

## Retention Schedule: District Attorney

Office of Record (OFFR)	Records Series No.	Title and Description	Retention Period / Disposition						Comments / Reference	
			Active (in office)	Inactive (Off-Site)	Total Retention	Vital?	Archives	Media Options		Image: S=Scan M=Micro-Import
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<b>Court Orders, litigation, complaints, claims, appeals, audits and/or investigations suspend normal retention periods (retention begins after final action - settlement).</b>										
<b>ADMINISTRATION (Also see County-Wide Schedule)</b>										
District Attorney		CORRESPONDENCE	7 years		7 years			Mag, Ppr		Department Preference for grant administration purposes; GC §26202
District Attorney		GRANTS - VICTIM WITNESS, VERTICAL PROSECUTION, SRVP, OTHER: Applications, Reports, Logs, Worksheets, Victim Case Files, Financial Information, etc.	2 years	Final Disposition + 8 years (or After Funding Agency Audit, if Required)	Final Disposition + 8 years (or After Funding Agency Audit, if Required)	Yes		Mag, Mfr, OD, Ppr		Department preference (longer than County-wide Standards); Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment of grantee or subgrantee; Statute of Limitations for public official misconduct is discovery of offense + 4 years; PC §803(c), 21 CFR 1403.36 & 1403.42(b); 24 CFR 85.42, 91.105(h), & 570.502(b), 29 CFR 97.42; GC §26202
District Attorney		LAWYER FILES	7 years		7 years			Mag, Ppr		Department Preference for grant administration purposes; GC §26202
District Attorney		SUBJECT / RESEARCH FILES (e.g., extradition, tribal jurisdiction, Proposition 36, etc.)	When No Longer Required (minimum 2 years)		When No Longer Required (minimum 2 years)			Mag, Ppr		Department Preference; GC §26202
District Attorney		TIME SHEETS	7 years		7 years			Mag, Ppr		Department Preference for grant administration purposes; GC §26202

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ADULT CRIMINAL CASES (Records may be destroyed upon death of Defendant)										
District Attorney	FYI: I know of other law enforcement agencies that place a face sheet in the file / imaging system that instruct employees to redact information / treat the report as destroyed for mandatory purges	FACTUAL INNOCENCE (Sealed Cases ordered by the Courts, in concurrence of the District Attorney)	Arrest Date + 3 years		Arrest Date + 3 years		Mag, Mfr, OD, Ppr	S	No	"Shall Destroy" or "permanent obliteration of all entries or notations upon such records pertaining to the arrest, and the record shall be prepared again so that it appears that the arrest never occurred"; GC §26202; PC §851.8 et seq.

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District Attorney		FELONIES - NOT SERIOUS, VIOLENT, CHILD OR ELDER ABUSE (IMAGED)	2 years	25 years	25 years	Yes: Until Final Close		Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Department Preference to facilitate Three Strikes law and ease of document imaging administration; (Courts maintain for Disco. + 75 years.) GC \$26202, GC \$68152(e)(2), PC \$8289et seq., 667et seq., 1170 et seq., 1992 et seq., W&I \$707
District Attorney		FELONIES - PAPER MEDIA	2 years	23 years	25 years	Yes: Until Final Close		Mag, Ppr			Department Preference to facilitate Three Strikes law and ease of document imaging administration; (Courts maintain for Disco. + 75 years.) GC \$26202, GC \$68152(e)(2), PC \$8289et seq., 667et seq., 1170 et seq., 1992 et seq., W&I \$707
District Attorney		FELONIES - SERIOUS, VIOLENT, CHILD OR ELDER ABUSE (IMAGED)	2 years	P	P	Yes: Until Final Close		Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Department Preference to facilitate Three Strikes law and ease of document imaging administration; (Courts maintain for Disco. + 75 years.) GC \$26202, GC \$68152(e)(2), PC \$8289et seq., 667et seq., 1170 et seq., 1992 et seq., W&I \$707

