



## This schedule applies to: Prosecuting Attorneys

### Scope of records retention schedule

This records retention schedule authorizes the destruction/transfer of the public records of local government agency attorneys (including contractors) relating to the function of appearing for and **representing the counties and State of Washington** pursuant to chapter 36.27 RCW or by contract, and **representing the cities of Washington** pursuant to chapters 3.50 and 39.34 RCW, in actions and proceedings before the courts and judicial officers. The schedule is to be used in conjunction with the *Local Government Common Records Retention Schedule* (CORE), which authorizes the destruction/transfer of public records common to all local government agencies.

### Disposition of public records

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


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

### Revocation of previously issued records retention schedules

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

### Authority

This records retention schedule was approved by the Local Records Committee in accordance with RCW 40.14.070 on August 7, 2024.

  
Al Rose (Aug 7, 2024 15:40 PDT)

For the State Auditor: Al Rose

  
Matthew Kernutt (Aug 8, 2024 10:42 PDT)

For the Attorney General: Matt Kernutt



The State Archivist: Heather Hirota



## REVISION HISTORY

Version	Date of Approval	Extent of Revision
1.0	November 29, 2012	First version. Records series imported from the Local Government General RRS (LGGRRS) Version 5.2.
2.0	August 29, 2013	Complete revision; all series consolidated and updated. Nine new series – including four relating to the destruction of juvenile records pursuant to RCW 13.50.050, and one Archival series to cover notorious/historically significant case files (AT2013-009). All changes detailed in Revision Guide. <b>NOTE: All previously approved disposition authorities for assigned counsel/public defender records have been removed/revoked.</b> Records retention requirements for these records are regulated by the Washington State Bar Association and the Rules of Professional Conduct.
2.1	June 7, 2023	Three series added to cover Potential Impeachment Disclosure (PID) information for peace/corrections officers and law enforcement staff and U and T visa status certification requests. Updated two criminal and two juvenile case file series to reflect legislative changes relating to DUIs. Updated statutory references and made minor revisions throughout the schedule.
2.2	August 7, 2024	Potential Impeachment Disclosure series revised and moved to separate Attorney Legal Representation – Potential Impeachment Disclosure (PID) Management section. One series added to cover petitions for restoration of firearm rights.

For assistance and advice in applying this records retention schedule,  
please contact your agency's Records Officer  
or Washington State Archives at:  
[recordsmanagement@sos.wa.gov](mailto:recordsmanagement@sos.wa.gov)



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## 1. ATTORNEY LEGAL REPRESENTATION

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

### 1.1 CIVIL CASE FILES – WHERE THE LOCAL GOVERNMENT AGENCY IS NOT A PARTY

*Civil court cases where the attorney represents the State of Washington including domestic, guardianship, mental illness & alcohol, adoption and parentage, juvenile dependency, child in need of services (CHINS), developmental disability placement, termination, truancy, at-risk youth (ARY), reinstatement of parental rights, guardianship for foster children, etc. Also includes traffic infractions and code enforcement where attorneys represent the cities of Washington in municipal courts.*

*Excludes actions where the local government agency (including agency employees, contractors, & volunteers) is the plaintiff or defendant and actions where the County Prosecutor’s office represents another county department/agency. These records are covered in the Legal Affairs section of the Local Government Common Records Retention Schedule (CORE).*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-001 Rev. 1	<p><b>Civil Case Files – General</b></p> <p>Records relating to legal representation in civil actions <i>where the local government agency represents the cities, counties, or State of Washington</i>.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format).</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>Civil suits <b>where the local government agency is the plaintiff or defendant</b>, which are covered by <i>Litigation Case Files (DAN GS53-02-04)</i>;</li> <li>Records covered by <i>Notorious/Historically Significant Case Files (DAN AT2013-009)</i>;</li> <li>Civil case files covered more specifically elsewhere in this section.</li> </ul>	<p><b>Retain</b> for 3 years after judgment, settlement, dismissal, acquittal, completion of deferral contract, or decision not to prosecute, <i>whichever is later then</i></p> <p><b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR



**1.1 CIVIL CASE FILES – WHERE THE LOCAL GOVERNMENT AGENCY IS NOT A PARTY**

*Civil court cases where the attorney represents the State of Washington including domestic, guardianship, mental illness & alcohol, adoption and parentage, juvenile dependency, child in need of services (CHINS), developmental disability placement, termination, truancy, at-risk youth (ARY), reinstatement of parental rights, guardianship for foster children, etc. Also includes traffic infractions and code enforcement where attorneys represent the cities of Washington in municipal courts.*

