



STATE OF WASHINGTON

LOCAL RECORDS COMMITTEE

Office of the State Auditor • Office of the Attorney General • Office of the State Archivist
PO Box 40238 • Olympia, Washington 98504-0238 • (360) 586-4900

June 27, 2013 – 10:00 a.m.
Archives Conference Room

1129 Washington St SE, Olympia, WA, 98504

AGENDA

I. ROUTINE ITEMS

- A. Call to Order
- B. Introduction of Guests
- C. Approval of Minutes for January 31, 2013
- D. Adoption of Today's Agenda

II. NEW BUSINESS/ACTION ITEMS

- A. *Prosecuting Attorney Records Retention Schedule (Version 2.0)* – Julie Blecha
 - i. Assigned Counsel/Public Defenders
 - ii. Notorious/Historically Significant Legal Case Files
- B. *Local Government Common Records Retention Schedule (Version 3.1)* – Julie Blecha
 - i. Agency Management: Legal Affairs
 - ii. Agency Management: Elections (Elected Officials, Initiative and Referenda)

III. WASHINGTON STATE ARCHIVES UPDATES

- A. Revision of Records Retention Schedules – Julie Blecha
- B. Announcements from the State Archivist – Steve Excell

IV. NEXT MEETING – July 25, 2013 (Reschedule?)

V. ADJOURNMENT

I. ROUTINE ITEMS

C. Approval of Minutes for January 31, 2013



STATE OF WASHINGTON

LOCAL RECORDS COMMITTEE

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PO Box 40238 • Olympia, Washington 98504-0238 • (360) 586-4900

January 31, 2013 – 10:00 a.m.
State Archives Conference Room
1129 Washington St SE, Olympia, WA 98504

MEETING MINUTES

Members Present: Cindy Evans (Chair) – State Auditor’s Office; Sharon Payant – Attorney General’s Office; Steve Excell – State Archivist

Staff Present: Russell Wood – State Records Manager; Julie Blecha – Local Government Records Retention Specialist; Leslie Koziara – Records Management Consultant; Megan Shoemaker and Sarah Smith – Northwest Regional Branch Archives (video conference); Debbie Bahn – Digital Archives and Collections Manager (video conference)

Guests Present: Patty Holmquist – Tacoma Public Utilities; Kyle Stannert and Danelle Court – City of Bellevue; Terri Stolz – City of Olympia; Tri Howard – Port of Tacoma

I. ROUTINE ITEMS

A. Call to Order

Cindy Evans called the meeting to order at 10:00 a.m.

B. Introduction of Guests

New State Archivist Steve Excell.

C. Approval of Minutes for November 29, 2012

Motion to adopt the minutes as amended; Payant, second by Evans.

Resolution: Motion carried

D. Adoption of January 31, 2013 Agenda

Blecha announced that she corrected the draft agenda to reflect her name change from Woods to Blecha. Motion to adopt the agenda as corrected; Evans, second by Payant.

Resolution: Motion carried

II. NEW BUSINESS

A. Law Enforcement Records Retention Schedule (Version 6.1) – Megan Shoemaker

Since issuing Version 6.0, a lot of comments and suggestions were shared with Washington State Archives staff. This revision mainly corrects typographical errors and also provides a few items of simplification. Shoemaker provided a lengthy review of the proposed changes, which are detailed in the accompanying revision guide.

Motion to adopt the *Law Enforcement Records Retention Schedule (Version 6.1)* as presented; Payant, second by Evans.

Resolution: Motion carried

III. WASHINGTON STATE ARCHIVES UPDATES

A. Revision of Records Retention Schedules – Julie Blecha

The *Prosecuting Attorney and Public Defender Records Retention Schedule* revision is about 75% complete. This update is especially necessary due to changes to RCW 13.50.050 which allow/require early destruction of juvenile records. The new schedule will be easier for end-users to apply due to reduction of records series by combining records series to cover case files of both the prosecutor and the public defender. Subject matter experts include five prosecuting attorneys solicited by Tom McBride of the Washington Association of Prosecuting Attorneys (WAPA) and five defense attorneys solicited by Christie Hedman of the Washington Defender Association (WDA).

The next retention schedule up for a total overhaul is the *Housing Authorities Records Retention Schedule*, which hasn't been updated for many years. The major changes to the Asset Management section completed in *CORE 3.0* should allow us to streamline this schedule.

The *Utility Providers Records Retention Schedule* is also in line for a revision, as is the *County Clerks and Clerk of the Superior Court*. Preliminary research on the Human Resource Management section of CORE is also taking place. And the *Land Use Planning Records Retention Schedule* is also being considered for update.

B. Announcement from the State Archivist – Steve Excell

Excell announced that some time later this year, Washington State Archives – including all of the regional branch buildings – will be full system-wide. He and Secretary Wyman have been meeting with Legislators about this crisis, and discussing the “dream” of building new space for the State Archives and the State Library with adequate room for growth. Washington State Archives has also been struggling with only about half of the staff that worked here before the 2008 recession started. The good news is that recording fees have stabilized, and so we might be able to recover a bit. Regardless of what happens with a Heritage Center, we will need additional leased space to adequately store things for 4 or 5 years.

Washington State Archives has a shelf of honor for books that are (at least partially) based on research completed in our research room. The latest book on display is one completed on criminals from the 1800's called Documenting Intimate Matters: Primary Sources for a History of Sexuality in America by Thomas Foster.

Tri Howard stated that we may need disposition authority for records relating to drones; Excell stated that records about drones were likely covered by existing series in the Asset Management section.

NEXT MEETING – April 25, 2013

ADJOURNMENT: 10:38 am

CERTIFICATION OF MEETING MINUTES OF THE LOCAL RECORDS COMMITTEE:

I, Cindy Evans, Chair of Local Records Committee, certify that the above is a true and correct transcript of the minutes of a public meeting of the Local Records Committee of the State of Washington held in the State Archives Building conference room on January 31, 2013, and that the public meeting was duly called and held in all respects in accordance with the laws of the State of Washington, and that a quorum was present.

Chair Signature

Date

II. NEW BUSINESS/ACTION ITEMS

A. Prosecuting Attorney Records Retention Schedule (Version 2.0) and Revision Guide.

i. Assigned Counsel/Public Defenders

1. Letter from Jacqueline McMurtrie, Chair, Washington State Bar Association Council on Public Defense
2. Letter from Christie Hedman, Executive Director, Washington Defender Association
3. Letter from David Chapman, Director, King County Office of Public Defense

ii. Notorious/Historically Significant Legal Case Files

This schedule applies to: Local Government Agency Attorneys

Scope of records retention schedule

This records retention schedule authorizes the destruction/transfer of the public records of local government agency attorneys (including contractors) relating to the function of providing attorney legal services to or on behalf of the local government agency. It is to be used in conjunction with the *Local Government Common Records Retention Schedule (CORE)*, which authorizes the destruction/transfer of public records common to all local government agencies. *CORE* can be accessed online at: <http://www.sos.wa.gov/archives/recordsretentionschedules.aspx>.

Disposition of public records

Public records covered by records series within this records retention schedule must be retained for the minimum retention period as specified in this schedule. Washington State Archives strongly recommends the disposition of public records at the end of their minimum retention period for the efficient and effective management of local resources.

Public records designated as Archival (Permanent Retention) or Non-Archival (with a retention period of “Life of the Agency” or “Permanent”) must not be destroyed. Records designated as Archival (Appraisal Required) must be appraised by the Washington State Archives before disposition. Public records must not be destroyed if they are subject to ongoing or reasonably anticipated litigation. Such public records must be managed in accordance with the agency’s policies and procedures for legal holds. Public records must not be destroyed if they are subject to an existing public records request in accordance with [chapter 42.56 RCW](#). Such public records must be managed in accordance with the agency’s policies and procedures for public records requests.

In addition to the minimum retention requirements specified in this schedule, there may be additional (longer) retention requirements mandated by federal, state and/or local statute, grant agreement, and/or other contractual obligations.

Revocation of previously issued records retention schedules

All previously approved disposition authorities for records that are covered by this retention schedule are revoked, including those listed in all general and agency unique retention schedules. Local government agencies should take measures to ensure that the retention and disposition of public records is in accordance with current approved records retention schedules.

Authority

This records retention schedule was approved by the Local Records Committee in accordance with [RCW 40.14.070](#) on *(June 27, 2013)*.

For the State Auditor: Cindy Evans

For the Attorney General: Sharon Payant

The State Archivist: Steve Excell

REVISION HISTORY

Version	Date of Approval	Extent of Revision
1.0	November 29, 2012	First version. Records series imported from the Local Government General RRS (LGRRS) Version 5.2.
2.0	June 27, 2013	<p>This retention schedule has been completely revised; it now covers the records of prosecuting attorneys AND all other local government agency attorneys (<i>including contractors</i>) relating to the function of providing attorney legal services to or on behalf of the local government agency. All series consolidated and updated. New series added (including four relating to the destruction of juvenile records pursuant to RCW 13.50.050, and one “Archival” series to cover notorious/historically significant case files (AT2013-009). All changes detailed in Revision Guide.</p> <p>NOTE: All previously approved disposition authorities for assigned counsel/public defender records have been removed/revoked. Records retention requirements for these records are regulated by the Washington State Bar Association and the Rules of Professional Conduct.</p>

For assistance and advice in applying this records retention schedule,
please contact Washington State Archives at:
recordsmanagement@sos.wa.gov
or contact your Regional Archivist.

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1. ATTORNEY LEGAL ADVICE AND OPINIONS

The development and provision of legal interpretations, advice, and opinions, to or on behalf of the local government agency, by the agency's legal counsel, and *attorneys who contract to provide these services.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-03 Rev. 0	<p><i>Civil Topical and Working Files</i> Reference and working files compiled on various agencies, issues, and subjects by the agency attorney (including contractors) in the process of acting as legal counsel for the local government agency, its elected officials, commissions, related bodies, etc.</p> <p>Excludes legal opinions, interpretations and advice covered more specifically in this or other current, approved records retention schedules, such as:</p> <ul style="list-style-type: none"> • Levy and bond planning covered by <i>CORE</i> series GS 53-02-06 and GS2011-188; • Construction project planning covered by <i>CORE</i> series GS50-18-10; • Litigation case files covered by AT52-07-15 (Civil) and AT2013-009 (Notorious); • Advice and opinions covered by AT53-02-03 or <i>CORE</i> series GS50-01-12 and GS2010-001. 	<p>Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.</p>	<p>ARCHIVAL (Appraisal Required) NON-ESSENTIAL OFM</p>

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT53-02-03 Rev. 0	<p>Legal Opinions (Agency Attorney) Legal opinions, interpretations and advice issued by the agency attorney (including contractors) regarding questions of legal rights or liabilities affecting the local government agency or any of its departments and offices.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Legal opinions relating to the adoption, revision, or repeal of policies, ordinances, plans, and other legal actions by the agency; • Written memoranda of advice (presented to legislative or regulatory bodies, etc.); • Legal opinions provided by the County Prosecutor’s Office on behalf of another department or agency. <p>Excludes legal opinions, interpretations and advice covered more specifically in this or other current, approved records retention schedules, such as:</p> <ul style="list-style-type: none"> • Levy and bond planning (covered by <i>CORE</i> series GS 53-02-06 and GS2011-188); • Construction project planning covered by <i>CORE</i> series GS50-18-10; • Public disclosure/records requests (covered by <i>CORE</i> series GS2010-014); • Litigation case files covered by AT52-07-15 (Civil) and AT2013-009 (Notorious). <p>NOTE: Legal advice, interpretations, and opinions not covered by a more specific records series are covered by <i>CORE</i> series GS50-01-12 and/or GS2010-001.</p>	<p>Retain for 6 years after opinion issued <i>then</i> Transfer to Washington State Archives for appraisal and selective retention <i>and</i> Retain records <u>not</u> selected for permanent preservation by Washington State Archives for the life of the agency.</p>	<p>ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR</p>

