



Justice and Public Safety Cabinet

(Includes the Grants Management Branch, Internal Investigations Branch, Office of Legal Services, and State Medical Examiner)

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division

Approved by the State Libraries, Archives, and Records Commission



Kentucky Department for Libraries and Archives

This records retention schedule governs retention and disposal of records created, used and maintained by the Justice and Public Safety Cabinet. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Justice and Public Safety Cabinet personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Justice and Public Safety Cabinet to destroy the records listed, after the appropriate retention periods have passed.

Justice and Public Safety Cabinet personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for the Justice and Public Safety Cabinet.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by the Justice and Public Safety Cabinet, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

Justice and Public Safety Cabinet

The Justice and Public Safety Cabinet is the state entity responsible for criminal justice services, which encompasses law enforcement activities and training; prevention, education and treatment of substance abuse; juvenile treatment and detention; adult incarceration; autopsies, death certifications and toxicology analyses; special investigations; paroling of eligible convicted felons; and long range planning and recommendations on statewide criminal justice reform issues.

As of 2013, the Cabinet is run by the Justice and Public Safety Cabinet Secretary and consists of the Department of Corrections, the Department of Criminal Justice Training, the Department of Juvenile Justice, the Department of Public Advocacy, the Kentucky State Police, the Office of Drug Control Policy, the Kentucky Medical Examiner, the Office of the Parole Board, the Grants Management Branch, and the Internal Investigations Branch.

RECORDS RETENTION SCHEDULE

Signature Page

Justice and Public Safety Cabinet
Agency

September 14, 2017
Schedule Date

Grants Management Branch
Unit

December 14, 2017
Change Date

December 14, 2017
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:



Agency Head

11/1/17
Date of Approval



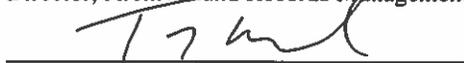
Agency Records Officer

11/1/17
Date of Approval



State Archivist and Records Administrator
Director, Archives and Records Management Division

12/14/17
Date of Approval



Chairman, State Archives and Records Commission

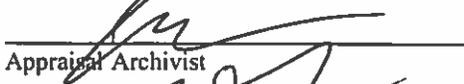
12/14/17
Date of Approval

The undersigned Archives and Records Management Division staff have examined the record items and recommend the disposition as shown:



Records Analyst/Regional Administrator

11-6-17
Date of Approval



Appraisal Archivist

12/13/17
Date of Approval



State/Local Records Branch Manager

12/12/2017
Date of Approval

The determination as set forth meets with my approval.



Auditor of Public Accounts

12-14-17
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Justice and Public Safety
 Grants Management

