

Adult and Juvenile Probation Records Retention Procedures

802.1 PURPOSE AND SCOPE

To set forth the guidelines and procedures for retention of adult and juvenile probation records of permanent value. This policy applies to the custodian of records, all deputy probation officers and designated staff.

802.2 AUTHORITY AND REFERENCES

- Riverside County Board of Supervisors Policy A-43, County Records Management and Archives Policy;
- County Probation Department Records Retention Schedule;
- California Government Code Section 26202; 26205.1;
- California Penal Code Section 1203.7; 1203.10; 11169(c); 11170(a)(3);
- California Welfare and Institutions Code Section 826; 781; 786; 793; 11403.2(a)(2);
- United States Code: 42 USC 3796ee et seq; 34 USC 10401 et seq;
- Code of Federal Regulations: 7 CFR 210.23(c); 28 CFR 115.389(d);
- Policy 1008.9.3 Prison Rape Elimination Act – Data storage, Publication, and Destruction.

802.3 POLICY

It is the policy of this department to retain records based on best practices, county policies, and state and federal law. The department shall also safeguard records against unauthorized access.

802.4 PROCEDURE

1. File Access and Security
 - (a) All generated reports including, but not limited to, memorandums, supplementals, ex-partes, violations, reviews, and all letters critical to a case shall be maintained in the client management system and/or the probation file.
 - (b) Riverside County Probation Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.
 - (c) Physical records shall be kept in a centralized location under control to ensure security of the records. Security of active files/records is the responsibility of the designated probation staff.

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- (d) Electronic records shall be kept in the department's authorized client management system.
 - (e) Beginning February 1, 2022, the department will no longer use microfiche to retain newly inactive records. Instead, the department's authorized client management system shall be used to retain newly inactive records. Existing microfiche records will be retained on microfiche until they are destroyed pursuant to applicable department policy, county policy, or statute.
2. Record Retention Schedules
- (a) If not specifically described in this policy, client records shall be retained and purged based on the Riverside County Probation Department Records Retention Schedule and the Riverside County Board of Supervisors Policy A-43 County Records Management and Archives Policy. All record retention and/or destruction shall be in compliance with California Government Code Section 26205.1.
3. Adult Inactive Records
- (a) Inactive adult probation records will be maintained for 40 years from date of termination in physical, microfilm and/or electronic format.
 - (b) If records are going to be saved in their physical form, no purging is necessary. Records (i.e. case files) can be securely stored in their entirety.
 - (c) If records will be microfilmed and/or electronically saved, it shall be done within 270 days of termination and after the probation file is purged. The following documents shall be included in the microfilm and/or electronic record:
 - i. All probation reports, memorandums, violation memorandums, ex-partes, progress reports;
 - ii. Psychological evaluations, mental health evaluations;
 - iii. Progress reports, certificates and correspondence to and from treatment programs/providers, therapists, community service agencies;
 - iv. Diagnostic evaluations;
 - v. Manual rap sheets;
 - vi. Social Security card and birth certificate;
 - vii. Victim statement of loss response;
 - viii. Documents obtained from other county or state agencies (e.g. California Department of Corrections and Rehabilitation (CDCR) Pre- Release Packet, Courtesy Supervision);
 - ix. Proxy and assessment forms (if available/screen print if electronic);
 - x. Crime report(s) if no R&S was written;
 - xi. Case Plan;
 - xii. Most recent client registration form (e.g. sex, gang, arson);

