

## Prosecutor Records Retention Schedule (Draft)

This schedule lists records commonly found in the county Prosecutor's office. Local governments may also enact a General Schedule that covers this department. The retention periods specified herein are either required by statute or have been determined by best practice. Permanent records existing solely in electronic format may become inaccessible through media decay and/or hardware/software obsolescence. The Ohio History Connection recommends that digital records with greater than a 10 year retention period also be maintained in either paper or microfilm formats. Records may not be disposed of until all audits are released and audit discrepancies have been settled. Where a lawsuit or agency proceeding is pending, a legal hold on relevant records is required. Records shall be retained until the legal hold has been removed. ELECTRONIC MAIL (e-mail) is a format on which records are sent, received and/or drafted using electronic mailing systems. E-mail is NOT a record series. Instead, each individual e-mail should be evaluated according to its content and retained in accordance with the record series adopted within this schedule that the content most closely fits. Where a lawsuit or agency proceeding is pending, a legal hold on relevant records is required. Records shall be retained until the legal hold has been removed.

Record Series	Definition	Retention
Annual Budgets	Records documenting the annual operating budget of the prosecutor's office for a fiscal year. Retained for use in calculating future budgets and comparing spending over time.	10 years
Bankruptcy Files	Records related to bankruptcy cases used in the collection of debts owed to the county.	5 years after case closed
Civil Case Files		
	A) Records that document civil litigation filed on behalf of the Prosecuting Attorney's statutory clients. May include records used in handling appeals.	12 years after the final order of the general division
	B) Real Estate/Zoning	Permanent
Civil Case Index	Index to all civil cases filed by the Prosecuting Attorney.	Permanent
Criminal Case Files	Document the prosecution of adult felony cases. May include records used in handling appeals.	Permanent
Criminal Case Index	Index to all criminal cases filed by the Prosecuting Attorney.	Permanent
DHS/JFS Closed Case Files	Court intervention on behalf of children under 18 years of age who suffer abuse, neglect, and/or dependency.	2 years after the child who is the subject of the case obtains the age of majority.

Record Series	Definition	Retention
Juvenile Case Files		
	A) Traffic (minor misdemeanor traffic, misdemeanor traffic, all other traffic records)	12 years
	B) Delinquency/Unruly- an act perpetrated by a child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult. (ORC 2152.02 F) (ORC 2151.022)	12 years
	C) Delinquency records for cases for which expungement is prohibited including: Aggravated murder Murder Rape	Permanent
Case Files - Juvenile (Adult Contributor)	Contains a record of cases filed and prosecuted for the county where the party involved has contributed to the delinquency of a minor.	Permanent
Child Support Enforcement Agency (CSEA) Case Files		
	A) Parent vs. Parent	Retain until child support and/or arrearage are paid in full
	B) Agency vs. Parent arrears only	Retain until arrearage paid in full
Delinquent Tax and Assessment Collection Fund (DTAC) Records	Records related to the expenditure and receipt of money from the Delinquent Tax and Assessment Collection (DTAC) Fund.	4 years, provided audit (ORC 149.38)
Foreclosure Files	Documents pertaining to a specific legal process in which a lender attempts to recover the balance of a loan from a borrower who has stopped making payments to the lender by forcing the sale of the asset used as the collateral for the loan. May involve tax payment arrearages.	5 years after case closed
Furtherance of Justice Fund (FOJ) Records	Fiscal and administrative records of the Furtherance of Justice Fund, which relates to expenses that the prosecuting attorney incurs in the performance of the prosecutor's official duties and in the furtherance of justice.	4 years, provided audit (ORC 149.38)
Grand Jury Records	Documents produced by the Grand Jury in relation to individual cases deliberated, reports issued regarding mandated tours of public correctional institutions and indictments returned.	5 years
Opinions	Legal opinions issued by the prosecuting attorney's office to statutory clients.	Permanent

Record Series	Definition	Retention
Petit Jury Records	Documents related to the selection of Petit Jurors for court proceedings in which the county is a party to the suit or criminal cases prosecuted for the county.	1 year
Unprosecuted	Cases where files were created but the case was never prosecuted.	5 years
Victims of Crime Act (VOCA) Victim Files (Misdemeanor)	Files related to the advocacy and support of the victims of misdemeanor criminal behavior.	1 year
Victims of Crime Act (VOCA) Victim Files (Violent Crimes)	Files related to the advocacy and support of the victims of violent criminal behavior.	Permanent

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