

SUMMARY OF CHANGES

This retention schedule has been completed revised and covers only the records of *prosecuting attorneys appearing for and representing the counties and State of Washington* pursuant to <a href="https://creativecommons.org/representing-the-counties-and-to-the-counti

- Disposition authority for records where the attorney is **providing legal counsel to or is representing the local government agency in its own legal matters** is provided in the Legal Affairs section of the <u>Local Government Common Records Retention Schedule (CORE)</u>.
- > NOTE: All (nine) 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.
- > The title of the retention schedule has been modified from *Prosecuting Attorney and Assigned Counsel Records Retention Schedule (Version 1.0)* to *Prosecuting Attorney Records Retention Schedule (Version 2.0)* to correctly reflect the scope of this retention schedule.

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

- ✓ 4 series added to provide disposition authority for juvenile offender records **eligible for early destruction** pursuant to <u>RCW 13.50.050</u>;
- ✓ 1 series designated "Archival Permanent Retention" added to cover notorious and historically significant case files (AT2013-009);
- √ 1 series added to cover draft litigation materials (AT2013-008);
- √ 3 series created to consolidate multiple existing series;
- √ 12 series enhanced/revised to provide better clarity and guidance;
- ✓ 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).

Revision Guide



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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. 4	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 <u>not</u> a party to the case. Excludes civil cases covered more specifically elsewhere in the Civil section. (CORE series GS53-02-04 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. 9	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 preprosecution diversions.
Juvenile Offender Records Eligible for	Juvenile Records – Destruction Eligibility Notification Received from Juvenile Court	AT2013-004 p. 14	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 where the records have not already been destroyed in accordance with another current, approved disposition authority.
Early Destruction	Juvenile Records – Destruction Notification Received by Court Order	AT2013-005 p. 14	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 where the records have not already been destroyed in accordance with another current, approved disposition authority.



	NEW RECORDS SERIES										
Activity	Title and Description	NEW DAN	Minimum Retention and Disposition	Designations	Rationale						
Juvenile Offender Records Eligible for	Juvenile Records – Juvenile Attains Age 23	AT2013-006 p. 14	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 <u>RCW 13.50.050(22)</u> , and where the records have not already been destroyed in accordance with another current, approved disposition authority.						
Early Destruction	Juvenile Records – Pardon Notification Received from Office of the Governor	AT2013-007 p. 15	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 where the records have not already been destroyed in accordance with another current, approved disposition authority.						
Other Attorney Case Files	Litigation Materials - Development/ Drafts	AT2013-008 p. 17	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.						
Other Attorney Case Files	Notorious/ Historically Significant Case Files	AT2013-009 p. 18	Retain until no longer needed for agency business then Transfer to WSA for permanent retention.	ARCHIVAL (Permanent Retention) NON-ESSENTIAL OPR	These records have been determined to have historical significance by the State Archivist in accordance with RCW 40.14.070(2)(a)(iii). Cases may include civil, criminal, juvenile offender, acquittals on grounds of insanity (RCW 10.77.080), 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. 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.						



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					
AT52-07-04A Ver. 1 p. 4 Ver. 2 p. 8	CRIMINAL CASE FILES – ADULTS – PROS. ATTNY – CLASS "A" FELONIES/ MAJOR CASES - CONVICTIONS	20 years after sentencing	Criminal Case Files - Convictions (Class A Felony and Persistent Offenders)	Retain for 20 years after sentencing then Destroy.	Modified titles; enhanced descriptions and cut-offs.					
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	Criminal Case Files - Convictions (Class B Felony)	Retain for 10 years after sentencing then Destroy.	AT52-07-04C also covers Physical Control of Vehicle Under the Influence.					
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	Criminal Case Files - Convictions (Class C Felony and DUI)	Retain for 5 years after sentencing then Destroy.						
AT52-07-05A Ver. 1 p. 6 Ver. 2 p. 10	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 eligibl for early destruction pursuant to RCW					
AT52-07-05B Ver. 1 p. 6 Ver. 2 p. 11	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.	13.50.050. All series exclude notorious/ historically significant case files					
AT52-07-05C Ver. 1 p. 7 Ver. 2 p. 12	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.	covered by AT2013-009. AT52-07-05C description enhanced to include Physical Control of Vehicle					
AT52-07-05F Ver. 1 p. 7 Ver. 2 p. 13	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.	Under the Influence. 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.					



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				
AT52-07-08 Ver. 1 p. 8 Ver. 2 p. 16	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 ENVORCEMENT 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).				
AT52-07-09E Ver. 1 p. 9 Ver. 2 p. 7	FAMILY LAW FILES – DEPENDENCY CASE FILES	6 years	Civil Case Files – Juvenile Dependency	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	Civil Case Files – Involuntary Commitment	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. 19	VICTIM/WITNESS CASE FILES	6 years	Victim/Survivor/Witness Advocacy Case files	Retain for 6 years after last activity then Destroy.	Enhanced description and cut-off.				