2. ATTORNEY LEGAL REPRESENTATION

The function of providing legal representation relating to criminal, civil, juvenile offender, or civil matters in juvenile, family law, appellate and trial courts, and/or administrative forums. Includes agency employees **and attorneys who contract to provide these services.**

2.1 CIVIL CASE FILES

Civil court cases of any kind, including domestic, guardianship, mental illness & alcohol, adoption and parentage, juvenile dependency, child in need of services (CHINS), termination, truancy, at-risk youth (ARY), adult dependency, developmental disability placement, reinstatement of parental rights, guardianship for foster children; local government agency litigation (civil rights violations, collections, evictions, liens, foreclosures, condemnations, etc.).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-15 Rev. 1	<p>Civil Case Files – Local Government Agency is a Party</p> <p>Records relating to legal representation of the local government agency in civil actions by the agency against another party or in defense of the agency (including agency employees, contractors, and volunteers) against suit by another party. Also includes actions where the County Prosecutor’s Office represents another department or agency.</p> <p>Examples of agency legal cases may include, but are not limited to:</p> <ul style="list-style-type: none"> • Representation on behalf of agency staff, council members, commissioners, etc.; • Defense of agency for (alleged) civil rights violations, etc.; • Actions relating to agency assets (parks, buildings, environmental resources, etc.); • Financial disputes that require litigation (evictions, condemnations, etc.). <p>Records include, but are not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p>Excludes notorious and historically significant cases covered by AT2013-009.</p> <p>Excludes criminal, juvenile offender, and civil case files where agency attorneys appear for and represent the State of Washington pursuant to <u>chapter 36.27 RCW</u> or cities pursuant to <u>RCW 3.50.020</u>).</p>	<p>Retain for 10 years after case closed <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.</p>	<p>ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR</p>

2.1 CIVIL CASE FILES

Civil court cases of any kind, including domestic, guardianship, mental illness & alcohol, adoption and parentage, juvenile dependency, child in need of services (CHINS), termination, truancy, at-risk youth (ARY), adult dependency, developmental disability placement, reinstatement of parental rights, guardianship for foster children; local government agency litigation (civil rights violations, collections, evictions, liens, foreclosures, condemnations, etc.).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-001 Rev. 0	<p>Civil Case Files – General Records relating to legal representation in civil actions where the local government agency represents the state of Washington.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p>Excludes:</p> <ul style="list-style-type: none"> • Legal representation of the local government agency covered by AT52-07-15; • Notorious/historically significant cases covered by AT2013-009; • Civil case files covered more specifically elsewhere in this section. 	<p>Retain for 3 years after judgment, settlement, dismissal, acquittal, completion of deferral contract, or decline to prosecute, <i>whichever is later then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
AT2013-002 Rev. 0	<p>Civil Case Files – Infractions Records relating to the prosecution of adults and juveniles charged with noncriminal infractions.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). 	<p>Retain for 30 days after judgment, settlement, dismissal, acquittal, or completion of deferral contract, <i>whichever is later then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR

2.1 CIVIL CASE FILES

Civil court cases of any kind, including domestic, guardianship, mental illness & alcohol, adoption and parentage, juvenile dependency, child in need of services (CHINS), termination, truancy, at-risk youth (ARY), adult dependency, developmental disability placement, reinstatement of parental rights, guardianship for foster children; local government agency litigation (civil rights violations, collections, evictions, liens, foreclosures, condemnations, etc.).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-10 Rev. 1	<p>Civil Case Files – Involuntary Commitment</p> <p>Records relating to the involuntary commitment of a person for possible substance abuse in accordance with RCW 70.96A.140 or mental health problems pursuant to chapters 71.05 or 71.34 RCW. Includes “72-hour holds”.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Commitment orders, psychiatrist reports, etc. • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p><i>Note: If criminal charges are filed, these records become part of the associated criminal case file.</i></p>	<p>Retain for 3 years after release of individual from hold <i>or</i> 3 years after case closed, <i>whichever is later</i> <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
AT52-07-09C Rev. 1	<p>Civil Case Files – Social Security Act Title IV-D (Child Support)</p> <p>Records relating to legal representation of the state of Washington in relation to state responsibilities under Title IV, Part D (Title IV-D) of the <i>Social Security Act</i>.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Determination of parentage; • Child support establishment, modification, adjustment, and/or enforcement; • Responding cases. <p><i>Note: Per RCW 4.16.020, the statute of limitations for commencement of action for the collection of past due child support is 10 years after the youngest child named in the child support order reaches age 18.</i></p> <p><i>Note: Per RCW 4.16.360, there is no limitation for initiating legal action for the determination of paternity.</i></p>	<p>Retain for 3 years after youngest child reaches age 18 or 3 years after entry of last order, <i>whichever is later</i> <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR

2.1 CIVIL CASE FILES

Civil court cases of any kind, including domestic, guardianship, mental illness & alcohol, adoption and parentage, juvenile dependency, child in need of services (CHINS), termination, truancy, at-risk youth (ARY), adult dependency, developmental disability placement, reinstatement of parental rights, guardianship for foster children; local government agency litigation (civil rights violations, collections, evictions, liens, foreclosures, condemnations, etc.).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-09E Rev. 1	<p>Civil Case Files – Juvenile Dependency</p> <p>Records relating to legal representation in relation to dependency actions, including, but not limited to:</p> <ul style="list-style-type: none"> • At-risk youth (ARY); • Child in need of services (CHINS); • Dependency; • Developmental disability placement; • Guardianship for foster children; • Parentage termination for adoption; • Reinstatement of parental rights; • Termination; • Truancy. <p>Excludes <i>Social Security Act</i> Title IV-D cases covered by AT52-07-09C.</p>	<p>Retain for 6 years after case closed <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

2.2 CRIMINAL CASE FILES

The activity of prosecuting adults (and juveniles tried as adults) in criminal trial or appellate courts.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-04A Rev. 1	<p><i>Criminal Case Files – Convictions (Class A Felony and Persistent Offenders)</i> Records relating to the prosecution of adults convicted of a Class A felony as defined by RCW 9A.20.020 and/or sentenced as a “persistent offender” as defined by RCW 9.94A.030(37). Includes juveniles tried as adults pursuant to RCW 13.40.110.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p>Excludes notorious/historically significant cases covered by AT2013-009.</p> <p><i>Note: Sex offender and other “special cases” may be designated by the prosecutor for longer retention.</i></p>	<p>Retain for 20 years after sentencing <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>
AT52-07-04B Rev. 1	<p><i>Criminal Case Files – Convictions (Class B Felony)</i> Records relating to the prosecution of adults convicted of a Class B felony as defined by RCW 9A.20.020. Includes juveniles tried as adults pursuant to RCW 13.40.110.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p>Excludes records covered by AT52-07-04A and notorious/historically significant cases covered by AT2013-009.</p>	<p>Retain for 10 years after sentencing <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

2.2 CRIMINAL CASE FILES

The activity of prosecuting adults (and juveniles tried as adults) in criminal trial or appellate courts.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-04C Rev. 1	<p><i>Criminal Case Files – Convictions (Class C Felony and DUI)</i> Records relating to the prosecution of adults convicted of a Class C felony as defined by RCW 9A.20.020, Driving Under the Influence (DUI) as defined by RCW 46.61.502, and/or Physical Control of Vehicle Under the Influence as defined by RCW 46.61.504. Includes juveniles tried as adults pursuant to RCW 13.40.110.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p>Excludes records covered by AT52-07-04A, AT52-07-04B, and notorious/historically significant cases covered by AT2013-009.</p>	<p>Retain for 5 years after sentencing <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
AT2013-003 Rev. 0	<p><i>Criminal Case Files – Other</i> Records relating to the prosecution of adults charged with misdemeanors or gross misdemeanors as defined by RCW 9A.20.020, <i>and any/all criminal cases which do <u>not</u> result in a conviction.</i></p> <p>Cases include:</p> <ul style="list-style-type: none"> • Misdemeanors and gross misdemeanors; • Dismissals and acquittals (any/all charges); • Declined to prosecute (any/all charges); • Pre-prosecution diversions. <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p>Excludes cases covered by AT52-07-04A, AT52-07-04B, AT52-07-04C, and notorious/historically significant cases covered by AT2013-009.</p>	<p>Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract, or decline to prosecute, <i>whichever is later</i> <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR

2.3 JUVENILE OFFENDER CASE FILES

The activity of prosecuting juveniles in juvenile or appellate courts.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-05A Rev. 1	<p><i>Juvenile Offender Case Files – Adjudicated Guilty (Class A Felony)</i></p> <p>Records relating to the prosecution of juveniles adjudicated guilty of a class A felony as defined by RCW 9A.20.020.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p>Excludes juvenile records destroyed earlier under the following circumstances:</p> <ul style="list-style-type: none"> • Routine destruction allowed pursuant to RCW 13.50.050(22) if agency developed procedures for such routine destruction and if juvenile offender has attained age 23 (see DAN AT2013-006); • Notification of pardon received from the Office of the Governor pursuant to RCW 13.50.050(17)(b) (see DAN AT2013-007); or, • Court order received pursuant to RCW 13.50.050(18) (see DAN AT2013-005). <p>Also excludes notorious/historically significant cases covered by AT2013-009.</p> <p><i>Note: Sex offender and other “special cases” may be designated by the prosecutor for longer retention.</i></p>	<p>Retain for 20 years after sentencing <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

2.3 JUVENILE OFFENDER CASE FILES

The activity of prosecuting juveniles in juvenile or appellate courts.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-05B Rev. 1	<p><i>Juvenile Offender Case Files – Adjudicated Guilty (Class B Felony)</i> Records relating to the prosecution of juveniles adjudicated guilty of a Class B felony as defined by RCW 9A.20.020.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p>Excludes juvenile records destroyed earlier under the following circumstances:</p> <ul style="list-style-type: none"> • Routine destruction allowed pursuant to RCW 13.50.050(22) if agency developed procedures for such routine destruction and if juvenile offender has attained age 23 (see DAN AT2013-006); • Notification of pardon received from the Office of the Governor pursuant to RCW 13.50.050(17)(b) (see DAN AT2013-007); or, • Court order received pursuant to RCW 13.50.050(18) (see DAN AT2013-005). <p>Also excludes case files covered by AT52-07-05A and notorious/historically significant cases covered by AT2013-009.</p>	<p>Retain for 10 years after sentencing <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

2.3 JUVENILE OFFENDER CASE FILES

The activity of prosecuting juveniles in juvenile or appellate courts.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-05C Rev. 1	<p><i>Juvenile Offender Case Files – Adjudicated Guilty (Class C Felony and DUI)</i></p> <p>Records relating to the prosecution of juveniles adjudicated guilty of a Class C felony as defined by RCW 9A.20.020, Driving Under the Influence (DUI) as defined by RCW 46.61.502, and/or Physical Control of Vehicle Under the Influence as defined by RCW 46.61.504.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format). <p>Excludes juvenile records destroyed earlier under the following circumstances:</p> <ul style="list-style-type: none"> • Notification of destruction eligibility received from the juvenile court pursuant to RCW 13.50.050(17)(a) (see DAN AT2013-004); • Routine destruction allowed pursuant to RCW 13.50.050(22) if agency developed procedures for such routine destruction and if juvenile offender has attained age 23 (see DAN AT2013-006); • Notification of pardon received from the Office of the Governor pursuant to RCW 13.50.050(17)(b) (see DAN AT2013-007); or, • Court order received pursuant to RCW 13.50.050(18) (see DAN AT2013-005). <p>Also excludes case files covered by AT52-07-05A, AT52-07-05B, and notorious/historically significant cases covered by AT2013-009.</p>	<p>Retain for 5 years after sentencing <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

