

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM: 3.5
(ID # 15275)

MEETING DATE:

Tuesday, June 08, 2021

FROM : ASSESSOR-COUNTY-CLERK-RECORDER:

SUBJECT: ASSESSOR-COUNTY CLERK-RECORDER/ RMAP: Approval of the revised Departmental Records Retention Schedule, All Districts. [\$0] (4/5th Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached revised Departmental Records Retention Schedule for the Department of District Attorney's Office

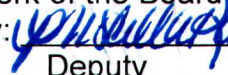
ACTION: 4/5 Vote Required


Kan Wang, Assistant Assesor-County-Clerk Recorder 5/11/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Washington, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: June 8, 2021
xc: Auditor

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|----------------------------|-----------------------------|--------------------------|-------------------------------|---------------------|
| COST | \$ NA | \$ NA | \$ NA | \$ NA |
| NET COUNTY COST | \$ NA | \$ NA | \$ NA | \$ NA |
| SOURCE OF FUNDS: NA | | | Budget Adjustment: NO | |
| | | | For Fiscal Year: 20/21 | |

C.E.O. RECOMMENDATION: Approval

BACKGROUND:

Summary

In accordance with the provisions of Board Policy A-43, the Records Management and Archives Program (RMAP) worked with appropriate department to review the Records Retention Schedules attached. Approval will authorize the disposal of certain records following mandatory retention requirements, thereby enabling the County to reduce the cost of storage for obsolete materials while ensuring that administrative, fiscal, legal, and other recordkeeping responsibilities are met. Prior agenda references are noted on the appropriate cover page. Pursuant to Government Code Section 26202, this item requires a 4/5 vote.

Impact on Residents and Businesses

The citizens of Riverside County benefit from the efficiencies gained through the application of generally accepted recordkeeping principles.

ATTACHMENTS: District Attorney's Office Department

Supersedes DRRS adopted October 20, 2015 as agenda item #3.6


Stephanie Perez, Principal Management Analyst

6/1/2021


Gregory J. Priamos, Director County Counsel

5/17/2021



County of Riverside, California Departmental Records Retention Schedule (DRRS_DAO_2021_Rev03)

Enacted pursuant to Board of Supervisors, County of Riverside Resolution No. 2016-126, "Pertaining to the Management, Retention, Destruction or Disposition of County Records," and Board of Supervisors, County of Riverside Policy A-43: "County Records Management and Archives Policy."

Inquiries or comments regarding this schedule should be directed to:

County of Riverside
Records Management and Archives Program (RMAP)
2724 Gateway Drive
Riverside, CA 92507
951-486-7067
(County Mail Stop 2625)

Introduction

This Departmental Records Retention Schedule (DRRS) for the District Attorney's Department is adopted as per the recommendations of Board Policy A-43 and supersedes the DRRS adopted October 20, 2015 as agenda item #3.6.

This schedule is written with general titles and descriptions rather than identifying specific individual documents or forms. A record with content and function that is substantially the same as an item described in this schedule should be considered covered by that series. This retention schedule indicates the length of time that listed records, regardless of media or format, must be retained by the department before disposition may be implemented. These retention requirements are recommended in order to reduce the costs for the storage and maintenance of records while ensuring that administrative, fiscal, legal and other recordkeeping responsibilities are met.

Records, including copies held for convenience or reference, must be disposed of as directed herein at the close of the official retention period. A full justification for any request to extend the retention period for a particular group of records must be submitted in writing to the Records Management and Archives Program (RMAP) as stated by Board Policy A-43, Section D.5.

If a federal or state statute or regulation specifies a longer retention period for any records series received, created, or maintained by the department, the statute or regulation override this schedule and the department must amend its records retention schedule as soon as practicable. In addition, a record may not be destroyed if notice of litigation, audit, public records request, etc. is received prior to the expiration of the retention period. For records held for audit purposes, the Auditor Controller's Office, or appropriate auditing authority, will notify the department once the audit is complete. In the event a lawful claim or a lawsuit is made against the county of Riverside, the department will suspend destruction of the subject records until all issues of the matter are resolved. Further, if the department is notified by County Counsel or Human Resources to put documents on hold due to a claim or other legal proceeding, the department will suspend any records destruction of the identified documents. (Board Policy A-43 § D.9)

The department will maintain the requested records until the close of litigation or proceedings plus an additional ten (10) years. The department is responsible for ascertaining the correct date of closure in order to establish this ten (10) year retention period. Furthermore, the department is responsible for establishing appropriate procedures to ensure that records are retained for the period of time mandated and that the records remain accessible as required.