*Excludes actions where the local government agency (including agency employees, contractors, & volunteers) is the plaintiff or defendant and actions where the County Prosecutor’s office represents another county department/agency. These records are covered in the Legal Affairs section of the Local Government Common Records Retention Schedule (CORE).*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-002 Rev. 1	<p><b>Civil Case Files – Infractions</b></p> <p>Records relating to the prosecution of persons charged with noncriminal infractions.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format).</li> </ul>	<p><b>Retain</b> for 30 days after judgment, settlement, dismissal, acquittal, completion of deferral contract, or decision not to prosecute, <i>whichever is later then</i></p> <p><b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR



**1.1 CIVIL CASE FILES – WHERE THE LOCAL GOVERNMENT AGENCY IS NOT A PARTY**

*Civil court cases where the attorney represents the State of Washington including domestic, guardianship, mental illness & alcohol, adoption and parentage, juvenile dependency, child in need of services (CHINS), developmental disability placement, termination, truancy, at-risk youth (ARY), reinstatement of parental rights, guardianship for foster children, etc. Also includes traffic infractions and code enforcement where attorneys represent the cities of Washington in municipal courts.*

*Excludes actions where the local government agency (including agency employees, contractors, & volunteers) is the plaintiff or defendant and actions where the County Prosecutor’s office represents another county department/agency. These records are covered in the Legal Affairs section of the Local Government Common Records Retention Schedule (CORE).*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-10 Rev. 3	<p><b>Civil Case Files – Involuntary Commitment</b></p> <p>Records relating to the involuntary commitment of a person for behavioral health disorders, including substance abuse and mental disorders, pursuant to chapters 71.05 or 71.34 RCW. Includes “120-hour holds”.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Commitment orders, psychiatrist reports, etc.;</li> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format).</li> </ul> <p><i>Note: If criminal charges are filed, these records become part of the associated criminal case file.</i></p>	<p><b>Retain</b> for 3 years after release of individual from hold <i>and</i> 3 years after case closed <i>then</i> <b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR



**1.1 CIVIL CASE FILES – WHERE THE LOCAL GOVERNMENT AGENCY IS NOT A PARTY**

*Civil court cases where the attorney represents the State of Washington including domestic, guardianship, mental illness & alcohol, adoption and parentage, juvenile dependency, child in need of services (CHINS), developmental disability placement, termination, truancy, at-risk youth (ARY), reinstatement of parental rights, guardianship for foster children, etc. Also includes traffic infractions and code enforcement where attorneys represent the cities of Washington in municipal courts.*

*Excludes actions where the local government agency (including agency employees, contractors, & volunteers) is the plaintiff or defendant and actions where the County Prosecutor’s office represents another county department/agency. These records are covered in the Legal Affairs section of the Local Government Common Records Retention Schedule (CORE).*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-09E Rev. 2	<p><b>Civil Case Files – Juvenile Dependency</b></p> <p>Records relating to legal representation in relation to dependency actions, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• At-risk youth (ARY);</li> <li>• Child in need of services (CHINS);</li> <li>• Dependency;</li> <li>• Developmental disability placement;</li> <li>• Guardianship for foster children;</li> <li>• Parentage termination for adoption;</li> <li>• Reinstatement of parental rights;</li> <li>• Termination;</li> <li>• Truancy.</li> </ul> <p>Excludes records covered by <i>Civil Case Files – Social Security Act Title IV-D (Child Support) (DAN AT52-07-09C)</i>.</p> <p><i>Note: Retention based on the record series Litigation Case Files – (Judicial – Juvenile Matters) – Routine (DAN 77-10-20098) in the Office of the Attorney General Records Retention Schedule.</i></p>	<p><b>Retain</b> for 21 years after resolution of case (including any appeals)</p> <p><i>then</i></p> <p><b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR



**1.1 CIVIL CASE FILES – WHERE THE LOCAL GOVERNMENT AGENCY IS NOT A PARTY**

*Civil court cases where the attorney represents the State of Washington including domestic, guardianship, mental illness & alcohol, adoption and parentage, juvenile dependency, child in need of services (CHINS), developmental disability placement, termination, truancy, at-risk youth (ARY), reinstatement of parental rights, guardianship for foster children, etc. Also includes traffic infractions and code enforcement where attorneys represent the cities of Washington in municipal courts.*

*Excludes actions where the local government agency (including agency employees, contractors, & volunteers) is the plaintiff or defendant and actions where the County Prosecutor’s office represents another county department/agency. These records are covered in the Legal Affairs section of the Local Government Common Records Retention Schedule (CORE).*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-09C Rev. 1	<p><b>Civil Case Files – Social Security Act Title IV-D (Child Support)</b></p> <p>Records relating to legal representation of the State of Washington under Title IV, Part D (Title IV-D) of the <i>Social Security Act</i>.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Determination of parentage;</li> <li>• Child support establishment, modification, adjustment, and/or enforcement;</li> <li>• Responding cases.</li> </ul> <p><i>Note: Pursuant to RCW 4.16.020, the statute of limitations for commencement of action for the collection of past due child support is 10 years after the youngest child named in the child support order reaches age 18.</i></p> <p><i>Note: Pursuant to RCW 4.16.360, there is no limitation for initiating legal action for the determination of paternity.</i></p>	<p><b>Retain</b> for 3 years after youngest child reaches age 18</p> <p><i>and</i></p> <p>3 years after entry of last order</p> <p><i>then</i></p> <p><b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR





**1.2 CRIMINAL CASE FILES**

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

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-04A Rev. 2	<p><b><i>Criminal Case Files – Convictions (Class A Felony and Persistent Offenders)</i></b></p> <p>Records relating to the prosecution of adults convicted of a Class A felony as defined by RCW 9A.20.020 and/or sentenced as a “persistent offender” as defined by RCW 9.94A.030. Includes juveniles tried as adults pursuant to RCW 13.40.110.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format).</li> </ul> <p>Excludes records covered by <i>Notorious/Historically Significant Case Files (DAN AT2013-009)</i>.</p> <p><i>Note: Sex offender and other “special cases” may be designated by the prosecutor for longer retention.</i></p> <p><i>Note: Any sentences that included a simple drug possession conviction and were later amended, corrected, or vacated following the state Supreme Court’s 2021 State v. Blake ruling need to be retained for at least three years after amended/corrected/vacated, per Criminal Case Files – Other (DAN AT2013-003).</i></p>	<p><b>Retain</b> for 20 years after sentencing <i>and</i> 3 years after any amended/corrected/vacated sentence <i>then</i> <b>Destroy.</b></p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>



**1.2 CRIMINAL CASE FILES**

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

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-04B Rev. 2	<p><b><i>Criminal Case Files – Convictions (Class B Felony and DUI)</i></b></p> <p>Records relating to the prosecution of adults convicted of a Class B felony as defined by RCW 9A.20.020, Driving Under the Influence (DUI) as defined by RCW 46.61.502, and/or Physical Control of Vehicle While Under the Influence as defined by RCW 46.61.504. Includes juveniles tried as adults pursuant to RCW 13.40.110.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format).</li> </ul> <p>Excludes records covered by <i>Notorious/Historically Significant Case Files (DAN AT2013-009)</i>.</p> <p><i>Note: Any sentences that included a simple drug possession conviction and were later amended, corrected, or vacated following the state Supreme Court’s 2021 State v. Blake ruling need to be retained for at least three years after amended/corrected/vacated, per Criminal Case Files – Other (DAN AT2013-003).</i></p>	<p><b>Retain</b> for 10 years after sentencing <i>and</i> 3 years after any amended/corrected/vacated sentence <i>then</i> <b>Destroy.</b></p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>



## 1.2 CRIMINAL CASE FILES

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

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-04C  Rev. 2	<p><b><i>Criminal Case Files – Convictions (Class C Felony)</i></b></p> <p>Records relating to the prosecution of adults convicted of a Class C felony as defined by RCW 9A.20.020. Includes juveniles tried as adults pursuant to RCW 13.40.110.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format).</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• DUI and Physical Control of Vehicle While Under the Influence convictions covered by <i>Criminal Case Files – Convictions (Class B Felony and DUI) (DAN AT52-07-04B)</i>;</li> <li>• Records covered by <i>Notorious/Historically Significant Case Files (DAN AT2013-009)</i>.</li> </ul> <p><i>Note: Any sentences that included a simple drug possession conviction and were later amended, corrected, or vacated following the state Supreme Court’s 2021 State v. Blake ruling need to be retained for at least three years after amended/corrected/vacated, per Criminal Case Files – Other (DAN AT2013-003).</i></p>	<p><b>Retain</b> for 5 years after sentencing <i>and</i> 3 years after any amended/corrected/vacated sentence <i>then</i> <b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR



## 1.2 CRIMINAL CASE FILES

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

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-003  Rev. 1	<p><b><i>Criminal Case Files – Other</i></b></p> <p>Records relating to the prosecution of adults charged with misdemeanors or gross misdemeanors as defined by RCW 9A.20.020, <b>and any/all criminal cases which do not result in a conviction</b>. Cases include misdemeanors and gross misdemeanors; dismissals and acquittals (any/all charges); decision not to prosecute (any/all charges); and pre-prosecution diversions.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format);</li> <li>• “Blake Decision” cases where a previous guilty judgment involving only simple possession of a controlled substance was vacated following the state Supreme Court’s 2021 ruling in <i>State v. Blake</i>.</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• DUI and Physical Control of Vehicle While Under the Influence convictions covered by <i>Criminal Case Files – Convictions (Class B Felony and DUI) (DAN AT52-07-04B)</i>;</li> <li>• Records covered by Notorious/Historically Significant Case Files (DAN AT2013-009).</li> </ul>	<p><b>Retain</b> for 3 years after judgment, sentencing, dismissal, acquittal, vacation of judgment, completion of deferral/ diversion contract, or decision not to prosecute, <i>whichever is later</i></p> <p><i>then</i></p> <p><b>Destroy.</b></p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>