2.3 JUVENILE OFFENDER CASE FILES

The activity of prosecuting juveniles in juvenile or appellate courts.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-05F Rev. 1	<p>Juvenile Offender Case Files – Other</p> <p>Records relating to the prosecution of juveniles charged with misdemeanors or gross misdemeanors as defined by <u>RCW 9A.20.020</u>, and any/all juvenile offender cases which are <u>not adjudicated guilty</u>.</p> <p>Cases include:</p> <ul style="list-style-type: none"> • Misdemeanors and gross misdemeanors; • Dismissals and acquittals (any/all charges); • Declined to prosecute (any/all charges); • Pre-prosecution diversions. <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format)). <p>Excludes juvenile records destroyed earlier under the following circumstances:</p> <ul style="list-style-type: none"> • Notification of destruction eligibility received from the juvenile court pursuant to RCW 13.50.050(17)(a) (see DAN AT2013-004); • Routine destruction allowed pursuant to RCW 13.50.050(22) if agency developed procedures for such routine destruction <u>and</u> if juvenile offender has attained age 23 (see DAN AT2013-006); • Notification of pardon received from the Office of the Governor pursuant to RCW 13.50.050(17)(b) (see DAN AT2013-007); or, • Court order received pursuant to RCW 13.50.050(18) (see DAN AT2013-005). <p>Also excludes case files covered by AT52-07-05A, AT52-07-05B, AT52-07-05C, and notorious/historically significant cases covered by AT2013-009.</p>	<p>Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract, or decline to prosecute, <i>whichever is later then</i></p> <p>Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR

2.4 JUVENILE OFFENDER RECORDS ELIGIBLE FOR EARLY DESTRUCTION PURSUANT TO [RCW 13.50.050](#)

This section covers juvenile records which may otherwise have a longer retention, but which are eligible for early destruction pursuant to [RCW 13.50.050](#).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-004 Rev. 0	<p>Juvenile Records – Destruction Eligibility Notification Received from Juvenile Court Juvenile records identified by the Juvenile Court as eligible to be destroyed in accordance with RCW 13.50.050(17)(a) and where the records have not already been destroyed in accordance with another current, approved disposition authority. Excludes the notification of eligibility <u>and</u> the records documenting the destruction of the juvenile records, which are covered by <i>CORE</i> series GS50-09-06, <i>Destruction of Public Records</i>.</p>	<p>Retain until notification of destruction eligibility received from Juvenile Court <i>then</i> Destroy within 90 days.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
AT2013-005 Rev. 0	<p>Juvenile Records – Destruction Notification Received by Court Order Juvenile records ordered to be destroyed by the court in accordance with RCW 13.50.050(18), or any (other) court order and where the records have not already been destroyed in accordance with another current, approved disposition authority. Excludes the notification of destruction <u>and</u> the records documenting the destruction of the juvenile records, which are covered by <i>CORE</i> series GS50-09-06, <i>Destruction of Public Records</i>.</p>	<p>Retain until court order received <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
AT2013-006 Rev. 0	<p>Juvenile Records – Juvenile Attains Age 23 Records relating to juvenile offenses and diversions where the juvenile has attained 23 years of age <u>and</u> where the local government agency has developed procedures for the routine destruction of certain records in accordance with RCW 13.50.050(22) and where the records have not already been destroyed in accordance with another current, approved disposition authority. Excludes records documenting the destruction of the juvenile records, which are covered by <i>CORE</i> series GS50-09-06, <i>Destruction of Public Records</i>.</p>	<p>Retain until juvenile attains 23 years of age <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR

2.4 JUVENILE OFFENDER RECORDS ELIGIBLE FOR EARLY DESTRUCTION PURSUANT TO [RCW 13.50.050](#)

This section covers juvenile records which may otherwise have a longer retention, but which are eligible for early destruction pursuant to [RCW 13.50.050](#).

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-007 Rev. 0	<p>Juvenile Records – Pardon Notification Received from Office of the Governor Juvenile records relating to an individual who has been granted a full and unconditional pardon by the Governor, and where the Office of the Governor has notified the agency in accordance with RCW 13.50.050(17)(b) and where the records have not already been destroyed in accordance with another current, approved disposition authority.</p> <p>Excludes the notification of pardon <u>and</u> the records documenting the destruction of the juvenile records, which are covered by <i>CORE</i> series GS50-09-06, <i>Destruction of Public Records</i>.</p>	<p>Retain until pardon notification received from the Office of the Governor <i>then</i> Destroy within 30 days.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR

2.5 OTHER ATTORNEY CASE FILES

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-08 Rev. 1	<p>Extradition Case Files Records relating to the extradition of individuals in accordance with the Uniform Criminal Extradition Act pursuant to chapter 10.88 RCW or the Uniform Interstate Compact on Juveniles pursuant to chapter 13.24 RCW, where no criminal charges have been filed in Washington State.</p> <p>Excludes juvenile records destroyed earlier under the following circumstances:</p> <ul style="list-style-type: none"> • Notification of destruction eligibility received from the juvenile court pursuant to RCW 13.50.050(17)(a) (see DAN AT2013-004); • Routine destruction allowed pursuant to RCW 13.50.050(22) if agency developed procedures for such routine destruction and if juvenile offender has attained age 23 (see DAN AT2013-006); • Notification of pardon received from the Office of the Governor pursuant to RCW 13.50.050(17)(b) (see DAN AT2013-007); or, • Court order received pursuant to RCW 13.50.050(18) (see DAN AT2013-005). <p>Excludes notorious/historically significant cases covered by AT2013-009.</p> <p><i>Note: If criminal/juvenile offender charges are filed in Washington State, these records become part of the associated case file.</i></p>	<p>Retain for 1 year after extradition case completed <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

2.5 OTHER ATTORNEY CASE FILES

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-008 Rev. 0	<p><i>Litigation Materials – Development/Drafts</i> Records relating to the development/drafting of litigation materials concerning any matter in litigation. Cases may include civil, criminal, juvenile offender, acquittals on grounds of insanity (RCW 10.77.080), etc. Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Draft versions of pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, research materials, trial notebooks, exhibits; • Internal agency correspondence regarding the draft documents (regardless of format). <p>Excludes final litigation materials, which are included in the associated case file series.</p>	<p>Retain until no longer needed for agency business <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

2.5 OTHER ATTORNEY CASE FILES

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-009 Rev. 0	<p><i>Notorious/Historically Significant Case Files</i> Records relating to the prosecution of adults and/or juveniles, or civil actions brought by or against the local government agency, where the case has gained contemporary public notoriety or significance (as defined by the local government agency). Cases may include civil, criminal, juvenile offender, acquittals on grounds of insanity (RCW 10.77.080), etc. Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format); • Working copies of police files. <p>Excludes juvenile records destroyed under the following circumstances:</p> <ul style="list-style-type: none"> • Notification of destruction eligibility received from the juvenile court pursuant to RCW 13.50.050(17)(a) (see DAN AT2013-004); • Notification of pardon received from the Office of the Governor pursuant to RCW 13.50.050(17)(b) (see DAN AT2013-007); or, • Court order received pursuant to RCW 13.50.050(18) (see DAN AT2013-005). <p><i>Note: For guidance on how to identify notorious or historically significant cases, please refer to Washington State Archives' published advice sheet Notorious/Historically Significant Legal Case Files.</i></p>	<p>Retain until no longer needed for agency business <i>then</i> Transfer to Washington State Archives for permanent retention.</p>	<p>ARCHIVAL (Permanent Retention) NON-ESSENTIAL OPR</p>

3. VICTIM/SURVIVOR AND WITNESS ADVOCACY

The activity of providing advocacy and services to victims of, survivors of, and witnesses to crime within the local government agency’s jurisdiction.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-14 Rev. 1	<p><i>Victim/Survivor/Witness Advocacy Case Files</i> Records relating to advocacy on behalf of, and the provision of services to victims of, survivors of, and witnesses to crimes, pursuant to <u>RCW 7.69.030</u>. Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Notes and correspondence (regardless of format); • Notifications relating to case disposition, statements of rights, available services, etc.; • Records of conversations (interview notes, personal notes, etc.); • Provided services relating to physical, emotional and/or financial recovery (counseling, resource identification, personal protection orders, return of personal property, compensation, employer intercession, etc.); • Perpetrator information (prior violations, copies of court records, etc.). 	<p>Retain for 6 years after last activity <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

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For assistance and advice in applying this records retention schedule,

please contact Washington State Archives at:

recordsmanagement@sos.wa.gov

or contact your Regional Archivist.

SUMMARY OF CHANGES

To better assist local government agencies in the retention, destruction, and transfer of their public records, Washington State Archives (WSA) is continuing to implement improvements to records retention schedules.

This retention schedule has been completed revised and now covers the records of prosecuting attorneys AND any/all other *local government agency attorneys (including contractors) relating to the function of providing attorney legal services to or on behalf of the local government agency (including attorneys who contract to provide these services).*

NOTE: All previously approved disposition authorities for assigned counsel/public defender records have been removed/revoked. Records retention requirements for these records are regulated by the [Washington State Bar Association](#) and the [Rules of Professional Conduct](#).

All records series have been updated, consolidated, and streamlined, including:

- ✓ 13 series enhanced to provide better clarity and guidance;
- ✓ 1 “Archival” series added to cover notorious and historically significant case files (AT2013-009);
- ✓ 4 series added to provide disposition authority for juvenile offender records **eligible for early destruction** pursuant to [RCW 13.50.050](#);
- ✓ 4 series transferred over from the *Local Government Common Records Retention Schedule (CORE)* in order to consolidate records series;
- ✓ 1 series added to cover draft litigation materials (AT2013-008);
- ✓ 3 series created to consolidate multiple existing series;
- ✓ 9 series relating to records of assigned counsel/public defenders discontinued/revoked;
- ✓ 19 additional series discontinued due to consolidation and/or because the records are covered in the Financial Management section of the *Local Government Common Records Retention Schedule (CORE)*.

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NEW RECORDS SERIES

Activity	Title and Description	NEW DAN	Minimum Retention and Disposition	Designations	Rationale
Civil Case Files	Civil Case Files – General	AT2013-001 p. 5	Retain for 3 years after judgment, settlement, dismissal, acquittal, completion of deferral contract, or decline to prosecute, whichever is later then Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Consolidation/clarification. This series covers <i>general</i> civil case files where the local government agency is not a party to the case. Excludes civil cases covered more specifically elsewhere in the Civil section. AT52-07-15 covers all agency litigation case files and is designated “Archival – Appraisal Required”.
	Civil Case Files – Infractions	AT2013-002 p. 5	Retain for 30 days after judgment, settlement, dismissal, acquittal, or completion of deferral contract, whichever is later then Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for civil infraction case files for adults and juveniles.
Criminal Case Files	Criminal Case Files - Other	AT2013-003 p. 10	Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract, or decline to prosecute, whichever is later then Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Consolidation. Provides disposition authority for criminal case files for misdemeanors, gross misdemeanors, dismissals and acquittals (any/all charges), declined to prosecute, and pre-prosecution diversions.
Juvenile Offender Records Eligible for Early Destruction	Juvenile Records – Destruction Eligibility Notification Received from Juvenile Court	AT2013-004 p. 15	Retain until notification of destruction eligibility received from Juvenile Court then Destroy within 90 days.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for the early destruction of juvenile records where destruction eligibility notification is received from the juvenile court in accordance with RCW 13.50.050(17)(a) , and <i>where the records have not already been destroyed in accordance with another current, approved disposition authority.</i>
	Juvenile Records – Destruction Notification Received by Court Order	AT2013-005 p. 15	Retain until court order received then Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for the early destruction of juvenile records where a destruction notification is received by court order in accordance with RCW 13.50.050(18) , and <i>where the records have not already been destroyed in accordance with another current, approved disposition authority.</i>

NEW RECORDS SERIES

Activity	Title and Description	NEW DAN	Minimum Retention and Disposition	Designations	Rationale
Juvenile Offender Records Eligible for Early Destruction	Juvenile Records – Juvenile Attains Age 23	AT2013-006 p. 15	Retain until juvenile attains 23 years of age then Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for the early destruction of juvenile records where the juvenile has attained 23 years of age <u>AND</u> where the local government agency has developed procedures for the routine destruction of certain records in accordance with RCW 13.50.050(22) , and <i>where the records have not already been destroyed in accordance with another current, approved disposition authority.</i>
	Juvenile Records – Pardon Notification Received from Office of the Governor	AT2013-007 p. 16	Retain until pardon notification received from the Office of the Governor then Destroy within 30 days.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for the early destruction of juvenile records upon receipt of a pardon notification from the Governor in accordance with RCW 13.50.050(17)(b) , and <i>where the records have not already been destroyed in accordance with another current, approved disposition authority.</i>
Attorney Legal Advice and Opinions	Civil Topical and Working Files (Agency Attorney)	AT52-07-03 p. 17 FROM CORE	Retain until no longer needed for agency business then transfer to WSA for appraisal and selective retention.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR	These series previously appeared in CORE with the prefix “GS”, but were moved to this retention schedule so that all litigation <u>and</u> attorney legal advice/opinion files appear in one records retention schedule.
	Legal Opinions (Agency Attorney)	AT53-02-03 p. 18 FROM CORE	Retain for 6 years after opinion issued then Transfer to WSA for appraisal and selective retention and Retain records not selected for permanent preservation by WSA for the life of the agency.	ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR	
Other Attorney Records and Case Files	Litigation Materials – Development/ Drafts	AT2013-008 p. 18	Retain until no longer needed for agency business then Destroy.	NON-ARCHIVAL NON-ESSENTIAL OPR	Provides disposition authority for preliminary drafts of litigation materials – and correspondence relating to the preliminary drafts.