Explanation of Fields

Record Series Codes: The Record Series Code is assigned by RMAP. The code is alphanumeric and uniquely identifies the Record Series Title regardless of the schedule it occupies enabling the Record Series to be tracked within the master index system.

Record Series Title: The Record Series Title identifies a group of similar records generally produced or utilized for similar business needs allowing them to be evaluated as a group for retention scheduling purposes.

Record Series Description: A description of the Record Series Title that includes examples, not an exhaustive list, of the record types found within the group.

Official Records: The agency or department responsible for the county's official record.

Official Record Retention: The length of time that the official record must be kept based upon the legal minimum requirement as well as any operational or business need. All other copies must be disposed of at the end of the retention period. For example, departmental copies held for convenience or reference must be destroyed at the close of the retention period or when no longer needed to support normal business operations, whichever is earlier.

Citation / Rationale: The legal citation or operational/business reason for retaining the official record for the period specified.

Final Disposition: The recommended final status or arrangement for the official record, usually disposed of by confidential shredding or transfer to the County of Riverside Archives as determined through best practice.

Explanation of Codes

Best Practice = Best Practice determined through business and government agency benchmarks.

CCR = California Code of Regulations

CFR = Code of Federal Regulations

CL = Closed, which will also mean after final resolution (as in an inquiry or litigation) after expiration (as in a contract) after final payment, upon completion of participation in a program, etc. A record is considered "closed" when no further action is pending or required.

CY = Calendar year end

EC = California Evidence Code

FY = Fiscal year end

GC = California Government Code

P = Permanent

PC = California Penal Code

T = Termination (of employment)



COUNTY OF RIVERSIDE RECORDS RETENTION SCHEDULE

Department / Agency: District Attorney's Office

Schedule Type: Departmental Records Retention Schedule (DRRS)

Division: All

Schedule #:

Section: All

DRRS_DAO_2021_Rev03

With full consideration given to the preservation of the historic records of the County, the undersigned hereby certifies that this retention schedule conforms to the legal and regulatory requirements and best business practices known at this time.

Department Head:

Michael Heistrin, District Attorney

Date:

5/5/21

| Record Series | | | Copy of Record | Official Record Retention | Citation / Rationale | Final Disposition |
|-------------------------------|---|---|----------------------------|---|---|-------------------|
| Code | Title | Description | | | | |
| Accounting (ACC) | | | | | | |
| DAO_ ACC100 | California Witness Relocation Assistance Program | Records related to witness relocation. May include program application, witness advisement, CalWrap agreement, communication records, rental agreements, copies of Investigator timesheets, invoices, receipts, payments, claims, and program questionnaire. | District Attorney's Office | FY + 7 | GC 26202; Best Practice | Shred / Delete |
| Asset Forfeiture (ASF) | | | | | | |
| DAO_ ASF100 | Administrative Asset Forfeitures | Records related to administrative asset forfeitures. Records series may include police reports, proofs of services, criminal case prints, publications and letters to agencies. | District Attorney's Office | P | Best Practice | Dept. |
| DAO_ ASF200 | Judicial Asset Forfeitures | Records related to judicial asset forfeitures. Records series may include police reports, proof of services, claims, discovery and criminal case prints, publications, court orders, letters to agencies, minutes, and distribution. | District Attorney's Office | CL + 10 | GC 26202; Best Practice | Shred / Delete |
| DAO_ ASF300 | Wiretap Files | Records related to the request and administration of wiretap. Records series may include the application packet, court orders, six day reports, sealing orders, inventory postponements and the inventory packet. | District Attorney's Office | Date of Court Order or 10 years, whichever is later | PC 629.64 | Shred / Delete |
| Bureau of Investigation (INV) | | | | | | |
| DAO_ INV100 | Confidential Informant Files | Records relating to confidential informants for the department. | District Attorney's Office | T + 10 | GC 26202; Best Practice | Shred / Delete |
| DAO_ INV150 | Criminal History Check (CII) Logs | Logs documenting the case information for the name being ran by DAO employee. May include name, date of birth, case number, and name of person making the request. | District Attorney's Office | CY + 3 | GC 26202; 11 CCR 707(c); Best Practice | Shred / Delete |
| DAO_ INV200 | Fictitious License Request | Information such as Driver's License or notarized social security number received for under cover operations. | District Attorney's Office | T + 75 | GC 26202; Best Practice | Shred / Delete |
| DAO_ INV250 | Initial Crime Reports (DAR) - felony | DAR Crime Reports for specific crimes such as homicide, manslaughter and sex cases. Also includes kidnapping cases where victim is not recovered. May include initial and supplemental police/ investigator reports, complaint assignment form and filing decision from reviewing deputy district attorney. | District Attorney's Office | P | PC 799; Best Practice | Dept. |
| DAO_ INV300 | Initial Crime Reports (DAR) | DAR Crime Reports for all other crime types that do not include the above specified crime types. May include initial and supplemental police / investigator reports, complaint assignment form and filing decision from reviewing deputy district attorney. | District Attorney's Office | CL + 10 | GC 26202; PC11105.03(b)(4); Best Practice | Shred / Delete |
| DAO_ INV350 | Initial Crime Reports (DAR) - Sex Offender Registration | DAR Crime Reports for all sex offender registration crimes (290 PC). May include initial and supplemental police /investigator reports, complaint assignment form, and filing decision from reviewing deputy district attorney. | District Attorney's Office | CL + 75 | PC 290.08 | Shred / Delete |
| DAO_ INV400 | Initial Crime Reports (DAR) - Juvenile | DAR Crime Reports for minor suspects. May include police / investigator reports, and other documents / discovery obtained during the investigation. | District Attorney's Office | CL + 10 | GC 26202; Best Practice | Shred / Delete |

