

Updated Disposition Report instructions and address 11/2022
No changes were made to records retention

Schedule 93

COUNTY ATTORNEY

Nebraska Records Management Division
3242 Salt Creek Circle
Lincoln, NE 68504
(402) 471-2559

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

SCHEDULE NUMBER	93
AGENCY, BOARD OR COMMISSION	COUNTY ATTORNEY
DIVISION, BUREAU OR OTHER UNIT	

**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 <i>Richard L. Baucher</i>	
TITLE <i>Executive Director Nebraska County Attorneys Assoc.</i>	DATE <i>October 20, 1988</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 <i>Samuel L. Daniel</i>	STATE ARCHIVIST	DATE <i>21 Oct. 1988</i>
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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 <i>Allen J. Reermann</i>	ADMINISTRATOR	DATE <i>Oct 21, 1988</i>
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INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the Local Agencies General Records Schedule #24 contains those records common to most local government agencies. This retention schedule, which is 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 this 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. Unless there is pending or on going, legal action, records request, or audit.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives**. The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Nebr. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is located on the Secretary of State Records Management website. https://appengine.egov.com/apps/ne/sos_records_disposition_report. This report establishes that the destruction was performed in your normal course of business.

NON-SCHEDULED RECORDS

Contact a Records Management Specialist 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 Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure 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 the Records Management Specialist in Records Management. They will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

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SCHEDULE NO. 93 - COUNTY ATTORNEY

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 Attorney.

93-1 CASE AND MISCELLANEOUS RECORDS

93-1-1 CHILD SUPPORT ENFORCEMENT CASE FILES

Confidential case files of those individuals alleged to be recipients of court-ordered child support payments which are in arrears, or of those individuals 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; copy of disposition, etc.

Dispose of 3 years after final disposition of case.

93-1-2 CHILD SUPPORT ENFORCEMENT MISCELLANEOUS RECORDS

All other records of the Child Support Enforcement.

Dispose of after 3 years.

93-1-3 CIVIL LITIGATION CASE FILES

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

Dispose of 5 years after final disposition of case.

93-1-4 CORONERS INVESTIGATIVE RECORDS

All coroners' records including autopsy reports.

Dispose of after 4 years.

93-1-5 CRIMINAL DIVERSION CASE FILES

Confidential case files of those individuals accused of Driving While Intoxicated or other wise, who are referred by a prosecutor to the Pre-Trial Diversion 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; evaluation of accused conducted by the caseworker; log of the accused's participation in and compliance with the program; documentation of meeting attendance; correspondence with independent 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 the request.

Dispose of 3 years after final disposition of case.

93-1-6 CRIMINAL DIVERSION MISCELLANEOUS RECORDS

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

Dispose of after 3 years.

93-1-7 FELONY CASE FILES

Confidential case file of those adult individuals accused of any felony violations. 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; copy of the final disposition; etc.

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.

93-1-8 INVESTIGATIVE CASE FILES

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

Dispose of 3 years after last activity or after statute of limitations has run, whichever is sooner.

93-1-9 JUVENILE CASE FILES

Confidential case files of those individuals under the age of eighteen (18) years accused of any traffic, misdemeanor or felony violation. 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 the court having jurisdiction; copy of final disposition, etc.

Dispose of 5 years after final disposition of case.

93-1-10 JUVENILE MISCELLANEOUS RECORDS

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

Dispose of after 5 years.

93-1-11 JUVENILE INTAKE CASE FILES

Confidential case files of those individuals under the age of eighteen (18) years accused of any traffic or misdemeanor violation, 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.

93-1-12 JUVENILE INTAKE MISCELLANEOUS RECORDS

All other records of the Juvenile Intake.

Dispose of after 5 years.

93-1-13 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, etc.

Dispose of 5 years after final disposition of case or 4 years after release from confinement, whichever is later.

93-1-14 MENTAL HEALTH BOARD MISCELLANEOUS RECORDS

All other records of the County Attorney which pertain to the Mental Health Board.

Dispose of after 5 years.

93-1-15 MISCELLANEOUS RECORDS

Miscellaneous records which may be retained by the County Attorney 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; copies of various warrants issued by the County Court and District Court; copies of invoices for purchases made by the County Attorney; copies of Casualty Reports prepared by the law enforcement agencies; Tax Foreclosures; and all other copies of records in which the original is maintained by another office.

Dispose of after 3 years.

93-1-16 MISDEMEANOR CASE FILES

Confidential case file of those adult individuals accused of any misdemeanor violations. 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 notice of court having jurisdiction; copy of the final disposition; etc.

Dispose of 3 years after final disposition of case.

93-1-17 TAX AND LAND VALUATION RECORDS

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

Dispose of after 5 years.

93-1-18 WORK PRODUCT (EXCEPTIONS)

For the purpose of these regulations, the phrase work product shall include all documents representing work done by the County Attorney 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 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.

93-2 GENERAL RECORDS

93-2-1 FISCAL RECORDS

Fiscal information consisting of bank statements, check registers, cancelled check and stubs, receipts of checking accounts, etc.

Dispose of according to Schedule No. 24 - General Records, Local Agencies.

93-2-2 OFFICE INVENTORY REPORTS

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

Dispose of when superseded or obsolete.