

WITHDRAWN – RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0562-2013-0006

Request for Records Disposition Authority

Records Schedule Number DAA-0562-2013-0006
Schedule Status Returned Without Action

Agency or Establishment Court Services and Offenders Supervision Agency
Record Group / Scheduling Group Records of the Court Services and Offender Supervision Agency for
the District of Columbia

Records Schedule applies to Major Subdivision
Major Subdivision Pretrial Services
Minor Subdivision Community Supervision Services
Schedule Subject DC Official Code Files

Internal agency concurrences will be provided No

Background Information

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
0	0	0	4

GAO Approval

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Outline of Records Schedule Items for DAA-0562-2013-0006

Sequence Number	
1	D.C. Code §16-802 Sealing of criminal records on grounds of actual innocence Disposition Authority Number: DAA-0562-2013-0006-0001
2	D.C. Code §16-803 Sealing of Public Criminal Records in Other Cases Disposition Authority Number: DAA-0562-2013-0006-0002
3	D.C. Code §24-906 Unconditional Discharge Sets Aside Conviction (Youth Rehabilitation Act) Disposition Authority Number: DAA-0562-2013-0006-0003
4	D.C. Code §48-904(e)(1) and (2) Drug Offense Expungement Disposition Authority Number: DAA-0562-2013-0006-0004

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Records Schedule Items

Sequence Number	
1	<p>D.C. Code §16-802 Sealing of criminal records on grounds of actual innocence</p> <p>Disposition Authority Number DAA-0562-2013-0006-0001</p> <p>These case files are maintained for the following: 1) Individuals who were arrested for; or charged with the commission of a criminal offense pursuant to the District of Columbia Code or the District of Columbia Municipal Regulations and whose prosecution has been terminated without conviction, and their record sealed on grounds of actual innocence. 2) Individuals who were arrested for or charged with the commission of a criminal offense pursuant to the District of Columbia Code or the District of Columbia Municipal Regulations and who have moved, pursuant to D.C. Code 22-4135, to vacate the conviction or grant a new trial on grounds of actual innocence based on new DNA evidence. In these specific instances, the court has found that it is more likely than not that the movant is actually innocent of the crime, has granted a new trial, and the subsequent prosecution has been terminated without conviction. 3) Individuals who were arrested for or charged with the commission of a criminal offense pursuant to the District of Columbia Code or the District of Columbia Municipal Regulations and who have moved, pursuant to D.C. Code 22-4135, to vacate the conviction or grant a new trial on grounds of actual innocence based on new DNA evidence. In these specific instances, the court has found by clear and convincing evidence that the movant is actually innocent of the crime, and has vacated the conviction and dismissed the relevant court with prejudice. CSOSA will seal any physical records that identify the offender as having been arrested, prosecuted or convicted.</p> <p>Final Disposition Temporary</p> <p>Item Status Withdrawn</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No</p> <p>Disposition Instruction</p> <p>Transfer to Inactive Storage Hard copy records transfer to the Federal Record Center when 3 years old.</p> <p>Retention Period CSOSA Disposition: Destroy hard copy records 10 years after close of case. Destroy/delete electronic copies 10 years after close of case. PSA Disposition: Hard copy records destroyed 5 years after case closes.</p>