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District Attorney		FUGITIVE / EXTRADITION	2 years	48 years	50 years	Yes: Until Final Close		Mag. Mfr. OD, Ppr	S	Yes: When Inactive	Department Preference to facilitate Three Strikes law and ease of document imaging administration; GC \$26202
District Attorney		HOMICIDES, INDETERMINATE PRISON SENTENCES	Final Disposition + 2 years	P	P	Yes		Mag. Mfr. OD, Ppr			Department Preference; GC \$5 945, 25105.5, 26202, 68152(e)(3), PC \$5187, 800 et seq., 802; W&I \$389(a), 781(d); CCP \$5 337 et seq.
District Attorney		MENTAL HEALTH (Lanternman Acts)	Close + 2 years	28 years	Close + 30 years	Yes: Until Final Close		Mag. Mfr. OD, Ppr	S	Yes: When Inactive	Department Preference (consistent with Court retention); GC \$68152(c)(7)

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	FYI: I know of other law enforcement agencies that place a face sheet in the file / imaging system that instruct employees to redact information / treat the report as destroyed for mandatory purges	MISDEMEANOR - MARIJUANA H&S §11357(b)(d) or H&S §11360(b) (with procedure in H&S §11361.5)	Conviction or Arrest (if No Conviction) + 2 years	Conviction or Arrest (if No Conviction) + 2 years	Yes	Mag, Mfr, OD, Ppr			(Courts and other Agencies "Shall" destroy); GC §68152(e)(8); 11361.5 et seq.
District Attorney									

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## Retention Schedule: District Attorney

Office of Record (OFIR)	Records Series No.	Title and Description	Retention Period / Disposition							Comments / Reference	
			Active (in office)	Inactive (Off-Site)	Total Retention	Vital?	Archives	Media Options	Image: S=Scan M=Microfilm I=Import		Destroy Paper after Imaged & QC'd
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<b>Court Orders, litigation, complaints, claims, appeals, audits and/or investigations suspend normal retention periods (retention begins after final action - settlement).</b>											
	FYI: I	know of other law enforcement agencies that place a face sheet in the file / imaging system that instruct employees to redact information / treat the report as destroyed for mandatory purges									
District Attorney		MISDEMEANOR - MARIJUANA H&S §11357(e) - Juvenile on School Grounds during School Hours (with procedure in H&S §11361.5)	Offender is 18 Years Old		Offender is 18 Years Old	Yes		Mag, Mfr, OD, Ppr			(Courts and other Agencies "Shall" destroy); GC §68152(e)(8); 11361.5 et seq.
District Attorney		MISDEMEANORS (Except H&S §11357(e), PC 191, 192, 242, 243(e)(1), 245, 273.5, 288, 314, 422)	2 years		2 years	Yes		Mag, Mfr, OD, Ppr			Department Preference: GC §§ 945, 25105.5, 26202, 68152(e)(3), PC §§187, 800 et seq., 802; W&I §389(a), 781(d); CCP §§ 337 et seq.
District Attorney		MISDEMEANORS (PC 191, 192, 242, 243(e)(1), 245, 273.5, 288, 314, 422)	2 years		2 years	Yes		Mag, Mfr, OD, Ppr			Department Preference: GC §§ 945, 25105.5, 26202, 68152(e)(3), PC §§187, 800 et seq., 802; W&I §389(a), 781(d); CCP §§ 337 et seq.

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Court Orders, litigation, complaints, claims, appeals, audits and/or investigations suspend normal retention periods (retention begins after final action - settlement).											
District Attorney		REJECTED CASES (Except Officer Involved Shootings, PC sections 187, 192, 288, and 290)	2 years		2 years	Yes		Mag, Mfr, OD, Ppr			GC§26202
District Attorney		REJECTED CASES (Officer Involved Shootings, PC sections 187, 192, 288, and 290)	2 years	23 years	25 years	Yes		Mag, Mfr, OD, Ppr			De-artment Preference: Steadwide Guidelines for cities recommend 25 years for officer-involved shootings. GC §26202

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JUVENILE (ALL) Final Disposition is successful completion of diversion. If any Records may be destroyed upon death of Defendant)											
District Attorney		JUVENILE - Court Sealed Records	Sealing Date + 5 years (Or Court Order, or per Specialized Statute)		Sealing Date + 5 years (or Court Order, or per Specialized Statute)	Yes		Mag, Mfr, OD, Ppr		Consistent with Court retention; GC \$68152(g)(1&2); W&I \$5300, 389(a&c), 781(c&d), 826(a)	
District Attorney		JUVENILE CRIMINAL CASES - 601 & 602 Petitions, Truancy, etc. (Other than Court Sealed Records)	Final Disposition + 2 years	8 years	Final Disposition + 10 years	Yes		Mag, Mfr, OD, Ppr		Department Preference (not governed by Court records retention requirements; GC \$26202, GC \$68152(e)(3), PC \$5802, PC \$5187, 800 et seq., W&I \$389(a).	