NEW RECORDS SERIES

Activity	Title and Description	NEW DAN	Minimum Retention and Disposition	Designations	Rationale
Other Attorney Records and Case Files	Notorious/ Historically Significant Case Files	AT2013-009 p. 19	Retain until no longer needed for agency business then Transfer to WSA for permanent retention.	ARCHIVAL (Permanent Retention) NON-ESSENTIAL OPR	<p>These records have been determined to have historical significance by the State Archivist in accordance with <u>RCW 40.14.070(2)(a)(iii)</u>. Cases may include civil, criminal, juvenile offender, acquittals on grounds of insanity (<u>RCW 10.77.080</u>), etc. Working copies of police reports are included since a case determined to be “notorious/historically significant” by the Prosecuting Attorney may not necessarily be designated as such by the law enforcement agency.</p> <p><i>Note: For guidance on how to identify notorious or historically significant cases, please refer to WSA’s published advice sheet Notorious/Historically Significant Legal Case Files.</i></p>

REVISED RECORDS SERIES

The records series listed below have been revised; changes and rationale are provided.

DAN	Version 1.0 Title	Version 1.0 Retention	Version 2.0 Title (If different)	Version 2.0 Retention (If Different)	Version 2.0 Change and/or rationale
AT52-07-15 p. 4	CIVIL LITIGATION FILES	Retain 10 years after case closed then Transfer to WSA for appraisal and selective retention. Archival-AR	<i>Civil Case Files – Local Government Agency is a Party</i> OR	Retain for 10 years after case closed then Transfer to WSA for appraisal and selective retention.	Modified title; enhanced description for clarity.
			<i>Notorious/ Historically Significant Case Files</i> AT2013-009	Retain until no longer needed for agency business then transfer to WSA for permanent retention.	Case files which have been determined to have notorious/historical significance are covered by AT2013-009.
AT52-07-04A Ver. 1 p. 4 Ver. 2 p. 8	CRIMINAL CASE FILES – ADULTS – PROS. ATTNY – CLASS “A” FELONIES/ MAJOR CASES - CONVICTIONS	20 years after sentencing	<i>Criminal Case Files - Convictions (Class A Felony and Persistent Offenders)</i>	Retain for 20 years after sentencing then Destroy.	Modified titles; enhanced descriptions and cut-offs. AT52-07-04C also covers Physical Control of Vehicle Under the Influence.
AT52-07-04B Ver. 1 p. 5 Ver. 2 p.8	CRIMINAL CASE FILES – ADULTS – PROS. ATTNY – CLASS “B” FELONIES - CONVICTIONS	10 years after sentencing	<i>Criminal Case Files - Convictions (Class B Felony)</i>	Retain for 10 years after sentencing then Destroy.	
AT52-07-04C Ver. 1 p. 5 Ver. 2 p. 9	CRIMINAL CASE FILES – ADULTS – PROS. ATTNY – CLASS “C” FELONIES AND DUI - CONVICTIONS	5 years after sentencing	<i>Criminal Case Files - Convictions (Class C Felony and DUI)</i>	Retain for 5 years after sentencing then Destroy.	

REVISED RECORDS SERIES

The records series listed below have been revised; changes and rationale are provided.

DAN	Version 1.0 Title	Version 1.0 Retention	Version 2.0 Title (If different)	Version 2.0 Retention (If Different)	Version 2.0 Change and/or rationale
AT52-07-05A Ver. 1 p. 6 Ver. 2 p. 11	CRIMINAL CASE FILES – JUVENILES - CLASS 'A' FELONIES / MAJOR CASES - CONVICTIONS	20 years after sentencing	Juvenile Offender Case Files – Adjudicated Guilty (Class A Felony)	Retain for 20 years after sentencing then Destroy.	Modified titles and enhanced descriptions and cut-offs. All juvenile offender series exclude records eligible for early destruction pursuant to RCW 13.50.050 .
AT52-07-05B Ver. 1 p. 6 Ver. 2 p. 12	CRIMINAL CASE FILES – JUVENILES - CLASS 'B' FELONY CONVICTIONS	10 years after sentencing	Juvenile Offender Case Files – Adjudicated Guilty (Class B Felony)	Retain for 10 years after sentencing then Destroy.	All series exclude notorious/historically significant case files covered by AT2013-009.
AT52-07-05C Ver. 1 p. 7 Ver. 2 p. 13	CRIMINAL CASE FILES – JUVENILES - CLASS 'C' FELONY CONVICTIONS	5 years after sentencing	Juvenile Offender Case Files – Adjudicated Guilty (Class C Felony and DUI)	Retain for 5 years after sentencing then Destroy.	AT52-07-05C description enhanced to include Physical Control of Vehicle Under the Influence.
AT52-07-05F Ver. 1 p. 7 Ver. 2 p. 14	CRIMINAL CASE FILES – JUVENILES – MISDEMEANORS AND GROSS MISDEMEANORS	3 years after sentencing	Juvenile Offender Case Files – Other	Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract, or decline to prosecute, whichever is later if applicable then Destroy.	AT52-07-05F now covers gross misdemeanors and misdemeanors; any/all cases which are NOT adjudicated guilty; dismissals, acquittals, decline to prosecute, and pre-prosecution diversions.
AT52-07-08 Ver. 1 p. 8 Ver. 2 p.17	EXTRADITIONS	1 year	Extradition Case Files	Retain for 1 year after extradition case completed then Destroy.	Modified title; enhanced description and cut-off.
AT52-07-09C Ver. 1 p. 8 Ver. 2 p. 6	FAMILY LAW FILES – SUPPORT ENFORCEMENT FILES	3 years after entry of last order, or until youngest child is 18	Civil Case Files – Social Security Title IV-D (Child Support)	Retain for 3 years after youngest child reaches age 18 or 3 years after entry of last order, whichever is later then Destroy.	Modified title, description, and cut-off. Records must be retained until youngest child reaches age 21. Includes records from discontinued series AT52-07-09D (support modification, contempt, and dissolution response files) and AT52-07-09A (paternity).

REVISED RECORDS SERIES

The records series listed below have been revised; changes and rationale are provided.

DAN	Version 1.0 Title	Version 1.0 Retention	Version 2.0 Title (If different)	Version 2.0 Retention (If Different)	Version 2.0 Change and/or rationale
AT52-07-09E Ver. 1 p. 9 Ver. 2 p. 7	FAMILY LAW FILES – DEPENDENCY CASE FILES	6 years	<i>Civil Case Files – Juvenile Dependency</i>	Retain for 6 years after case closed then Destroy.	Modified title; enhanced description and provided cut-off. Covers multiple dependency actions, including at-risk youth (ARY), child in need of service (CHINS), developmental disability placement, guardianship for foster children, termination and reinstatement of parental rights, and truancy, etc.
AT52-07-10 Ver. 1 p. 9 Ver 2. p. 5	INVOLUNTARY COMMITMENT CASE FILES	3 years after case closed	<i>Civil Case Files – Involuntary Commitment</i>	Retain for 3 years after release of individual from hold or 3 years after case closed, whichever is later then Destroy.	Modified title; enhanced description and cut-off. Covers discontinued series AT52-06C-09.
AT52-07-14 Ver. 1 p. 9 Ver 2. p. 20	VICTIM/WITNESS CASE FILES	6 years	<i>Victim/Survivor/Witness Advocacy Case files</i>	Retain for 6 years after last activity then Destroy.	Enhanced description and cut-off.

DISCONTINUED DISPOSITION AUTHORITY NUMBERS (DANS)

Version 1.0 records series listed on the left have been discontinued. Current DANs are on the right.

Discontinued DAN Ver 1.0	Version 1.0 Title	Version 1.0 Retention	Activity	Version 2.0 DAN	Version 2.0 Title	Version 2.0 Retention and Disposition	Rationale
AT52-07-04E p. 4	CRIMINAL CASE FILES – ADULTS – PROS ATTN Y – CASES DECLINED	3 years	Criminal Case Files	AT2013-003 p. 10	Criminal Case Files - Other	Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract, or decline to prosecute, whichever is later then Destroy.	Consolidation.
AT52-07-04D p. 5	CRIMINAL CASE FILES – ADULTS – PROS. ATTN Y – CASES DISMISSED AND ACQUITTALS	3 years after case dismissed or acquittal					
AT52-07-04F p. 6	CRIMINAL CASE FILES – ADULTS – PROS ATTN Y – MISDEMEANORS AND GROSS MISDEMEANORS	3 years after sentencing					
AT52-07-07D p. 7	DISTRICT COURT CASE FILES – INFRACTIONS AND MISDEMEANORS	30 days after sentencing, dismissed, or declined	Civil Case Files	AT2013-002 p. 5	Civil Case Files - Infractions	Retain for 30 days after judgment, settlement, dismissal, acquittal, or completion of deferral contract, whichever is later then Destroy.	Civil infractions are covered by AT2013-002.
			Criminal Case Files	AT2013-003 p. 10	Criminal Case Files - Other	Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract, or decline to prosecute, whichever is later then Destroy.	Criminal misdemeanor case files are covered by AT2013-003.
			Juvenile Offender Case Files	AT52-07-05F p. 14	Juvenile Offender Case Files – Other	Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract, or decline to prosecute, whichever is later then Destroy.	Juvenile offender misdemeanor case files are covered by AT52-07-05F.
AT52-07-05E p. 6	CRIMINAL CASE FILES – JUVENILE – CASES DECLINED	3 years	Juvenile Offender	AT52-07-05F p. 14	Juvenile Offender Case Files – Other	Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract,	Consolidation.

DISCONTINUED DISPOSITION AUTHORITY NUMBERS (DANS)

Version 1.0 records series listed on the left have been discontinued. Current DANs are on the right.