FORM APPROVED COUNTY COUNSEL

BY:

MICHAEL C. THOMAS

DATE

13 MAY 21

| Record Series | | | Copy of Record | Official Record Retention | Citation / Rationale | Final Disposition |
|---------------------------|--|--|----------------------------|---------------------------|---|-------------------|
| Code | Title | Description | | | | |
| DAO_ INV450 | Internal Affairs - sustained | Records related to the internal investigation of personnel (sworn and non-sworn). Records series includes investigation reports and supporting materials. | District Attorney's Office | CL + 5 | GC 26202; EC 1045(b)(1); PC 832.5(b); AG Opinion 99-1111 | Shred / Delete |
| DAO_ INV500 | Internal Affairs - not sustained | Records related to the internal investigation of personnel (sworn and non-sworn). Records series includes investigation reports and supporting materials. | District Attorney's Office | CL + 2 | GC 26202 | Shred / Delete |
| DAO_ INV550 | Monthly Reports | Senior Investigator unit statistical reports for the month. May include stats from the DAMION database and hand counted stats. | District Attorney's Office | CY + 2 | GC 26202 | Shred / Delete |
| DAO_ INV600 | Public Integrity Reports | Confidential investigation reports on public/high profile suspects. May include police / investigator reports and other documents/discovery obtained during the investigation. | District Attorney's Office | CL + 10 | GC 26202; Best Practice | Shred / Delete |
| DAO_ INV650 | Rehab & Pardon Files | Request from petitioner to clear record. These files may include the petitioner's report filed with court and the proof of service. | District Attorney's Office | CL + 10 | GC 26202; Best Practice | Shred / Delete |
| DAO_ INV700 | Security Checks | Mini background check for volunteers and interns. May include investigator check list, personal history statement; live scan results, local checks, CLETS/DMV printouts; Investigator's memo. | District Attorney's Office | CY + 3 | GC 26202; Best Practice | Shred / Delete |
| DAO_ INV750 | Special Investigations | Investigation reports on cases when the DA Bureau is called to assist outside agencies. May include investigation reports and other discovery obtained during the course of the investigation. | District Attorney's Office | CL + 5 | GC 26202; Best Practice | Shred / Delete |
| Case Support (CSP) | | | | | | |
| DAO_ CSP100 | Analysis Results | DOJ & Biotox results of blood and/or drug analysis. Records may include suspect's name, case information and results of test. | District Attorney's Office | CY + 5 | GC26202; Best Practice | Shred / Delete |
| DAO_ CSP150 | Child Recovery Unit - Attorney Files | Records relating to the prosecution of Child Recovery cases. May include packet questionnaire, court imaged documents, attorney notes, and investigation reports. | District Attorney's Office | CL + 35 | GC 26202; Best Practice | Shred / Delete |
| DAO_ CSP200 | Civil Cases | Records Related to Civil matters. Records may include the investigative agency report, transcripts, discovery, photos, audio / video recording, court documents, and notes. | District Attorney's Office | CL + 10 | GC 26202; Best Practice | Shred / Delete |
| DAO_ CSP250 | Civil Judgments | Records relating to the final determination on civil matters between parties. Records may include the judgment signed by the judge, and the stipulation by the DAO. | District Attorney's Office | P | Best Practice | Dept. |
| DAO_ CSP300 | Complaint Assignment Forms | This record series includes complaint forms submitted by law enforcement agencies when requesting criminal charges be filed. | District Attorney's Office | CY + 2 | GC 26202; Case support | Shred / Delete |
| DAO_ CSP350 | Consumer Complaints | Complaints submitted to the DAO from the public. Records may include original complaint and reviewing Deputy District Attorney's recommendation | District Attorney's Office | CL + 5 | GC 26202; Best Practice | Shred / Delete |
| DAO_ CSP400 | Expungements (1203.4 PC) | Motion to expunge record from defendant's background. May include the request and DA Office Recommendation. | District Attorney's Office | CY + 2 | GC 26202 | Shred / Delete |
| DAO_ CSP450 | Factual Innocence Files | Records relating to identify of the true defendant. Records may include letters sent to necessary agencies and interested parties from DAO. Background information and DMV print outs proving who the true defendant is. | District Attorney's Office | CL + 10 | GC 26202; Best Practice | Shred / Delete |
| DAO_ CSP500 | Felony Files - Death or Life Sentence | Records related to the investigation and prosecution of criminal felony cases resulting in a sentence of death or life in prison. Records series may include police reports, transcripts and other documentation and materials generated during the prosecution of the case. Records series may also include records resulting from the writs and appeals process. | District Attorney's Office | P | PC 799; Best Practice | Dept. |
| DAO_ CSP550 | Felony Files - Determinate or Probation Sentence | Records related to the investigation and prosecution of criminal felony cases resulting in a determinate or probation sentence. Records series may include police reports, transcripts and other documentation and materials generated during the prosecution of the case. Records series may also include records resulting from the writs and appeals process. | District Attorney's Office | CL + 35 | GC 26202; Best Practice | Shred / Delete |
| DAO_ CSP600 | Firearm Files | Records related to the petitioner's request to own and/or possess a firearm. Records may include police reports, Department of Justice reports, discovery, the petitioner's medical records, court processing documents and court orders. | District Attorney's Office | CL + 10 | GC 26202; Best Practice | Shred / Delete |

