

National Archives and Records Administration
REQUEST FOR DISPOSITION AUTHORITY

Records Schedule Number: DAA-0060-2011-0027

Status: APPROVED
Date Approved: 05/01/2014

General Information

Agency or Establishment	Department of Justice
Record/Scheduling Group	0060 - General Records of the Department of Justice
Records Schedule Applies To	Agency Subdivision
Major Subdivision	Office of Professional Responsibility
Schedule Subject	Records of the Office of Professional Responsibility
Additional Schedule Information	<p>Note: This schedule was modified after approval in ERA Base. If information regarding the modifications was created in ERA Base it will be found in the Revision Notes in NARA only attachments.</p> <p>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.</p> <p>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.</p>

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Is There a Classified Version of This
Schedule? No

Is consultation and coordination with
Tribal Governments required? Predate requirement

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Item Count

Total number of disposition items: 6

Number of Temporary disposition items: 3

Number of Permanent disposition items: 3

Number of Items with Disposition Not Approved: 0

Number of Inactive disposition items: 2

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

Item #	Title	Disposition
0001	Inquiry, Investigation, and Intake Matters : Historical	Permanent
0002	Inquiry, Investigation, and Intake Matters : Non-Historical	Temporary
0003	Inquiry, Investigation, and Intake Matters : Summarily Disposed (Intake/Correspondence)	Temporary
0004	Whistleblower Matters	Permanent
0005	Non-Department State Bar and Judicial Referrals	Temporary
0006	OPR Deputy Counsel Files	Permanent

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Records Schedule Items

Group Title	Inquiry, Investigation, and Intake Matters
Group Description	<p>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.</p>
	<p>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.</p>
	<p>For records management purposes, inquiry, investigation and intake/correspondence files are classified and maintained as follows:</p>
DAA-0060-2011-0027-0001	STATUS: Active
ITEM GENERAL INFORMATION	
Item Title	Historical

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Item Description	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.	
Is this item media neutral?	Yes	
Is this item a Big Bucket?		
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS		
Does this item supersede existing disposition authorities?	Yes	
	Superseded Items	
Superseded Item	Item Superseded in Part?	Explanation
N1-060-99-006 / 1/A	No	
N1-060-99-006 / 2	No	
Is this item a deviation from the GRS?	No	
DISPOSITION INSTRUCTION		
Final Disposition	Permanent	
Cutoff Instructions	Other: Cut off closed matters at the end of the Fiscal year.	
Are there multiple instructions for this item?	No	
Transfer Instruction	Transfer to the National Archives 15 year(s) after cutoff	
ADDITIONAL INFORMATION		
Are any of the records covered by this item subject to a FOIA exemption?		
DAA-0060-2011-0027-0002	STATUS: Active	
ITEM GENERAL INFORMATION		
Item Title	Non-Historical	
Item Description	Includes matters which do not meet the criteria for significant matters.	
Is this item media neutral?	Yes	
Is this item a Big Bucket?		
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS		
Does this item supersede existing disposition authorities?	Yes	
	Superseded Items	
Superseded Item	Item Superseded in Part?	Explanation
N1-060-99-006 / 1/B	No	

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N1-060-99-006 / 2	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Temporary
Cutoff Instructions	Other: Cut off closed matters at end of Fiscal year.
Retention Period	Destroy 15 year(s) after cutoff
ADDITIONAL INFORMATION	
Are any of the records covered by this item national security classified?	
GAO Approval Required	No
DAA-0060-2011-0027-0003	STATUS: INACTIVE - NOT FOR USE
ITEM GENERAL INFORMATION	
Item Title	Summarily Disposed (Intake/Correspondence)
Item Description	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."
Is this item media neutral?	Yes
Is this item a Big Bucket?	
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	
Does this item supersede existing disposition authorities?	Yes
	Superseded Items
Superseded Item	Item Superseded Explanation in Part?
N1-060-99-006 / 3	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	

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DO NOT USE. This item was partially superseded by DAA-GRS-2022-0009-0001 and DAA-GRS-2016-0005-0002 for public correspondence that OPR takes no formal action on and does not reach the inquiry or investigation status. The remainder of the item is obsolete because it is no longer the business practice of OPR, and DOJ has confirmed that no records exist that could be dispositioned under this item. on 06/28/2024.

Final Disposition	Temporary
Cutoff Instructions	Other: Cut off closed matters at the end of the Fiscal year.
Retention Period	Destroy 5 year(s) after cutoff
ADDITIONAL INFORMATION	
Are any of the records covered by this item national security classified?	
GAO Approval Required	No

DAA-0060-2011-0027-0004		STATUS: Active
ITEM GENERAL INFORMATION		
Item Title	Whistleblower Matters	
Item Description	<p>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</p>	

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	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.
Is this item media neutral?	Yes
Is this item a Big Bucket?	
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Permanent
Cutoff Instructions	Other: Cut off closed matters at end of the Fiscal year.
Are there multiple instructions for this item?	No
Transfer Instruction	Transfer to the National Archives 15 year(s) after cutoff
ADDITIONAL INFORMATION	
Are any of the records covered by this item subject to a FOIA exemption?	

DAA-0060-2011-0027-0005	STATUS: Active
ITEM GENERAL INFORMATION	
Item Title	Non-Department State Bar and Judicial Referrals
Item Description	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.
Is this item media neutral?	Yes
Is this item a Big Bucket?	
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	

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Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Temporary
Cutoff Instructions	Other: Cut off closed matters at the end of the Fiscal year.
Retention Period	Destroy 5 year(s) after cutoff
ADDITIONAL INFORMATION	
Are any of the records covered by this item national security classified?	
GAO Approval Required	No

DAA-0060-2011-0027-0006	STATUS: INACTIVE - NOT FOR USE
ITEM GENERAL INFORMATION	
Item Title	OPR Deputy Counsel Files
Item Description	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.
Is this item media neutral?	Yes
Is this item a Big Bucket?	
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
DO NOT USE. Superseded By: DAA-0060-2015-0005-0001 on 05/20/2023.	
Final Disposition	Permanent
Cutoff Instructions	Other: Cut off at the end of the Deputy Counsel's tenure
Are there multiple instructions for this item?	No
Transfer Instruction	Transfer to the National Archives 15 year(s) after cutoff
ADDITIONAL INFORMATION	
Are any of the records covered by this item subject to a FOIA exemption?	

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Signatory Information

Action	User	Date
Accept	Data Migration	09/26/2011
Approve	David Ferriero	05/01/2014