**DRAFT Policy with amendment to Small Claims retention: changing from 5 years to 10 years.**

**AOC Departmental Policy**
**14.01: AOC Retention Schedule for Courts of Limited Jurisdiction JIS records.**

**PURPOSE AND AUTHORITY:**

The purpose of this policy is to establish retention schedules for Courts of Limited Jurisdiction JIS records per JISCR 8 and upon the recommendations of the Judicial Information System Committee (JISC) during its October 25, 2013 and April 25, 2014 meetings.

**POLICY:**

**Scope**

This retention schedule applies to all Courts of Limited Jurisdiction civil and criminal records contained in the Judicial Information System.

**Criteria for Use of the 'Retain Case' Flag:**

Judges will have the ability to flag cases in order to retain them beyond the stated retention period. Judges should consider the following non-exclusive factors when flagging individual cases for permanent retention:

- Defendant criminal history;
- Nature of the current crime;
- If the case involves any mental health issues;
- If the case involves any substance abuse issues;
- If the Defendant has a high risk of repetitive contact with the court system;
- If the alleged crime was sexual in nature;
- If the Defendant has a history of repetitive contact, or has the potential of repetitive contact, with the alleged victim; and
- If domestic violence was involved.

These factors should be considered with the knowledge that the dismissed record is not a record of conviction and therefore, if retained, it may have negative consequences for the Defendant in acquiring employment or housing. Furthermore, flagging of individual cases, especially those that are dismissed, should be considered the exception and not the norm in judicial proceedings. If a judge decides that a case should be flagged, findings supporting the flag must be put on the record and docket entries must show the criteria used in making that decision. A flag may be removed from a case upon good cause shown. Last, the record and docket entries must reflect the reasons as to why the case was un-flagged.

**Retention Schedule**

Final Retention Schedule

**Retention of Records Summary**

Casetype = CV, SC, or PR. The system will determine retention based on overall casetype & cause code

| Casetype | Cause Code | Retention |
|---|---|---|
| CV-Civil | DVP, HAR, SXP, STK | Never Purge |
| CV-Civil | Any other | 10 years & 4 months |
| SC-Small Claims | Any | 10 years |
| PR - Parking | Any | 5 years |

Notes:
- All retention periods begin after case is closed
- Case is retained based on the longest retention period for any violation on the case
- Retention not based on a finding of Amended (AM) It is based solely on issues with findings other than AM
- See Plea / Sentencing codes at Inside Courts website for code descriptions

Casetype = IT, IN, CT, CN, PC, CF
The system will determine retention based on casetype and disposition of each charge as well as looking for DV flag and Retain Case flag

| Finding / Judgment Types | Casetype of Charge | | | Finding / Judgment Codes Included |
|---|---|---|---|---|
| | CT, CN | PC, CF | IT, IN | |
| Guilty / Committed | Never purged | Never purged | 5 yrs | AS, BF, C, P, G, GO, GS, GV, GR, PI, RP, GY, GZ |
| Not Guilty / Not Committed | 10 yrs | 10 yrs | 5 yrs | NG, NC |
| 46.63.070 Deferred Finding (IT only) | NA | NA | 7 yrs | CD, DD |
| Dismissed - Incompetency, or Not Guilty - Insanity | Never purged | Never purged | 5 yrs | D, DO, DR, DW with reason code of IC; or NS |
| 10.05 Deferred Prosecution | Never purged | Never purged | 5 yrs | GO, GD; or D, DO, DR, DW with dismissal reason code of DP |
| Dismissed for all other reasons | 10 yrs | 5 yrs | 5 yrs | D, DO, DW, DR, DS, or OD, with a dismissal reason code of blank or anything other than IC, DP, or FD |
| Vacated | Never purged | Never purged | N/A | V |
| Domestic Violence Flag | 15 yrs | 15 yrs | 15 yrs | Applies to cases where a violation has a DV flag = yes, and the retention of the case without the DV flag was less than 15 years.. |
| Retain Case Flag | Never purged | Never purged | Never purged | A new flag is planned, that will designate a case should be retained regardless of any other rule. Case will be retained as long as flag = Yes. |
| Case Transferred | 5 yrs | 5 yrs | 5 yrs | BO, CV; or D with a reason of FD |