Discontinued DAN Ver 1.0	Version 1.0 Title	Version 1.0 Retention	Activity	Version 2.0 DAN	Version 2.0 Title	Version 2.0 Retention and Disposition	Rationale
AT52-07-05D p. 7	CRIMINAL CASE FILES – JUVENILES – CASES DISMISSED AND ACQUITTALS	3 years after case dismissed or acquittal	Case Files			or decline to prosecute, whichever is later then Destroy.	
AT52-07-07B p. 7	DISTRICT COURT CASE FILES – DUI	5 years	Criminal Case Files	AT52-07-04C p. 9	Criminal Case Files – Convictions (Class C Felony and DUI)	Retain for 5 years after sentencing then Destroy.	Consolidation.
			Juvenile Offender Case Files	AT52-07-05C p. 13	Juvenile Offender Case Files – Adjudicated Guilty (Class C Felony and DUI)	Retain for 5 years after sentencing then Destroy.	
AT52-07-07E p. 8	DISTRICT COURT CASE FILES – E. CIVIL CASE FILES	30 days after case sentencing, dismissed, or declined	Civil Case Files	AT2013-001 p. 4	Civil Case Files – General	Retain for 3 years after judgment, settlement, dismissal, acquittal, completion of deferral contract, or decline to prosecute, whichever is later then Destroy.	AT2013-001 covers civil case files <i>where the agency is not a party</i> (e.g. domestic, guardianship, mental illness & alcohol, adoption & parentage, juvenile dependency, etc.). AT2013-002 covers infractions.
				AT2013-002 p. 5	Civil Case Files - Infractions	Retain for 30 days after judgment, settlement, dismissal, acquittal, or completion of deferral contract, whichever is later then Destroy.	
AT52-07-09A Ver. 1 p. 8	FAMILY LAW FILES – PATERNITY CASE FILES	Until child is age 19	Civil Case Files	AT52-07-09C p. 6	Civil Case Files – Social Security Title IV-D (Child Support)	Retain for 3 years after youngest child reaches age 18 or 3 years after entry of last order, whichever is later then Destroy.	Consolidation. Retention increased from age 19 to age 21.

DISCONTINUED DISPOSITION AUTHORITY NUMBERS (DANS)

Version 1.0 records series listed on the left have been discontinued. Current DANs are on the right.

Discontinued DAN Ver 1.0	Version 1.0 Title	Version 1.0 Retention	Activity	Version 2.0 DAN	Version 2.0 Title	Version 2.0 Retention and Disposition	Rationale
AT52-07-07A p. 8	DISTRICT COURT CASE FILES – CRIMINAL CASES FOR WHICH PERMANENT ORDERS HAVE BEEN GRANTED	3 years after case sentencing, dismissed, or declined	Criminal Case Files	AT52-07-04C p. 9	<i>Criminal Case Files – Convictions (Class C Felony and DUI)</i>	Retain for 5 years after sentencing then Destroy.	Criminal DUIs are covered by AT52-07-04C.
				AT2013-003 p. 10	<i>Criminal Case Files - Other</i>	Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract, or decline to prosecute, whichever is later then Destroy.	
AT52-07-07C p. 8	DISTRICT COURT CASE FILES – CRIMINAL CASES FOR WHICH PERMANENT ORDERS HAVE NOT BEEN GRANTED	30 days after case sentencing, dismissed, or declined	Juvenile Offender Case Files	AT52-07-05C p. 13	<i>Juvenile Offender Case Files – Adjudicated Guilty (Class C Felony & DUI)</i>	Retain for 5 years after sentencing then Destroy.	Juvenile Offender DUIs are covered by AT52-07-05C.
				AT52-07-05F p. 14	<i>Juvenile Offender Case Files – Other</i>	Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/diversion contract, or decline to prosecute, whichever is later then Destroy.	Juvenile offender gross misdemeanors and misdemeanors are covered by AT52-07-05F.
AT52-07-09B p. 8	FAMILY LAW FILES – IV-D PROGRAM FILES	6 years	CORE: Agency Mgmt: Contracts & Agreements	CORE GS50-01-11 p. 91	<i>Contracts and Agreements – General</i>	Retain for 6 years after completion of transaction or termination/expiration of instrument then Destroy.	Social Security Title IV-D (Child Support) administrative and fiscal records are covered by records series in the <u>Local Government Common Records Retention</u>
			CORE: Financial Mgmt:	CORE GS2011-184 p. 91	<i>Financial Transactions – General</i>	Retain for 6 years after end of fiscal year then Destroy.	

DISCONTINUED DISPOSITION AUTHORITY NUMBERS (DANS)

Version 1.0 records series listed on the left have been discontinued. Current DANs are on the right.

Discontinued DAN Ver 1.0	Version 1.0 Title	Version 1.0 Retention	Activity	Version 2.0 DAN	Version 2.0 Title	Version 2.0 Retention and Disposition	Rationale
			Accounting	CORE GS50-03A-15 p. 92	General and Subsidiary Ledgers	Retain for 6 years after end of fiscal year or 6 years after final bond payment or 6 years after completion of levy/grant project or terms of grant agreement, whichever is later then Destroy.	<u>Schedule (CORE).</u> The IV-D case files are covered by AT52-07-09C.
AT52-07-09D p. 9	FAMILY LAW FILES – SUPPORT MODIFICATION, CONTEMPT, AND DISSOLUTION RESPONSE FILES	3 years after entry of last order, or until youngest child is 18	Civil Case Files	AT52-07-09C p. 6	Civil Case Files – Social Security Title IV-D (Child Support)	Retain for 3 years after youngest child reaches age 18 or 3 years after entry of last order, whichever is later then Destroy.	Consolidation.
AT52-06C-09 p. 9	INVOLUNTARY COMMITMENT ORDERS (A.K.A. 72 HOUR HOLDS)	3 years after release from hold	Civil Case Files	AT52-07-10 p. 5	Civil Case Files – Involuntary Commitment	Retain for 3 years after release of individual from hold or 3 years after case closed, whichever is late then Destroy.	Consolidation.
AT52-07-13 p. 9	JUVENILE CASE FILES – PRE-PROSECUTION DIVERSION BILLING AND SUPPORT FILES	6 years	CORE: Financial Mgmt: Accounting	CORE GS2011-184 p. 91	Financial Transactions – General	Retain for 6 years after end of fiscal year then Destroy.	Consolidation. These financial records are covered by CORE series GS2011-184.
AT52-07-12 p. 9	JUVENILE CASE FILES – PRE-PROSECUTION DIVERSION CASE FILES	1 year after completion of diversion contract	Juvenile Offender Case Files	AT52-07-05F p. 14	Juvenile Offender Case Files – Other	Retain for 3 years after judgment, sentencing, dismissal, acquittal, completion of deferral/ diversion contract, or decline to prosecute/defend, whichever is later then Destroy.	Consolidation. Enhanced descriptions and cut-offs pursuant to <u>RCW 13.50.050.</u>
AT50-30-04 p. 11	PROMISSORY NOTES PUBLIC DEFENDER	Payment in full or breach plus 6 years	CORE: Agency Mgmt: Contracts & Agreements	CORE GS50-01-11 p. 91	Contracts and Agreements – General	Retain for 6 years after completion of transaction or termination/expiration of instrument then Destroy.	Consolidation. The local government agency's contracts and agreements are covered by CORE series GS50-01-11.

DISCONTINUED DISPOSITION AUTHORITY NUMBERS (DANS)

Version 1.0 records series listed on the left have been discontinued. Current DANs are on the right.

Discontinued DAN Ver 1.0	Version 1.0 Title	Version 1.0 Retention	Activity	Version 2.0 DAN	Version 2.0 Title	Version 2.0 Retention and Disposition	Rationale
AT50-30-05 p. 11	PROMISSORY NOTES CASH TRANSMITTALS AND RECORDS PUBLIC DEFENDER	6 years	CORE: Financial Mgmt: Accounting	CORE GS2011-184 p. 91	Financial Transactions – General	Retain for 6 years after end of fiscal year then Destroy.	Consolidation. The local government agency's financial records are covered by CORE series GS2011-184.

DISCONTINUED DISPOSITION AUTHORITY NUMBERS (DANS) – ASSIGNED COUNSEL

Case files of public defenders are not subject to [RCW 40.14.070](#); all related records series have been revoked.
For answers to questions about the retention of records relating to indigent client defense, please consult the [Washington State Bar Association](#) and the [Washington State Court Rules of Professional Conduct](#).

Discontinued DAN Ver 1.0	Version 1.0 Title	Version 1.0 Retention
AT50-30-01 p. 10	DEFENDANT INTERVIEW CARDS & SHEETS	Destroy when obsolete or superseded
AT50-30-02A p. 10	INDIGENT CLIENT DEFENSE FILES – ADULTS - A. CLASS 'A' FELONIES / MAJOR CASES-CONVICTIONS	20 years after sentencing
AT50-30-02B p. 10	INDIGENT CLIENT DEFENSE FILES– ADULTS - B. CLASS 'B' FELONIES	10 years after case dismissed or acquittal
AT50-30-02C p. 11	INDIGENT CLIENT DEFENSE FILES – ADULTS - C. CLASS 'C' FELONIES AND DUI	5 years after sentencing
AT50-30-02D p. 10	INDIGENT CLIENT DEFENSE FILES – ADULTS - D. CASES DISMISSED AND ACQUITTALS	3 years after sentencing
AT50-30-03A p. 11	INDIGENT CLIENT DEFENSE FILES – JUVENILE - A. CLASS 'A' FELONIES / MAJOR CASES-CONVICTIONS -	20 years after sentencing
AT50-30-03B p. 10	INDIGENT CLIENT DEFENSE FILES - JUVENILE - B. CLASS 'B' FELONIES	10 years after case dismissed or acquittal
AT50-30-03C p. 11	INDIGENT CLIENT DEFENSE FILES – JUVENILE - C. CLASS 'C' FELONIES AND DUI	5 years after sentencing
AT50-30-03D p. 11	INDIGENT CLIENT DEFENSE FILES – JUVENILE - D. CASES DISMISSED AND ACQUITTALS	3 years after sentencing

From: [Jacqueline McMurtrie](#)
To: [Archives - Local Records Committee;](#)
cc: [Blecha, Julie;](#)
Subject: Public Defense Records Retention Schedule
Date: Thursday, May 23, 2013 5:08:14 PM
Attachments: [2013-05-23-CPD Letter to Local Records Committee.pdf](#)
[image003.png](#)

Attached please find a letter from the Washington State Bar Association Council on Public Defense regarding public defense retention policies.

Sincerely,

Jackie McMurtrie

Chair, WSBA Council on Public Defense

Jacqueline McMurtrie, Associate Professor

Director, [Innocence Project Northwest](#), University of Washington School of Law

Mailing Address: P.O. Box 85110, Seattle, WA 98145-1110

PH: (206) 543-5780 FAX: (206) 685-2388



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WSBA

Council on Public Defense

May 23, 2013

Local Records Committee
Washington State Archives
PO Box 40238
Olympia, WA 98504-0238
Sent via email: lrc@sos.wa.gov

Re: Public Defense Records Retention Schedule

Dear Local Records Committee:

I write on behalf of the Washington State Bar Association Council on Public Defense ("CPD"). The CPD is charged with evaluating changes to the criminal justice system that impact the quality or availability of public defense services in Washington State. CPD members include representatives of the bar, prosecutors, public and private defense counsel, the Judiciary, law school faculty, government officials, and the public.

The CPD reviewed the Prosecuting Attorney and Public Defender Records Retention Schedule *Draft #3i Version 2.0 (2013)* at its April 12, 2013 and May 10, 2013 meetings. Several issues of concern about the draft retention schedule were raised and discussed. We spoke about our concerns with Jean McElroy, General Counsel and Chief Regulatory Counsel for the WSBA. The CPD then formed a working group to gather additional information about the draft retention policy and to reach out to the Offices of the Attorney General and the State Archives. We ask that the proposed retention schedule for public defense attorneys be postponed until a more thorough legal analysis can occur.

The CPD concerns about the draft retention schedule include its requirement that attorneys transfer adult and/or juvenile case files in "Notorious/Historically Significant" cases to the Washington State Archives for permanent retention. It is well-established that attorneys, under the governing rules of professional ethics, owe clients a duty of confidentiality and a duty of loyalty. *See* RPC 1.6. The duty of loyalty is "one of the core values of the legal profession, perhaps equal in importance with maintaining confidentiality and diligently or zealously working to advance a client's interests."¹ The duties of confidentiality and loyalty prohibit an attorney, or those working on the attorney's behalf, from disclosing client information or using that information to the disadvantage of the client.

¹ GEOFFREY C. HAZARD JR., & W. WILLIAM HODES, (2013). THE LAW OF LAWYERING 10-13 (3rd ed. Supp. 2004, 2013).

