

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



**ITEM: 3.14
(ID # 26416)**

MEETING DATE:
Tuesday, December 03, 2024

FROM : ASSESSOR-COUNTY-CLERK-RECORDER

SUBJECT: ASSESSOR-COUNTY CLERK-RECORDER / RMAP: Approval of Revised Departmental Records Retention Schedule for the District Attorney's Office (DAO), All Districts. [\$0] (4/5th Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the attached Departmental Records Retention Schedule for the District Attorney's Office (DAO).


ACTION: 4/5 Vote Required, Policy


Douglas Cady, Assistant Assessor County Clerk Recorder 11/14/2024

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Gutierrez 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 Gutierrez
Nays: None
Absent: None
Date: December 3, 2024
xc: ACR

Kimberly A. Rector
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	\$0	\$0	\$0	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 2024/2025	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

In accordance with the provisions of Board Policy A-43, the Records Management and Archives Program (RMAP) worked with appropriate departments to review the Records Retention Schedule 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. Per 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:

DRRS_DAO_2024_Rev05 – Supersedes DRRS_DAO_2023_Rev04 adopted May 2, 2023, Agenda item #3.7.

Cesar Bernal
Cesar Bernal, PRINCIPAL MGMT ANALYST 11/19/2024

Aaron Gettis
Aaron Gettis, Chief of Deputy County Counsel 11/19/2024



County of Riverside, California Departmental Records Retention Schedule (DRRS_DAO_2024_Rev05)

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
ACR-RIM@asrclrec.com
<https://www.rivcoacr.org/RiversideCountyRecordsManagement>

Introduction

This Departmental Records Retention Schedule (DRRS) for the District Attorney's Office (DAO) is adopted as per the recommendations of Board Policy A-43 and supersedes the DRRS adopted May 2, 2023, as Item #3.7.

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. Retention schedule changes apply to all documents unless they have been digitally uploaded into a Trusted System. The regulatory requirements include the immutability standards for objects in a Trusted System. This includes the initial retention applied to the digital file per RMAP management. 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

AG = Attorney General

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 (DAO)

Schedule Type: Departmental Records Retention Schedule (DRRS)

Division: All

Schedule #: **DRRS_DAO_2024_Rev05**

Section: All

With full consideration given to the preservation of the historic records of the County, the undersigned hereby certifies that this retention schedule was developed in compliance with countywide standards and policies and conforms with accepted records and information management practices.

Department Head: _____

Jared Haringsma
Jared Haringsma, ADA

Date: 10/28/24

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

FORM APPROVED COUNTY COUNSEL

BY MCT 19 NOV 24
MICHAEL C. THOMAS DATE

Record Series			Copy of Record	Official Record Retention	Citation / Rationale	Final Disposition
Code	Title	Description				
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
DAO_INV450	Internal Affairs - sustained non-sworn	Records related to the internal investigation of personnel (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_INV475	Internal Affairs - sustained sworn	Records related to the internal investigation of personnel (sworn). Records series includes investigation reports and supporting materials.	District Attorney's Office	CL + 15	GC 12946; PC 832.5	Shred / Delete

Record Series			Copy of Record	Official Record Retention	Citation / Rationale	Final Disposition
Code	Title	Description				
DAO_INV500	Internal Affairs - not sustained non-sworn	Records related to the internal investigation of personnel (non-sworn). Records series includes investigation reports and supporting materials.	District Attorney's Office	CL + 2	GC 26202	Shred / Delete
DAO_INV525	Internal Affairs - not sustained sworn	Records related to the internal investigation of personnel (sworn). Records series includes investigation reports and supporting materials.	District Attorney's Office	CL + 5	PC 832.5	Shred / Delete
DAO_INV550	Monthly Reports	Senior Investigator unit statistical reports for the month. May include stats from the Case Management databases 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_INV725	Personnel Files sworn	Records pertaining to Bureau sworn personnel including personal data, employee benefits, personal action reports, performance evaluations, etc.	District Attorney's Office	T + 75	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)						

Record Series			Copy of Record	Official Record Retention	Citation / Rationale	Final Disposition
Code	Title	Description				
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

Record Series			Copy of Record	Official Record Retention	Citation / Rationale	Final Disposition
Code	Title	Description				
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
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.

Record Series			Copy of Record	Official Record Retention	Citation / Rationale	Final Disposition
Code	Title	Description				
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_CSP910	Body Worn Camera Videos	Body worn camera discs received by forensics related to the investigation, prosecution or filing decision of a misdemeanor or felony offense unrelated to those given under Felony Files Death or Life Sentence.	District Attorney's Office	CL + 35	GC26202; Best Practice	Shred / Delete
DAO_CSP950	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

Record Series			Copy of Record	Official Record Retention	Citation / Rationale	Final Disposition
Code	Title	Description				
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 Dues 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