

DEKALB POLICE DEPARTMENT

Subject: **Arrest Record Expungement and Sealing Procedure**

Policy #: **302.6**

Effective Since: 8-21-03

Originally Issued As: General Order # 26 of 2-19-96

Revision Effective: 1-1-19

FTO Training Task: NA

Reference Material: 20 ILCS 2630/5.2

ILEAP Standards Covered: NA

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PURPOSE: It is the purpose of this policy to outline the department's arrest record expungement procedure, and to establish procedures for the official sealing of certain records.

POLICY: It is the policy of the department to follow state guidelines regarding the lawful expungement and sealing of qualifying records.

DEFINITIONS:

Expunge: to physically destroy the records or return them to the petitioner and to obliterate the petitioner's name from any official index or public record, or both.

Seal: to physically and electronically maintain the records, unless the records would otherwise be destroyed due to age, but to make the records unavailable without a court order.

PROCEDURE:

- A. The procedures set forth by applicable state law and in accordance with this policy shall be followed.
- B. Upon service of a lawful petition or statutory requirement to expunge or seal an arrest record, a check of the petitioner's arrest record will be made by the Community & Informational Services Commander or his designee in the Records Section.
- C. An expungement or sealing order is typically for a specific offense or arrest.
- D. All juvenile offender records should be considered sealed. Juvenile offense records may only be disclosed to the juvenile, the juvenile's parents or legal guardians, or the juvenile's attorney.
- E. Any other previous arrests in question should be brought to the State's Attorney's attention for clarification on the extent of the expungement or sealing order.
- F. Comply with the judiciary or statutory expungement order; if the petitioner was arrested and/or booked, the original hard copies of all local arrest records pertaining to the arrest in question should be sent to the petitioner or the petitioner's attorney, as stated in the order.
- G. The actual submission of an arrest expungement of official court records is done by the Circuit Clerk. Departmental expungements are for local agency records only.
- H. Department arrest records may include, but are not limited to:
 1. Arrest/fingerprint card
 2. All photographs and negatives, including any photographs of the petitioner in the mug file or digital booking system
 3. arrest information sheet
 4. prisoner's jail log
 5. State's Attorney's disposition report
 6. Illinois' State Transcript; only for the arrest that was expunged
 7. FBI Transcript; only for the arrest that was expunged
 8. Arrest information and/or fingerprints saved in LiveScan
 9. Any other electronic CAD or RMS record
- I. The Illinois State Police is the sole state contributor of expungements to the FBI for any federal record expungements.
- J. If the petitioner was arrested by another agency, notify the petitioner of this information.
- K. Expunge any computer records by utilizing the "Expungement" module within the department's records management system (RMS). Questions as to expunging computer records should be forwarded to the Community & Informational Services Commander.

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- L. If the arrest records contains multiple offenders, the petitioner's name should be obliterated on the original case report, whether hard copy or electronic. The petitioner's name should also be obliterated from the electronic fingerprint system (LiveScan), if the petitioner was booked.
- M. The petitioner's photograph should be deleted from the digital booking system.
- N. Complete a jacket for the Expungement file, including a copy of the expungement order.
- O. In no case will arrest records be maintained in any form within the department for which a lawful expungement order or statutory requirement exists.

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.