The draft retention schedule requirement that public defenders transfer case files to the Washington State Archives conflicts with the attorney's duties of confidentiality and loyalty. The judiciary is tasked with governing the regulation of attorneys practicing within the state and the Rules of Professional Conduct are promulgated by the Washington Supreme Court. The executive branch cannot mandate conduct – transfer of public defender case files – that conflicts with the judiciary's explicit regulations without creating a separation of powers issue.

The CPD is also concerned that the draft retention schedule recommends terms of retention that do not correlate with the Washington State Bar Association Guidelines on retention. *See WSBA Guide to Best Practices*. In many instances, the draft retention schedule allows for a shorter period of retention than recommended by the WSBA Guidelines.

The CPD had additional questions about who is covered under the record retention policy as there appears to be a difference of opinion as to which, if any, attorneys doing public defense work (*e.g.*, contractors and assigned counsel) would be included. This directly affects lawyers who accept any work as appointed counsel. Inclusion of all attorneys will impact the ability of courts and/or local funding agencies to find attorneys willing to do the work.

The CPD would appreciate the opportunity to meet with the Offices of the Attorney General and the State Archives to discuss the draft retention policy before any action is taken. Please feel free to contact me at 206-543-5780, or by email at jackiem@uw.edu.

Sincerely,



Jacqueline McMurtrie
Chair, WSBA Council on Public Defense

Copy: Julie Blecha, julie.blecha@sos.wa.gov

From: [Christie Hedman](#)
To: [Archives - Local Records Committee;](#)
cc: [Blecha, Julie;](#) [Kevin Curtis;](#) [L. Daniel Fessler;](#)
Subject: Public Defender Retention Schedule
Date: Thursday, May 23, 2013 4:10:59 PM
Attachments: [WDA Public Defense Records Retention May 21 2013 Letter.pdf](#)

Dear Local Records Committee,

Attached is a letter on behalf of the Washington Defender Association requesting that the public defender records retention schedule not be adopted until a more thorough legal and policy analysis can occur as to the appropriateness of public defenders inclusion in the records retention schedule. We would be happy to meet with you or to answer any questions you may have regarding our concerns. Thank you for your consideration.

Christie Hedman
Executive Director
Washington Defender Association
206-623-4321
hedman@defensenet.org



Washington Defender Association
110 Prefontaine Place S., Suite 610
Seattle, Washington 98104

Christie Hedman, *Executive Director*
Kevin Curtis, *President*

Telephone: (206)623-4321
Web: www.defensenet.org

May 21, 2013

Local Records Committee
Washington State Archives
PO Box 40238
Olympia, WA 98504-0238

Re: Public Defense Records Retention Schedule

Dear Local Records Committee,

The Washington Defender Association (WDA) is a statewide professional association and resource center for public defenders with over 1200 members who provide representation in all 39 of Washington's counties. We request that the proposed retention schedule for public defense attorneys not be adopted until a more thorough legal and policy analysis can occur.

WDA appreciates the time Julie Blecha has spent training and consulting with our members regarding this schedule. However, it has become increasingly clear during this process that some fundamental issues exist on the applicability of RCW 40.14 to attorney client files and other client information obtained by attorneys during the course of representation. We believe that there are both statutory construction issues and constitutional separation of powers issues that have not yet been adequately discussed and evaluated in the current and proposed schedules.

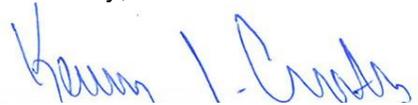
The functional obligations and responsibilities of attorneys defending individual clients in appointed cases are no different from those of other attorneys. The practice of law in this context is not "the transaction of public business" but instead is the representation of individuals regardless of the form or structure of the law office in which the attorney practices. See *Polk County vs. Dodson*, 454 U.S. 312, 102 S.Ct. 445, 70 L. Ed. 2d 509 (1981). In addition, the practice of law is regulated by the judiciary, both directly and through the Washington State Bar Association (WSBA). Neither the legislative branch nor state statute can infringe on this judicial governance of the practice of law or the profession. See *Washington State Bar Association vs. Graham*, 86 Wn. 2d 624 (1976).

The current and proposed regulations for retention and destruction of attorney client files and information are in conflict with the professional and ethical responsibilities of attorneys as we understand them. We do believe, therefore, there are serious legal issues relating to the application of RCW 40.14 to the professional responsibilities of attorneys engaged in public defense services, and that further discussion at a legal and policy level is needed before any action is taken or any enforcement efforts are asserted or attempted. We are not alone in this view, which we understand also is shared by the State Office of Public Defense and the WSBA Council on Public Defense.

WDA would value the opportunity to discuss the matter further with your committee or your representatives. Please let us know if we can assist you in any way by contacting Christie Hedman at 206-623-4321 or hedman@defensenet.org.

Thank you for your consideration.

Sincerely,



Kevin Curtis
WDA President



Christie Hedman
WDA Executive Director

cc: Julie Blecha, WA State Archives
L. Daniel Fessler, WDA Past President



King County

Department of
Community and Human Services

Office of Public Defense

Chinook Building, Suite 500
401 Fifth Avenue
Seattle, WA 98104

206-296-7662 Fax 206-296-0587
TTY Relay 711

May 23, 2013

Julie Blecha, Local Government Records Retention Specialist
Washington State Archives
Washington Office of Secretary of State
P.O. Box 40238
1129 Washington Street S.E.
Olympia, WA 98504-0238

RE: Prosecuting Attorney and Public Defender Records Retention Schedule Version 2.0
Revision Guide (June 27, 2013)

Dear Ms. Blecha:

The King County Office of Public Defense has reviewed the draft Retention Schedule and related rules referenced above. We have serious concerns regarding the inclusion of public defense attorney files in the schedules and in the archival requirements for “notorious and historically significant case files” and we request that the draft Retention Schedule and related rules not be applied to public defenders and their clients’ case files and records.

These comments are addressed to the proposal to include the case files and related documents of attorneys providing services to indigent individuals on a court appointed basis, in both retention schedules and in the requirements of certain files (determined to be “notorious or historically significant”) for being made public and provided to the state archivist for archive purposes.

1. The State Archivist cites RCW 36.26 as legal authority to include any such files from public defenders. This statute permits, but does not require, counties to establish a public defender district as a structure within which to provide county public defense services. Of Washington’s 39 counties, only three have organized their public defense systems pursuant to that statute. All other counties have found other structures by which the county public defense services are provided, including contracting with private law firms. Arguably, then, 36 of Washington’s counties would not be subject to the State Archivist’s proposed regulations. In addition, the vast majority of adult misdemeanor criminal cases are handled within municipal courts, which also employ or contract with attorneys to

provide similar public defense services. Those municipal public defense services would not be subject to this statute. The definition of “public defender” in the proposed rules is thus unclear. Technically, this term could apply to any attorney who has provided legal services to a client based on a court appointment, rather than having been directly retained by the client. The legislature confirmed in EHB 2771, passed in 2012, that “employees of for-profit or not-for-profit corporations or other entities providing services under governmental contracts are not, as a result of providing such governmental service, converted to public employees . . .”. This especially focused on public defense providers, as a result of a recent Washington State Supreme Court decision regarding the status of public defense providers. Many jurisdictions in the State of Washington provide for public defense services via contracts with independent contractors. Those contractors are not, simply by virtue of providing that service, public agencies. Thus, the State Archivist’s proposed rule covers a very broad category of attorneys and clients and includes many over whom the State Archivist has no authority.

2. The proposed rules apply to the records of public defenders and their clients but not private defenders and their clients. Treating criminal defendants differently based on who represents them can amount to a violation of those individuals’ rights of equal protection and due process. As discussed below, the State Archivist proposed rules also violate those individuals’ constitutional rights to counsel.
3. Public defense attorneys, regardless of the nature of the structure under which they are organized for a given jurisdiction, are not subject to governmental control in the same manner as any other governmental employee. Rather, their paramount legal obligation is to the client, and their conduct is subject to the requirements of the applicable Rules of Professional Conduct (RPCs) in regard to any attorney–client interaction. This includes the requirements of confidentiality and attorney–client privilege. The United States Supreme Court made this clear in *Polk County v. Dodson*, 454 U.S. 312, 102 S.Ct. 445, 70 L.Ed.2d 509 (1981). This nature of independence and functional equivalence with any private attorney was seen by the U.S. Supreme Court as basic to the right to counsel, and emphasized in *Gideon v. Wainwright*, 372 U.S. 335 (1963). In short, no file, document, office communication or other materials that could be subject to attorney–client privilege can be legally archived with the State Archivist without each client’s permission.
4. “Notorious or historically significant” files or records: Regardless of the notoriety or historical significance of an individual case, the mere fact of a court appointment of the attorney to provide services to the client alone does not override the paramount legal obligation of an attorney to maintain the confidences of their client, and to not breach the attorney-client privilege. See the discussion in paragraph 2 above. The RPCs do not recognize the State Archivist as an exception to such professional obligations. It should further be noted, that some cases that appear to have been resolved at the trial and appellate levels, have been re-litigated many years later, and in criminal cases, have

resulted in reversals or retrials, and exonerations due to various unconstitutional and factual infirmities. The necessity of those clients having assurance that their legal files are still privileged and confidential is critical in the ability to any further effective litigation within their cases. Merely having the State Archivist, as a third party outside the attorney-client relationship, review the materials for “appraisal and transfer” purposes would breach that professional obligation. There is no legal mechanism by which the state government can require an attorney who provided legal services on a court appointed basis to reveal the contents of the clients’ file for public disclosure.

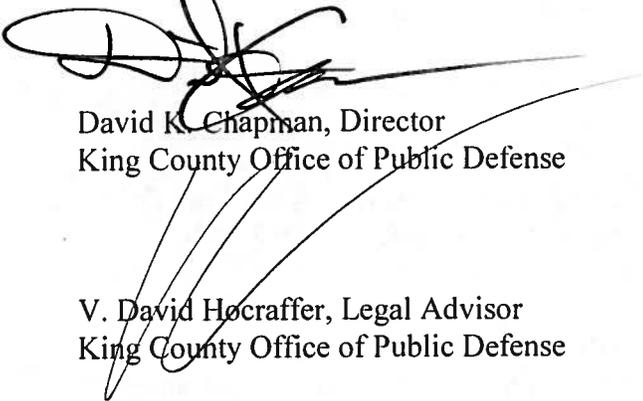
5. RCW 40.14.010 classifies public records for purposes of preservation and destruction. This statute does not appear to include the records of private attorneys providing legal services to appointed clients (as distinct from providing the services directly to a governmental agency or official as their own legal advisor). As previously discussed, private attorneys provide court appointed (or public defense) services in various jurisdictions throughout the State of Washington.
6. Public Records Act (RCW 42.56): In addition to RCW 40.14.10, the State Archivist’s position is based on an assumption that the records in question are public records under the Public Records Act (PRA). There are various exemptions in that act which apply to certain attorney–client records. The definition of “agency” in RCW 42.56.010 does not appear to include attorneys providing legal services to a non-governmental entity (i.e. appointed indigent clients). RCW42.56.010 has language that further exempts documents for which an agency has a positive duty to withhold based on any other law (which arguably includes the RPC, 4th, 6th and 14th Amendments, RCW 5.60.060(2) and (5), etc.). There is also language in RCW 42.56.904 referencing the intent of the legislature regarding information from attorney files – although mostly focused on attorneys providing legal advice to government officials, this clearly distinguished privileged from non-privileged materials. Beyond that, WAC 44-14-0602(3) discusses the attorney-client privilege under exemption, RCW 42.56.230 regarding personal information of clients of a “public institution”, RCW 42.56.290 limits disclosure to the agency if a party to a controversy – technically, the state is always a nominal party to public defense matters. RCW 42.56.050 creates an exemption when public disclosure will invade the rights of privacy of a person, including where “disclosure of information about the person (1) would be highly offensive to a reasonable person and (2) is not of legitimate concern to the public.” Arguably, the “reasonable person” would find it “highly offensive” that a public official was accessing his individual case file relating to his representation by a public defender.

