
	GAITHERSBURG POLICE DEPARTMENT		
	Expungement of Records		
	GENERAL ORDER	108.5	
Effective Date	12/18/2013	82.1.1, 82.1.2, 82.3.1, 82.3.5	
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE	DATE

I. PURPOSE

The purpose of this directive is to outline the Department’s procedure for the expungement of records, when ordered by the court or in accordance with expungement requirements for juvenile records.

II. POLICY

The Department maintains files pertaining to adults and juveniles arrested or issued citations in connection with criminal or civil offenses, consistent with the City’s records retention policy, unless ordered by the court to expunge particular records. Juvenile arrest records are automatically expunged when the juvenile reaches 18 years of age. All expungements are handled by the Administrative Support Supervisor, or designee.

III. DEFINITIONS

This directive does not contain any terms deemed to require special definition.

IV. PROCEDURE

A. Pursuant to Court Order

1. Upon receipt of a court order to expunge an adult or juvenile arrest or traffic record in the Department’s possession, the Administrative Support Supervisor will:
 - a) Locate the defendant's name in the arrest section of the report log book and redact the entry;
 - b) Locate the defendant's name in the Master Name Index and indicate that the record has been expunged;
 - c) Locate any citation, arrest, charging document, event report, photographs or other documentation in Department files, redact the defendant's name and other identifying information, wherever mentioned in the report, and indicate that the record has been expunged;

- d) Send an email notification to the arresting officer, advising of the court ordered expungement and the requirement that these records shall not be disseminated to anyone;
 - e) Complete the Certificate of Compliance form, mail the original to the District Court Records, Expungement Unit, and send a copy to the defendant within 30 days of the receipt of the order;
 - f) Complete an Expungement Checklist and attach it to the station copy of the arrest documents, to be maintained in a secure file separate from Department records.
2. All juvenile arrest records in the Department's possession are automatically expunged when the juvenile reaches 18 years of age.
3. A monthly review of the juvenile arrest records is conducted by the Administrative Support Supervisor to determine when juvenile record expungements are required.
4. When it is determined that a juvenile record must be expunged, the Administrative Support Supervisor will:
- a) Locate the juvenile's name in the arrest section of the report log book and redact the entry;
 - b) Locate the juvenile's name in the Master Name Index and indicate that the record has been expunged;
 - c) Locate any citation, arrest, charging document, event report, photograph, fingerprint, or other identifying information within Department records, and ensure that these records are expunged in the same manner as adult records.
 - d) Redact the juvenile's name wherever it is mentioned in any documentation related to the arrest and indicate that the record has been expunged;
 - e) Send an email notification to the arresting officer, advising of the juvenile expungement and the requirement that these records shall not be disseminated to anyone;
 - f) Complete an Expungement Checklist and attach it to the station copy of the arrest documents, to be maintained in a secure file separate from Department records.

B. Expunged Records Protected From Disclosure

1. Except to comply with a court order, pursuant to the provisions of Rule 4-510 of the Maryland Rules, the contents of an expunged record will not be released to anyone.
2. Requests or inquiries concerning expungements are referred to the Administrative Bureau Commander.