This series contains files on cases that resulted in formal legal action and/or civil investigative demands being initiated in Superior Court. They may include all of the items listed for cases settled out of court and any and all court documents including, but not limited to, Assurances of Voluntary Compliance (AVC), Civil Investigative Demands (CID), and Temporary Restraining Order (TRO). (R.I. Gen. Laws § 9-1-13)

Retention: Retain ten (10) years after final resolution.

AG1.31 Consumer Protection – Referrals

The Consumer Protection Unit sometimes receives consumer complaints or inquiries regarding issues that fall outside its authority. These are directed to the appropriate agency or venue that does have statutory authority over the case. These files may include, but are not limited to, complaint forms, investigator notes, correspondence with consumers, correspondence with referred agencies, and resolution documents. (R.I. Gen. Laws § 9-1-13)

Retention: Retain ten (10) years after final resolution.

AG1.32 Consumer Protection – Registration Records

The Consumer Protection Unit registers a number of types of businesses. Various Rhode Island statutes mandate this registration of

these industries with the Unit. The files may include, but are not limited to, registration applications, copies of checks used to pay fees, surety bonds, contracts, correspondence with the businesses, and applicable municipal approvals.

Retention: Retain seven (7) years after operations cease.

AG1.33 Counsel Unit – Advisory Opinions

The Counsel Unit handles requests from state agencies and other entities for legal opinions. These records include those requests and the responses of the Unit.

Retention: Permanent.

AG1.34 Counsel Unit – Amicus Requests

The Counsel Unit handles requests to join appeals or certified petitions to federal appellate courts and to the Supreme Court of the United States. These files include those requests and all associated records.

Retention: Retain until end of calendar year in which decision is rendered.

AG1.35 Counsel Unit – Open Meeting Act Files

The Counsel Unit handles complaints filed by citizens against public bodies that refuse them access to meetings. The records may include, but are not limited to, the complaint, the response by the public body involved, materials obtained in the investigation (such as meeting notices, minutes, and agendas). If a violation is found, the files may also contain an acknowledgement of a violation and/or a settlement agreement.

Retention: Retain seven (7) years after final disposition.

AG1.36 Counsel Unit – Access to Public Records Act Files

The Counsel Unit handles complaints filed by citizens against public bodies that refuse them access to public records. The records may include, but are not limited to, the complaint, the response by the public body involved, and materials obtained in the investigation. If a violation is found, the files may also contain an acknowledgement of a violation and/or a settlement agreement.

Retention: Retain seven (7) years after final disposition.

AG1.37 Counsel Unit – Inquiries

The Counsel Unit handles requests for legal advice from private individuals and corporations. These records contain those requests as well as the agency's responses to them.

Retention: Retain seven (7) years.

AG1.38 Counsel Unit – Bond Files

The Attorney General handles requests for opinions in connection with the issuance of bonds and/or certificates of participation by the state or any of its departments or agencies. These records include copies of official statements and/or preliminary official statements. Bond counsel hired by the state retains the original documents.

Retention: Retain thirty (30) years.

AG1.39 Charitable Trust Unit – Filings

The Charitable Trust Unit handles trusts established to raise funds for various causes. The files include, but are not limited to, initial registration forms, annual financial reports of charitable trusts, and trust instruments.

Retention: Permanent.

AG1.40 Charitable Trust Unit – Litigation

The Charitable Trust Unit handles litigation involving perpetual trusts. The files include, but are not limited to, complaints, answers, research material, legal briefs, legal memoranda, documentary evidence, depositions, interrogatories, answers thereto, related documents filed in court, pleadings, correspondence, and work papers of the attorneys.

Retention: Permanent.

AG1.41 State Properties Committee – Proposed Lease/Other Agreement Files

The Attorney General handles leases and other agreements (such as licenses and easements) involving state property. These files include, but are not limited to, lease documents, licenses, easements, and other documents relating to proposed agreements with the state, notes, and correspondence. Final documents involving these agreements are also maintained by the Department of Administration, Division of Central Services.

