WASHINGTON
COURTS

October 23, 2024

TO: Data Dissemination Committee

FROM: Kevin Cottingham, AOC Data Dissemination Administrator

RE: Brief Summary of Retention Schedule Changes

The changes to the Courts of Limited Jurisdiction case management retention schedules are motivated by three separate interests. First, several codes have been added to the system since the last time the retention schedules were approved. Second, the Secretary of State issued an update effective last October, and the scripts that apply the retention schedules to the case records must be updated.[1] Second, the adoption of CLJ-CMS across the state means that documents will be within the case management system for the first time, and many courts will rely on the system for document storage. While courts used to comply with document retention schedules separately from digital case retention schedules, these new schedules are aimed at covering both.

First, new codes have been added that needed to be added to the schedules, along with the reason for their creation:

New Finding/Judgment Codes

Code	Description	Impetus
GN	Guilty, After Diversion	SB 5536 (2023)
DN	Dismissed after Diversion	SB 5536 (2023)
PG	Pardon by Governor	Inslee 2019 Marijuana Justice Initiative
VU	Vacated Unconstitutional	*State v. Blake*

[1] Case purging was put on hold by DDA request when the new retention schedules became effective, so nothing should have been erroneously purged in the meantime.

New Cause Codes

Code	Description	Impetus
CPO	Civil Protection Order	HB 1320 (2021)
ECP	Enforcement of a Canadian Protection Order	SB 1517 (2019)
XRP	Extreme Risk Protection Order	Initiative 1491 (2016)
XRU	Extreme Risk Protection Order Under 18	SB 5027 (2019)

A few brief explanations for workgroup decisions:

Diversions were added, and retained indefinitely, due to RCW 9.96.060(6):

> *If a person convicted of violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) completes a substance use disorder program and files proof of completion with the court, or obtains an assessment from a recovery navigator program established under RCW 71.24.115, an arrest and jail alternative program established under RCW 36.28A.450, or a law enforcement assisted diversion program established under RCW 71.24.589, and has six months of substantial compliance with recommended treatment or services and progress toward recovery goals as reflected by a written status update, upon verification the court must vacate the conviction or convictions.*

If, for whatever reason, an individual does not have their convictions vacated shortly after the completion of a diversion program, the workgroup felt that the diversion records should remain easily accessible in perpetuity to facilitate any future motion to vacate the records.

Time frames on transferred cases and the catch-all dismissals needed to be increased to 10 years due to Disposition Authority Number (DAN) DM2023-032 Rev. 0. This DAN refers to all case records, not just convictions, and since DUI charges can be either misdemeanors or felonies, both case types had to be increased.

Finally, DAN DM52-06E-02 Rev. 1 requires that all domestic violence court files be retained for 100 years. Any case with a domestic violence flag present will be retained for 100 years after case completion.