Record Group
Number
1550G

Series	Records Title and Description	Function and Use
04191	Master Binder	This series documents the federal Department of Justice's official notification of the amount of funds awarded per federal fiscal year to the Justice and Public Safety Cabinet for administration to subgrantees. Grant award periods vary among the programs. Pursuant to its authority under KRS 15A.150, the Justice and Public Safety Cabinet is to administer all state and federal programs related to criminal justice.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: 425s, Financial Correspondence, Drawdowns/Cash Receipts, Budgets/Financial Grants Adjustment Notices (GANs), Program Period Reimbursable Budget (BGPDR) Document/eMARS, Program Reports (including Federal attachments and data), Recommendations, GANs, Grants Management Branch/US Department of Justice/Office on Violence Against Women Correspondence, Press Release, Award, Application, Solicitation, Federal Funding Accountability and Transparency Act (FFATA) Report, Federal - Close-out.
	Retention and Disposition	Retain in Agency for five (5) years after federal grant closure and audit, then transfer to the State Archives Center for permanent retention.
04195	Law Enforcement Service Fee Fund File	This series documents the enforcement programs funded by the Justice and Public Safety Cabinet in the administration of the Law Enforcement Service Fee Fund. Pursuant to KRS 189A.050 and 200 KAR 8:030, Section 3 (3), the Cabinet receives a percentage of the service fee imposed upon persons convicted of driving under the influence of alcohol or other substances which impair an individual's ability to drive a motor vehicle. The remainder of the funds are allocated to the Transportation Cabinet (driver history record keeping), the Cabinet for Health and Family Services (treatment programs), and the Finance and Administration Cabinet (jail maintenance). Enforcement programs funded by the Justice and Public Safety Cabinet may include drunk driving programs, public awareness programs, and purchase of equipment such as breathalyzers. Grants are renewable each year.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Application covering grant period, Officer Summary Page, Guidelines, Contact Information, Goals & Objectives, Budget, Review, Award Binder and Signed Award Documents, Funding Year, GANs, Internal GANs, Financial Monitoring Reports, Close Out Reports, Financial Reports.
	Retention and Disposition	Retain in Agency for three (3) years, then destroy after audit.
04198	Subgrantee Denied/Withdrawn/Canceled File	This series documents the denied applications by the Justice and Public Safety Cabinet of perspective subgrantees to receive federal grant monies. The rejection of a subgrantee may result from a failure to meet application requirements or financial unworthiness, or lack of sufficient grant monies available from the Cabinet. This series also documents the withdrawal by a perspective subgrantee of an application to receive funds. This series also includes canceled applications where the perspective subgrantee didn't finish an application by the due date, provided a duplicate application, or decided they did not meet the guidelines for funding.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Application for Subgrant, Correspondence Explaining Reason for Denial, Correspondence Relating to Reasons for Withdrawal of Application.
	Retention and Disposition	Retain in Agency three (3) years after rejection/withdrawal of application, then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Justice and Public Safety
Grants Management

Record Group
Number
1550G

Records Title Series and Description	Function and Use
06850 Award Binder (V)	This series documents the application process for subrecipients to apply for Victims of Crime Act (VOCA), Violence Against Women Act (VAWA), Justice Assistance Grants (JAG), and discretionary grant award applications, once the award is received from the federal/state government. It is a competitive process where applications are open at certain times, depending on the individual grant cycle for each grant, and made available electronically through eGMS (Intelligrants). Grants have a begin and end date as well as a grant period. Applications are reviewed and denied or rewarded. Each subgrantee and the expenditures against each program are identified. Information from the series may be used in planning for future grant requests. The Cabinet's authority to administer such funds is found in KRS
Access Restrictions	Agencies should consult legal counsel regarding open records matters.
Contents	Series may contain: application, grant number, reviews, budget, review summary, signed award documents, EEO, LEP, audit requirements, audit verification/review, contact information, financial and progress reports, financial and progress monitoring reports, the close out report.
Retention and Disposition	Retain in Agency until five (5) years after award close out, then destroy.

Electronic System With Included Records Series

Justice and Public Safety Cabinet

Grants Management

System Description: Intelligrants or the Electronic Grants Management System (eGMS) is an online grants management system in which subrecipients apply for Violence Against Women Act (VAWA), Justice Assistance Grant (JAG), Victims of Crime Act (VOCA), Law Enforcement Service Fee (LSF), Court Appointed Special Advocate (CASA), Community Corrections Grant (CCG), Discretionary Grants (DG), Juvenile Accountability Block Grant (JABG), and Title II grants. The system captures data from application-in-process to close-out, including but not limited to financial and progress reports. The system follows the guidelines set forth by each grant's federal or state requirements.

System Contents: The system holds all grant information. It is the portal through which subrecipients apply for Justice Cabinet grants from the initial application, through the review process by subject matter experts (SMEs), to close-out. It also includes the budget, award binders, signed contracts, financial and/or progress reports, financial and program monitoring, Equal Employment Opportunity data, Limited English Proficiency data, audit requirements, and federal and state guidelines. The system also keeps an account transaction for each funding year tied to each financial report and a running balance of funds. Queries can be pulled of most data input into the system. There are roles for office staff, subrecipients, SMEs, auditors, internal budget personnel. One's role determines the amount of access given. The general public can read the guidelines for each grant to determine if they qualify. Data is entered by office staff, subrecipients, and SMEs.