**1.3 JUVENILE OFFENDER CASE FILES**

*The activity of prosecuting juveniles in juvenile or appellate courts. Excludes juveniles tried as adults pursuant to RCW 13.40.110.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-05A Rev. 2	<p><b><i>Juvenile Offender Case Files – Adjudicated Guilty (Class A Felony)</i></b></p> <p>Records relating to the prosecution of juveniles adjudicated guilty of a Class A felony as defined by RCW 9A.20.020.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format).</li> </ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"> <li>• <i>Notorious/Historically Significant Case Files (DAN AT2013-009);</i></li> <li>• Records series in the <u>Juvenile Case Files Eligible for Early Destruction</u> section.</li> </ul> <p><i>Note: Sex offender and other “special cases” may be designated by the prosecutor for longer retention.</i></p> <p><i>Note: Any dispositions that included a guilty adjudication for simple drug possession and were later amended, corrected, or vacated following the state Supreme Court’s 2021 State v. Blake ruling need to be retained for at least three years after amended/corrected/vacated, per Juvenile Offender Case Files – Other (DAN AT52-07-05F).</i></p>	<p><b>Retain</b> for 20 years after disposition of case</p> <p><i>and</i></p> <p>3 years after any amended/corrected/vacated disposition</p> <p><i>then</i></p> <p><b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR



**1.3 JUVENILE OFFENDER CASE FILES**

*The activity of prosecuting juveniles in juvenile or appellate courts. Excludes juveniles tried as adults pursuant to RCW 13.40.110.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-05B Rev. 2	<p><b><i>Juvenile Offender Case Files – Adjudicated Guilty (Class B Felony and DUI)</i></b></p> <p>Records relating to the prosecution of juveniles adjudicated guilty of a Class B felony as defined by RCW 9A.20.020, Driving Under the Influence (DUI) as defined by RCW 46.61.502, and/or Physical Control of Vehicle While Under the Influence as defined by RCW 46.61.504.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format).</li> </ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"> <li>• <i>Notorious/Historically Significant Case Files (DAN AT2013-009);</i></li> <li>• Records series in the <u>Juvenile Case Files Eligible for Early Destruction</u> section.</li> </ul> <p><i>Note: Any dispositions that included a guilty adjudication for simple drug possession and were later amended, corrected, or vacated following the state Supreme Court’s 2021 State v. Blake ruling need to be retained for at least three years after amended/corrected/vacated, per Juvenile Offender Case Files – Other (DAN AT52-07-05F).</i></p>	<p><b>Retain</b> for 10 years after disposition of case <i>and</i> 3 years after any amended/corrected/vacated disposition <i>then</i> <b>Destroy.</b></p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>



**1.3 JUVENILE OFFENDER CASE FILES**

*The activity of prosecuting juveniles in juvenile or appellate courts. Excludes juveniles tried as adults pursuant to RCW 13.40.110.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-05C Rev. 2	<p><b><i>Juvenile Offender Case Files – Adjudicated Guilty (Class C Felony)</i></b></p> <p>Records relating to the prosecution of juveniles adjudicated guilty of a Class C felony as defined by RCW 9A.20.020.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format).</li> </ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"> <li>• DUI and Physical Control of Vehicle While Under the Influence cases covered by <i>Juvenile Offender Case Files – Adjudicated Guilty (Class B Felony and DUI) (DAN AT52-07-05B)</i>;</li> <li>• <i>Notorious/Historically Significant Case Files (DAN AT2013-009)</i>;</li> <li>• Records series in the <u>Juvenile Case Files Eligible for Early Destruction</u> section.</li> </ul> <p><i>Note: Any dispositions that included a guilty adjudication for simple drug possession and were later amended, corrected, or vacated following the state Supreme Court’s 2021 State v. Blake ruling need to be retained for at least three years after amended/corrected/vacated, per Juvenile Offender Case Files – Other (DAN AT52-07-05F).</i></p>	<p><b>Retain</b> for 5 years after disposition of case <i>and</i> 3 years after any amended/corrected/vacated disposition <i>then</i> <b>Destroy.</b></p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>



