

Request for Records Disposition Authority

Records Schedule Number DAA-0060-2011-0027
Schedule Status Approved

Agency or Establishment Department of Justice
Record Group / Scheduling Group General Records of the Department of Justice
Records Schedule applies to Major Subdivision
Major Subdivision Office of Professional Responsibility
Schedule Subject Records of the Office of Professional Responsibility
Internal agency concurrences will be provided No

Background Information The Office of Professional Responsibility (OPR) was created by Attorney General Edward H. Levi in 1975 in response to revelations of ethical abuses and misconduct by Department of Justice (DOJ) officials in the Watergate scandal. Pursuant to 28 C.F.R. § 0.39a, OPR reports directly to the Attorney General and Deputy Attorney General. Under Attorney General Order No. 1931-94, OPR has jurisdiction to investigate allegations of professional misconduct by DOJ attorneys that relate to the exercise of their authority to investigate, litigate, or provide legal advice. In addition, OPR has jurisdiction to investigate allegations of misconduct by law enforcement personnel that are related to allegations of professional misconduct by attorneys within the jurisdiction of OPR. OPR also investigates other matters when requested by the Attorney General or Deputy Attorney General. OPR's mission necessarily requires it to report its findings to other DOJ components, to other governmental departments and agencies, or to Congress. OPR also responds to Freedom of Information Act (FOIA) and Privacy Act requests. OPR creates and maintains files comprised of matters within and outside of OPR's jurisdiction. This schedule addresses files created for inquiries and investigations into complaints within OPR's jurisdiction; intake/correspondence; congressional correspondence; whistleblower matters; non-Department state bar and judicial referrals; referrals of matters outside of OPR's jurisdiction; and OPR Deputy Counsel Records. OPR matters are tracked by an electronic database tracking system (LawManager) and all relevant tracking data will be included with the retention of the related files.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
6	3	3	0

GAO Approval

Outline of Records Schedule Items for DAA-0060-2011-0027

Sequence Number	
1	Inquiry, Investigation, and Intake Matters
1.1	Historical Disposition Authority Number: DAA-0060-2011-0027-0001
1.2	Non-Historical Disposition Authority Number: DAA-0060-2011-0027-0002
1.3	Summarily Disposed (Intake/Correspondence) Disposition Authority Number: DAA-0060-2011-0027-0003
2	Whistleblower Matters Disposition Authority Number: DAA-0060-2011-0027-0004
3	Non-Department State Bar and Judicial Referrals Disposition Authority Number: DAA-0060-2011-0027-0005
4	OPR Deputy Counsel Files Disposition Authority Number: DAA-0060-2011-0027-0006

Records Schedule Items

Sequence Number	
1	<p>Inquiry, Investigation, and Intake Matters OPR conducts inquiries or investigations of misconduct allegations, which are typically handled by line attorneys (Assistant Counsel), and the resolution of which is determined by Supervisory and Executive Management (Counsel, Deputy Counsel, and Associate Counsel). These matters originate from various sources, including self-reports, component complaints, criticism by the court and other litigation participants, congressional complaints, citizen complaints, and matters referred by the Attorney General or Deputy Attorney General. Inquiry and investigation files may contain the original complaint, notes and evaluations made by inquiring or investigating attorneys, documents collected during the course of the inquiry or investigation, including copies of emails and other electronically-created documents, draft reports circulated for comment, comments that are submitted to OPR about draft reports, and final reports. All OPR matter files are identified by a separate OPR number beginning with the fiscal year in which a file is opened. Depending on the nature of the inquiry or investigation, a file may be pending for several years, and OPR's reporting responsibility may require access to files and disposition information long after final resolution of the matter. Congressional Correspondence: OPR receives correspondence from Congress in which misconduct allegations are raised involving DOJ attorneys or law enforcement personnel working under the direction and guidance of DOJ attorneys. This correspondence is reviewed and, in the discretion of management, sometimes results in the opening of an inquiry or investigation, or the matter is disposed of summarily. For records management purposes, inquiry, investigation and intake/correspondence files are classified and maintained as follows:</p>
1.1	<p>Historical</p> <p>Disposition Authority Number DAA-0060-2011-0027-0001</p> <p>Matters are considered historical because of a demonstrated interest of Congress or the Executive Branch, or the high degree of national media attention they received. Matters meeting this historical criteria will be determined by supervisory OPR attorneys at the time of file closure.</p> <p>Final Disposition Permanent</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p>

Do any of the records covered by this item exist as structured electronic data? **Yes**

GRS or Superseded Authority Citation **N1-060-99-006 / 1/A
N1-060-99-006 / 2**

Disposition Instruction

Cutoff Instruction **Cut off closed matters at the end of the Fiscal year.**

Transfer to the National Archives for Accessioning **Transfer to the National Archives 15 year(s) after cutoff**

Additional Information

What will be the date span of the initial transfer of records to the National Archives? **Unknown
Records are being processed and prepared for initial transfer - starting date of the initial transfer will be determined as part of processing.**

How frequently will your agency transfer these records to the National Archives? **Unknown
will depend on closure of significant files.**

1.2 Non-Historical

Disposition Authority Number **DAA-0060-2011-0027-0002**

Includes matters which do not meet the criteria for significant matters.

