



## 1 RECORDS RETENTION SCHEDULE : District Attorney

2 EFFECTIVE DATE: 5/20/25

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Warning: Notwithstanding any minimum retention period, records relevant to an administrative or legal proceeding, or request for public records, must be retained until final disposition of the proceeding or request. Also, certain records, even if non-permanent under a Records Retention Schedule, may nevertheless qualify as an archive under the County Policy Manual.

3 CUSTODIAN OF RECORD	4 TITLE & DESCRIPTION OF RECORD	5 VITAL	6 ARCHIVES	7 TOTAL RETENTION	8 LEGAL AUTHORITY & POLICY PREFERENCE & COMMENTS
1 District Attorney	GRANTS, SPECIAL REVENUES & OTHER: Applications, Reports, Logs, Worksheets, Victim Case Files, Financial Information, etc.	yes	no	funding or outside audit + 8 years	Department preference (longer than County-wide Standards); Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment to grantee or subgrantee. Statute of limitations for public official misconduct is discovery of offense+ 4 years; PC §803(c), 24 CFR 91.105(h), & 29 CFR 97.42; GC §26202
2 District Attorney	SUBJECT / RESEARCH FILES (e.g., extradition, tribal jurisdiction, Proposition 36, etc.)	yes	no	project conclusion + 2 years	Department Preference; GC §26202
3 District Attorney	TIME SHEETS	no	no	7 years	Department Preference. GC §26202. For grant administration and audit.
4 District Attorney	EXTENDED COMMITMENTS (Not Guilty by Reason of Insanity)	yes	no	50 years	Court gives a new case number associated with the committed person each year. See GC §68152 for guidance on length of retention
5 District Attorney	FACTUAL INNOCENCE (Sealed records ordered by the Courts, or with the concurrence of the District Attorney)	yes	no	petition found true + 3 years	GC §26202; PC §851.8 et seq.
6 District Attorney	FELONY CASE FILES: SERIOUS, VIOLENT, HOMICIDES, LIFE SENTENCES, CHILD ABUSE AND ELDER ABUSE FILES	yes	yes	Permanent	Department Preference to facilitate prosecution of recidivists. See GC §68152 for guidance on length of retention (75 years for court records).
7 District Attorney	FELONY CASE FILES: All Convictions not included above	yes	no	commitment to prison, successful completion of probation, or successful completion of supervised release + 5 years	Department Preference - This keeps the general felony case files for five years after case is closed for purposes of initial prosecution. See GC §68152 for guidance on length of retention by the courts.
8 District Attorney	MISDEMEANOR CASE FILES: HEALTH AND SAFETY CODE § § 11357(b), 11357(d) and 11360(b) (MARIJUANA CASES)	yes	no	adjudication or arrest (if no conviction) + 2 years	"Courts and other Agencies Shall destroy" H&S §11361.5 et seq. See also GC §68152(c)(8).
9 District Attorney	MISDEMEANOR CASE FILES: All other misdemeanor cases not included above	yes	no	adjudication + 2 years (minimum of 5 years)	Department Preference; GC §§ 945, 26202, PC §§ 800 et seq. , 802; CCP §§ 337 et seq.
10 District Attorney	REJECTED CASES: OFFICER INVOLVED SHOOTINGS, PC §§187, 192, 288 and 290	yes	no	filing decision +25 years	Department Preference; Statewide guidelines for cities recommend 25 years for Officer Involved Shootings. GC §26202
11 District Attorney	REJECTED CASES:all other not included above	yes	no	filing decision +2 years	GC §26202
12 District Attorney	JUVENILE -Court Sealed Records	yes	no	date sealed +5 years	Consistent with court retention. GC §68152(g)(1&2), W&I §§300, 389(a)(c), 781(c)(d), 826(a)
13 District Attorney	JUVENILE FILES (601 & 602 Petitions) - HEALTH AND SAFETY CODE § § 11357(b), 11357(d) and 11360(b) (MARIJUANA CASES)	yes	no	adjudication or arrest (if not found true) + 2 years	"Courts and other Agencies Shall destroy" H&S §11361.5 et seq. See also GC §68152(c)(8)
14 District Attorney	JUVENILE FILES (601 & 602 Petitions) - HEALTH AND SAFETY CODE § 11357(c) (Juvenile on school grounds during school hours with marijuana)	yes	no	until the juvenile turns 18 years old	"Courts and other Agencies Shall destroy" H&S §11361.5 et seq. See also GC §68152(c)(8)
15 District Attorney	JUVENILE FILES (601 & 602 Petitions) - all other cases not included above	yes	no	final disposition +5 years	Department Preference (not governed by court records retention requirements. GC§26202, GC §68152(c)(3), PC §§802, PC §187, 800 et seq., W&I §389(a),
16 District Attorney	REJECTED CASES - JUVENILE	yes	no	filing decision +5 years	GC §26202

Records, in any medium, that are subject to a legal hold or a California Public Records Act request must be retained until the claim, litigation or PRA request is resolved.

### Legal Authority Abbreviations

B&P Business and Professions Code  
CC County Code (San Bernardino)  
CCP Code of Civil Procedure  
CCR California Code of Regulations

CFR Code of Federal Regulations  
EC Elections Code  
EVC Evidence Code  
FC Family Code

GC Government Code  
H&S Health and Safety Code  
IRC Internal Revenue Code  
IRS Internal Revenue Service

LC Labor Code  
PC Penal Code  
R&T Revenue and Taxation Code  
UFC Uniform Fire Code

USC United States Code  
VC Vehicle Code  
WC Water Code  
W&I Welfare and Institutions Code

### Schedule Abbreviations

DP Department Preference  
CR Custodian of Record

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Form RMP 3  
Rev. 10/2024



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17 District Attorney	PUBLIC COMPLAINTS	yes	no	final resolution +5 years	State requires for at least 5 years, if complaint is lodged by a citizen; other State & Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; Statute of Limitations is 4 years for misconduct; EVC §1045, GC §§12946, 26202, PC §§801.5, 803(c), 832.5, VC §2547
18 District Attorney	INVESTIGATIONS - FRAUD FILES	yes	no	final disposition +4 years	See PC§803 for statute of limitations
19 District Attorney	INVESTIGATIONS - UNSUBSTANTIATED OR INCONCLUSIVE CHILD ABUSE OR NEGLECT FILES	no	no	No longer needed + 2 years	Non-records/copies Initial investigating agency retains the report for required retention period. GC §26202
20 District Attorney	INVESTIGATIONS FILES - all other investigations not include above	yes	no	final disposition +10 years	Department Preference; GC §26202
21 District Attorney	STEP ACT/ GANG HISTORY AND INTELLIGENCE FILES	yes	no	25 years	Department Preference. GC §26202
22 District Attorney	EVIDENCE, PROPERTY, PHOTOGRAPHS AND IMAGES: Crime Scenes	yes	yes	statute of limitations +2 years for unfiled cases. Expiration of appeals period for filed cases	GC §26202
23 District Attorney	PROPERTY DISPOSITIONS FILES	no	no	2 years	GC §26202
24 District Attorney	VICTIM CASE FILES	yes	no	termination of services + 5 years	Meets auditing standards; Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment of grantee or subgrantee; 24 CFR 91.105(h), 29 CFR 97.42; GC §26202
25 District Attorney	CORRESPONDENCE: not included above	no	no	7 years	Department Preference; GC §26202
26 District Attorney	DATABASE (STAR)	yes	no	Permanent	Data is interrelated. GC §26202 et seq.

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