

## SUMMARY OF CHANGES

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

All *previously approved* disposition authorities for records that are covered by the *Law Enforcement Records Retention Schedule (Version 7.0) (LERRS)* are **revoked**, including those listed in all general **and** agency unique retention schedules. Agencies should take measures to ensure that the retention and disposition of public records is in accordance with current approved records retention schedules.

This summary has been prepared as a helpful tool for agency staff. It highlights changes to records retention requirements as approved by the Local Records Committee on December 3, 2015 pursuant to RCW 40.14.070. **This summary is NOT the records retention schedule, itself.** Rather, it is provided as a “crosswalk” to be used while transitioning from the previous version (6.1) to the *current, approved* version (7.0).

In addition to updating the format and other “housekeeping matters”, changes are based on input, feedback, and requests from various law enforcement agency staff, and city/county records managers. Because the changes are either of a clarifying or critical nature, Washington State Archives prepared the updates in consultation with various agencies who have provided input, feedback and requests over the past 2 years. Please note that every *records series* was not reviewed or analyzed. A future revision project will include a review of other records series as well as discussions about additional gaps and possible redundancies. In the meantime:

- ✓ 2 series modified and 1 created in new activity, **Investigation - Internal Review**, which covers agency review and/or investigation of agency employee actions and conduct - **including alleged misconduct**. (*CORE* misconduct series **exclude** law enforcement agency employees.)
- ✓ 2 new series to cover federal *Prison Rape Elimination Act (PREA)* requirements.
- ✓ 1 new series to cover background checks completed by the agency that are *unrelated to criminal investigations*.
- ✓ Juvenile offender case files are covered the same as the adult case files.
  - 2 records series covering **juvenile records** discontinued;
  - 4 new series added to cover the early destruction of **juvenile records** pursuant chapter 13.50 RCW (updated in 2014 and 2015).
- ✓ 3 series updated and enhanced relating to mobile recordings and solicitor licenses.
- ✓ Typographical error corrections and inconsequential language modifications. (These are not considered “revisions”; hence, they are not listed in this guide, and new “Rev. #”s were not assigned.)

**Note:** *CORE* = Local Government Common Records Retention Schedule     *DAN* = Disposition Authority Number     *WSA* = Washington State Archives

**NEW RECORDS SERIES**

| Activity  | Title and Description  | NEW DAN                       | Minimum Retention and Disposition  | Rationale  |
|---|--|-------------------------------|--|--|
| Corrections and Jails:<br>Inmate Security and Control | <b>Prison Rape Elimination Act (PREA) – Allegation, Investigation, Incident Review</b> | LE2015-003<br>Rev. 0<br>p. 18 | <b>Retain</b> for 6 years after inmate no longer incarcerated <b>and</b> <u><i>If minor involved in incident, until minor’s 30<sup>th</sup> birthdate and If agency employee involved in incident, 6 years after separation from employment</i></u> <b>then Destroy.</b> | The federal <a href="#">Prison Rape Elimination Act of 2003</a> (PREA) provides for the analysis of the incidence and effects of <i>prison rape</i> in federal, state, and local institutions, and it provides information, resources, recommendations and funding to protect individuals from <i>prison rape</i> (and other types of sexual abuse), including inmates, staff, visitors, contractors, etc.<br><br>These two new records series provide legal disposition authority for records of LE agencies including local jails, police lockups, and juvenile facilities.  |
|   | <b>Prison Rape Elimination Act (PREA) – Incident-Based Sexual Abuse Data</b>           | LE2015-004<br>Rev. 0<br>p. 18 | <b>Retain</b> for 10 years after data collected <b>then Destroy.</b>   | Note: Pursuant to <a href="#">RCW 9A.04.080</a> , certain violations against a victim under the age of eighteen can be prosecuted up to the victim’s 30 <sup>th</sup> birthday.  |
| Investigation: Case Management                        | <b>Background Checks/Tests/ Investigations (Non-Criminal)</b>                          | LE2015-005<br>Rev. 0<br>p. 36 | <b>Retain</b> for 3 years after request fulfilled <b>then Destroy.</b>   | This series covers the investigatory records made and received by the LE agency <b>while completing background checks for non-criminal investigative purposes <u>on behalf of</u> the agency or any other government agency or private employer/entity and which are NOT needed as point-in-time evidence related to hiring/personnel actions.</b><br><br><b>For example</b> , the Sheriff’s Office (SO) may complete background checks on <u>all</u> county hires. Once the results are conveyed to the HR department (HR), then the investigation (and notification) records need only be retained by the SO for 3 years – <i>to document how it arrived at its conclusions – and that it notified HR.</i><br><br><b>This series does NOT cover</b> the records received by HR (such as “Record/No Record” notification), which are typically retained in the “personnel file” for 6 years after termination of employee. See <a href="#">CORE – Human Resource Management</a> . (Agencies <i>may</i> continue to retain the entire investigatory file for 6 years after termination pursuant to agency policy/procedure.) |