Julie Blecha
May 23, 2013
Page 4 of 4

Given the foregoing analysis, this office believes that public defense attorney case related files and documents cannot be considered within the type of files that would be subject to State Archive regulation or requirements.

If you have any questions, please contact David Hocraffer, Legal Advisor, at 206-263-2163.

Sincerely,



David K. Chapman, Director
King County Office of Public Defense

V. David Hocraffer, Legal Advisor
King County Office of Public Defense

cc: Gail Stone, Law & Justice Policy Advisor, King County Executive's Office



Office of the Secretary of State
Washington State Archives

Records Management Advice

Issued: June, 2013

Using Records Retention Schedules: Notorious/Historically Significant Legal Case Files

Purpose: Provide guidance to agency attorneys on the identification and retention of notorious/historically significant case files.

The *Attorney Legal Services Records Retention Schedule* includes a records series with an “Archival – Permanent Retention” designation that covers notorious and historically significant case files as *defined by the local government agency* (DAN AT2013-009).

Cases include civil, criminal, juvenile offender, or any other type of case.

The following list provides criteria that should be considered when evaluating whether case files should be considered notorious or historically significant:

- Did the case attain contemporary public notoriety?
- Did the case receive significant media coverage?
- Did the case cause local agencies to develop or utilize new methods or technologies?
- Is the case frequently cited in scholarly or professional literature or other resources?
- Has the case caused a change in policies or laws?
- Did the case affect a large portion of the community?
- Was the case controversial?
- Was the case generally viewed by the community as important or significant?
- Was the defendant acquitted of serious charges on grounds of insanity?
- Was the case a three-strikes/life imprisonment case?
- Was the case the subject of a well-known book or feature film?
- Did the case incur large restitution amounts?

If a case meets one or more of the above criteria, it must not be destroyed. Instead, the agency should contact Washington State Archives to arrange for archival transfer.

**Additional advice regarding the management of public records is available from
Washington State Archives:**

**www.sos.wa.gov/archives
recordsmanagement@sos.wa.gov**

II. NEW BUSINESS/ACTION ITEMS

A. *Local Government Common Retention Schedule (CORE) Version 3.1 and Revision Guide.*

- i. Legal Affairs
- ii. Elections (Elected Officials, Initiatives and Referenda)

This schedule applies to: All Local Government Agencies

Scope of records retention schedule

This records retention schedule authorizes the destruction/transfer of the public records of all local government agencies relating to the common functions of the management of the agency, and management of the agency's assets, finances, human resources and information resources. It is to be used in conjunction with the other approved schedules that relate to the functions of the agency.

All current approved records retention schedules can be accessed online at: <http://www.sos.wa.gov/archives/recordsretentionschedules.aspx>.

Disposition of public records

Public records covered by records series within this records retention schedule must be retained for the minimum retention period as specified in this schedule. Washington State Archives strongly recommends the disposition of public records at the end of their minimum retention period for the efficient and effective management of local resources.

Public records designated as Archival (Permanent Retention) or Non-Archival (with a retention period of "Life of the Agency" or "Permanent") must not be destroyed. Records designated as Archival (Appraisal Required) must be appraised by the Washington State Archives before disposition. Public records must not be destroyed if they are subject to ongoing or reasonably anticipated litigation. Such public records must be managed in accordance with the agency's policies and procedures for legal holds. Public records must not be destroyed if they are subject to an existing public records request in accordance with [chapter 42.56 RCW](#). Such public records must be managed in accordance with the agency's policies and procedures for public records requests.

In addition to the minimum retention requirements specified in this schedule, there may be additional (longer) retention requirements mandated by federal, state and/or local statute, grant agreement, and/or other contractual obligations.

Revocation of previously issued records retention schedules

All previously approved disposition authorities for records that are covered by this retention schedule are revoked, including those listed in all general and agency unique retention schedules. Local government agencies should take measures to ensure that the retention and disposition of public records is in accordance with current approved records retention schedules.

Authority

This records retention schedule was approved by the Local Records Committee in accordance with [RCW 40.14.070](#) on **June 27, 2013 (est.)**

For the State Auditor: Cindy Evans

For the Attorney General: Sharon Payant

The State Archivist: Steve Excell

REVISION HISTORY

Version	Date of Approval	Extent of Revision
1.0	December 16, 2008	Consolidation of existing records series common to all local government agencies (from all local government general schedules) into a single records retention schedule. No changes to records series titles, descriptions, retention periods, disposition authority numbers (DANs), or archival designations. EXCEPTION: All duplicate DANs have been assigned new DANs. New series relating to Electronic Imaging Systems (EIS) source documents (DAN 50-09-14).
2.0	January 28, 2010	Complete revision of Information Management function. New Records Conversion activity created. Library records series transferred from <i>Local Government General Records Retention Schedule (LGRRS) Version 5.0</i> and updated. Electronic Information Systems activity completely revised and placed in Asset Management function. New archival designations introduced in all <i>new and revised</i> records series. (Definitions can be found in the Glossary.) Revision numbers have been added to all Disposition Authority Numbers (DANs). A new section, Records with Minimal Retention Value, covers records previously covered by GS50-02 (which has been discontinued). Removed "Secondary Copy" and "Remarks" columns in all activities with <i>new and revised</i> records series. Also removed extraneous notes about revisions and corrections in all records series.
2.1	July 29, 2010	Records series in the Risk Management/Insurance and Legal sections (covering accidents/incidents, guardian permission for minors, and claims for damages) have been revised. The Industrial Insurance (workers' compensation) section has been updated and consolidated, and a new series covering LEOFF 1 claims has been added. GS50-01-11 (covering contracts and agreements) has been updated to include legal agreements of all kinds, such as liability waivers, hold harmless agreements, insurance waivers, etc. Two new series covering agency strategic plans have been added. A new series covering Superior Court source records (which have been reproduced) has been added. An obsolete records series relating to public disclosure requests has been discontinued.
2.2	December 15, 2011	Critical updates based on user feedback/input. 36 pages removed. 77 records series discontinued, 34 revised, and 28 added. 31 existing series relating to financial transactions have been consolidated into 2 new series: Financial Transactions – General , and Financial Transactions – Bond, Grant and Levy Projects . 19 existing series relating to meetings and hearings have been consolidated into 2 existing and 4 new series. Added "Designations" column; removed "Item No.", "Secondary Record Copy", and "Remarks" columns. (Some remarks have been added to description as "Notes".) All records series relating to purchasing have been moved to Financial Management/ Purchasing. The Contracts and Agreements section has been updated/enhanced, and a new Training section has been added to cover agency-provided training. (These and many more changes are detailed in the Revision Guide.)
3.0	November 29, 2012	Complete revision of the Asset Management function. 34 new series; 7 series transferred in from LGRRS Version 5.2; 87 series revised; and 78 series discontinued. Multiple activities restructured and several new activities added including: Elections (Elected Officials, Initiatives and Referenda); Emergency Planning, Response and Recovery; and, Local Government Legislation. (All changes are detailed in the Revision Guide.)
3.1	June 17, 2013	Major changes to Legal Affairs section. 4 series discontinued from CORE (including 2 series transferred to the <i>Attorney Legal Services Records Retention Schedule</i>). Conservation District election records are now referenced in the correct series, GS2012-018. (All changes are detailed in the Revision Guide.)

1.6 ELECTIONS (ELECTED OFFICIALS, INITIATIVES AND REFERENDA)

*The activity of administering all elections **other than those administered by the County Auditor** (which are covered in the County Auditor Records Retention Schedule). Includes official notifications of election results issued by the agency and/or received from the County Auditor or other regulating authority, and oaths of office taken by elected and appointed officials.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
GS2012-018 Rev. 0	<p><i>Certification of Election – By Regulatory Agency</i> Agency copy of election certification documentation issued by a regulatory agency in accordance with federal, state or local law. Includes certifications of elected officials (school board, city council, chief of police, judge, prosecuting attorney, etc.), bonds, levies, etc. Includes, but is not limited to, certifications of:</p> <ul style="list-style-type: none"> • Regular and special elections held in accordance with <u>Title 29 RCW</u> and certified by the County Auditor. (County Auditor certification records are designated “Archival – Permanent Retention” in the <i>County Auditor Records Retention Schedule</i>.) • Educational service district board and regional committee member elections held by the Superintendent of Public Instruction (OSPI) in accordance with <u>RCW 28A.310.080</u>. (OSPI’s certification records are designated “Archival” in its records retention schedule.) • Conservation District elections held by the Washington State Conservation Commission in accordance with <u>RCW 89.08.110</u>. <p>Excludes elections <i>certified by the local government agency</i>, which are covered by GS2012-019. Excludes County Auditor records covered in the <i>County Auditor Records Retention Schedule</i>.</p>	<p>Retain until no longer needed for agency business <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

1.6 ELECTIONS (ELECTED OFFICIALS, INITIATIVES AND REFERENDA)

The activity of administering all elections **other than those administered by the County Auditor** (which are covered in the County Auditor Records Retention Schedule). Includes official notifications of election results issued by the agency and/or received from the County Auditor or other regulating authority, and oaths of office taken by elected and appointed officials.

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
GS2012-019 Rev. 0	<p>Elections – Held and Certified by the Local Government Agency (Official Results) Core official documentation and certification of elections <u>held and certified</u> by the agency. Elections include, but are not limited to:</p> <ul style="list-style-type: none"> • Irrigation District elections held pursuant to <u>RCW 87.03.075</u>; • Associated Student Body (ASB) officer elections held pursuant to <u>RCW 28A.325.020</u>; • School Board President elections held pursuant to <u>RCW 28A.330.010</u>; • Executive Committee elections. <p>Records may include, but are not limited to:</p> <ul style="list-style-type: none"> • Sample ballots, voters’ pamphlets; • Tabulated votes; • Certification of election. <p>Excludes County Auditor records covered in the <i>County Auditor Records Retention Schedule</i>. Excludes agency-held elections administration records covered by GS2012-020.</p>	<p>Retain for 6 years after end of calendar year <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.</p>	<p>ARCHIVAL (Appraisal Required) ESSENTIAL OPR</p>
GS2012-020 Rev. 0	<p>Elections – Held by the Local Government Agency (Administration) Internal administration of elections <u>held</u> by the local government agency. May include, but is not limited to:</p> <ul style="list-style-type: none"> • Voter eligibility and challenges to voter eligibility; • Voted ballots, tally sheets; • Working files. <p>Excludes County Auditor records covered in the <i>County Auditor Records Retention Schedule</i>. Excludes official election results documentation covered by GS2012-019.</p>	<p>Retain for 1 year after certification of election <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>

1.8 LEGAL AFFAIRS

The activity of managing the agency's legal affairs, including litigation, legal advice, and code enforcement (where not covered by the Law Enforcement Records Retention Schedule). Includes internal and outside counsel. (See also the Attorney Legal Services Records Retention Schedule.)

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
GS53-02-01 Rev. 1	<p>Attorney General Opinions</p> <p><i>Note: Opinions issued by the Office of the Attorney General (AG) are designated Archival in the AG records retention schedule.</i></p>	<p>Retain until no longer needed for agency business <i>then</i> Destroy.</p>	<p>NON-ARCHIVAL NON-ESSENTIAL OFM</p>
GS50-04C-04 Rev. 1	<p>Civil Rights Violation Complaints</p> <p>Records relating to the agency's investigations of complaints of civil rights violations occurring within the agency's jurisdiction, where civil litigation has <u>not</u> commenced. Complaints may be made by employees (including contractors and volunteers), students, or the general public.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Complaints, investigations, witness statements, evidentiary documents; • Notifications, communications, contact logs, notes; • Findings, settlement agreements, post-finding materials. <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Americans with Disabilities Act (ADA), Title II, etc.; • <i>Civil Rights Act of 1964</i> (voter registration, facilities, transportation, equal employment opportunity, education, race, color & national origin [Title VI], etc.); • Federal Fair Housing Amendments Act of 1988; • Health Insurance Portability and Accountability Act (HIPAA); • <i>Rehabilitation Act of 1973</i> (Section 504 accommodations, etc.); • Individuals with Disabilities Education Act (IDEA). <p><i>Note: If litigation commences, these records become part of the litigation case file and are covered by GS53-02-04.</i></p>	<p>Retain for 6 years after resolution, completion, closure, or decision not to proceed <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.</p>	<p>ARCHIVAL (Appraisal Required) NON-ESSENTIAL OPR</p>

1.8 LEGAL AFFAIRS

The activity of managing the agency's legal affairs, including litigation, legal advice, and code enforcement (where not covered by the Law Enforcement Records Retention Schedule). Includes internal and outside counsel. (See also the Attorney Legal Services Records Retention Schedule.)