| Record Series | | | Copy of Record | Official Record Retention | Citation / Rationale | Final Disposition |
|----------------------------------|---|---|----------------------------|---------------------------|----------------------------|-------------------|
| Code | Title | Description | | | | |
| DAO_ CSP650 | Inmate Prosecution Demands (1381 PC Demands) | This records series may include documentation and correspondence from inmates requesting prosecution on pending Riverside County cases. | District Attorney's Office | CY + 2 | GC 26202 | Shred / Delete |
| DAO_ CSP700 | Lifer Capsules | Records related to defendant's Life Sentence. May include 1203.01 PC, Victims Next of Kin (VNOK) Worksheet, Impact Statement, Information, Probation Report, Autopsy Protocol, Transcripts of defendant, All Reports, Photos, Priors, Juvenile Priors, Preliminary Hearing Transcript & Memo, Opinion, Case Print of Sentence/charges | District Attorney's Office | P | Best Practice | Dept. |
| DAO_ CSP750 | Misdemeanor Files | Records related to the investigation and prosecution of a defendant with an offense involving driving under the influence, domestic violence, child abuse, elder abuse or gang involvement. Records series may include police reports, transcripts and other documentation and materials generated during the prosecution of the case. Records series may also include records resulting from the writs and appeals process. | District Attorney's Office | CL + 15 | GC 26202; Best Practice | Shred / Delete |
| DAO_ CSP800 | Misdemeanor Files - Other | Records related to the investigation and prosecution of a defendant with an misdemeanor offense unrelated to those given under Misdemeanor Files above. Records series may include police reports, transcripts and other documentation and materials generated during the prosecution of the case. Records series may also include records resulting from the writs and appeals process. | District Attorney's Office | CL + 5 | GC 26202; Best Practice | Shred / Delete |
| DAO_ CSP850 | Sex Offender Registration Files | Records related to the investigation and/or prosecution of felony or misdemeanor criminal offenses where the defendant is required to register pursuant to section 290 of the California Penal Code. Records series may include police reports, transcripts and other documentation and materials generated during the prosecution of the case. Records series may also include records resulting from the writs and appeals process. | District Attorney's Office | CL + 75 | PC 290.08 | Shred / Delete |
| DAO_ CSP900 | Suspect Fraudulent Claims | FD-1 Forms submitted to the DAO from the public. Records may include original claim form and reviewing Deputy District Attorney's recommendation. | District Attorney's Office | CL + 5 | GC26202; Best Practice | Shred / Delete |
| DAO_CS P950 | Misdemeanor FTA | Misdemeanor Cases that Do Not have victims or Non Paper Discovery (Tapes, Discs, Color Photos etc.) - Failure To Appear Files | District Attorney's Office | CY + 5 | GC26202; Best Practice | Shred / Delete |
| Training (TRG) | | | | | | |
| DAO_ TRG100 | Instructor Evaluation Forms | Record documenting how the instructor performed the training. Record may include the instructors information, the thoughts and opinions of the audience | District Attorney's Office | CY + 2 | GC 26202; Best Practice | Shred / Delete |
| DAO_ TRG200 | Reference Materials | Records pertaining to various trainings given by department. May include the MS Power Point, samples, and other materials provided by the instructor, and publications from Riverside County District Attorney Association (RCDAA). | District Attorney's Office | REV + 2 | GC 26202; Best Practice | Shred / Delete |
| DAO_ TRG300 | Training Attendance Sign In Sheets | Records documenting who attended the specified training (Minimum Continuing Legal Education (MCLE) credits obtained) Records may include attendees name & bar number (if applicable). | District Attorney's Office | CY + 4 | GC 26202; Best Practice | Shred / Delete |
| DAO_ TRG350 | Training Video | Video of trainings given by department. May include actual video footage of instructor giving the training. | District Attorney's Office | CY + 2 | GC 26202; Best Practice | Shred / Delete |
| Writs & Appeals (WRA) | | | | | | |
| DAO_ WRA100 | Appellate/Writ Felony Files (Death/Life Sentence) | Records related to the appeal on a Death or Life Sentenced case. File may contain: Commitment Judgment Death; Clerk's Transcript on Appeal; Reporter's Transcript on Appeal; Extensions of Time; Appellant's Opening Brief; Respondent's Brief; Appellant's Reply Brief; Court of Appeal Opinion; Petition for Rehearing; Petition for Review; Answer Petition For Review; Briefs on the Merits; Remittitur; Writ of Certiorari; Writ of Habeas Corpus; Response Writ of HC; Reply (Traverse) Writ of HC; Orders; and Extensions of Time; Letters and/or Transportation Orders. | District Attorney's Office | P | Best Practice | Dept. |