**NEW RECORDS SERIES**

| Activity   | Title and Description   | NEW DAN             | Minimum Retention and Disposition   | Rationale  |
|--|---|---------------------|---|--|
| Investigation: Internal Review                     | <b>Internal Review/ Investigation – Notorious/Historically Significant Incidents</b>        | LE2015-006<br>p. 53 | <b>Retain</b> for 6 years after resolution of review/ investigation <i>then</i> <b>Transfer</b> to WSA for permanent retention.     | Title and description provide more clarity on how to identify incidents that may have historical interest. WSA has prepared an advice sheet to provide additional guidance. Please see: <a href="#">Internal Review/Investigations of Notorious/Historically Significant Incidents within the Law Enforcement Agency's Jurisdiction.</a>   |
| Investigation: Internal Review                     | <b>Internal Review/Investigation – Recordings (Transcribed Verbatim)</b>                    | LE2015-007<br>p. 53 | <b>Retain</b> for 1 year after recording transcribed verbatim and verified <i>then</i> <b>Destroy.</b>                              | This new series covers digital or analog conversation <b>recordings</b> , made during internal investigations, <b>that have been transcribed verbatim and verified.</b> The transcription must be retained for the minimum retention period of the related case, but the recording, itself, may be destroyed.<br><br>(Aligns with LE06-01-04, which provides disposition authority for conversation recordings made during <b>criminal</b> investigation.)   |
| Juvenile Case Files Eligible for Early Destruction | <b>Juvenile Records – Destruction Eligibility Notification Received from Juvenile Court</b> | LE2015-008<br>p. 54 | <b>Upon receipt</b> of notification of destruction eligibility from Juvenile Court, <b>Destroy</b> juvenile records within 90 days. | <p><a href="#">Chapter 13.50 RCW, Keeping and Release of Records by Juvenile Justice or Care Agencies</a>, has been modified annually by the Legislature since 2008. In order to assist law enforcement agencies, records series covering juvenile records have been updated to reflect these changes.</p> <p><b>LE07-01-09, Juvenile Case Files, has been discontinued</b> – and removed from the LE retention schedule.</p> <p><b>Juvenile case files are <u>now</u> covered by the same records series as adult case files.</b> For example:</p> <ul style="list-style-type: none"> <li>• LE2010-062, Case Files – <b>Homicides (Solved)</b></li> <li>• LE2010-063, Case Files – <b>Sex Offenders and Sexually Violent Offenses</b></li> <li>• LE2010-064, Case Files – <b>All Other Cases</b></li> </ul> <p><b>The four new series</b> cover juvenile records which <b>may</b> otherwise have had a <b>longer</b> retention (above) but are eligible for <b>early</b> destruction pursuant to <a href="#">RCW 13.50.270</a>.</p> |
|  | <b>Juvenile Records – Pardon Notification Received from Office of the Governor</b>          | LE2015-009<br>p. 54 | <b>Upon receipt</b> of pardon notification from the Office of the Governor, <b>Destroy</b> juvenile records within 30 days.         |  |
|  | <b>Juvenile Records – Destruction Ordered by Court</b>                                      | LE2015-010<br>p. 54 | <b>Upon receipt</b> of court order, <b>Destroy</b> juvenile records.  |  |
|  | <b>Juvenile Records – Juvenile Attains Age 23</b>   | LE2015-011<br>p. 54 | <b>Retain</b> until juvenile attains 23 years of age <i>then</i> <b>Destroy</b> according to agency policy/procedures.              |  |