Retention: Retain forty (40) years after expiration of the lease/agreement.

AG1.42 Racial Profiling Prevention Study Records

In July 2000, the General Assembly enacted legislation declaring the use of racial profiling by police to stop or search motorists on Rhode Island's public highways to be against public policy and a violation of motorists' civil rights (Pub. Laws 00-251, R.I. Gen. Laws Chapter 31-21.1 (Traffic Stops Statistics Act)). The act also authorized the state Attorney General to conduct a study of routine traffic stops by the Rhode Island State Police and each municipal police department to determine whether racial profiling was occurring. The study was based on an analysis of data cards completed by police during each traffic stop made between 2001 and 2003. A final report was issued in June 2003. Records consist of data collection cards, electronic data, and study reports. Data collection cards were completed by police during individual traffic stops. Data has been input from the cards into an electronic database. Data collected includes age, race, gender, ethnicity, reason for stop/alleged violation, date, time, location, license plate number, warning given, citation given, arrest made, personal search conducted, search of vehicle conducted, contraband found, items seized for forfeiture, and authority for search. Analysis, interim reports, and final report of analysis of electronic data were contracted to Northeastern University's Center for Criminal Justice.

Note: Data transferred from cards to database using Scantron Corporation Optical Mark Reader technology. An additional racial profiling study covering the period 2004-2005 was conducted by the Governor's Justice Commission under the Racial Profiling Prevention Act of 2004 (R.I. Gen. Laws Chapter 31-21.2). Records related to this later study are covered under the Governor's Justice Commission records retention schedule, specifically GJC12 (Racial Profiling Prevention Study Records).

AG1.42A Study Reports

Retention: Retain one (1) copy permanently.

AG1.42B Data Collection Cards

Retention: Retain until verification and validation of electronic data.

AG1.42C Electronic Data

Retention: Permanent.

Note: Retain system documentation necessary to ensure continuing access to data, as

well as any documentation that may be required to understand data elements and data relationships, including but not limited to, data dictionaries, codebooks, data tables, technical metadata and other relevant system materials.

AG1.43 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorized the disposal of records listed in this and other applicable records retention schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1.10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

AG2 Criminal Division

AG2.1 Superior Court Unit – Capital Offenses

The Attorney General's Office prosecutes those accused of capital offenses in Rhode Island. Capital offenses include all crimes subject to a sentence of life imprisonment. The files may include, but are not limited to, police packages, investigatory notes, witness statements, pleadings, memoranda, notes, correspondence, Victim Services files, and disposition sheets. Files from the Financial Crimes Unit and the Special Prosecution Unit (both of which existed from 1991 until 1996) would also be filed with these cases when the work of those units led to a charge with a capital offense.

Retention: Retain one hundred (100) years from the date of opening or until the sentence expires, whichever is later.

AG2.2 Superior Court Unit – Non-Capital Offenses

The Attorney General's Office prosecutes those accused of felonies in Rhode Island. Felony convictions include all offenses punishable by imprisonment for a term exceeding one (1) year and/or a fine exceeding one thousand dollars (\$1,000.00) (but not subject to life imprisonment). The files may include, but are not limited to, police packages, investigatory notes, witness statements, pleadings, memoranda, notes, correspondence, Victim Services files, and disposition sheets. Files from the Financial Crimes Unit and the Special Prosecution Unit (both of

which existed from 1991 until 1996) would also be filed with these cases when the work of those units led to a charge with a felony.

Retention: Retain thirty (30) years from the date of opening or ten (10) years after the sentence expires, whichever is later.

AG2.3 District & Superior Court Unit – Misdemeanor Offenses

The Attorney General's Office prosecutes those charged with misdemeanors by the Rhode Island State Police or other state law enforcement agencies and misdemeanor cases appealed from the District Court to the Superior Court. Misdemeanor convictions include all offenses punishable by imprisonment for a term not exceeding one year or a fine not exceeding one thousand dollars. The files may include, but are not limited to, police packages, investigatory notes, witness statements, pleadings, memoranda, notes, correspondence, Victim Services files, and disposition sheets. Files from the Financial Crimes Unit and the Special Prosecution Unit (both of which existed from 1991 until 1996) would also be filed with these cases when the work of those units led to a charge with a misdemeanor. Another type of case file that would come before this court is the Veterans Court misdemeanor case files. This court was created in 2011 as an alternative sentencing for military veterans charged with nonviolent misdemeanors. This court grew out of the Veterans Treatment Center in New England when it opened its doors to referrals to the District Court to oversee legal cases of veterans who were suffering some type of service-induced mental illness.

Retention: Retain seven (7) years from the date of opening or one (1) year after the sentence expires, whichever is later.

AG2.4 District & Superior Court Unit – Landmark Cases

Some cases handled by the Attorney General's Office are precedent-setting, lead to changes in laws or policies, involve events of historical significance, or prominent/noteworthy individuals. This series contains files pertaining to these cases. The files may include, but are not limited to, police packages, investigatory notes, witness statements, pleadings, memoranda, notes, correspondence, Victim Services files, and disposition sheets. Files from the Financial Crimes Unit and the Special Prosecution Unit (both of which existed from 1991 until 1996) would also be filed with these cases when the work of those units led to a charge. Landmark cases are identified by staff of the Attorney General in consultation with the State Archives.

Retention: Permanent.

AG2.5 Superior Court Unit – Wire Tap Files

Courts sometimes authorize wiretaps as part of criminal investigations. This series contains records relating to wiretaps. The files may include, but are not limited to, applications for wiretaps, court orders, recordings, and communications.

AG2.5A Files from Landmark Cases

Retention: Permanent.

AG2.5B All Other Files

Retention: Retain until presiding judge of superior court issues an order authorizing destruction, a minimum of ten (10) years.

AG2.6 District & Superior Court Unit – Asset Forfeiture

Criminal cases sometimes result in forfeiture of assets. This series contains records pertaining to such forfeitures. This series contains criminal packages submitted by the police department. They include, but are not limited to, witness statements, toxicology reports, appraisals, titles, registry printouts, letters of notice to owners of forfeited property, and declarations of forfeiture.

Retention: Retain seven (7) years from the date the case is opened or until all issues concerning forfeiture are resolved, whichever is later.

AG2.7 District & Superior Court Unit – Warrants

Warrants are issued for individuals who fail to appear for Superior Court charges. This series contains those warrants.

Retention: Retain until the warrant is quashed and then for the time period of the series the specific case belongs with.

AG2.8 District & Superior Court Unit – Post Conviction Relief

Defendants convicted of crimes in Rhode Island may apply for post-conviction relief in an effort to have the conviction overturned after they have exhausted all appeals. The records produced by attacks on defendants' convictions include, but are not limited to, pleadings, police reports, notes, transcripts, and correspondence.

Retention: Retain seven (7) years from the date of disposition.

AG2.9 Juvenile Unit – Delinquency Adjudications and Adult Convictions

Delinquency adjudications are launched when family court petitions are filed. They include the adjudication of offenses committed by juveniles, which, if committed by adults, would constitute felonies. The files include complaints and investigations concerning prosecutions of juveniles and adults in family court. They also include, but are not limited to, criminal face sheets, family court petitions, criminal information, police packages, discovery, and motions.

Retention: Retain thirty (30) years from the date the respondent reaches the age of nineteen (19).

AG2.10 Appellate Unit – State Supreme Court and Federal Court Appeals of Criminal Matters

The Office of the Attorney General is involved in appeals of criminal matters to state and Federal courts. This series documents those cases. The records include, but are not limited to, transcripts of trial and appellate briefs of all parties, state appeals, petitions for writ of certiorari, state and federal habeas petitions and appeals of post-conviction petitions.