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- xiii. PRCS Waiver of Hearing Agreement of Violations or Sanctions; and
 - xiv. PRCS documents created by probation that are not filed with the court (e.g. Notice of Flash Incarceration, Additional Conditions, Booking Authorization Form, Release Hold Authorization).
4. Adult Active Records
- (a) Adult probation files will contain the following:
 - i. All probation reports, memorandums, violation memorandums, ex-partes, progress reports, and police reports when no probation report was prepared;
 - ii. Copy of most recent case print for each case (old case prints should be destroyed);
 - iii. Client information sheet;
 - iv. Social history page;
 - v. Adult field card;
 - vi. Psychological evaluations, mental health evaluations;
 - vii. Social Security card and birth certificate;
 - viii. Progress reports and correspondence to and from treatment programs/providers, therapists, community service agencies;
 - ix. Diagnostic evaluations;
 - x. Victim statement of loss letters;
 - xi. Appointment letters;
 - xii. Drug test results;
 - xiii. Copies of registrations cards pursuant to 290 PC; 11590 H&S; 457.1 PC; and 186.30 PC;
 - xiv. Releases of information;
 - xv. Copy of signed terms and conditions/further instructions;
 - xvi. Interstate compact forms/correspondence;
 - xvii. Correspondence to and from other agencies, (e.g. CDCR Intake Packet ICOTS), courtesy supervision requests/acceptance, notification from RSO on custody failure to appear;
 - xviii. Verification of employment/school enrollment;
 - xix. Any documentation needed as discovery in violation of probation proceedings (Vickers Hearing);
 - xx. Copies of monthly report form(s) until entered properly in client management system;
 - xxi. Copies of subpoenas;

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- xxii. CII, FBI, out of state records and manual rap sheet;
 - xxiii. Proxy and assessment forms (if available/screen print if electronic);
 - xxiv. Case Plan;
 - xxv. PRCS Waiver of Hearing Agreement of Violations or Sanctions; and
 - xxvi. PRCS documents created by probation that are not filed with the court (e.g. Notice of Flash Incarceration, Additional Conditions, Booking Authorization Form, Release Hold Authorization).
5. Adult Warrants
- (a) All felony cases in warrant status for five (5) years and misdemeanor cases in warrant status for three (3) years shall be purged and, if not already microfilmed, stored in the client management system. Due to warrant status and the possibility that certain discovery may be needed for any future Vickers Hearing, a duplicate file may need to be created at a later date.
 - (b) The following documents shall be included in the electronic record if they exist:
 - i. All probation reports, memorandums, violation memorandums, ex-partes, progress reports, police reports when no probation report was prepared;
 - ii. Psychological evaluations, mental health evaluations;
 - iii. Progress reports, certificates and correspondence to and from treatment programs/providers, therapists, community service agencies;
 - iv. Diagnostic evaluations;
 - v. Victim statement of loss letters;
 - vi. Appointment letters, including correspondence returned by postal service;
 - vii. Social Security card and birth certificate;
 - viii. Drug test results;
 - ix. Copies of registration cards pursuant to 290 PC; 11590 H&S; 457.1 PC; and 186.30 PC;
 - x. Release of information;
 - xi. Copy of signed terms and conditions/further instructions;
 - xii. Interstate compact forms/correspondence;
 - xiii. Correspondence to and from other agencies, (e.g. courtesy supervision requests/acceptance, notification from law enforcement agencies on custody failure to appear, etc.);
 - xiv. Any documentation needed as discovery in violation of probation proceedings (Vickers Hearing);
 - xv. Client Information Sheet;
 - xvi. Manual rap sheets;

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- xvii. Copy of latest oral recommendation form pertaining to the violation (if completed);
 - xviii. Copy of most recent case print(s);
 - xix. Case Plan;
 - xx. Proxy and assessment forms (screen print if electronic);
 - xxi. Documents obtained from other county or state agencies (e.g. CDCR Pre-Release Packet, ICOTS, Courtesy Supervision);
 - xxii. PRCS Waiver of Hearing Agreement of Violations or Sanctions; and
 - xxiii. PRCS documents created by probation that are not filed with the court (e.g. Notice of Flash Incarceration, Additional Conditions, Booking Authorization Form, Release Hold Authorization).
6. Juvenile Inactive Records
- (a) Inactive Department of Juvenile Justice legal files shall be physically maintained until the youth is 30 years of age and will only be destroyed after receipt of notification by the Clerk of the Court or the Department of Juvenile Justice.
 - (b) Inactive youth probation records, either resulting from termination or expiration of probation services will be maintained, until the youth has reached 33 years of age, in electronic format, if the records have not previously been microfilmed.
 - (c) Records will be electronically saved within 270 days of termination and after the probation file is purged. The following documents shall be included in the electronic record:
 - i. Face sheet if the information is not included in the probation officer's report;
 - ii. Chronos;
 - iii. Most recent juvenile probation case plan;
 - iv. Progress reports, certificates and correspondence to and from treatment programs/providers, therapists, community service agencies;
 - v. Most recent field card;
 - vi. Ex-parte for termination of wardship (only ex-parte saved);
 - vii. Division of Juvenile Justice discharge order (if applicable);
 - viii. Social Security card and birth certificate;
 - ix. All minute orders;
 - x. Petitions;
 - xi. In chronological order with most recent dates on top: All probation reports, memorandums, detention control hearing reports, notice of hearings and progress reports;
 - xii. Warrants of Arrest (signed by judge);

