

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 1: General Administration

Section 6-115: Probation Records Retention Schedule

A. Definitions. In this section the following definitions apply:

“Case record” means any record pertaining to a particular probationer or pretrial defendant, maintained by the probation department in electronic or paper medium.

“Juvenile Social File” includes diagnostic evaluations, psychiatric and psychological reports, treatment records, medical reports, social studies, Department of Child Safety records, police reports, predisposition reports, detention records, and records and reports or work product of the probation department for use by the court in formulating and implementing a rehabilitation plan for the juvenile and his or her family. The social file of the juvenile shall be confidential and withheld from public inspection except upon order of the court, as provided in Rule 19, Rules of Procedure for the Juvenile Court.

“Electronic Case Files” means electronically generated documents and paper documents that have been stored in an electronic format.

“Court” means superior court.

“Department” means both adult and juvenile probation agencies.

“Juvenile Treatment Services Fund” means both juvenile probation services fund and diversion funds.

“Officer” means both adult and juvenile probation and surveillance officers and pretrial services officers.

“Pretrial records” means paper records and electronic versions of paper records (such as electronic filings or electronic generated documents, documents scanned into On Base, etc.).

“Probation records” means paper records and electronic versions of paper records (such as electronic filings or electronic generated documents, documents scanned into On Base, independent databases for specialty courts, etc.).

“Records manager” means the person or persons responsible for keeping and disposing of any records held by the superior court or any department of the superior court, other than the records held by the clerk of superior court.

“Tracking systems” means the automated databases which contain officer work product created and used by adult and juvenile probation, or pretrial services, to manage and access cases for purposes of supervision or for pretrial risk assessment.

B. Applicability. Pursuant to Az. Const. Art. 6, § 3 and Rule 29, Rules of the Supreme Court, the following requirements are adopted to govern retention and disposition schedules for probation records.

C. General Provisions.

1. Paper case records and administrative records. At the end of the retention period, set forth in section D below, the records manager may destroy case files that are in paper format.
2. Electronically generated documents and paper documents that have been stored in an electronic format. At the end of the retention period, set forth in section D below, the records manager may purge case files that are generated or stored in an electronic format.
3. Electronic case files and case data. At the end of the retention period, set forth in section D below, the records manager must purge electronic case files and case data not designated as having a retention period of permanent.
4. Data contained in electronic tracking systems shall be retained permanently.
5. Conflicting authority. To the extent that the retention periods specified in this schedule vary from any statutory or regulatory provision, the longer period of retention, whether in statute or the schedule, applies.
6. Sealed files. A case file or portions of a case file sealed by order of the court must remain sealed in perpetuity, unless otherwise ordered by the court that issued the order sealing the case file or portions of the case file.
7. Completeness of schedule. This records retention and disposition schedule is intended to cover all probation records. If a record cannot be located in this schedule, the records manager should use his or her best judgment to place a record within a category that is already identified.
8. Destruction of non-permanent records. When a paper case file or other paper record is eligible for destruction, the records manager shall take proper precautions to protect the privacy of the individuals identified in the case file or other record and destroy the complete case file or other record by shredding, burning, or pulverizing the physical case file or other record. Electronic images of case file documents, data, or other records shall be deleted from all electronic repositories in which they reside, including servers and hard drives. The department may keep a list, containing minimal information, so that the department will know that a case file or other record has been destroyed and has not been merely misplaced or never existed.

D. Retention and Disposition Schedule. The records manager shall retain and dispose of probation records according to the following schedule:

ARIZONA SUPREME COURT Records Retention and Disposition Schedule <i>FOR USE BY Adult and Juvenile Probation</i>		
Type of Record	Retain (Years)	Remarks
1. ADMINISTRATIVE RECORDS		
a. Financial and Accounting Records		
1. Bank records for all accounts regarding the deposit and expenditures of AOC allocated monies	5	After statement date.
2. IPS Trust Account	5	After statement date.
3. Juvenile Treatment Services Fund (JTSF) records (checking account with original copy retained by supreme court)	5	After fiscal year prepared.
4. Program Plans, Activity Reports and Funding Agreements	5	After fiscal year prepared.
5. Grant records (State, Federal, Foundation or private agency)	5	After grant expiration.
b. Human Resource Records retained by Probation Department *General Human Resource records will also be kept by county personnel or court personnel's Human Resources Departments		
1. General human resource records		See ACJA 3-402 Superior Court Records Retention and Disposition Schedule Record Series 54-75.
2. Probation specific records (alcohol and drug testing records, psychological evaluations, examination reports, and any records regarding authorization [or	5	After termination of employment.

denial of authorization] to carry firearms)		
3. Polygraph Records	3	After the date of appointment or employment except for situations outlined in A.R.S. § 38-1138(C.).
2. ADULT PROBATION RECORDS		
a. Case record (paper)	3	After expiration or termination of probation.
b. Case file (electronic generated documents or copies of paper documents)	3	After expiration or termination of probation.
c. Case Record (electronic case management tracking system)	Permanent	Court approved tracking system and statewide database housed at AOC for all 15 adult departments.
d. Department specific databases to track program data points	3	After program participation. May be retained longer for research purposes.
3. PRETRIAL SERVICES RECORDS		
a. Case record (paper, electronic generated documents or copies of paper documents)	1 year	After case disposition: dismissal, acquittal, or sentencing.
b. Case record (electronic case management tracking system)	Permanent	Court approved tracking system.
4. JUVENILE PROBATION RECORDS		
a. Juvenile social files including psychiatric/psychological evaluations	18 th birthday	Rule 19(A)(2), Rules of Procedure for the Juvenile Court.
b. Probation records (working files including probation officer reports)		
- Non adjudicated juveniles	45 days	After 18 th birthday.
- Remanded juveniles	45 days	After 25 th birthday.
- Adjudicated juveniles (without criminal records)	45 days	After 25 th birthday.
- Adjudicated juveniles (with criminal records)	45 days	After ordered by the court per A.R.S. § 8-349.
c. Case record (electronic case management tracking system)	Permanent	Court approved tracking system.

Adopted by Administrative Order 2016-61, effective August 3, 2016.