**1.3 JUVENILE OFFENDER CASE FILES**

*The activity of prosecuting juveniles in juvenile or appellate courts. Excludes juveniles tried as adults pursuant to RCW 13.40.110.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-05F  Rev. 2	<p><b>Juvenile Offender Case Files – Other</b></p> <p>Records relating to the prosecution of juveniles charged with misdemeanors or gross misdemeanors as defined by RCW 9A.20.020, <b>and any/all juvenile offender cases which are not adjudicated guilty</b>. Cases include misdemeanors and gross misdemeanors; dismissals and acquittals (any/all charges); decision not to prosecute (any/all charges); and pre-prosecution diversions.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format);</li> <li>• “Blake Decision” cases where a previous guilty adjudication involving only simple possession of a controlled substance was vacated following the state Supreme Court’s 2021 ruling in <i>State v. Blake</i>.</li> </ul> <p>Excludes records covered by:</p> <ul style="list-style-type: none"> <li>• DUI and Physical Control of Vehicle While Under the Influence cases covered by <i>Juvenile Offender Case Files – Adjudicated Guilty (Class B Felony and DUI) (DAN AT52-07-05B)</i>;</li> <li>• <i>Notorious/Historically Significant Case Files (DAN AT2013-009)</i>;</li> <li>• Records series in the <u>Juvenile Case Files Eligible for Early Destruction</u> section.</li> </ul>	<p><b>Retain</b> for 3 years after disposition, dismissal, acquittal, vacation, completion of deferral/ diversion contract, or decision not to prosecute, <i>whichever is later</i></p> <p><i>then</i></p> <p><b>Destroy.</b></p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>





### 1.4 JUVENILE CASE FILES ELIGIBLE FOR EARLY DESTRUCTION

*This section covers juvenile records which **may** otherwise have a longer retention but which are eligible for **early** destruction pursuant to RCW 13.50.270.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-004 Rev. 1	<p><b>Juvenile Records – Destruction Eligibility Notification Received from Juvenile Court</b></p> <p>Juvenile records <b>identified by the Juvenile Court</b> as eligible to be destroyed in accordance with RCW 13.50.270(1).</p> <p>Excludes records covered by <i>Destruction of Public Records (DAN GS50-09-06)</i>, including:</p> <ul style="list-style-type: none"> <li>• Notification of destruction eligibility;</li> <li>• Records documenting the destruction of the juvenile records.</li> </ul>	<p><b>Upon receipt</b> of notification eligibility from Juvenile Court,</p> <p><b>Destroy</b> within 90 days.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR
AT2013-005 Rev. 1	<p><b>Juvenile Records – Destruction Ordered by Court</b></p> <p>Juvenile records <b>ordered by the court to be destroyed</b> in accordance with RCW 13.50.270(3) or any (other) court order.</p> <p>Excludes records covered by <i>Destruction of Public Records (DAN GS50-09-06)</i>, including:</p> <ul style="list-style-type: none"> <li>• Notification of destruction eligibility;</li> <li>• Records documenting the destruction of the juvenile records.</li> </ul>	<p><b>Retain</b> until court order received</p> <p><i>then</i></p> <p><b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR
AT2013-006 Rev. 1	<p><b>Juvenile Records – Juvenile Attains Age 23</b></p> <p>Records relating to juvenile offenses and diversions where the juvenile has attained 23 years of age <u>and</u> where the <b>local government agency has developed procedures for the routine destruction of certain records</b> in accordance with RCW 13.50.270(4).</p> <p>Excludes records documenting the destruction of the juvenile records covered by <i>Destruction of Public Records (DAN GS50-09-06)</i>.</p>	<p><b>Retain</b> until juvenile attains 23 years of age</p> <p><i>then</i></p> <p><b>Destroy</b> according to agency policy/procedures.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



#### 1.4 JUVENILE CASE FILES ELIGIBLE FOR EARLY DESTRUCTION

*This section covers juvenile records which **may** otherwise have a longer retention but which are eligible for **early** destruction pursuant to RCW 13.50.270.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-007 Rev. 1	<p><b>Juvenile Records – Pardon Notification Received from Office of the Governor</b></p> <p>Juvenile records relating to an individual who has been <b>granted a full and unconditional pardon by the Governor</b>, and where the Office of the Governor has notified the agency in accordance with RCW 13.50.270(2).</p> <p>Excludes records covered by <i>Destruction of Public Records (DAN GS50-09-06)</i>, including:</p> <ul style="list-style-type: none"><li>• Notification of pardon;</li><li>• Records documenting the destruction of the juvenile records.</li></ul>	<p><b>Upon receipt</b> of pardon notification from Office of the Governor, <b>Destroy</b> within 30 days.</p>	NON-ARCHIVAL NON-ESSENTIAL OPR



