



# Criminal and Civil Cases and Matters

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## A. Organizational Context

The position of United States Attorney was established by the Judiciary Act of 1789 (1 Stat 73, § 35), and the mission of the United States Attorneys' Offices (USAOs) is to prosecute criminal offenses and litigate civil matters on behalf of the United States in all 94 Federal judicial districts nationwide. 28 U.S.C. § 547 By Attorney General Order No. 8-53 (April 6, 1953), the Executive Office for United States Attorneys (EOUSA) was created to "[p]rovide general executive assistance and supervision to the offices of the United States Attorneys" 28 C.F.R. § 0.22

## B. Records Disposition For Case File Official Records created within all Offices of the United States Attorneys' Judicial Districts

1 All case files and/or records which meet any one of the below criteria

Any cases (whether civil or criminal)

- a Completed trial by jury or judge
- b Civil rights Civil Cause of Action - CRAC, CRAD, CREM, CRFC, CRIP, CRTH, CRTI, CRVR
- c Terrorism Criminal Program Categories - 070-073,076-077,07A-07H and Civil Cause of Action - TR
- d Individual cases, regardless of cause of action, which are designated by the US Attorney as being significant or historical [offered, not necessarily accepted]
- e Individual cases, regardless of cause of action, which are designated by NARA as being significant or historical

Civil

- f Involve forfeitures of organized crimes
- g Environment ENCA, ENMR, ENNP, ENRH, ENSF, ENWL, ENWP
- h. Constitutionality CN

Criminal

1. Capital cases
- j. Named task forces, special operations, and initiatives selected from one or more districts by NARA as permanent
- k Specific Program Categories, including Civil Rights (5D through 5H) or Public Corruption Cases (011 through 016 and 01Z), 068 (Toxic Waste discharge), 06H (Export enforcement), 08C (Labor racketeering), 06D (Nuclear waste energy violations)

**Permanent** Files are transferred to NARA 15 years after, as applicable, when the case concludes with discontinuance, dismissal, quashing, or expiration of order, or at the conclusion of administrative legal action, litigation, and appeals, or when related enforcement actions are closed, whichever is later. Electronic case files are authorized for pre-accession. Item 1 d records that NARA does not choose to accession when offered are to be destroyed/deleted in accordance with dispositions under items 2-4.

Note Updates to case code abbreviations may be crosswalked to maintain permanent criteria

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- 2 All case files, matters, and/or records which **do not** meet the criteria under item 1 permanent retention, and are Outstanding Fugitive Warrants for Capital Offenses

**Temporary.** Destroy/delete 85 years after issuance of warrant, or 3 years after declination or withdraw of warrant, whichever is sooner

- 3 Case files, matters, and/or records which **do not** meet the criteria under item 1 for permanent disposition or item 2 for temporary disposition and are:

Civil cases with the following nature of suit codes

- a Real Property (210, 220, 240, 245, 290)
- b Torts (355, 360, 362, 365, 368, 370, 371)
- c Prisoner Petitions (535, 540, 550)
- d Property Rights (820, 830, 840)
- e Social Security (862)
- f Other Statutes (470, 810, 900, 950)

Criminal cases in the following program categories

- g Government Regulatory Prosecutions which involve Customs Violations (Duty and Currency), and Money Laundering (Narcotics and Other)
- h Violent Crimes which involve Firearms, Project Safe Childhood, Bank Robbery, and Violent Crime in Indian Country
- i White Collar Crimes which involve Antitrust Violations, Bank Fraud and Embezzlement, Computer Crimes, Intellectual Property Violations, Bankruptcy, Commodities, Consumer, Corporate, Federal Procurement, Federal Program, Health Care, Insurance, and Mortgage Fraud

**Temporary.** Destroy/delete no less than 10 years, but no longer than 25 years after, as applicable, when the case concludes with discontinuance, dismissal, quashing, or expiration of order, or at the conclusion of administrative legal action, litigation, and appeals, or when related enforcement actions are closed, whichever is later

Note Updates to case code abbreviations may be crosswalked to maintain criteria

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- 4 Case files, matters, and/or records which **do not** meet the criteria under item 1 for permanent disposition or items 2 or 3 for temporary disposition and are
  - a Civil cases with nature of suit codes not included above and a potential civil penalty of a substantial monetary value as defined and periodically updated by EOUSA
  - b. Criminal cases not described above where the sentence is more than one year and five months imprisonment

**Temporary:** Destroy/delete 10 years after the order expires, the appeal process concludes, or related enforcement actions are closed, whichever is later

- c. Cases where the sentence is equal to or less than one year and five months and/or there is civil penalty of a non-substantial monetary value as defined and periodically updated by EOUSA.

**Temporary** Destroy/delete 3 years after the order expires, the appeal process concludes, or related enforcement actions are closed, whichever is later