### DISCONTINUED DISPOSITION AUTHORITY NUMBERS (DANS)

1. The two DANs listed on the left, below, have been discontinued; the records are now covered by a "Case Files" series, *the same as adult case files*.
2. Records eligible for early destruction are covered by one of the four new "Juvenile Records" series.
3. All records are retained for their legal minimum retention period **whether sealed or unsealed**.

| Discontinued DAN Ver 6.1 | Version 6.1 Title                  | Version 6.1 Retention   | LERRS Ver 7.0 DAN   | LERRS Ver. 7.0 Title  | LERRS Ver. 7.0 Retention and Disposition   | Rationale  |
|--------------------------|------------------------------------|---|---------------------|---|--|--|
| LE07-01-09<br>p. 43      | <b>Case Files – Juvenile</b>       | Retain until juvenile attains 23 years of age or until notification of destruction eligibility is received from the juvenile court, whichever is sooner then Destroy. | LE2010-060<br>p. 37 | <b>Case Files – Notorious/ Historically Significant Cases</b>                               | <b>Retain</b> until no longer needed for agency business <i>then Transfer</i> to WSA for permanent retention.  | Juvenile case files should be retained according to the <i>type of case</i> - the same as adult case files. (LE2010-060, LE2010-062, LE2010-063, or LE2010-064.) |
|                          |                                    |   | LE2010-062<br>p. 38 | <b>Case Files – Homicides (Solved)</b>  | <b>Retain</b> for 20 years after conclusion of investigation <i>and</i> until exhaustion of appeals process <i>then Transfer</i> to WSA for appraisal and selective retention. |  |
|                          |                                    |   | LE2010-063<br>p. 39 | <b>Case Files – Sex Offenders and Sexually Violent Offenses</b>                             | <b>Retain</b> for 5 years after conclusion of investigation <i>and</i> until exhaustion of appeals process <i>then Transfer</i> to WASPC for permanent retention.              |  |
|                          |                                    |   | LE2010-064<br>p. 40 | <b>Case Files – All Other Cases</b>   | <b>Retain</b> for 5 years after conclusion of investigation <i>and</i> until exhaustion of appeals process <i>then Destroy</i> .   |  |
| LE07-01-10<br>p. 49      | <b>AND Juvenile Sealed Records</b> | Retain until juvenile attains 23 years of age or until court-ordered expungement, whichever is sooner then Destroy.   | LE2015-008<br>p. 54 | <b>Juvenile Records – Destruction Eligibility Notification Received from Juvenile Court</b> | <b>Upon receipt</b> of notification of destruction eligibility from Juvenile Court, <b>Destroy</b> juvenile records within 90 days.  | If/when juvenile records qualify for <b>early</b> destruction – then the records can be destroyed early/earlier.   |
|                          |                                    |   | LE2015-009<br>p. 54 | <b>Juvenile Records – Pardon Notification Received from Office of the Governor</b>          | <b>Upon receipt</b> of pardon notification from the Office of the Governor, <b>Destroy</b> juvenile records within 30 days.  |  |
|                          |                                    |   | LE2015-010<br>p. 54 | <b>Juvenile Records – Destruction Ordered by Court</b>                                      | <b>Upon receipt</b> of court order, <b>Destroy</b> juvenile records.   | Sealed records are retained for the same minimum retention period as unsealed records.   |
|                          |                                    |   | LE2015-011<br>p. 54 | <b>Juvenile Records – Juvenile Attains Age 23</b>   | <b>Retain</b> until juvenile attains 23 years of age <i>then Destroy</i> according to agency policy/procedures.  |  |