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
GS2011-171 Rev. 0	<p>Civil Rights – Compliance Records relating to the agency's efforts to comply with federal, state and local statute governing employee (including contractors and volunteers), student, and the general public's civil rights. May include surveys, reports, notifications, communications, meetings, agreements, training materials, etc.</p> <p>Excludes:</p> <ul style="list-style-type: none"> • <i>Rehabilitation Act of 1973</i> Section 504 accommodations covered by GS50-04C-01; • Civil rights violation complaints covered by GS50-04C-04; • Equal employment reports covered by GS50-04C-05. 	<p>Retain for 6 years after end of calendar year <i>or</i> conditions of grant satisfied, <i>whichever is later</i> <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
GS50-04C-01 Rev. 1	<p>Civil Rights – Compliance (Section 504 Accommodations) Records relating to the agency's compliance with Section 504 of the <i>Rehabilitation Act of 1973</i> which requires that qualified individuals with disabilities have equal opportunity to benefits and services. Records may include applications, agreements, surveys, reports, notifications, meetings, communications, training materials, etc.</p> <p>Excludes:</p> <ul style="list-style-type: none"> • Civil rights violation complaints covered by GS50-04C-04; • Equal employment reports covered by GS50-04C-05. 	<p>Retain for 6 years after completion or denial of accommodation(s) <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
GS50-01-10 Rev. 1	<p>Claims for Damages Records relating to claims for damages filed either against the agency by other parties, or by the agency against other parties.</p> <p>Excludes workers' compensation claims, which are covered by records series in the Industrial Insurance section.</p> <p>Excludes litigation case files covered by GS53-02-04.</p>	<p>Retain for 6 years after claim closed <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR

1.8 LEGAL AFFAIRS

The activity of managing the agency's legal affairs, including litigation, legal advice, and code enforcement (where not covered by the Law Enforcement Records Retention Schedule). Includes internal and outside counsel. (See also the Attorney Legal Services Records Retention Schedule.)

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
GS2012-026 Rev. 0	<p>Code Enforcement Records relating to the enforcement of the local government agency's official code, where not covered by the Law Enforcement Records Retention Schedule. Includes complaint(s), investigations, inspections and assessments, warnings, notices, statements of required corrective action, citations, resolution, and all related communications.</p> <p>Code violations <u>may</u> include, but are not limited to:</p> <ul style="list-style-type: none"> • Animal control; • Building, development, land use, and fire; • Nuisance (accumulation of junk on private property, etc.); • Parking; • Personal license and business license. <p>Excludes records covered more specifically in <i>CORE</i> or sector schedules, such as GS2011-173 (<i>Appeals Hearings – Local Decision-Making Bodies (General)</i>).</p>	<p>Retain for 6 years after matter resolved <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
GS2011-172 Rev. 0	<p>Court Orders – Served on the Agency Records relating to subpoenas and summonses served on the agency, where the agency <u>is not</u> a party to the litigation.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Personnel/staff summonses; • Subpoenas for agency records. <p>Excludes records where the agency <u>is</u> a party to the litigation or claim which are covered by other records series (<i>Litigation Case Files, Claims for Damages, etc.</i>).</p>	<p>Retain until no longer needed for agency business <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR

1.8 LEGAL AFFAIRS

The activity of managing the agency's legal affairs, including litigation, legal advice, and code enforcement (where not covered by the Law Enforcement Records Retention Schedule). Includes internal and outside counsel. (See also the Attorney Legal Services Records Retention Schedule.)

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
GS55-05A-09 Rev. 2	<p>Evictions, Liens, Foreclosures, Condemnations Records relating to disputes involving real property and/or facilities owned or maintained by the agency where litigation has not commenced. Includes actions taken (including debt forgiveness).</p> <p>Includes all activities and actions, such as:</p> <ul style="list-style-type: none"> • Collections; • Vacation of premises; • Property liens (and releases); • Foreclosure of deeds and mortgages; • Condemnation/eminent domain. <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> • Correspondence, research, invoices/billing statements; proof of mailing; • Copies of title reports, certificates of delinquency, notices of summons. <p>Excludes:</p> <ul style="list-style-type: none"> • Encroachments covered by GS55-05A-06; • Non-real property financial disputes covered by GS50-03B-14. <p><i>Note: If litigation commences, these records become part of the litigation case file and are covered by GS53-02-04.</i></p> <p><i>Note: Per RCW 4.16.020, the statute of limitations for the commencement of actions for the recovery of real property is 10 years.</i></p>	<p>Retain for 10 years after matter resolved <i>then</i> Destroy.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



REVISION GUIDE SUMMARY OF CHANGES

In order to consolidate all records series that apply specifically to **attorneys serving as legal counsel to the local government agency** – and augment the newly revised *Attorney Legal Services Records Retention Schedule* – four records series from the Legal Affairs section of *CORE* were discontinued. (All changes are detailed in the tables on pages 2 and 3.)

- GS53-02-05, **Legal Issues/Advice Files**, has been discontinued in order to prevent confusion and potentially premature destruction of legal advice, opinions, and interpretations provided by the agency’s legal counsel.
- Two series, GS52-07-03, **Civil Topical and Working Files**, and GS53-02-03, **Legal Opinions (Agency Attorney)**, were discontinued in *CORE*, but transferred to the *Attorney Legal Services Records Retention Schedule*.
- GS53-02-04, **Litigation Case Files**, was also discontinued. The agency’s civil litigation case files are now covered by AT52-07-15, **Civil Case Files – Local Government Agency is a Party**, in the *Attorney Legal Services Records Retention Schedule*.

Corrections were also made to the following series:

- “Conservation District elections” was moved from GS2012-019, **Elections – Held and Certified by the Local Government Agency (Official Results)** to GS2012-018, **Certification of Election – By Regulatory Agency**, as the Washington State Conservation Commission conducts and certifies these elections. (See table on page 4.)

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DISCONTINUED: DAN GS53-02-05, LEGAL ISSUES/ADVICE FILES

GS53-02-05, Legal Issues/Advice Files, has been discontinued in order to prevent confusion and potentially premature destruction of legal advice, opinions, and interpretations provided by the agency's legal counsel.

The following table shows which records series provide disposition authority for the records to which agencies *may have* been applying GS53-02-05.

Description of Records	Retention Schedule: Function / Activity	DAN Page #	Use This Series	Minimum Retention
Legal reference and working files created in the process of acting as the agency's legal counsel, which <u>do not</u> document advice provided by (or on behalf of) the attorney, and which <u>are not</u> litigation case files.	<i>Attorney Legal Services Records Retention Schedule:</i> Attorney Legal Advice and Opinions	AT52-07-03 p. 4	Civil Topical and Working Files	Retain until no longer needed for agency business <i>then</i> Transfer to WSA for appraisal and selective retention.
Official legal opinions, interpretations, and advice provided by the agency's legal counsel are covered by AT53-02-03 unless <i>specifically covered</i> by another records series. (For example, advice provided by the agency's legal counsel relating to public records requests is covered by CORE series GS2010-014). Other legal advice <i>not associated with a specific records series</i> should be retained in accordance with CORE series GS50-01-12 or GS2010-001, depending on who provided it.	<i>Attorney Legal Services Records Retention Schedule:</i> Attorney Legal Advice and Opinions	AT53-02-03 p. 5	Legal Opinions (Agency Attorney)	Retain for 6 years after opinion issued <i>then</i> Transfer to WSA for appraisal and selective retention <u>and</u> Retain records not selected for permanent preservation by WSA for the life of the agency.
	CORE: <i>Agency Mgmt:</i> Administration (General)	GS50-01-12 CORE v. 3.1 p. 6	Communications – Governing/ Executive/ Advisory	Retain for 2 years after communication received or provided, whichever is later <i>then</i> Transfer to Washington State Archives for appraisal and selective retention.
		GS2010-001 CORE v. 3.1 p. 7	Communications – Non-Executive	Retain for 2 years after communication received or provided, whichever is later <i>then</i> Destroy.
Information collected from outside sources (online, bulletins, etc.) and retained as a resource for possible future legal advice or legal action.	CORE: <i>Agency Mgmt:</i> Records with Minimal Retention Value	GS50-02-03 CORE v. 3.1 p. 148	General Information – External	Retain until no longer needed for agency business <i>then</i> Destroy.
Copies of the agency's records held for reference purposes, provided that the agency retains the primary record in accordance with the current approved minimum retention period.		GS520-02-04 CORE v. 3.1 p. 149	Secondary (Duplicate) Copies	Retain until no longer needed for agency business <i>then</i> Destroy.



ADDITIONAL DISCONTINUED DISPOSITION AUTHORITY NUMBERS (DANs)

Discontinued DAN Ver. 3.0	Function: Activity	Ver. 3.0 Title	Ver. 3.0 Retention	Schedule: Function	DAN	Title	Retention	Rationale
GS52-07-03 p. 28	Agency Mgmt: Legal Affairs	Civil Topical and Working Files	Retain until no longer needed for agency business then Transfer to WSA for appraisal and selective retention.	<i>Attorney Legal Services Records Retention Schedule:</i>	AT52-07-03 p. 4	Civil Topical and Working Files	Retain until no longer needed for agency business <i>then</i> Transfer to WSA for appraisal and selective retention.	Consolidation of all records series that apply specifically to attorneys serving as legal counsel to the local government agency.
GS53-02-03 p. 32	Agency Mgmt: Legal Affairs	Legal Opinions (Agency Attorney)	PERMANENT	Attorney Legal Advice and Opinions	AT53-02-03 p. 5	Legal Opinions (Agency Attorney)	Retain for 6 years after opinion issued <i>then</i> Transfer to WSA for appraisal and selective retention <u>and</u> Retain records not selected for permanent preservation by WSA for the life of the agency.	
GS53-02-04 p. 32	Agency Mgmt: Legal Affairs	Litigation Case Files	Retain for 10 years after case closed <i>then</i> Transfer to WSA for appraisal and selective retention.	<i>Attorney Legal Services Records Retention Schedule:</i> Attorney Legal Representation	AT52-07-15 p. 6	Civil Case Files – Local Government Agency is a Party	Retain for 10 years after case closed <i>then</i> Transfer to WSA for appraisal and selective retention.	Elimination of duplication.



REVISED RECORDS SERIES

The records series listed below have been revised; changes and rationale are provided.

Version 3.0 DAN	Version 3.0 Title	Version 3.0 Retention	Version 3.1 Title (if different)	Version 3.1 Retention (if different)	Change and/or rationale
GS2012-018 Ver 3.0 p.21 Ver 3.1 p.21	<i>Certification of Election – By Regulatory Agency</i>	Retain until no longer needed for agency business then Destroy.	No change	No change	Conservation District election certification records were <u>added to</u> the description, as the Washington State Conservation Commission holds and certifies these elections.
GS2012-019 Ver 3.0 p.22 Ver 3.1 p.22	<i>Elections – Held and Certified by the Local Government Agency (Official Results)</i>	Retain for 6 years after end of calendar year then Transfer to Washington State Archives for appraisal and selective retention.	No change	No change	Conservation District election certification records were <u>removed from</u> description, as the local government agency does not hold or certify these elections.