General Schedule Items:

System Title: Intelligrants

Alternate Title: eGMS

Series #: Series Title:

Disposition Instructions:

04191 Master Binder

Retain in Agency for five (5) years after federal grant closure and audit, then transfer to the State Archives Center for permanent retention.

04195 Law Enforcement Service Fee Fund File

Retain in Agency for three (3) years, then destroy after audit.

04198 Subgrantee Denied/Withdrawn/Cancelled File

Retain in Agency three (3) years after rejection/withdrawal of application, then destroy.

RECORDS RETENTION SCHEDULE

Signature Page

Justice and Public Safety Cabinet
Agency

June 11, 2009
Schedule Date

Internal Investigations Branch
Unit

September 12, 2013
Change Date

September 12, 2013
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Benny Kim
Agency Head

9-10-2013
Date of Approval

Ali B. Buzit
Agency Records Officer

09-12-2013
Date of Approval

Barbara Teje
State Archivist and Records Administrator
Director, Public Records Division

9/14/13
Date of Approval

Wayne Ostert
Chairman, State Archives and Records Commission

9/18/13
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Pamela C. Compton
Records Analyst/Regional Administrator

09/12/2013
Date of Approval

Jim Lyb
Appraisal Archivist

9/12/2013
Date of Approval

State/Local Records Branch Manager

9/12/13
Date of Approval

The determination as set forth meets with my approval.

Brian Byrnes
Auditor of Public Accounts

9/12/13
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Justice and Public Safety
Internal Investigations Branch

Record Group
Number
1550R

Series	Records Title and Description	Function and Use
04850	Investigative Report File - (Documents suspected violations of rights of juveniles confined in treatment centers) (V)	This series documents the investigation of suspected violations of the rights of Department of Juvenile Justice committed youths. The need for the investigations arose from findings of the federal government that conditions in Kentucky juvenile treatment centers violated the constitutional and federal statutory rights of the juveniles. A Consent Decree was entered into, as a result of civil action against Kentucky by the federal government. A Memorandum of Agreement issued by the Department for Social Services (now the Department for Community Based Services, Cabinet for Families and Children) delegated the responsibility to conduct the investigations to the Justice Cabinet. As a result of the Consent Decree, a special unit within the Cabinet was formed circa October 1996. If violations are upheld, perpetrators can appeal to the Personnel Board. (Administrative regulations will be promulgated by the Cabinet to further define appeal procedures.) If violations are upheld, the perpetrator's name could be placed on the Child Abuse Registry, Cabinet for Families and Children.
	Access Restrictions	KRS 61.878 (1)(h)(i)
	Contents	Series contains: investigative report; supporting documentation, such as facility logs, incident reports, memoranda of concern; related correspondence
	Retention and Disposition	Retain in Agency for three (3) years; transfer to the State Records Center to be retained for twenty (20) years; destroy. Total retention is twenty three (23) years.
05734	Special Local Peace Officer Applications	This series documents the application process for employment as a Special Local Peace Officer. Pursuant to KRS 61.360, the Governor or his agent may appoint Special Local Peace Officers for such time as he deems necessary to preserve the peace and protect the property of any person from waste or destruction. KRS 61.360 (3) further states the duties are confined to the premises of the property to be protected and KRS 61.360 (5) requires the applicant to post a bond. Applications must be submitted in duplicate to Justice and Public Safety Cabinet, Office of Investigations, for investigative purposes before employment. Upon completion of initial process of investigation, both applications are returned to requesting party; One (1) copy is then returned to Justice and Public Safety Cabinet, Office of Investigations, with the County Clerk seal providing proof the oath had been administered to the applicant while the second application will be retained by the requesting party. Applicants must submit a new application every two (2) years for reappointment as a SLPO.
	Access Restrictions	KRS 61.878 (1) (a)
	Contents	Series may contain: Application; date of birth; Social Security number; home address; employment history; education; background checks; medical information; criminal record check; military history, if applicable; physical description; immediate family information; driver's license check; copy of birth certificate; Department of Defense (DD)-214, if applicable; 2 photographs; Firearms training; Justice Cabinet Release of Information form (SLPO 6); 2 copies of finger prints card and copy of \$5,000 bond, required; Letter of Intent (SLPO 5) and Acknowledgment applicant has received a copy of statutes and duties (SLPO 7).
	Retention and Disposition	Retain in Agency for 1 year from date of termination of employment, send to State Records Center for nine (9) years, total retention is ten (10) years; then destroy.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Justice and Public Safety
 Internal Investigations Branch

Record Group
Number
1550 S

Series	Records Title and Description	Function and Use
05739	Special Law Enforcement Officer Applications	This series documents each individual's application submitted for employment as a Special Law Enforcement Officer. Pursuant to KRS 61.902, the Secretary of Justice and Public Safety Cabinet may appoint an individual not otherwise employed as a law enforcement officer as a Special Law Enforcement Officer (SLEO). The duties of a SLEO are to protect public property. KRS 61.900 (4) defines public property as "property currently owned or used by any organizational unit or agency of state, county, city, metropolitan government, or a combination of these. The term shall include property currently owned or used by public airport authorities." Applications must be submitted in duplicate for processing to Justice and Public Safety Cabinet, Office of Investigations. Upon completion of initial process of investigation, both applications are returned to requesting party. One (1) copy is returned to Justice and Public Safety Cabinet, Office of Investigations with the County Clerk seal providing proof the oath had been administered to the applicant and the second application will be retained by the property owner making the request for a SLEO. Applicants must submit a new application every two (2) years for reappointment as a SLEO.
	Access Restrictions	KRS 61.878 (1) (a)
	Contents	Series may contain: Applications may include personal information, i.e., date of birth; Social Security number; home address; employment history; education; background checks; medical; military, if applicable; criminal background check and history; physical description; immediate family information; driver's license check; a copy of birth certificate; Department of Defense (DD)-214 form, if applicable; SLEO Training Certificate; First Aid Certificate; a copy of high school diploma/GED; a copy of college diploma; 2 photographs, firearms training; Justice Cabinet Release of Information form (SLEO 6); two copies of fingerprints card; Peace Officer Professional Standards (POPS) Certificate if working in a school system; Letter of Intent (SLEO 5).
	Retention and Disposition	Retain in agency for one (1) year after termination of employment, send to State Records Center for nine (9) years; destroy
06452	Prison Rape Elimination Act (PREA) Telephone Log	This series documents inmate telephone calls to the Internal Investigations Branch regarding allegations of sexual assault per the Prison Rape Elimination Act (PREA) of 2003. The Internal Investigations Branch documents the telephone call and forwards the information to Department of Corrections (DOC) PREA Coordinator for investigation and follow up.
	Access Restrictions	KRS 61.878 (1) (a) and (h)
	Contents	Series may contain: Date and time of telephone call; name and/or identification of inmate; date of sexual assault; date and time of referral to DOC PREA Coordinator.
	Retention and Disposition	Retain in Agency ten (10) years from date call is received; then destroy.

RECORDS RETENTION SCHEDULE

Signature Page

Justice Cabinet
Agency

March 1985
Schedule Date

Office of the Secretary
Unit

June 1990
Change Date

June 14, 1990
Date Approved by Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

W. Michael King Date of Approval: 6/4/90
Agency Head

Charlotte W. Ellis Date of Approval: 6/5/90
Agency Records Officer

Richard A. Belding Date of Approval: 6/13/90
State Archivist and Records Administrator
Director, Public Records Division

[Signature] Date of Approval: 6/14/90
Chairman, Archives and Records Commission

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Deana Moses Date of Approval: 5/30/90
Records Analyst/Regional Administrator

Greg W. Curtis Date of Approval: 6/11/90
Appraisal Archivist

Deana Moses Date of Approval: 5/30/90
State/Local Records Branch Manager

The determination as set forth meets with my approval.

