

Schedule Number 021-011		Date 10/15/2020		New	Revision of 08-169	MINNESOTA RECORDS RETENTION SCHEDULE	
Agency Department of Public Safety			Division/Section Bureau of Criminal Apprehension Forensic Science Services Division			Page 1 of 3	
Address 1430 Maryland Avenue East Saint Paul, Minnesota 55106		3700 North Norris Court NW Bemidji, MN 56601		101 11 th Ave N St. Cloud, MN 56303		See attached pages for records descriptions	
<i>For Use By Records Panel Only</i>							
AUTHORIZATION: Under the authority of Minnesota Statutes, section 138.17, it is hereby ordered that the records listed on this application be disposed per the approved schedule.				Notice: This Records Retention Schedule has been reviewed by the State Records Disposition Panel in accordance with Minnesota Statutes, section 138.17. The records listed on this schedule have been reviewed for their historical, fiscal, and legal value.			
Agency Records Management Officer (signature)			Date 10/15/20		Minnesota Historical Society, Director Charles Hodgen		Date 16 Oct 2020
Type Name / Phone Sydnee N. Woods / 651-201-7170				Legislative or State Auditor James Nolan		Date 10-26-20	
Agency Head or Designee (signature)			Date 10/15/20		Attorney General 		Date 10/21/2020

Original-State Records Disposition Panel

Copy 1-Agency (after approval)

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	Discard means disposal via recycling. Destroy means disposal in a secure manner.	This Records Retention Schedule covers all storage media including paper, electronic, photos, etc.			
Item No.	Record Series Title and Description	Retention Instructions	Citations	Vital? (Yes/No)	Archival? (Yes/No)
1	<p>Laboratory Case Records: Technical records that provide evidence of work performed, activities conducted, and include all data generated in the processing of a case. Documents can include evidence receipts, police reports, scientist's notes and drawings, case photographs, and reports issued.</p> <p>Records created during batch examinations of several case types and other data such as instrument data generated during the examination of case evidence are retained based on case types in the batch with the longest retention period.</p>	<p>Case records are retained, in part, based on the statute of limitations of the case type as follows:</p> <p><u>Retain 6 years, then destroy*</u> Accident MN State Patrol Photo Auto Theft Breath Test Results Child Endangerment (Driving While Impaired) Child Endangerment (DNA) Controlled Substance Criminal Vehicular Operation Digital Forensics Driving While Impaired Explosive Device Investigation Fatality Study Fire Investigation Forgery Fraud Game Laws Harassment/Stalking Hit & Run (property damage) Non-accident MN State Patrol Photo Open Bottle Other Criminal Theft Vandalism Weapons</p> <p><u>Retain 20 years, then destroy*</u> Attempted Homicide Assault Breath Test Instrument Certification Records Child Pornography Robbery</p>	Minn. Stat. §§ 138.17, 626.28, 13.82, 299C	Yes	Case records retained longer than scheduled (6 years – 20 years) because of their historical value are eligible for transfer to the State Archives for selection and disposition.

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		<u>Retain permanently</u> Criminal Sexual Conduct Criminal Vehicular Homicide Death Investigation Homicide Kidnapping Missing Person Officer Involved Shootings Terroristic Threats *DO NOT destroy for all case types where a DNA profile was obtained and exists in CODIS (the Combined DNA Index System).			
2	Breath Test Instrument Certification Records Records used solely in the certification of specific breath test instruments.	Retain 20 years, then destroy.	Minn. Rule 7502.0410 Minn. Stat. § 169A.50	No	NO
3	Breath Test Results Results obtained from raw data packets.	Retain 6 years, then destroy.	Minn. Rule 7502.0410 Minn. Stat. § 169A.50	No	↓
4	Quality Assurance Records Records generated during the planned and systematic actions performed to maintain compliance with applicable accreditation standards and the FSS quality management system.	Retain 10 years, then destroy.		No	
5	U.S. Department of Justice Documents	Upon written request, return federal criminal identification records and information to the U.S. Department of Justice, including the FBI, then any convenience copies may be destroyed.	18 U.S.C § 534	No	

BCA Forensic Science Services (FSS) Record Retention Changes

Item 1.

- Condenses the descriptions in Items 1A – 1D of the 08-169 Forensic Science Services (FSS) Records Retention Schedule, removes the hard copy and electronic data format distinctions, and modifies the retention periods as follows:

6-Year Period*

* Prohibits destruction for all case types where a DNA profile was obtained and exists in CODIS (the Combined DNA Index System).

- Increases the current 5-year retention period to a 6-year retention period.
- Transfers in “Accident State Patrol photos” from the 10-year retention period and divides the entry into Non-Accident and Accident entries.
- Transfers in “Controlled Substance,” “Criminal Vehicular Operation,” “Explosive Device Investigation,” “Fraud,” “Harassment/Stalking,” “Theft,” and “Weapons” from the 10-year retention period.
- Transfers in Child Endangerment (delineating between “Child Endangerment (Driving While Impaired)” and “Child Endangerment (DNA))” and Fatality Study from the 20-year retention period.
- Adds “Digital Forensics” to coincide with the BCA Investigations Records Retention Schedule.

10-Year Period

- Deleted because no entries remain.

20-Year Period*

* Prohibits destruction for all case types where a DNA profile was obtained and exists in CODIS (the Combined DNA Index System).

- Transfers in “Child Pornography” to coincide with Investigations Schedule.

75-Year Period

- Deleted because no entries remain.

Permanent Period

- Transfers in “Criminal Sexual Conduct” from the 20-year period.
- Transfers in “Criminal Vehicular Homicide,” “Death Investigation” (all types), “Homicide,” “Kidnapping,” “Missing Person,” “Officer-Involved Shootings,” and “Terroristic Threats” from the 75-year retention period.

Item 2. (Breath Test Instrument Certification Records)

- Adds a retention period “Retain 20 years, then destroy” for only those records used in the certification of a specific breath test instrument.

Item 3. (Breath Test Results)

- Adds a retention period “Retain 6 years, then destroy” for data used to generate breath test results-.

Item 4. (Quality Assurance Records)

- Streamlines the description and keeps the retention period of “Retain 10 years, then destroy.”

Item 5. (U.S. Department of Justice Documents)

- Adds an entry based on the March 29, 2018 *Wetterling v. Stearns Co.* case holding: “Upon receipt of a written request, return exchanged federal criminal identification records and information to the U.S. Department of Justice, including the FBI, then any convenience copies may be destroyed.”