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- I. Purpose
 - II. Policy
 - III. Definitions
 - IV. Procedures
 - V. Reporting Criminal History Record Information (CHRI)
 - VI. Expungement
 - VII. Cancellation

- I. Purpose

This Directive establishes policy and procedures relating to the dissemination and expungement of criminal history information pursuant to the guidelines established by the State of Maryland and the federal government.

- II. Policy

It is the policy of this Division to fully comply with the Annotated Code of Maryland, the Code of Maryland Regulations (COMAR) and all applicable federal regulations pertaining to the dissemination and expungement of criminal history record information.

- III. Definitions

- A. Criminal history record information (CHRI): data initiated or collected by a criminal justice agency on a person pertaining to a reportable event. This does not include: data contained in intelligence or investigatory files or police work-product records used solely for police investigation purposes, data pertaining to juvenile proceedings, wanted posters, court records of public judicial proceedings or published court opinions, data pertaining to violations of any traffic laws or local regulations (unless the defendant is arrested on a bench warrant for failure to appear), data concerning the MVA point system, presentence investigation reports prepared by a probation department or data contained in current case-in-progress systems or records pertinent to public judicial proceedings which are reasonably contemporaneous to the event to which the information relates.
- B. Conviction criminal history record information: CHRI regarding reportable events which have resulted in a finding of guilt. For the purposes of dissemination, the acceptance of a plea of nolle contendere by a court will be considered as a conviction CHRI.
- C. Criminal justice agency: Any government agency or sub-unit of an agency which is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, rehabilitation, or release of persons suspected, charged or convicted of a crime and which allocates a substantial portion of its annual budget to any of these functions. This does not include the Department of Juvenile Justice or Juvenile Court. It does include: state, county and municipal police departments and agencies, sheriff's offices, correctional facilities, parole and probation departments, jails and detention centers, the Offices of the Attorney General, the State's Attorney's and any other person authorized to prosecute persons accused of criminal offenses, all Maryland adult courts and the offices of the clerks of these courts.

- D. Disseminate: to transmit CHRI in any oral or written form, not including: transmittal of this information within a criminal justice agency, reporting this information as required by Maryland law or the transmittal of this information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

IV. Procedures

- A. All criminal history record information maintained by the Records Section will be stored in locked cabinets within a controlled access area.
- B. All requests by personnel of this Division for criminal history information will be obtained for law enforcement purposes only.
- C. Criminal history information will be disseminated to criminal justice agencies only.
- D. Personnel assigned to the Records Section will maintain a log of the dissemination of criminal history information. This log, which will be kept on file in the Records Section, will include the date, arrest number, officer's name, I.D. number, as well as other pertinent information that may be necessary to comply with the Department of Justice Order 601-75.
- E. The Department of Justice order prohibits the dissemination of any criminal history information to individuals who are not authorized to receive this information.
1. When telephone requests are made for criminal history information, personnel assigned to the Records Section must positively verify the identity of the person making the request, either by call back or requesting letterhead faxed by the caller, prior to providing any information.
 2. All requests for criminal history information from outside law enforcement agencies will be referred to Records personnel who will comply with this Directive before releasing the information.
- F. Any illegal dissemination of criminal history information, as defined in the Department of Justice order may result in a fine of up to \$10,000 for each individual involved as well as a similar fine for the criminal justice agency.
- G. The *Management and Technology* Commander is responsible for the Division's compliance with all applicable federal and state laws and regulations regarding the dissemination of criminal history record information and updating all policies and procedures as necessary.

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- V. Reporting Criminal History Record Information (CHRI)
- A. Pursuant to Annotated Code of Maryland, *Criminal Procedures, Title 10* the following police related events are reportable criminal history record information under Maryland law and will be reported to the Criminal Records Central Repository (CRCR).
1. Issuance or withdrawal of an arrest warrant;
 2. An arrest;
 3. Release of a person after arrest without the filing of a charge;
 4. Presentment of an indictment, filing of a criminal information, or filing of a statement of charges after an arrest;
 5. A release pending trial or appeal;
 6. Commitment to a place of pre-trial detention; or
 7. An escape from confinement or escape from commitment.
- B. This Division will report the above criminal history record information to CRCR in accordance with all applicable current provisions of the Annotated Code of Maryland, *Criminal Procedures Title 10* and the provisions of COMAR relating to these reporting requirements.
- VI. Expungements
- A. The expungement of all records will be done in accordance with the Annotated Code of Maryland, *Criminal Procedures, Title 10* as well as any pertinent COMAR regulations.
1. The *Management and Technology* Commander, or designee, is responsible for the Division's actions regarding all expungement requests.
- B. Any adult arrested and not subsequently charged may, with certain restrictions, apply to the arresting agency to have their record expunged. Upon the receipt of a timely filed notice, the *Management and Technology* Commander, or designee, will promptly investigate and attempt to verify the facts stated in the notice. If the facts are verified, he/she will:
1. Make a diligent search for any police records concerning that arrest, detention or confinement of the person;
 2. Within 60 days after receipt of the notice, expunge the police records it has concerning that arrest, detention or confinement; and
 3. Notify any other law enforcement agency and the CRCR, if it is believed that other records exist, of the notice and verification of the facts contained in it. A copy of this notice will be sent to the person requesting the expungement.
- NOTE: Upon receiving a notice from another law enforcement agency regarding an expungement, the *Management and Technology* Commander, or designee, will, within 30 days of receipt, make a diligent search for any police records concerning the arrest, detention or confinement of the named individual and expunge all such records found.
- C. Every custodian of police records will, within 60 days after entry of the order, unless it is stayed pending an appeal, advise the court and the person in writing of compliance with the order.

- D. The *Management and Technology* Commander will establish the procedures necessary for the compliance with these sections of the law.

**Approved Park Police Document
Signed Original on File**

End of Directive