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Additional Information

GAO Approval Not Required

D.C. Code §16-803 Sealing of Public Criminal Records in Other Cases

Disposition Authority Number DAA-0562-2013-0006-0002

These case files are maintained for the following: 1) Individuals who have been arrested for or charged with the commission of an eligible misdemeanor(as defined by DC Code 16-801) pursuant to the District of Columbia Code or the District of Columbia Municipal Regulations whose prosecution has been terminated without conviction, where: a. At least two years have elapsed since the termination of the case; b. The individual does not have a disqualifying arrest or conviction (as defined by DC Code 16-801); and c. The court has found that the prosecutor has not met the burden of establishing by a preponderance of the evidence that it is not in the interests of justice to grant relief. 2) Individuals who were arrested for or charged with the commission of any other offense (except an eligible misdemeanor) pursuant to the District of Columbia Code or the District of Columbia Municipal Regulations whose prosecution has been terminated without conviction, where: a. A period of at least five years has elapsed since the termination of the case; b. The individual does not have a disqualifying arrest or conviction (as defined by DC Code 16-801); and c. The court has found that the individual has established by a preponderance of the evidence that it is in the interests of justice to grant relief. 3) Individuals who were convicted of the commission of an eligible misdemeanor or eligible felony (as defined by DC Code 16-801) pursuant to the District of Columbia Code or the District of Columbia Municipal Regulations whose prosecution has been terminated without conviction, or individuals who were convicted an offense pursuant to the District of Columbia Code or the District of Columbia Municipal Regulations that was decriminalized after the date of the conviction, where: a. A period of at least ten years has elapsed since the termination of the case; b. The individual does not have a disqualifying arrest or conviction (as defined by DC Code 16-801); and c. The court has found that the individual has established by clear and convincing evidence that is in the interests of justice to grant relief. Procedure: seal any physical records that identify the offender as having been arrested, prosecuted or convicted.

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered No

by this item currently exist in electronic format(s) other than e-mail and word processing?

Disposition Instruction

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Transfer to Inactive Storage

Hard copy records transfer to the Federal Record Center when 3 years old.

Retention Period

CSOSA Disposition: Destroy hard copy records 10 years after close of case. Destroy/delete electronic copies 10 years after close of case. PSA Disposition: Hard copy records destroyed 5 years after case closes.

Additional Information

GAO Approval

Not Required

D.C. Code §24-906 Unconditional Discharge Sets Aside Conviction (Youth Rehabilitation Act)

Disposition Authority Number DAA-0562-2013-0006-0003

These case files are maintained for individuals who have been sentenced under the Youth Rehabilitation Act (DC Code 24-901 et seq.) to parole, supervised release, and/or probation supervision. Upon unconditional discharge of a committed youth offender before the expiration of the sentence imposed, the youth offender's conviction shall be automatically set aside. Procedure: seal any physical records that identify the offender as having been arrested or prosecuted.

Final Disposition

Temporary

Item Status

Withdrawn

Is this item media neutral?

Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?

No

Disposition Instruction

Transfer to Inactive Storage

Hard copy records transfer to the Federal Record Center when 3 years old.

Retention Period

CSOSA Disposition: Destroy hard copy records 10 years after close of case. Destroy/delete electronic copies 10 years after close of case. PSA Disposition: Hard copy records destroyed 5 years after case closes.

Additional Information

GAO Approval

Not Required

D.C. Code §48-904(e)(1) and (2) Drug Offense Expungement

Disposition Authority Number DAA-0562-2013-0006-0004

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These case files are maintained for individuals who, prior to the instant case, have not been convicted of violating any provision of DC Code Chapter 48 or any other law of the United States or any state relating to narcotic or abusive drugs or depressant or stimulant substances, and who have not previously been discharged and had the proceedings dismissed pursuant to this subsection. The court may, without entering a judgment of guilty, place the individual on probation, and then dismiss the case during or at the end of the individual's probationary period, provided that the individual abides by the terms of probation. Procedure: expunge any physical records that identify the offender as having successfully completed supervision and/or probation and having been paroled by the Court.

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Transfer to Inactive Storage Hard copy records transfer to the Federal Record Center when 3 years old.

Retention Period Destroy Hard copy record upon receipt of the Court granted discharge and dismissal order. Destroy/delete electronic records from internal and non-public databases and case management system upon receipt of Court granted discharge and dismissal order. CSOSA Disposition: Destroy hard copy records 10 years after close of case. Destroy/delete electronic copies 10 years after close of case. PSA Disposition: Temporary. Hard copy records destroyed 5 years after case closes.

Additional Information

GAO Approval Not Required

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Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
10/24/2013	Certify	Diana Avery	Records Manager	Office of the Director - Office of General Council
04/23/2014	Return Without Action	Jametta Davis	Appraiser	National Archives and Records Administration - Records Management Services

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