**1.5 OTHER ATTORNEY CASE FILES**

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT52-07-08 Rev. 2	<p><b><i>Extradition Case Files</i></b></p> <p>Records relating to the extradition of individuals in accordance with the Uniform Criminal Extradition Act pursuant to chapter 10.88 RCW or the Uniform Interstate Compact on Juveniles pursuant to chapter 13.24 RCW, <b><i>where no criminal charges have been filed in Washington State.</i></b></p> <p>Excludes records covered by:</p> <ul style="list-style-type: none"> <li>• <i>Notorious/Historically Significant Case Files (DAN AT2013-009);</i></li> <li>• Records series in the <u>Juvenile Case Files Eligible for Early Destruction</u> section.</li> </ul> <p><i>Note: If criminal/juvenile offender charges are filed in Washington State, these records become part of the associated case file.</i></p>	<p><b>Retain</b> for 1 year after extradition case completed <i>then</i> <b>Destroy.</b></p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>



**1.5 OTHER ATTORNEY CASE FILES**

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-008 Rev. 0	<p><b><i>Litigation Materials – Development/Drafts</i></b> Records relating to the development/drafting of litigation materials (such as pleadings, memoranda, briefs, declarations, discovery materials, reports, etc.) concerning any matter in litigation <i>or reasonably anticipated to be in litigation where the agency represents the State of Washington</i>. Cases may include civil, criminal, juvenile offender, acquittals on grounds of insanity (RCW 10.77.080), etc.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• <i>Copies</i> of research materials;</li> <li>• <i>Copies</i> of records that are part of the official court record (pleadings, orders, decrees, etc.);</li> <li>• Preliminary drafts;</li> <li>• Comments on preliminary drafts;</li> <li>• Related correspondence (including procedural/scheduling communications, non-substantive transmittal letters, etc.)</li> </ul> <p>Excludes <b>final</b> litigation materials, which are included in the associated case file series.</p>	<p><b>Retain</b> until no longer needed for agency business <i>then</i> <b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR



**1.5 OTHER ATTORNEY CASE FILES**

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2013-009 Rev. 1	<p><b><i>Notorious/Historically Significant Case Files</i></b></p> <p>Records relating to the prosecution of adults and/or juveniles whose cases have gained contemporary public notoriety or significance (as determined by the local government agency). Cases may include civil, criminal, juvenile offender, acquittals on grounds of insanity (RCW 10.77.080), etc.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Pleadings, memoranda, briefs, declarations, discovery materials, reports, notes, trial notebooks, exhibits, and correspondence (regardless of format);</li> <li>• Working copies of police files.</li> </ul> <p>Excludes records covered by records series in the <u>Juvenile Case Files Eligible for Early Destruction</u> section.</p> <p><i>Note: For guidance on how to identify notorious or historically significant cases, please refer to Washington State Archives’ published advice sheet <b>Notorious/Historically Significant Legal Case Files</b>.</i></p>	<p><b>Retain</b> until no longer needed for agency business <i>then</i></p> <p><b>Transfer</b> to Washington State Archives for permanent retention.</p>	<p><b>ARCHIVAL</b> (Permanent Retention) NON-ESSENTIAL OPR</p>
AT2024-001 Rev. 0	<p><b><i>Restoration of Firearm Rights Petitions</i></b></p> <p>Records relating to the prosecuting attorney’s involvement with restoration of firearm rights petitions in accordance with RCW 9.41.041.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Petition receipt;</li> <li>• Notifications of victims;</li> <li>• Reviews and notifications with Washington State Patrol;</li> <li>• Determinations of sufficient evidence.</li> </ul> <p><i>Note: Retention based on 3-year statute of limitations for personal injury (RCW 4.16.080).</i></p>	<p><b>Retain</b> for 3 years after last activity <i>then</i></p> <p><b>Destroy.</b></p>	<p>NON-ARCHIVAL NON-ESSENTIAL OPR</p>



**1.6 POTENTIAL IMPEACHMENT DISCLOSURE (PID) MANAGEMENT**

*The activity of managing information collected and/or received by the prosecuting attorney in accordance with the “Brady Rule” (named for Brady v. Maryland, 373 U.S. 83 (1963) about individual law enforcement agency employees who may testify as witnesses in the prosecuting attorney’s jurisdiction. Potential impeachment information that would be disclosed to the defense in a criminal case includes employee misconduct that affects the employee’s credibility and/or acts by the employee that may be potentially exculpatory to the defendant.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2023-002 Rev. 1	<p><b>Potential Impeachment Disclosure (PID) Information – Law Enforcement Staff</b></p> <p>Records relating to potential impeachment information about individual law enforcement staff (not including peace/corrections officers) who may testify as witnesses in the prosecuting attorney’s jurisdiction.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Sustained findings of dishonesty, mishandling of evidence, or other misconduct that affects the credibility of the employee;</li> <li>• Records relating to previous potential impeachment disclosures involving the employee in jurisdictions where they were previously employed;</li> <li>• Records relating to the employee’s inclusion on and/or removal from a list of law enforcement employees for whom potential impeachment issues have been identified (“Brady List”).</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• PID protocols developed and adopted under RCW 10.93.180, covered by <i>Official Agency Policy and Procedure Directives, Regulations, and Rules (DAN GS50-01-24)</i> or <i>Administrative Procedures and Instructions (DAN GS50-01-01)</i>;</li> <li>• Disclosures of potential impeachment information to the defense in individual criminal cases, covered by records series in the <u>Criminal Case Files</u> and <u>Juvenile Offender Case Files</u> sections;</li> <li>• Letters/notices of disciplinary action (including PID information) retained by the employing agency, covered by <i>Employee Work History (DAN GS50-04B-06)</i>.</li> </ul>	<p><b>Retain</b> for 6 years after resolution of any case involving the employee (including any appeals)</p> <p><i>then</i></p> <p><b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR



**1.6 POTENTIAL IMPEACHMENT DISCLOSURE (PID) MANAGEMENT**

*The activity of managing information collected and/or received by the prosecuting attorney in accordance with the “Brady Rule” (named for Brady v. Maryland, 373 U.S. 83 (1963) about individual law enforcement agency employees who may testify as witnesses in the prosecuting attorney’s jurisdiction. Potential impeachment information that would be disclosed to the defense in a criminal case includes employee misconduct that affects the employee’s credibility and/or acts by the employee that may be potentially exculpatory to the defendant.*

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2023-003 Rev. 1	<p><b>Potential Impeachment Disclosure (PID) Information – Peace/Corrections Officers</b></p> <p>Records relating to potential impeachment information about individual peace/corrections officers who may testify as witnesses in the prosecuting attorney’s jurisdiction.</p> <p>Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Sustained findings of dishonesty, mishandling of evidence, or other misconduct that affects the credibility of the officer;</li> <li>• Records relating to previous potential impeachment disclosures involving the officer in jurisdictions where they were previously employed;</li> <li>• Records relating to the officer’s inclusion on and/or removal from a list of law enforcement employees for whom potential impeachment issues have been identified (“Brady List”).</li> </ul> <p>Excludes:</p> <ul style="list-style-type: none"> <li>• PID protocols developed and adopted under RCW 10.93.180, covered by <i>Official Agency Policy and Procedure Directives, Regulations, and Rules (DAN GS50-01-24)</i> or <i>Administrative Procedures and Instructions (DAN GS50-01-01)</i>;</li> <li>• Disclosures of potential impeachment information to the defense in individual criminal cases, covered by records series in the <u>Criminal Case Files</u> and <u>Juvenile Offender Case Files</u> sections;</li> <li>• Records of officer misconduct/disciplinary action (including PID information) retained by the employing agency in accordance with RCW 40.14.070(4), covered by <i>Complaints, Grievances, and Misconduct Records (Peace/Corrections Officers) (DAN LE2022-003)</i>.</li> </ul>	<p><b>Retain</b> for 10 years after resolution of any case involving the officer (including any appeals)</p> <p><i>then</i></p> <p><b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR



## 2. VICTIM/SURVIVOR AND WITNESS ADVOCACY

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

DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
AT2023-004 Rev. 0	<p><b><i>U Visa/T Visa Records</i></b> Records relating to the prosecuting attorney’s involvement with status certification requests for U visas for victims of certain crimes and T visas for victims of human trafficking, under chapter 7.98 RCW.  Excludes records relating to the annual reporting about status certification requests to the Department of Commerce’s Office of Crime Victims Advocacy under RCW 7.98.020, covered by <i>Reporting/Filing (Mandatory) – Agency Management (DAN GS2012-028)</i>.</p>	<p><b>Retain</b> for 6 years after last activity <i>then</i> <b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR
AT52-07-14 Rev. 1	<p><b><i>Victim/Survivor/Witness Advocacy Case Files</i></b> Records relating to advocacy on behalf of and the provision of services to victims of, survivors of, and witnesses to crimes, pursuant to RCW 7.69.030.  Includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Notifications relating to case disposition, statements of rights, available services, etc.;</li> <li>• Perpetrator information (prior violations, copies of court records, etc.);</li> <li>• Provided services relating to physical, emotional and/or financial recovery (counseling, resource identification, personal protection orders, return of personal property, compensation, employer intercession, etc.);</li> <li>• Records of conversations (interview notes, personal notes, etc.);</li> <li>• Notes and correspondence (regardless of format).</li> </ul>	<p><b>Retain</b> for 6 years after last activity <i>then</i> <b>Destroy.</b></p>	NON-ARCHIVAL NON-ESSENTIAL OPR





## GLOSSARY

### ***Appraisal***

The process of determining the value and disposition of records based on their administrative, legal, and fiscal use; their evidential and informational or research value; and their relationship to other records.

