



TENNESSEE BUREAU OF INVESTIGATION

Forensic Services Division

CODIS Standard Operating Procedures Manual

14.0 - Expungement - Arrestee

14.0 – EXPUNGEMENT – ARRESTEE

- 14.1** As per TCA § 40-35-321, the TBI shall expunge certain samples from individuals arrested on or after January 1, 2008 for the commission of a violent felony provided certain conditions apply. (TCA § 40-35-321 e (1) and e (2)).
- 14.2** 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 notification from the Court Clerk's office that the charges were dismissed, or the individual was acquitted at trial, or the charge was Nolled, or the charge was amended, or was found guilty of a nonqualifying offense.
- 14.3** Upon notification from the Court Clerks' office (see Appendix M for an example of notification format), the CODIS administrator or designee shall delete all personal information associated with that sample contained in the arrestee database. The arrestee 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 arrestee expungement checklist (see Appendix N for an example) is started at this time.
- 14.4** The arrestee expungement checklist 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 removal, and NDIS Upload,
- 14.5** A CODIS Technician or Scientist will locate the DNA sample, which shall be destroyed. All paperwork is destroyed by shredding
- 14.5.1 The buccal swab(s) are placed into an appropriate biohazard waste container for disposal.
- 14.6** After the DNA sample is destroyed, the CODIS administrator or designee shall locate the original submittal form. The arrestee expungement checklist will replace the original submittal form in the files. The original paperwork is destroyed by shredding.
- 14.7** The CODIS administrator shall maintain an expungement log with the arrestee database number, date the expungement process was started in SDIS and the date of completion (the date of NDIS Notification via the NDIS Upload Report).
- 14.8** 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.

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- 14.9** 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.
- 14.10** All arrestee samples received by TBI and that qualify under TCA § 40-35-321 will be retained indefinitely unless expunged or administratively removed under this policy.