



OFFICE OF THE COUNTY SHERIFF

Montgomery County, Maryland

Darren M. Popkin, Sheriff



GENERAL ORDERS/PERSONNEL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Expungement of Internal Affairs Records	2.07	11/15/21

Purpose: To establish procedures for the expungement of Internal Affairs records in accordance with Maryland Code, Public Safety Article, 3-110, Law Enforcement Officers Bill of Rights.

Contents:

- I. Scope of the Law
- II. Procedures for Expungement
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I. Scope of the Law

- A. Maryland Code, Public Safety Article 3-110 states, "On written request, a law enforcement officer may have expunged from any file the record of a formal complaint made against the law enforcement officer if:
- (1) The law enforcement agency that investigated the complaint:
 - (a) *Exonerated* the law enforcement officer of all charges in the complaint; or
 - (b) *Determined* that the charges were unsustainable or unfounded; or
 - (c) *A hearing board acquitted* the law enforcement officer, dismissed the action, or made a finding of not guilty; and
 - (2) *At least three years have passed since the final disposition by the law enforcement agency or hearing board.*"

II. Procedures for Expungement

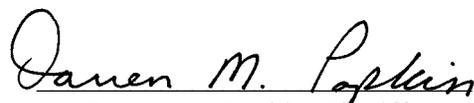
- A. If a deputy wishes to have their record(s) expunged, they must:
- (1) Contact the Internal Affairs Section to obtain their case number(s); and
 - (2) Forward an original Internal Affairs Record Expungement Request form (MCSO 118) and one copy, directly to the Chief Deputy requesting the expungement.

- B. If the statutory requirements for expungement are met, and there are no civil, criminal, or administrative cases pending related to the complaint, the Chief Deputy will direct the Internal Affairs Section to:
- (1) Expunge the file.
 - (2) Redact the Internal Affairs Log.
 - (3) Notify the deputy within thirty (30) days by returning the copy of the Internal Affairs Record Expungement Request marked with the date the expungement was completed.
- C. The method of expungement will be by shredding except in the following circumstances:
- (1) The file contains names of two or more accused deputies and charges against one or more of the deputies were sustained. The entire file will then be placed in limited access. Any reference to those deputies who were exonerated, or who had charges placed that were unfounded or not sustained will be redacted; and
 - (2) Entries in the Internal Affairs log will be redacted.
- D. If the expungement requirements are not met, the Chief Deputy will:
- (1) Notify the deputy by returning the copy of the Internal Affairs Record Expungement Request within thirty (30) days and indicating the expungement request will not be granted.
 - (2) List on the memorandum the reasons for the denial.
- E. In both situations, the original of the expungement request, indicating the action taken, will be placed in the case file in the Internal Affairs Section.

III. Cancellation

This written directive cancels and replaces General Orders/Personnel Procedures 2.07, effective date *01/31/08*. Shred replaced directive.

AUTHORITY:



Darren M. Popkin, Sheriff

11/15/2021