



# EXPUNGEMENT OF COMPLAINTS

**INDEX CODE: 305**  
**EFFECTIVE DATE: 07-01-07**

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## **I. SCOPE OF THE LAW**

The Law Enforcement Officers' Bill of Rights provides that a law enforcement officer, upon written request, may have any record of a formal complaint made against him or her expunged from any file if:

- A. The law enforcement agency investigating the complaint has exonerated the officer of all charges in the complaint, or determined that the charges were unsustainable or unfounded; and
- B. 3 years have passed since the findings by the law enforcement agency.

The file of a case resulting in a "not guilty" finding at a hearing board will also be expunged at the officer's request.

## **II. PROCEDURES FOR EXPUNGEMENT**

- A. If an officer wishes to have complaint records expunged, he or she must forward a memorandum (original and one copy) directly to the commander of the Internal Affairs Section requesting the expungement.
- B. If the statutory requirements for expungement are met, the Internal Affairs commander will:
  - 1. Expunge the file.
  - 2. Notify the officer within thirty (30) days by returning the copy of the memorandum marked with the date the expungement was completed.
- C. If the expungement requirements are not met, the Internal Affairs commander will:
  - 1. Notify the officer by returning the copy of the memorandum within thirty (30) days and indicating the expungement request will not be granted.
  - 2. List on the memorandum the reasons for the expungement request denial.
- D. In both situations, the original of the expungement request (with the action taken indicated on it) will be placed in the case file.
- E. The method of expungement will be destruction (shredding). Entries in the Internal Affairs log will be obliterated. If a file contains names of two or more accused officers and charges against one or more of the officers were sustained, the entire file will be placed in limited access. Any reference to those officers who were exonerated, or who had charges placed that were unfounded or not sustained, will be obliterated (marked over).

**III. PROPONENT UNIT:** Internal Affairs Section.

**IV. CANCELLATION:** This directive cancels Article 3, Section 3.3.9. Prior date: 03-15-94.