	Version 1.0 records series listed on the left have been discontinued. Current approved DANs that cover the records 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		
		Retain 10	CORE: Agency Mgmt: Legal Affairs	CORE GS53-02-04 p. 32	Litigation Case Files	Retain for 10 years after case closed then Transfer to WSA for appraisal and selective retention.	CORE series GS53-02-04 covers civil litigation where the agency is the plaintiff or defendant.		
AT52-07-15 p. 4		years after case closed then Transfer to WSA for appraisal and selective retention. Archival-AR Pros Attny: Attorney Le	Pros Attny: Attorney Legal Rep: Civil Case Files – Where the Local Gov't Agency is Not a Party	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 cases litigated on behalf of the people of the state of Washington, or its counties.		
			Other Attorney	AT2013-009 p. 18	Notorious/ Historically Significant Case Files	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.		
AT52-07-04E p. 4	CRIMINAL CASE FILES – ADULTS – PROS ATTNY – CASES DECLINED	3 years							
p. 5	CRIMINAL CASE FILES – ADULTS – PROS. ATTNY – CASES DISMISSED AND ACQUITTALS	3 years after case dismissed or acquittal	Criminal Case Files	AT2013-003 p. 9	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	Consolidation.		
AT52-07-04F p. 6	CRIMINAL CASE FILES – ADULTS – PROS ATTNY – MISDEMEANORS AND GROSS MISDEMEANORS	3 years after sentencing				then Destroy.			



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
	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.
n 7			Criminal Case Files	AT2013-003 p. 9	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. 13	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.	
AT52-07-05E p. 6	CRIMINAL CASE FILES – JUVENILE – CASES DECLINED	3 years				Retain for 3 years after judgment, sentencing, dismissal, acquittal,	
AT52-07-05D p. 7	CRIMINAL CASE FILES – JUVENILES – CASES DISMISSED AND ACQUITTALS	3 years after case dismissed or acquittal		AT52-07-05F p. 13	Juvenile Offender Case Files – Other	completion of deferral/diversion contract, or decline to prosecute, whichever is later then Destroy.	Consolidation.
	DISTRICT COURT CASE FILES – DUI	RT CASE 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.	
AT52-07-07B p. 7			Juvenile Offender Case Files	AT52-07-05C p. 12	Juvenile Offender Case Files – Adjudicated Guilty (Class C Felony and DUI)	Retain for 5 years after sentencing then Destroy.	Consolidation.



	Version 1.0 records series listed on the left have been discontinued. Current approved DANs that cover the records 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		
				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.			
A152-07-07E	DISTRICT COURT CASE FILES – E. CIVIL CASE FILES	30 days after case 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.	AT2013-001 covers civil case files where the agency is not a party (e.g. domestic, guardianship, mental illness & alcohol, adoption & parentage, juvenile dependency, etc.). AT2013-002 covers infractions.		
	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.		



	Version 1.0 records series listed on the left have been discontinued. Current approved DANs that cover the records 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	FILES – CRIMINAL CASES	case sentencing, dismissed, or declined	Criminal Case	AT52-07-04C p. 9	Criminal Case Files – Convictions (Class C Felony and DUI)	Retain for 5 years after sentencing then Destroy.	Criminal DUIs are covered by AT52-07-04C.			
p. 8	PERMANENT ORDERS HAVE BEEN GRANTED		Files	AT2013-003 p. 9	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 gross/misdemeanors are covered by AT2013-003.			
AT52-07-07C p. 8	DISTRICT COURT CASE FILES – CRIMINAL CASES FOR WHICH PERMA- NENT ORDERS HAVE NOT BEEN GRANTED		ing, Juvenile ed, or Offender Case	AT52-07-05C p. 12	Juvenile Offender Case Files – Adjudicated Guilty (Class C Felony & DUI)	Retain for 5 years after sentencing then Destroy.	Juvenile Offender DUIs are covered by AT52-07-05C. Juvenile offender gross misdemeanors and misdemeanors are			
				AT52-07-05F p. 13	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.	covered by AT52-07-05F.			
	FAMILY LAW FILES – IV- D PROGRAM FILES	I h vears	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.	Social Security Act Title IV-D (Child Support) administrative and fiscal			
			CORE: Financial Mgmt: Accounting	CORE GS2011-184 p. 91	Financial Transactions – General	Retain for 6 years after end of fiscal year then Destroy.	records are covered by records series in the <u>Local</u> <u>Government Common</u> <u>Records Retention</u>			
				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.	Schedule (CORE). The IV-D case files are covered by AT52-07-09C.			



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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
AT52-07-09D 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.
	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 <i>CORE</i> 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. 13	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 RCW 13.50.050.
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 <i>CORE</i> series GS50-01-11.
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 <i>CORE</i> 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.

For additional guidance, please refer to WSA's published advice sheet What to do with Public Defender Case Files and Indigence Determination Records.

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