### ***Archival (Appraisal Required)***

Designation for public records that may possess enduring legal and/or historical value and must be appraised by the Archives. Such records are to be evaluated, sampled, and weeded according to archival principles by Archives staff. Records appraised as non-archival may be destroyed after their retention has been met.

### ***Archival (Permanent Retention)***

Designation for public records that possess enduring legal and/or historical value and must not be destroyed. State government agencies must transfer these records to the Archives at the end of their minimum retention period. Local government agencies must either transfer these records to the Archives or retain and preserve them according to archival best practice until transferred to the Archives. Other than removing and disposing of duplicates, the Archives will not sample, weed, or otherwise dispose of records with this designation.

### ***Disposition***

Actions taken with records when they are no longer required to be retained by an agency. Possible disposition actions include transfer to the Archives and destruction.

### ***Disposition Authority Number (DAN)***

Control number for a specific records series in a retention schedule that authorizes a retention period and disposition action for records belonging to that series.

### ***Essential Records***

Records needed to respond to, and/or perform critical operations during/after, a disaster or emergency. They need to be protected through backup or enhanced storage. (RCW 40.10.010)

### ***Local Records Committee***

Committee established by RCW 40.14.070 to review and approve disposition of local government records through records retention schedules. The Committee's three members include the State Archivist and one representative each from the Office of the Attorney General and the State Auditor.



### ***Non-Archival***

Designation given to public records that do not possess sufficient historical value to be designated as “Archival.” Agencies must retain these records for the minimum retention period specified by the appropriate current records retention schedule. Agencies should destroy these records after their minimum retention period expires, provided the records are not required for litigation, public records requests, or other purposes required by law.

### ***Non-Essential Records***

Public records which are not required in order for an agency to resume its core functions following a disaster, as described in chapter 40.10 RCW.

### ***OFM (Office Files and Memoranda)***

Public records not defined and classified as official public records in RCW 40.14.010 and other documents or records as determined by the records committee to be office files and memoranda.

### ***OPR (Official Public Records)***

Public records necessary to document transactions relating to public property, public finances, and other agency business, or records determined by the records committee to be official public records.

### ***Public Records***

Records that have been created or received by any government agency in Washington State in connection with the transaction of public business regardless of physical form or characteristics.

### ***Records Series***

A group of records performing a specific function, which is used as a unit, filed as a unit, and may be transferred or destroyed as a unit. A records series may consist of a single type or a number of different types of documents that are filed together to document a specific function.

### ***State Records Committee***

Committee established by RCW 40.14.050 to review and approve disposition of state government records. Its four members include the State Archivist and one representative each from the Office of the Attorney General, Office of the State Auditor, and the Office of Financial Management.



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# Prosecuting Attorneys Records Retention Schedule v.2.2 (August 2024)

Final Audit Report

2024-08-08

Created:	2024-08-07
By:	Rachel Wilson (rachel.wilson@sos.wa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAnYeP2OkmQOw9_CprQbxY9rcJH-iVAOoC

## "Prosecuting Attorneys Records Retention Schedule v.2.2 (August 2024)" History

-  Document created by Rachel Wilson (rachel.wilson@sos.wa.gov)  
2024-08-07 - 9:55:40 PM GMT
-  Document emailed to Matthew Kernutt (matthew.kernutt@atg.wa.gov) for signature  
2024-08-07 - 9:55:46 PM GMT
-  Document emailed to Al Rose (al.rose@sao.wa.gov) for signature  
2024-08-07 - 9:55:46 PM GMT
-  Document emailed to Heather Hirotaka (heather.hirotaka@sos.wa.gov) for signature  
2024-08-07 - 9:55:46 PM GMT
-  Email viewed by Heather Hirotaka (heather.hirotaka@sos.wa.gov)  
2024-08-07 - 10:01:49 PM GMT
-  Document e-signed by Heather Hirotaka (heather.hirotaka@sos.wa.gov)  
Signature Date: 2024-08-07 - 10:02:07 PM GMT - Time Source: server
-  Email viewed by Al Rose (al.rose@sao.wa.gov)  
2024-08-07 - 10:40:11 PM GMT
-  Document e-signed by Al Rose (al.rose@sao.wa.gov)  
Signature Date: 2024-08-07 - 10:40:22 PM GMT - Time Source: server
-  Email viewed by Matthew Kernutt (matthew.kernutt@atg.wa.gov)  
2024-08-08 - 2:42:36 PM GMT
-  Document e-signed by Matthew Kernutt (matthew.kernutt@atg.wa.gov)  
Signature Date: 2024-08-08 - 2:42:58 PM GMT - Time Source: server

✔ Agreement completed.

2024-08-08 - 2:42:58 PM GMT