Regina C. Grubbs for Bob Babney Date of Approval: 6/12/90
Auditor of Public Accounts

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Justice and Public Safety
Secretary, Office of the

Record Group
Number
1550R

Series	Records Title and Description	Function and Use
03658	Appointment/Commission File	This series documents the process by which individuals are appointed and commissioned to serve as Tennessee Valley Authority (TVA) Policemen, Peace Officers and Special Law Enforcement Officers, as required in KRS 61.886-61.892 and KRS 61.900-61.930. The application process is initiated by the employer on behalf of the prospective employee. All fees are paid by the employer. Upon receipt of the application by the Justice Cabinet, an interview is conducted and a background check completed. Upon verification that the individual meets requirements as specified in the above statutes, an appointment is issued. The process is complete when the individual is administered the oath of office by the County Clerk, in the county of employment. Special training may be required in some categories. If so, training is received from the Cabinet's Department of Criminal Justice Training. TVA Policemen are employed by the Tennessee Valley Authority only, with jurisdiction limited to that property. Peace Officers, such as security guards, have jurisdiction over the employer's property only, with arrest powers limited to offenses occurring on that property. Special Law Enforcement Officers' duties extend to the protection of specific public properties, such as Capitol grounds, public schools, public airports, etc. All have authority to carry weapons. In most cases, arrest powers are limited to offenses occurring on employer's property.
	Access Restrictions	NA
	Contents	This series contains: Application; Completion of Records Check; Copy of Certificate (Commission); Bond Information; Authority to Release Information; Acknowledgement of Local Peace Officer Act (notarized copy)
	Retention and Disposition	Retain in Agency and destroy one (1) year after file is inactivated.
03659	Filing Fee Log	This series documents the fees received as a result of appointments and renewals of Tennessee Valley Authority (TVA) Policemen, Peace Officers and Special Law Enforcement Officers. The series represents a record of all activity since the Justice Cabinet assumed responsibility for completing application process. It is used to verify amount of fees received. *Reference rate is based upon initial appointment and renewal activity. Currently there are 1,520 commissioned officers.
	Access Restrictions	NA
	Contents	This series contains: Check or Money Order Number; Date Fee Received; Name of Candidate; Date Money Transferred to Administrative Services for Deposit into the State Treasury
	Retention and Disposition	Retain in Agency and destroy when no longer useful

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Justice and Public Safety
 Secretary, Office of the
 Criminal Justice Council

Record Group
Number
1550G

Series	Records Title and Description	Function and Use
04784	Grant File - (Includes all grant programs currently administered by the Cabinet)	This series documents the subgranting of federal funds received by the Justice Cabinet for the administration of the following programs: Victims of Crime Act; Narcotics Control Assistance Program; Violence Against Women Formula Grant Program; Full Faith in Credit, to set up a system to advise bordering states of the issuance of emergency protective orders; Local Law Enforcement Block Grant, which is used to pay for overtime and equipment purchases; Violent Offender Incarceration Program, for the construction of facilities to house violent offenders; Residential Substance Abuse Program, to establish units in three county jails to house Class D felons; Kentucky Criminal History Improvement Act, to simplify State Police and Administrative Office of the Courts' automated systems; State Identification System Grant, which provides states with additional resources to develop and improve computerized identification systems and to integrate them with FBI databases; Rural Domestic Violence and Child Victimization Enforcement Grant, which is used by the Kentucky Domestic Violence Association to implement media campaigns to address impact of violence against children; and Juvenile Justice and Delinquency Prevention Program. Final award approval rests with the Secretary, Justice Cabinet.
	Access Restrictions	KRS 61.878 (1)(a) may apply to some grant programs
	Contents	Award Document; Correspondence; Subgrantee Financial Report; Financial Reviews; Special Conditions; Deficiency Memoranda and Responses; Grant Adjustment Notifications; and On-Site Evaluation Reports
	Retention and Disposition	Retain in Agency for three (3) years after submission of the final fiscal (H-1) report; transfer to State Records Center for two (2) years; total retention is five (5) years. Destroy after audit

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Justice and Public Safety
Secretary, Office of the
General Counsel

Record Group
Number
1550R

Series	Records Title and Description	Function and Use
02894	Litigation Files - (Documents cases where cabinet is named as a party)	This series documents all legal actions, where the Justice Cabinet is named as a party. The types of litigation likely to be a part of this file include Board of Claims cases, Personnel suits, federal/state civil rights actions, and negligence suits. This series represents the attorney's working file.
	Access Restrictions	KRS 61.878 (1) (a) (i) (j)
	Contents	May contain motions, pleadings, briefs, witness interviews, investigative reports, evidence, video/audio tapes, related correspondence.
	Retention and Disposition	Retain in Agency for five (5) years after case closure and after all appeals have been exhausted; destroy.
02895	Law Enforcement Foundation Program Hearing File	This series documents hearings, or appeals, regarding denial of benefits from the Kentucky Law Enforcement Foundation Program. The program was established to provide supplemental payments and pension contributions to local governments for qualified law enforcement officers. Specific requirements for participation in the fund can be found in KRS 15.440. The funds may be used as a cash salary supplement to police officers for payment to a pension plan or to compensate police officers who have met specific qualifications. The officer is entitled to receive the state supplement which his qualifications brought to the local unit, hence the basis for an appeal. Any further appeals would be to Circuit Court.
	Access Restrictions	KRS 61.878 (1) (a)
	Contents	May contain motions, pleadings, investigative material, facts and circumstances of the case, and related correspondence
	Retention and Disposition	Retain in Agency five (5) years after case closure, and after all appeals have been exhausted, destroy.
04599	Death Benefit Hearing File (V)	This series documents the hearings that are held to determine if the statutory criteria have been met for the awarding of death benefits to eligible family members of law enforcement officers who are killed in the line of duty. Benefits are also extended to families of firefighters and members of the Kentucky National Guard. Each case is heard by an Administrative Law Judge or other individual whose service has been contracted for by the Office. (The law governing the establishment of the benefit fund is KRS 61.315.) The Office of Policy and Management releases the payment to the Cabinet for disbursement to appropriate family members. These benefits (in the amount of \$50,000) are in addition to other funds, such as retirement funds and other benefit funds, family members may be entitled to.
	Access Restrictions	KRS 61.878 (1) (a)
	Contents	May contain request for benefit; correspondence; canceled checks; vouchers; certification of court records; vital statistics information; investigative records; recommended orders; verification of death
	Retention and Disposition	Retain in Agency; destroy five (5) years after case closure and audit.

RECORDS RETENTION SCHEDULE

Signature Page

Justice and Public Safety Cabinet
Agency

January 1, 1983
Schedule Date

Office of Legal Services
Unit

December 14, 2006
Change Date

December 14, 2006
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Thomas J. Gelf
Agency Head

12/14/06
Date of Approval

Jerry Sorredo
Agency Records Officer

12/14/06
Date of Approval

Richard H. Reidinger
State Archivist and Records Administrator
Director, Public Records Division

December 14, 2006
Date of Approval

Wayne Onk
Chairman, State Archives and Records Commission

Dec 14, 2006
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Pat Brokman
Records Analyst/Regional Administrator

12-14-06
Date of Approval

Jim Juhl
Appraisal Archivist

12/14/06
Date of Approval

[Signature]
State/Local Records Branch Manager

14 Dec 06
Date of Approval

The determination as set forth meets with my approval.

Michael Bion
Auditor of Public Accounts

12-14-06
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Justice and Public Safety
Secretary, Office of the
Legal Services, Office of

Record Group
Number
1550L

Series	Records Title and Description	Function and Use
02963	Lawsuits - Federal and State - Department of Corrections (Duplicate - Original in State or Federal Court) (V)	On July 9, 2004, the former Offices of General Counsel at various agencies within the Justice Cabinet were abolished by Executive Order and the Office of Legal Services was formed within the Office of the Secretary of the new Justice and Public Safety Cabinet. This record was formerly found on the retention schedule for the Department of Corrections. This series documents litigation filed by inmates, parolees, or former inmates concerning alleged violations of Civil Rights due to confinement in the Department of Corrections or Juvenile Facilities. The state court cases are filed, assigned and the original pleadings are sent to the appropriate court. A copy of all the documents filed are maintained in the office. The file is signed and scanned into the Federal Court system where the electronic file is maintained as an original. The Federal Court screens cases to eliminate frivolous lawsuits. After filing 3 frivolous lawsuits, an inmate has to receive permission to file any case.
	Access Restrictions	KRS 61.878 (1) (i) (j)
	Contents	A copy of the complaint, responses, medical records, audio and/or video tapes. Copies of any records pertinent to the act in question maintained by the agency involved, and motions or orders by the the court in question. Originals of any interrogatory or discovery matters and depositions.
	Retention and Disposition	Retain in Agency for one (1) year after close of the case; transfer to State Records Center for nine (9) years; destroy. Total retention is ten (10) years.
02964	Lawsuits - Board of Claims (Duplicate - Original in Board of Claims) (V)	On July 9, 2004, the former Offices of General Counsel at various agencies within the Justice Cabinet were abolished by Executive Order and the Office of Legal Services was formed within the Office of the Secretary of the new Justice and Public Safety Cabinet. This record was formerly found on the retention schedule for the Department of Corrections. This series documents tort actions involving claims filed against the Commonwealth. Most are administrative claims filed by inmates and are followed up by judicial litigation if necessary. Examples of claims include a State Trooper's hitting a citizen's car or an inmate's property being lost during a move to a different facility. If denied, the case can be appealed to the Franklin Circuit Court within 30 days.
	Access Restrictions	KRS 61.878 (1) (i) (j)
	Contents	Copies of complaint, pleadings, correspondence, and responses.
	Retention and Disposition	Retain in Agency for one (1) year after closure of case; transfer to State Records Center to be retained for four (4) years; destroy. Total retention is five (5) years.
02965	Lawsuits - Personnel and Equal Employment Opportunity (Duplicate - Original in Personnel Cabinet, Personnel Board, or Equal Employment Opportunity Commission) (V)	On July 9, 2004, the former Offices of General Counsel at various agencies within the Justice Cabinet were abolished by Executive Order and the Office of Legal Services was formed within the Office of the Secretary of the new Justice and Public Safety Cabinet. This record was formerly found on the retention schedule for the Department of Corrections. This series is created to document disciplinary actions against Cabinet employees if those actions are appealed to the Personnel Board. The employee has 30 days to appeal the action; 60 days if it is a termination or EEO case. The typical Personnel Board case lasts 6-9 months. If appropriate, this series follows the appeal to the Franklin Circuit Court and throughout the judicial system.
	Access Restrictions	KRS 61.878 (1) (i) (j)
	Contents	Copies of personnel records, agency records that are the basis of the disciplinary action, complaint, pleadings, appeals, tapes of hearings, correspondence, and responses.
	Retention and Disposition	Retain in Agency for one (1) year after closure of case; transfer to State Records Center for four (4) years; destroy. Total retention is five (5) years.

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Justice and Public Safety
State Medical Examiner

Record Group
Number
1550R

Series	Records Title and Description	Function and Use
02896	Medical Legal Autopsy Reports (Includes Coroner's Authorization for Autopsy) (V)	
	Access Restrictions	KRS 61.878
	Contents	
	Retention and Disposition	Retain permanently in Agency