



TENNESSEE BUREAU OF INVESTIGATION

Forensic Services Division

CODIS Standard Operating Procedures Manual

13.0 - Expungement - Offender

13.0 – EXPUNGEMENT – CONVICTED OFFENDERS

- 13.1** A person whose DNA profile has been included in the TBI CODIS database may request expungement provided certain conditions have been met.
- 13.1.1 The conviction or delinquency adjudication on which the authority was based for including that person's DNA profile has been reversed and the case dismissed.
- 13.1.2 The convicted offender does not have an index offense in their criminal history.
- 13.1.3 The collection agency or other authority provides notification that such a removal is warranted.
- 13.1.4 Procedural issue that cannot be resolved.
- 13.2** The TBI shall purge all records and identifiable information in the TBI CODIS database pertaining to the person and destroy all samples from said person upon receipt of a written request for expungement pursuant to this section and a certified copy of the final court order reversing and dismissing the conviction. When a court order directing expungement is received by the Tennessee Bureau of Investigation, TBI legal counsel may be used in the review and verification process.
- 13.3** Upon notification and receipt of a copy of the court order, the state CODIS administrator or designee shall delete all personal information associated with that sample contained in the offender database. The offender database number will be retained but identified only as "EXPUNGED" or "EXPUNGEMENT". The only information that may be retained is collecting agency information for auditing purposes. An offender expungement checklist (see Appendix L for an example) is started at this time.
- 13.4** The offender expungement is given to the CODIS Administrator. The administrator shall delete the profile from the TBI CODIS database computer. Dates are noted on the Checklist for the profile removal, and NDIS Upload.
- 13.5** A CODIS Technician will locate the DNA sample which will be destroyed and the original submitting paperwork.

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- 13.5.1 The bloodstain card or buccal swab(s) are placed into an appropriate biohazard waste container for disposal. All paperwork is destroyed by shredding.
- 13.6** The offender expungement checklist (see Appendix L for an example) will be used as a place holder in the Offender files. Documentation of all correspondence related to the removal of the record will be sealed and filed separately at the TBI Nashville laboratory. These records shall be considered sealed and maintained in a consistent manner to those records subject to court ordered expungement.
- 13.7** Notification of the expungement will be transmitted to NDIS during the next scheduled upload. The state CODIS administrator may notify the NDIS custodian in writing of the expungement.
- 13.8** A log is kept of all expunged samples by the CODIS Administrator.
- 13.9** The state CODIS administrator or designee shall forward notice of the removal and verification of the destruction of the records and DNA sample to the court, if requested.
- 13.10** Expungement is not the same as an administrative removal of a sample. Administrative removal (Does not exist) is performed after the sample has been given a database number but before the sample is analyzed. Examples of such cases are when the sample was mistakenly submitted or the sample is found to be a repeat. Admin Expungement is when a sample has been sent to the out source lab for analysis, then it was discovered in house that it should not have been sent. For example it was noticed that the sample was collected for an offense in the wrong years. Expungement is when some written notification or request has been received to remove the sample.
- 13.11** All convicted offender samples received by TBI and that qualify under TCA § 40-35-321 will be retained indefinitely unless expunged or administratively removed under this policy.