**REVISED RECORDS SERIES**

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

| Version 6.1                                    |   |   | Version 7.0          |   |  |
|--|---|---|----------------------|---|--|
| DAN  | Title   | Retention   | Title (If different) | Retention & Disposition (if different)  | Change and/or rationale  |
| LE2010-039<br>Ver. 6.1 p. 18<br>Ver. 7.0 p. 15 | <b>Grievances Logs (Inmate)</b>                               | <b>Retain</b> for 6 years after date of log entry then <b>Destroy</b> .   | No change.           | No change.  | Exclusion added for <i>Prison Rape Elimination Act</i> (PREA) grievances covered by LE2015-003.  |
| LE2010-040<br>Ver. 6.1 p. 19<br>Ver. 7.0 p. 16 | <b>Grievances – Inmate (Age 18 and Over)</b>                  | <b>Retain</b> for 6 years after resolution of grievance then <b>Destroy</b> .   | No change.           | No change.  | Exclusion added for <i>Prison Rape Elimination Act</i> (PREA) accusations/investigations covered by LE2015-003.<br>Updated obsolete employee misconduct bulleted item to reflect new <b>Investigation – Internal Review</b> section (and records series).  |
| LE2010-041<br>Ver. 6.1 p. 20<br>Ver. 7.0 p. 16 | <b>Grievances – Inmate (Under Age 18)</b>                     | <b>Retain</b> for 6 years after resolution of grievance and 3 years after juvenile attains age 18 then <b>Destroy</b> . | No change.           | No change.  | Removed bulleted item excluding employee grievances because series title is sufficient.  |
| LE2013-004<br>Ver. 6.1 p. 29<br>Ver. 7.0 p. 26 | <b>Solicitor Licenses</b>                                     | <b>Retain</b> for 6 years after expiration of license or final renewal, whichever is later then <b>Destroy</b> .        | No change.           | <b>Retain</b> for 6 years after expiration/final renewal of license or 6 years after denial of license, if applicable then <b>Destroy</b> . | Clarified that this series covers denied applications, in addition to those that are approved.   |
| LE2010-060<br>Ver. 6.1 p. 40<br>Ver. 7.0 p. 37 | <b>Case Files – Notorious/ Historically Significant Cases</b> | <b>Retain</b> until no longer needed for agency business then <b>Transfer</b> to WSA for permanent retention.           | No change.           | No change.  | Exclusion of “juvenile offenses” removed; this series covers both adult and juvenile offenders.<br>Exclusion language clarified to remind agencies that records pertaining to sex offenses <u>must</u> be transferred to WA Association of Sheriffs and Police Chiefs pursuant to <a href="#">RCW 40.14.070(2)(b)(i)</a> . |