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District Attorney		MISDEMEANOR - MARIJUANA H&S §11357(b)(d) or H&S §11360(b) (with procedure in H&S §11361.5)	Conviction or Arrest (If No Conviction) + 2 years		Conviction or Arrest (If No Conviction) + 2 years	Yes		Mag, Mtr, OD, Ppr			(Courts and other Agencies "Shall" destroy); GC §68152(e)(8); 11361.5 et seq.

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District Attorney	FVI: I know of other law enforcement agencies that place a face sheet in the file / imaging system that instruct employees to redact information / treat the report as destroyed for mandatory purges	MISDEMEANOR - MARIJUANA H&S §11357(e) - Juvenile on School Grounds during School Hours (with procedure in H&S §11361.5)	Offender is 18 Years Old		Offender is 18 Years Old	Yes		Mag, Mfr, OD, Ppr			(Courts and other Agencies "Shall" destroy): GC §68152(e)(8); 11361.5 et seq.
District Attorney		REJECTED CASES (Except Officer Involved Shootings, PC sections 187, 192, 288, and 290)	2 years		2 years	Yes		Mag, Mfr, OD, Ppr			GC §26202
District Attorney		REJECTED CASES (Officer Involved Shootings, PC sections 187, 192, 288, and 290)	2 years	23 years	25 years	Yes		Mag, Mfr, OD, Ppr			Department Preference: Statewide Guidelines for cities recommend 25 years for officer-involved shootings; GC §26202

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INVESTIGATIONS											
District Attorney		COMPLAINTS	Final Disposition + 5 years		Final Disposition + 5 years	Yes: Until Final Disposition		Mag, Ppr			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
District Attorney		INVESTIGATIONS - FRAUD	Final Disposition + 2 years	2 years	Final Disposition + 4 years	Yes		Mag, Ppr			Statute of Limitations for public official misconduct is discovery of offense + 4 years; PC §803(c).
District Attorney		INVESTIGATIONS - IMAGED: (Other than Child Abuse or Neglect that are Unsubstantiated or Inconclusive)	Final Disposition + 2 years	P	P	Yes		Mag, Mfr, OD, Ppr			Department Preference: GC §26202
District Attorney		INVESTIGATIONS - PAPER MEDIA: (Other than Child Abuse or Neglect that are Unsubstantiated or Inconclusive)	Final Disposition + 2 years	8 years	Final Disposition + 10 years	Yes		Mag, Ppr			Department Preference: GC §26202
District Attorney		INVESTIGATIONS: Child Abuse or Neglect Investigation Reports - Unsubstantiated or Inconclusive	3 years	No Further Report on Suspected Abuser + 7 years	No Further Report on Suspected Abuser + 10 years	Yes		Mag, Ppr			PC §§11169(c), 11170(a)(3)

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District Attorney		STEP ACT / GANG HISTORY AND INTELLIGENCE FILES	When No Longer Required - Minimum 25 years		When No Longer Required - Minimum 25 years			Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year	Department Preference: Grant records are required for 5 years from the date of final payment; 11 CCR 482, GC §26202

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PROPERTY AND EVIDENCE											
District Attorney / Property & Evidence		Evidence, Property, Photographs & Film: Crime Scenes	When No Longer Required - Minimum Expiration of Appeals Period for Crime		When No Longer Required - Minimum Expiration of Appeals Period for Crime			Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year	See appropriate Crime Report; Statute of Limitations is 1 year for property seized by officers; CCP §340(4); GC §26202
District Attorney / Property & Evidence		Mug Shots	P		P			Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year	Department Preference; GC §26202
District Attorney / Property & Evidence		Negatives: Crime Report Photos	P		P			Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year	Department Preference; GC §26202
District Attorney / Property & Evidence		Property Dispositions	2 years		2 years			Mag, Ppr			GC §26202

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VICTIM SERVICES											
District Attorney		VICTIM CASE FILES	Termination of Service + 5 years		Termination of Service + 5 years	Yes		Mag, Mfr, OD, Ppr			Meets auditing standards; Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment of grantee or subgrantee; 21 CFR 1403.36 & 1403.42(b); 24 CFR 85.42, 91.105(h), & 570.502(b), 29 CFR 97.42; GC §26202

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