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **Yes**

Do any of the records covered by this item exist as structured electronic data? **Yes**

GRS or Superseded Authority Citation **N1-060-99-006 / 1/B
N1-060-99-006 / 2**

Disposition Instruction

Cutoff Instruction **Cut off closed matters at end of Fiscal year.**

Retention Period **Destroy 15 year(s) after cutoff**

1.3

Additional Information

GAO Approval Not Required

Summarily Disposed (Intake/Correspondence)

Disposition Authority Number DAA-0060-2011-0027-0003

The majority of matters received are initiated as intake or correspondence and may never reach an inquiry or investigation stage. Intake or correspondence matters may be resolved by summary disposition because the allegations fall within the exclusive province of DOJ component management to resolve and do not involve professional misconduct issues. Matters involving allegations which do not fall within OPR's jurisdiction are referred to other components. Matters opened as inquiries often are closed after a more summary legal review, rather than after a full investigation. Less frequently, matters opened as investigations have been resolved after summary legal review. These instances are considered "summarily disposed."

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? Yes

GRS or Superseded Authority Citation N1-060-99-006 / 3

Disposition Instruction

Cutoff Instruction Cut off closed matters at the end of the Fiscal year.

Retention Period Destroy 5 year(s) after cutoff

Additional Information

GAO Approval Not Required

2

Whistleblower Matters

Disposition Authority Number DAA-0060-2011-0027-0004

28 C.F.R., Part 27.1 provides the regulatory framework for "Whistleblowers," namely employees of, or applicants for employment with, the Federal Bureau of Investigation (FBI), who report a possible violation of law, rule, or regulation; or report mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. After the FBI receives a

qualifying Whistleblower complaint, OPR and the DOJ Office of Inspector General (OIG) share investigative jurisdiction over any allegation of reprisal made by the employee or applicant resulting from the Whistleblower complaint. Upon receipt of a Whistleblower's complaint of reprisal, OPR and OIG determine which office will conduct an investigation into the alleged retaliation. If OPR conducts the investigation, an investigative file is created, and OPR becomes the Conducting Office. If the reprisal complaint appears to have merit, OPR reports its conclusions to the Director, Office of Attorney Recruitment and Management (OARM). Pursuant to 28 C.F.R. § 27.4 (c), however, a complainant may submit a complaint to the Director of OARM within 60 calendar days of receipt of notification from OPR of the termination of an investigation, or at any time after 120 calendar days from the date a complaint is filed with any designated Conducting Office of an alleged reprisal, if the complainant has not been notified by OPR that corrective action is recommended.

Final Disposition **Permanent**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **Yes**

Do any of the records covered by this item exist as structured electronic data? **Yes**

Disposition Instruction

Cutoff Instruction **Cut off closed matters at end of the Fiscal year.**

Transfer to the National Archives for Accessioning **Transfer to the National Archives 15 year(s) after cutoff**

Additional Information

What will be the date span of the initial transfer of records to the National Archives? **Unknown
Matters are being processed for transfer and starting date of initial transfer will be determined as part of processing.**

How frequently will your agency transfer these records to the National Archives? **Unknown
Transfer frequency will depend on closure of individual matters**

Non-Department State Bar and Judicial Referrals

Disposition Authority Number **DAA-0060-2011-0027-0005**

3

OPR serves as the DOJ liaison with state bar disciplinary organizations on professional misconduct matters. In connection with this authority, the Department has directed OPR to coordinate the Department's response when one of its employees believes that a non-Department lawyer or a judge may have engaged in conduct that should be reported to the appropriate bar or judicial authority. OPR reviews all "proposals from Department employees to refer to appropriate licensing authorities apparent professional misconduct by attorneys outside the Department, and make such referrals where warranted." 28 C.F.R. § 0.30a (a)(9). In addition, any Department referral of a judge to the appropriate authorities must be authorized by the Associate Deputy Associate General.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? Yes

Disposition Instruction

Cutoff Instruction Cut off closed matters at the end of the Fiscal year.

Retention Period Destroy 5 year(s) after cutoff

Additional Information

GAO Approval Not Required

OPR Deputy Counsel Files

Disposition Authority Number DAA-0060-2011-0027-0006

Official files of OPR Deputy Counsel. Files consist of subject, project, emails, and other correspondence relating to the policies and/or operations of the Office of Professional Responsibility.

Final Disposition Permanent

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

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Do any of the records covered by this item exist as structured electronic data?

No

Disposition Instruction

Cutoff Instruction

Cut off at the end of the Deputy Counsel's tenure

Transfer to the National Archives for Accessioning

Transfer to the National Archives 15 year(s) after cutoff

Additional Information

What will be the date span of the initial transfer of records to the National Archives?

Unknown

Records are being processed for transfer and starting dates of initial transfer will be determined as part of processing.

How frequently will your agency transfer these records to the National Archives?

Unknown

Frequency of transfer will be determined by Counsels' tenure

Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
09/26/2011	Certify	Curt Francisco	Records Manager	JMD - OoRMP
02/13/2013	Return for Revision	Erin Cayce	Appraiser	National Archives and Records Administration - Records Management Services
05/14/2013	Submit For Certification	Rebekah Meservy	Assistant Director of RIM Operations	Justice Management Division - Office of Records Mgt Policy
05/16/2013	Return to Submitter	Deborah Allen	Assistant Director, O RMP	Justice Management Division - Office of Records Management Policy
07/02/2013	Submit For Certification	Rebekah Meservy	Assistant Director of RIM Operations	Justice Management Division - Office of Records Mgt Policy
07/08/2013	Certify	Deborah Allen	Assistant Director, O RMP	Justice Management Division - Office of Records Management Policy
04/28/2014	Submit for Concurrence	Erin Cayce	Appraiser	National Archives and Records Administration - Records Management Services
04/30/2014	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - Records Management Services
04/30/2014	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
05/01/2014	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist