

# TENNESSEE BUREAU OF INVESTIGATION

## Forensic Services Division



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### CODIS Standard Operating Procedures Manual

#### Expungement - Sex Offender Registry

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#### 15.0 – EXPUNGEMENT – SEX OFFENDER

- 15.1** TCA § 40-39-207 provides a means by which sex offender may have their name removed and records terminated. TCA § 40-39-210 states that when a registered offender dies all data pertaining to the deceased offender will be removed from the Sex Offender Registry (SOR). TCA § 40-39-209 states that no record shall be removed from the SOR unless provided for in TCA § 40-39-207 or ordered by a court of competent jurisdiction.
- 15.2** Requests for termination are provided to the TBI and the division within TBI that oversees this registry will forward the names of individuals who have been removed from the sex offender registry the state CODIS administrator.
- 15.3** The state CODIS administrator or designee will review appropriate databases to determine if the individual in question qualified previously under TCA § 40-35-321 to be included in the convicted offender database. If so, the individual shall remain. However, if the offense did not qualify them to be in the offender database, they will be expunged.
- 15.4** Once the individual has been verified for expungement, the state CODIS administrator or designee shall delete all personal information associate with that sample contained in the Offender database. The database number will be retained but only identified as “Expungement”. The Requesting Agency name will be retained for auditing purposes. An Offender Expungement Checklist is started at this time by a CODIS Forensic Technician.
- 15.5** The checklist is given to the state CODIS administrator. If the profile is in CODIS, the State administrator or back up shall delete the profile and notate the date of removal from SDIS and NDIS. If the profile is not in CODIS, the CODIS administrator shall date and initial that it was not in CODIS. The checklist is returned to the CODIS Forensic Technician who will locate the records and the sample relating to the DNA sample. The documents and samples shall be destroyed by a CODIS forensic technician and the Checklist will replace the original submittal form in the files.
- 15.5.1** The buccal swab(s) are placed into an appropriate biohazard waste container for disposal. All paperwork is destroyed by shredding.
- 15.6.** The state CODIS Administrator shall maintain an expungement log with the offender database number, the date the expungement was preformed in SDIS and the date of the NDIS Upload.

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- 15.7** 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.
- 15.8** 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.
- 15.9** All sex offender samples and profiles received or developed by TBI that qualify under TCA § 40-35-321 will be retained indefinitely unless expunged or administratively removed under this policy.