

REQUEST FOR RECORDS DISPOSITION AUTHORITY <i>(See Instructions on reverse)</i>		LEAVE BLANK (NARA use only)	
TO NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER <i>N1-060-03-1</i>	DATE RECEIVED <i>10-3-2002</i>
1. FROM (Agency or establishment) Department of Justice		NOTIFICATION TO AGENCY In accordance with the provisions of 44 U.S.C. 3303a the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
2 MAJOR SUBDIVISION Criminal Division			
3 MINOR SUBDIVISION Office of Enforcement Operations, Witness Immunity Unit			
4 NAME OF PERSON WITH WHOM TO CONFER <i>Edgar N. Brown</i>	5 TELEPHONE 202-514-5541	DATE <i>3-4-03</i>	ARCHIVIST OF THE UNITED STATES <i>John W. Paul</i>

6 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 on the attached 2 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested.

DATE <i>10-03-02</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Bernard W. Berglund</i> Bernard W. Berglund	TITLE Records Officer
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7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	<p>WITNESS IMMUNITY UNIT RECORDS</p> <p>Mission</p> <p>Reviews all requests for authorization to immunize witnesses in federal criminal cases pursuant to 18 U.S.C. 6001, <u>et seq.</u>, and recommends approval or disapproval to the Assistant Attorney General.</p> <p>Under a policy directive, reviews all requests from federal prosecutors to subpoena an attorney in a matter arising out of that attorney's representation of a client.</p> <p>Dual Prosecution Policy. Pursuant to Department policy, reviews all requests to prosecute individuals on federal charges subsequent to their prosecution on the same or similar charges by state authorities.</p>	<p>N1-060-97-5 (Withdrawn)</p>	

cc Agency, NA, NWMD, NWMD, NWCT

Third Party Searches. Under 28 C.F.R. 59, a disinterested third party physician, lawyer, or clergyman cannot be the subject of a search warrant in a criminal case without the authorization of a Deputy Assistant Attorney General in the Criminal Division. Gives advice on the subject and reviews such search requests.

1. **Attorney search warrant files.** Effective law enforcement may require the issuance of a search warrant for the premises of an attorney who is the subject of an investigation, and who also is or may be engaged in the practice of law on behalf of clients. Extreme care is taken to avoid impinging on valid attorney-client relationships. Files are maintained by month in chronological order. An automated locator system identifies a subject to the date. Files consist of the affidavit, warrant and any special instructions. Files are cut off annually.

Disposition: TEMPORARY. Transfer to the Washington National Records Center (WNRC) one (1) year after cutoff. Destroy 10 years after cutoff.

2. **Immunities.** Files consist of the request form, memorandum of the Unit attorney, and the authorization letter. For control purposes, this material is given a 84381 straight number (reference NARA Job # N1-60-88-11, Item 2); however, the retention needs of the Witness Immunity Unit are operationally different. Files are maintained in chronological order based on the approval date of the authorization letter and are cut off annually.

Disposition: TEMPORARY. Transfer to the WNRC two (2) years after cutoff. Destroy 20 years after cutoff.

3. **Attorney Subpoenas.** Files consist of the request form, copy of subpoena, Memorandum from the Unit attorney, and the authorization letter. For control purposes this material is given a 233279 straight number (reference NARA Job # N1-60-88-11, Item 6B); however, the retention needs of the Witness Immunity Unit are operationally different. Files are maintained in chronological order based on the approval date of the authorization letter and are cut off annually.

Disposition: TEMPORARY. Transfer to the WNRC two (2) years after cutoff. Destroy 10 years after cutoff.

4. **Dual Prosecution Policy Case Files.** Files consist of memorandum from the requestor (generally a U.S. Attorney, memorandum from the Unit attorney, internal DoJ memos from stakeholders, and the authorization letter. Files are maintained in chronological order based on the approval date of the authorization letter, and are cut off annually. The Department processes about 150 cases per year. Dual Prosecutions are when the Federal government wants to try an individual for a crime after the individual has

been tried by a state or local court. U.S. Attorneys and other Federal prosecutors must get the permission of the Assistant Attorney General, Criminal Division for a dual prosecution.

Disposition: PERMANENT. Transfer to the WNRC two (2) years after cutoff or when volume warrants. Transfer to NARA 10 years after cutoff.

5. **Multi-District (Global) Agreement Requests; Pre-Trial Diversions; Resubpoenaing Contumacious Witness before Seccessive Grand Juries; Approval to Resubmit the Same Matter to a Grand Jury; and Prosecution of Previously Immunized Witnesses.** All of these records series files contain the memorandum from the requestor; memorandum from the Unit attorney; and the authorization letter. Files are maintained chronologically by approval date of the letter of authorization.

Disposition: TEMPORARY. Destroy 10 years after approval date of the letter of authorization.

6. **Prosecution of Previously Immunized Witnesses (Kastigar cases).** Memo from requestor (generally a U.S. Attorney), memo from the Unit to the Attorney General approving or denying the request, letter signed by the Attorney General approving or denying the request. Files are maintained in chronological order abased on the approval date of the authorization letter, and are cut off annyally. The Department processes about 4 to 5 cases per year. Prosecution of previously immunized witnesses case files (Kastigar cases) are when a Federal prosecutor wants to try an individual who was previously given immunity from prosecution. Only the Attorney General can grant permission to a Federal prosecutor.

Disposition: PERMANENT. Transfer to the WNRC two years after cutoff. Transfer to NARA 10 years after cutoff.

7. Electronic Mail and Word Processing System Copies

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of the records covered by the other items in this schedule. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

Destroy/delete within 180 days after the recordkeeping copy has been produced.

b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Destroy/delete when dissemination, revision, or updating is completed.