

100-RICR-50-20-27

TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 20 – STATE AGENCY RECORDS RETENTION SCHEDULES

PART 27 – OFFICE OF THE PUBLIC DEFENDER RECORDS (PD)

27.1 Purpose, Authority, Severability, and Destruction

27.1.1 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.

27.1.2 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.

27.1.3 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.

27.1.4 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)

PD Office of the Public Defender

PD1 Misdemeanor Case Files – District Court

Case files of defendants charged with misdemeanor crimes in District Court.

Retention: Retain three (3) years from the end of the month of closing.

Note: Cases shall be closed when a final disposition is obtained.

PD2 Juvenile Case Files – Family Court

Case files of juvenile defendants charged with crimes in Family Court.

Retention: Retain three (3) years from the end of the month of closing.

Note: Cases shall be closed when the juvenile reaches the age of eighteen (18) or when a final disposition of the charge is obtained, whichever is later.

PD3 Family Court Dependency/Abuse/Neglect Termination Files – Family Court

Case files of cases of dependency/abuse/neglect and termination of parental rights tried in Family Court.

Note: Cases shall be closed when the last child reaches the age of eighteen (18) or is formally emancipated, when all children have been terminated, or when all children under the age of eighteen (18) are themselves parents.

PD3A Family Court Dependency, Abuse, and Neglect Files

Retention: Retain three (3) years from the end of the month of closing.

PD3B Termination Files

Retention: Permanent.

PD4 Felony Case Files – Superior Court

Case files of defendants charged with felony crimes in Superior Court.

Note: Cases shall be closed when a final disposition (sentence or disposition) is obtained.

PD4A Murder Cases

Retention: Retain one hundred (100) years.

PD4B Landmark Cases

Retention: Permanent.

PD4C All Other Cases

Retention: Retain thirteen (13) years.

PD5 Misdemeanor Appeal Files – Superior Court

Case files of misdemeanor appeals of Superior Court cases.

Retention: Retain three (3) years from the end of the month of closing.

Note: Cases shall be closed when a final disposition is obtained or when the client dies.

PD6 Supreme Court Appeal Case Files

Case files of Supreme Court appeals.

Retention: Cut off at the end of the fiscal year and retain ten (10) years.

Note: Cases shall be closed when a final disposition is obtained.

PD7 Felony Pre-Arrest Conference Files

Documents pre-arrest meetings to determine the merits of proceeding with a case. These meetings prompt the opening of a felony file for every defendant referred to the OPD for legal representation at the proceeding. Files include correspondence and court filings, including motions and memoranda, scheduling information and case preparation notes.

Retention: Retain thirteen (13) years after file closed.

PD8 Social Work Files

Documents Office of the Public Defender's social work services to its clients. Social workers within the OPD assist attorneys in gathering information from and about clients in criminal and juvenile cases, and in facilitating dispositions of cases that serve the client's interests. Social workers also assist in obtaining non-jail residential placements and outpatient programs in the areas of substance and alcohol abuse, and in mental health services. Files may contain charging papers as well as internal reports containing personal client information, documentation relating to substance abuse and mental health as well as referrals to third parties for therapeutic or rehabilitative treatment. May also include reports, and memos and notes between social workers and attorneys. Individual case files may contain documentation related to both misdemeanor and felony interventions.

Retention: Retain thirteen (13) years after file closed.

PD9 Community Partnerships – Community Partnership Council Files

Documents Community Outreach and Education Program. This program was established in 2004. It is comprised of several programs including a Defenders Community Advocacy Program (DCAP), Community Outreach Strategies Educational Presentations, Cultural Awareness Training within OPD and client communities, as well as community briefings about new legislation that affects OPD's clientele, Resource Identification and Development, and Client Liaison Advocacy. The Community Partnership Council operates through an in-house committee comprised of Public Defender employees, including attorneys, social workers, intake personnel, and support staff. The committee collaborates with various community agencies to pool their resources to make communities safer, and to ensure fairness and justice in the law. The committee also works closely with the Director of Training/Legislative Facilitator to assist in agency's efforts to monitor and to submit legislation that advances the interests of the office, clients, and the interests of justice. Other Public Defender employees also devote their talents and time to assisting the committee as needed. The Committee's primary focus is on the at-risk community. Files contain records that document contact and involvement with various non-profit organizations. Included are meeting notes, reports of contact forms, as well as documentation and published literature concerning these organizations' mission and activities. The files also include correspondence concerning event coordination.

Retention: Permanent.

PD10 Community Partnerships – Community Outreach and Education Program – Resource Organization Files

The Community Outreach Program works to establish a network of resources on housing, law, health, and employment in support of its mission to deliver legal and related services to its clients. These files include documentation of communication with and participation in various activities, committees or multi-partite bodies providing information and services and knowledge on issues that may be useful to the program in pursuit of its mission. Each file contains documentation related to a particular body.

Retention: Permanent.

PD11 Community Partnerships – Community Outreach and Education Program – New Initiatives Files

This series contains records documenting new initiatives to develop the Community Outreach Program.

Retention: Retain until of no further administrative value.

PD12 Case Information Data

The Office of the Public Defender (OPD) functions in a networked computer environment. All of the OPD's business-related data, word-processed documents, and other records, including those from its offices in Providence, Newport, Washington, and Kent counties, are saved, maintained, and managed on servers centrally located at the OPD's MIS office in Providence. These files are backed up every 24 hours. The OPD maintains a Case Information Database, which handles staff-generated data and documentation. This DBMS application is the site where OPD staff now enters data and creates and stores documents. Included are data screens for initial intake interview information, as well as individual screens for preparation and filing of client and case related documentation and data generated by the OPD's attorneys, investigators, social workers, and secretaries. The database software also contains screens for entering data specifically pertaining to criminal, juvenile, and parental rights cases as well as appeals. The OPD currently maintains paper documents as its official record. Except for staff working files, which may not be uploaded to the agency server, agency policy requires that staff transfer and store their official documents on the server. Thus, all client data as well as investigator, social work, and attorney court-related documents, case file documentation, correspondence, and memos, as well as data pertaining to juvenile clients, is maintained in electronic form.

PD12A Hard Copy Files [SUPERSEDED]

See Also: For associated retention, see PD1 (Misdemeanor Case Files – District Court) through PD8 (Social Work Files).

PD12B Electronic Data

Retention: Permanent.

Note: OPD must take all measures necessary to ensure that electronic data and documents remain accessible and legible through all system hardware and software upgrades and changes.

PD12C System Documentation

Retention: Permanent.

PD13 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 authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), 42-8.1-10)

Retention: Permanent.

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