| Record Series | | | Copy of Record | Official Record Retention | Citation / Rationale | Final Disposition |
|----------------|--|---|----------------------------|---------------------------|-------------------------|-------------------|
| Code | Title | Description | | | | |
| DAO_ WRA150 | Appellate/Writ Felony Files (Determinate / Probation Sentence) | Records related to the appeal for cases with a determinate or probation sentence. Files that may contain: Notice of Appeal; Clerk's Transcript on Appeal; Reporter's Transcript on Appeal; Extensions of Time; Appellant's Opening Brief; Respondent's Brief; Appellant's Reply Brief; Court of Appeal Opinion; Petition for Rehearing; Petition for Review; Answer Petition For Review; Briefs on the Merits; Remittitur; Letters and/or Transportation Order (included only when judgment is Reversed or Remanded). | District Attorney's Office | CL + 35 | GC 26202; Best Practice | Shred / Delete |
| DAO_ WRA200 | Appellate/Writ Misdemeanor Files | Records related to the appeal for cases with a Misdemeanor conviction. File may contain: Notice of Appeal; Clerk's Transcript on Appeal; Reporter's Transcript on Appeal; Extensions of Time; Appellant's Opening Brief; Respondent's Brief; Appellant's Reply Brief; Opinion; Remittitur; and Letters to trial deputy that case was affirmed, remanded, or reversed for retrial. | District Attorney's Office | CL + 3 | GC 26202; Best Practice | Shred / Delete |
| DAO_ WRA250 | Public Records Request - correspondence | Requests for records to the state government. May include disclosed records and correspondence. | District Attorney's Office | P | Best Practice | Dept. |
| DAO_ WRA300 | Sex Offender Registration Files | Records related to the sex offender registration Writ or Appeal. Files may include police reports, investigation reports, photos, transcripts, discovery, court documents, and notes. | District Attorney's Office | CL + 75 | PC 290.08 | Shred / Delete |
| DAO_ WRA350 | Subpoena Duces Tecum - correspondence | Records relating to demand of documents to be produced in court. May include disclosed records and correspondence. | District Attorney's Office | P | Best Practice | Dept. |
| DAO_ WRA400 | Traffic Cases - Correspondence | This records series may include correspondence or documents from and to defendants in traffic cases. | District Attorney's Office | CL + 2 | GC 26202; Best Practice | Shred / Delete |