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- xiii. Psychological, diagnostic and mental health evaluations;
 - xiv. Extradition/voluntary return form (if applicable); and
 - xv. Risk/needs assessments.
7. Juvenile Active Records
- (a) All juvenile files are considered active until supervision is terminated or probation services have expired. All juvenile cases in warrant status remain active until the warrant is recalled/quashed or the case is terminated.
 - (b) Juvenile probation files will contain the following:
 - i. All probation reports, memorandums, notice of hearings, ex-parte, progress reports, police reports, case plans;
 - ii. Copy of all minute orders;
 - iii. Progress reports, certificates and correspondence to and from treatment programs/providers, therapists, community service agencies;
 - iv. Updated juvenile field card;
 - v. Psychological and mental health evaluations;
 - vi. All Individualized Education Plan (I.E.P.);
 - vii. Progress reports and correspondence to and from treatment programs/providers, therapists, community service agencies;
 - viii. Division of Juvenile Justice diagnostic evaluations;
 - ix. Victim statement of loss letters;
 - x. Appointment letters;
 - xi. Drug test results;
 - xii. Copies of registration card pursuant to 186.30 PC;
 - xiii. Releases of information;
 - xiv. Copies of signed terms and conditions and further instructions;
 - xv. Interstate Compact forms/correspondence;
 - xvi. Correspondence to and from other agencies;
 - xvii. Correspondence related to the Juvenile Work Program (JWP);
 - xviii. Civil guardianship and custody orders;
 - xix. Birth certificate, Social Security card, immunization records, immigration card;
 - xx. Signed medical consent or ex-parte medical consent;
 - xxi. Verification of employment/school enrollment;
 - xxii. Any documentation needed as discovery for a Notice of Hearing proceedings;

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- xxiii. Parental proof of completion of parenting/treatment classes;
 - xxiv. CII and Child Abuse Central Index (CACI) in Resource Family Approval (RFA);
 - xxv. Indian Child Welfare Act (ICWA) paperwork; and
 - xxvi. Risk/needs assessments.
8. Termination of Parental Rights (Abandonment)
- (a) Three years after the disposition of the case in family court, the file can be purged and microfilmed and/or electronically saved.
 - (b) The following documents shall be included in the microfilm and/or electronic record if they exist:
 - i. Probation Officer's Report;
 - ii. Petition;
 - iii. Copy of Relinquishment (if any); and
 - iv. Declaration of Search.
9. Adoption Files
- (a) Two years after the disposition of the case in family court, the file can be purged and electronically saved.
 - (b) The following documents shall be included in the electronic record if they exist:
 - i. Probation Officer's Report;
 - ii. Petition;
 - iii. Copy of Relinquishment (if any); and
 - iv. Declaration of Search.
10. Surveys
- (a) All physical copies of client surveys and electronic surveys conducted via the department's net promoter score shall be kept for a period of two years. After a period of two years, the surveys shall be destroyed.

Date last reviewed: 05/09/2022

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Attachment(s):

- 1. [Riverside County Board of Supervisors Policy A-43](#)
- 2. [County Probation Department Records Retention Schedule](#)