Retention: Retain twenty-five (25) years from the date the appeal is filed or one year after the case is resolved, whichever is later.

AG2.11 Extradition Unit – Rendition and Extradition Files

The executive authorities of other states occasionally demand that the Governor of Rhode Island surrender a person charged with a crime. The Governor of Rhode Island may also make similar demands of other states and countries. Per R.I. Gen. Laws § 12-9-5, the Governor may call upon the Attorney General or any prosecuting attorney in the state to investigate or assist in investigating the demand and report to him or her on the situation and circumstances of the person so demanded, and whether he or she should be surrendered. The files may include, but are not limited to, notes, contact sheets, detainer files, and rendition files.

Retention: Retain seven (7) years from the date of the opening of the case or one (1) year after the case is resolved, whichever is later.

AG2.12 Information Charging Unit – No Information Files

A “no information” is a non-capital felony case that is charged by the police, but is not prosecuted by the Attorney General. This series documents those cases. The records may include, but are not limited to, copies of district court complaints, trial preparation worksheets, “no

information” forms sent to the police department indicating why charges are not being pursued, and “no information” forms sent to district court.

Retention: Retain three (3) years after the case is reviewed and the decision is made not to charge.

AG2.13 Grand Jury – Nol Pros (Nolle Prosequi)/No True Bill Files

A “nol pros” is a capital felony case charged or investigated by the police but not prosecuted by the Attorney General. A “No True Bill” is a capital felony case referred to a Grand Jury that does not result in an indictment. This series documents those cases. The records may include, but are not limited to, materials from the police department for presentation to the Grand Jury such as witness statements, investigative reports, and photos. The records in this series are copies provided by police departments. The police retain the record copies.

Retention: Retain ten (10) years from the date the case is reviewed and the decision is made not to charge.

AG2.14 Investigations

In some cases, the Office of the Attorney General opens cases for possible prosecution but ultimately, the cases do not result in criminal charges. This series documents those cases. The records may include, but are not limited to, police reports, investigative reports, investigator notes, witness statements, and other documentary evidence.

Retention: Retain three (3) years from the date the case is reviewed and the decision is made not to charge.

AG2.15 Diversion Program – Individual Case Files

Diversion cases are felony charges diverted from the criminal justice system by the defendant’s voluntary participation in a program run by the Attorney General. This series documents that program and the cases it handles. The records include, but are not limited to, packets from police department, correspondence, interviews, participation agreements, counseling records of restitution to victims, and tracking reports.

Retention: Retain seven (7) years from the date of completion of (or termination from) the program or rejection from the program.

AG2.16 Medicaid Fraud Unit – Medicaid Fraud Files

The Medicaid Fraud Unit investigates allegations of Medicaid fraud. This series documents those investigations. The records include, but are not

limited to, complaints, pleadings, provider records, and correspondence concerning allegations of Medicaid fraud.

Retention: Retain thirty (30) years from the date the case is opened or ten (10) years after the sentence has expired, whichever is later.

AG2.17 Victim Witness Assistance Program – Case Logs and Notification Files

The Rhode Island Department of Attorney General provides assistance to crime victims and their families. This series documents those interactions. The files include, but are not limited to, documentation of contact with victims (including written correspondence and telephone calls), copies of all letters of notification sent to victims, and documentation of responses and/or returns.

Retention: Retain three (3) years.

Note: All the records in this series are duplicates of records found in case files (AG2.1 (Superior Court Unit – Capital Offenses), AG2.2 (Superior Court Unit – Non-Capital Offenses), and AG2.3 (District & Superior Court Unit – Misdemeanor Offenses)).

AG2.18 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorized the disposal of records listed in this and other applicable records retention schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1.10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).