**Records Retention Policies**

Most of the documents acquired or produced by the grand jury are confidential and must be maintained or disposed of in accordance with state law.

While a grand jury is ordinarily prohibited from revealing confidential information to a later grand jury, it may pass **civil investigative materials** to the succeeding grand jury. The next year’s jury can then decide whether it wants to pursue its own investigation of the matter. Materials that could be used to support an indictment may not be passed on.

Penal Code §924.4 states that a grand jury or the presiding superior court judge (if the jury is no longer impaneled) can “pass on… any records, information, or evidence **acquired by** the grand jury during the course” of an investigation. The term “acquired” means something received or obtained from an outside source. This includes recordings or transcripts of interviews, as well as public records, research documents, and complaints or residents’ requests for investigation.

Penal Code §924.4 is an exception to the Penal Code §924.1 confidentiality rules, allowing these limited evidentiary materials to be passed on to a succeeding jury. It does not allow for oral communications between juries regarding these records.

Because of the confidentiality mandates of Penal Code §924.1, juries are barred from passing on any internally developed documents, including minutes of plenary and committee meetings, memos, logs, emails, and work plans, as well as draft grand jury reports. A jury should not give the succeeding jury a cover memo or an evaluation of the materials that are passed on. Passing on these evidentiary materials is a “public action” (because it reveals confidential evidence to someone outside of the jury that acquired it), so a supermajority vote is needed.

The succeeding jury must treat evidentiary materials passed on by the previous jury as raw evidence that must be verified by its own subsequent investigation. This is because Penal Code §939.9 requires a grand jury to base its report on its “own investigation.” If the second jury intends to rely in any way on the testimony of someone interviewed by the first jury, it must re-interview that person. The jury must also confirm that any passed-forward research document or public record is accurate and is still current; this confirmation can be done during interviews, by conducting online research, or by making document requests.

All materials not passed on to the next jury in the manner described above should be treated as follows at the end of the grand jury term:

* Investigation files on completed or abandoned reports (or on incomplete investigations that are not being passed forward) should be sealed, dated, held for one year, and then shredded, unless there is a potential for a defamation claim (in which case all materials related to that matter should be given to county counsel).
* All other confidential materials (notes, minutes, complaint logs, correspondence, draft reports, and other documents produced by the grand jury) must be destroyed at the end of the term, either by deleting them from digital storage or shredding hard copies, or both.

**Records Retention Policy**

The following depicts a Record Retention Policy using a table format:

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| **Document Type** | **Retention Period**  |
| Consolidated Year-End Final Reports | Five or more years as hard copy and on website |
| Individual Reports | Ten years, hard copy and on website |
| Responses to Reports | Ten years, hard copy and on website |
| Sealed and DatedInvestigation Files | Investigation files not passed forward to the next grand jury should be sealed (taped shut) and labelled with the name and date and “Confidential: To be opened upon direction of Court or County Counsel only.” These files should be destroyed at the end of the succeeding grand jury’s term.Highly sensitive files, particularly if there is the possibility of a defamation claim, should be delivered to County Counsel’s office for retention. |
| Procedures Manual and Training Manuals  | Each grand jury approves its Procedures Manual and uses it for one year. Prior Procedure Manuals and CGJA Training Materials can be kept for up to three years for reference, but only the current version should be used.  |
| Grand Jury Budget Documents | At least one year after close of fiscal year |
| Law Books and CGJACompendium | Until new editions are available |
| Complaints and Log | To be destroyed at the end of the current Grand Jury term |
| Plenary and committee minutes | To be destroyed at the end of the current Grand Jury term |
| Correspondence, memos, or drafts  | To be destroyed at the end of the current Grand Jury term |
| Public domain documents, and other non-confidential documents of historical interest  | Until no longer of interest |