**REVISED RECORDS SERIES**

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

| Version 6.1                                    |  |   | Version 7.0          |  |   |
|--|--|---|----------------------|--|---|
| DAN  | Title  | Retention   | Title (If different) | Retention & Disposition (if different) | Change and/or rationale   |
| LE2010-063<br>Ver. 6.1 p. 42<br>Ver. 7.0 p. 39 | <b>Case Files – Sex Offenders and Sexually Violent Offenses</b>        | <b>Retain</b> for 5 years after conclusion of investigation<br><i>and</i><br>until exhaustion of appeals process<br><i>then</i><br><b>Transfer</b> to WA Association of Sheriffs and Police Chiefs (WASPC) for permanent retention. | No change.           | No change.                             | Removed exclusion of notorious/historically significant cases covered by LE2010-060 because the case file MUST be transferred to WASPC pursuant to <a href="#">RCW 40.14.070(2)(b)(i)</a> . |
| LE2010-073<br>Ver. 6.1 p. 50<br>Ver. 7.0 p. 45 | <b>Polygraph Tests</b>   | <b>Retain</b> until disposition of pertinent case file<br><i>then</i><br><b>Destroy.</b>  | No change.           | No change.                             | Updated exclusion to reflect new series LE2015-005, <b>Background Checks/Tests/Investigations (Non-Criminal)</b> ,  |
| LE09-01-08<br>Ver. 6.1 p. 50<br>Ver. 7.0 p. 46 | <b>Recordings from Mobile Devices – Incident Identified</b>            | <b>Retain</b> until matter resolved<br><i>and</i><br>until exhaustion of appeals process<br><i>then</i><br><b>Destroy.</b>  | No change.           | No change.                             | Enhanced description and included bulleted items (e.g., bodycam, dashcam, handheld, drone, etc.) for clarity. No changes to retention requirements.   |
| LE09-01-09<br>Ver. 6.1 p. 50<br>Ver. 7.0 p. 46 | <b>Recordings from Mobile Devices – Incident <u>Not</u> Identified</b> | <b>Retain</b> for 90 days after date of recording<br><i>then</i><br><b>Destroy.</b>   |                      |  |   |

**REVISED RECORDS SERIES**

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

| Version 6.1                                    |                              | Version 7.0  |   |  |  |
|--|------------------------------|--|---|--|--|
| DAN  | Title                        | Retention  | Title (If different)  | Retention & Disposition (if different)   | Change and/or rationale  |
| LE2010-059<br>Ver. 6.1 p. 38<br>Ver. 7.0 p. 51 | <b>Major Incident Review</b> | <b>Retain</b> for 6 years after date of incident<br><i>then</i><br><b>Transfer</b> to WSA for appraisal and selective retention.     | <b>Internal Review/ Investigation (Formal Discipline Imposed)</b>     | <b>Retain</b> for 6 years after completion of disciplinary action<br><i>and</i><br>3 years <b>after</b> minor reaches age 18, <i>if minor involved in incident</i><br><i>then</i><br><b>Contact</b> WSA for appraisal and selective retention.         | Covers reviews of incidents and investigations of alleged misconduct where <b>formal discipline is imposed</b> .<br><b>Formal discipline</b> includes any sanction that penalizes an employee financially through loss of pay or accrued leave (e.g., demotion, suspension, removal, leave without pay, etc.).<br><i>See LE03-01-05 for definition of informal discipline.</i>   |
| LE03-01-05<br>Ver. 6.1 p. 38<br>Ver. 7.0 p. 52 | <b>Administrative Review</b> | <b>Retain</b> for 5 years after completion of review<br><i>then</i><br><b>Transfer</b> to WSA for appraisal and selective retention. | <b>Internal Review/ Investigation (Formal Discipline Not Imposed)</b> | <b>Retain</b> for 6 years after final disposition and completion of informal disciplinary action, <i>if imposed</i><br><i>and</i><br>3 years <b>after</b> minor reaches age 18, <i>if minor involved in incident</i><br><i>then</i><br><b>Destroy.</b> | Covers reviews of incidents and investigations of alleged misconduct where <b>formal discipline is not imposed</b> .<br>Includes incidents where agency response is determined to be within policy/procedure; where employee is exonerated and/or charges are unsustainable, unfounded or inconclusive; and investigations where informal discipline is imposed.<br>Also includes <b>Use of Force reports</b> <i>where no formal review or investigation is determined to be necessary</i> .<br><b>Informal discipline</b> includes written or verbal reprimand, memoranda, counseling, retraining or additional corrective training, etc.<br><i>See LE2010-059 for definition of formal discipline.</i> |

For assistance and advice in applying records retention schedules,  
please contact Washington State Archives at:  
[recordsmanagement@sos.wa.gov](mailto:recordsmanagement@sos.wa.gov)  
or contact your Regional Archivist.