

Louisville Metro Police Department

Standard Operating Procedures	SOP Number: 6.1
	Effective Date: 05/10/14 Prv. Rev. Date: 08/06/18 Revised Date: 09/07/23
	Accreditation Standards: KACP: 18.9
Chapter: Expungements	
Subject: Expungements	

6.1 EXPUNGEMENTS

6.1.1 POLICY

It is the policy of the Louisville Metro Police Department (LMPD) to verify that all criminal records are expunged/sealed in compliance with court orders. This will be done within 60 days of receipt of the expungement order, as stated on the order. At no time will correspondence that contains any identifying information regarding the expunged/sealed case be sent electronically.

6.1.2 COURT-ORDERED EXPUNGEMENT (KACP 18.9b)

The Central Records Unit receives expungement orders from the courts. When an expungement order, issued by a judge with jurisdiction in Jefferson County, Kentucky, has been received by the LMPD, the Central Records Unit Supervisor, or their designee, will expunge/seal the affected record within the Records Management System (RMS).

The Inspections and Compliance Commander oversees expungement case file compliance from the divisions in coordination with Records Management (refer to SOP 1.8 and SOP 10.9). The Central Records Unit Supervisor, or their designee, will determine, based on the information in the expungement order and in the RMS, which division/section/unit, as well as which officer/detective, handled the case. They will send a memorandum, via email, to the point of contact (POC) in the appropriate division/section/unit advising them of the expungement order. The memorandum will contain all identifying information regarding the case and the subject who is involved. Upon receipt, the POC will locate all paper records, case files, documents, videotapes/CDs/DVDs, printed photographs, etc. related to the case and the subject who is identified in the expungement order. The POC will contact the officer(s)/detective(s) who handled the case to verify that they have not retained any related records or documents.

If the case is closed, the POC will gather all known paper records, case files, documents, videotapes/CDs/DVDs, printed photographs, etc. related to, and covered under, the expungement order. The POC will change the jacket status and incident type or number to "Expunged/Sealed." The POC will send the original records, all copies, and the memorandum, through interdepartmental mail, back to the Central Records Unit Supervisor. The Central Records Unit Supervisor, or their designee, will place all related case documentation in an envelope, seal the envelope, and write the incident control number (ICN), or arrest report number, and retention date on the outside of the envelope. Expungement orders with similar retention dates may be boxed together to be sent to Metro Archives for storage, in accordance with applicable records retention schedules and Metro Archives policies and procedures for handling expunged/sealed records. A Records Transmittal Form will be attached to the files upon transfer to Metro Archives.

All departmental records, files, or documents, whether maintained electronically or in any other form, are subject to the regulations governing retention schedules and destruction procedures defined by law and contained in this policy.

If the case has not been closed or there are other defendants involved, only the person for whom an expungement order has been issued will have all identifying information removed or redacted. If there are other

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6.1.2 COURT ORDERED EXPUNGEMENT (CONTINUED)

defendants, then anywhere there is information that could reveal the identity of the subject of the expungement order will be redacted and the word "Expunged/Sealed" will be entered.

The expungement of all electronic records maintained by the LMPD will be handled by the Central Records Unit Supervisor, or their designee, in Records Management of the Administrative Services Division. However, if any such electronic records are maintained in separate division/section/unit level databases, the POC will verify that they have been removed or redacted.

6.1.3 JUVENILE EXPUNGEMENT (KACP 18.9c)

Pursuant to the Commonwealth of Kentucky Records Retention Schedule, juvenile case files will be stored until the defendant reaches the age of 23, unless a signed order to expunge is received from the courts.

The following records are not destroyed when the defendant reaches the age of 23, but are retained in the same manner as adult case files, pursuant to applicable records retention schedules:

- Case files of juveniles who are tried as an adult
- Case files where a juvenile is the suspect in a child abuse case
- Juvenile traffic offense cases
- Juvenile vehicular accident records
- Litigation holds
- Assault where the victim is a juvenile
- Major crime where the victim is a juvenile

The Inspections and Compliance Commander oversees juvenile case notifications to verify compliance from the divisions in coordination with Records Management (refer to SOP 1.8 and SOP 10.9). The Central Records Unit Supervisor, or their designee, will run a report twice a week which will show juvenile arrestees within the RMS who have turned 18 years of age and are considered adults. Copies of this report will be distributed to each POC in the divisions and the Inspections and Compliance Commander. If the case is closed, the POC will gather all known paper records, case files, documents, videotapes/CDs/DVDs, printed photographs, etc. relating to the subject and specific case on the list. The POC will change the jacket status and incident type or number to "Expunged/Sealed." The POC may send the original records, all copies, and the memorandum, through interdepartmental mail, back to the Central Records Unit Supervisor for storage and/or archiving. The Central Records Unit Supervisor, or their designee, will then place all related case documentation in an envelope, seal the envelope, and write the incident control number (ICN), or arrest report number, and retention date on the outside of the envelope. Juvenile records with similar retention dates may be boxed together to be sent to Metro Archives for storage, in accordance with applicable records retention schedules and Metro Archives policies and procedures for handling expunged/sealed records. A Records Transmittal Form will be attached to the files upon transfer to Metro Archives.

The Central Records Unit Supervisor, or their designee, will also run a report daily to identify juvenile case files where the subject has reached the age of 23. These case files will be expunged in the RMS. The Central Records Unit Supervisor, or their designee, will determine, based on the information on the list and in the RMS, which division/section/unit, as well as which officer/detective, handled the case. They will send a

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6.1.3 JUVENILE EXPUNGEMENT (CONTINUED)

memorandum, via DocuSign, to the POC in the appropriate division/section/unit advising them of the names on the list. The memorandum will contain all identifying information regarding the case and the subject who is involved. Upon receipt, the POC will locate all paper records, case files, documents, videotapes/CDs/DVDs, printed photographs, etc. related to the case and the subject who is identified on the list. The POC will contact the officer(s)/detective(s) who handled the case to verify that they have not retained any related records or documents. This documentation will be sent to the Central Records Unit for expungement/destruction.

If the case has not been closed or there are other defendants involved, only the person on the list will have all identifying information removed or redacted. If there are other defendants, then anywhere there is information that could reveal the identity of the subject on the list will be redacted and the word "Expunged/Sealed" will be entered.

All departmental records, files, or documents, whether maintained electronically or in any other form, are subject to the regulations governing retention schedules and destruction procedures defined by law and contained in this policy.

6.1.4 REQUESTS FOR FILES FROM METRO ARCHIVES

Before requesting a file from Metro Archives, members will check the case number in the RMS to verify that the case file does not contain any expunged names. If the case file does contain expunged names, the member will redact all references to the person for those charges that have been expunged.