



*Maryland-National Capital Park Police
Prince George's County Division*



DIVISION DIRECTIVE

TITLE CRIMINAL HISTORY RECORD INFORMATION			PROCEDURE NUMBER PG912.0
SECTION Reporting Procedures	DISTRIBUTION A	EFFECTIVE DATE 05/01/17	REVIEW DATE 05/01/21
REPLACES PG912.0 "Criminal History Record Information", issued 10/15/04			
RELATED DIRECTIVES PG1010.0	REFERENCES CALEA 42, 43, 51	AUTHORITY <i>S.R. Johnson</i> Chief Stanley R. Johnson	

I. PURPOSE

This directive establishes policy and procedures relating to the dissemination and the expunging of criminal history information pursuant to the guidelines established by the State of Maryland and the federal government.

II. POLICY

It is the policy of this Division to fully comply with the Maryland Code, the Code of Maryland Regulations (COMAR) and all applicable federal regulations pertaining to the dissemination and the expunging of criminal history record information.

III. DEFINITIONS

A. Criminal History Record Information (CHRI): Data initiated or collected by a criminal justice agency on a person pertaining to a reportable event. This does not include; data contained in intelligence or investigation files or police work-product records used solely for police investigation purposes, data pertaining to juvenile proceedings, wanted posters, police blotter entries, court records of public judicial proceedings or published court opinions, data pertaining to violations of any traffic laws or local regulations (unless the defendant is arrested on a bench warrant for failure to appear), data concerning the MVA point system, pre-sentence investigation reports prepared by a probation department or data contained in current case-in-progress systems or records pertinent to public

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judicial proceedings which are reasonably contemporaneous to the event to which the information relates.

- B. Conviction: Criminal History Record Information: CHRI regarding reportable events which have resulted in a finding of guilt. For the purposes of dissemination, the acceptance of a plea of nolle contendere by a court shall be considered as a conviction CHRI.
- C. Criminal Justice Agency: Any government agency or subunit of an agency which is authorized by law to exercise the power of arrest, detention, prosecution, adjudication, correctional supervision, rehabilitation, or release of persons suspected, charged or convicted of a crime and which allocates a substantial portion of its annual budget to any of these functions. This does not include the Juvenile Services Administration or a juvenile court. It does include; state, county and municipal police departments and agencies, sheriff's offices, correctional facilities, parole and probation departments, jails and detention centers, the Offices of the Attorney General, the State's Attorney's and any other person authorized to prosecute persons accused of criminal offenses, all Maryland adult courts and the offices of the clerks of these courts.
- D. Disseminate: To transmit CHRI in any oral or written form, not including; transmittal of this information within a criminal justice agency, reporting this information as required by Maryland law or the transmittal of this information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

IV. PROCEDURES

- A. All requests by personnel of this Division for criminal history information shall be obtained for law enforcement purposes only.
- B. Criminal history information shall be disseminated to criminal justice agencies only.
- C. Personnel assigned to the Communications Section and Investigative Operations shall maintain a log of the dissemination of criminal history information.
 - 1. This log, which shall be kept on file in Communications, pertaining to any request for criminal history information shall include the date, arrest number, officer's name, I.D. number, as well as other pertinent information that may be necessary to comply with the Department of Justice order.
- D. Criminal history information may be requested for:
 - 1. Criminal Arrest.

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2. Criminal investigations authorized by the Assistant Chief, Investigative Operations or designee.
 3. Background investigations conducted for police and civilian qualified applicants, these may be requested by the Internal Affairs Operations only.
- E. The Department of Justice order that has established these regulations prohibits the dissemination of any criminal history information to individuals who are not authorized to receive this information.
1. When telephone requests are made for criminal history information, personnel assigned to the Communications Section shall not give out any information if there is a question as to the identity of the person making the request. Communications Section personnel shall positively verify the identity, by the best means available, prior to providing any information.
 2. All requests for criminal history information from outside law enforcement agencies shall be referred to Communications Section personnel who shall comply with this directive before releasing the information.
- F. Any illegal dissemination of criminal history information, as defined in applicable state or federal regulations may result in a fine of up to \$10,000 for each individual involved as well as a similar fine for the criminal justice agency.
- G. The Assistant Chief, Support Operations, is responsible for the Division's compliance with all applicable federal and state laws and regulations regarding the dissemination of criminal history record information and updating all policies and procedures as necessary.

V. REPORTING CRIMINAL HISTORY RECORD INFORMATION (CHRI)

- A. Pursuant to Criminal Procedure Article 10-215 of the Maryland Code the following police related events are reportable criminal history record information under Maryland law and shall be reported to the Criminal Records Central Repository (CRCR).
1. Issuance or withdrawal of an arrest warrant;
 2. An arrest;
 3. Release of a person after arrest without the filing of a charge;
 4. Presentment of an indictment, filing a criminal information, or filing of a statement of charges after an arrest;
 5. A release pending trial or appeal;

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6. Commitment to a place of pre-trial detention; or
 7. An escape from confinement or escape from commitment.
- B. This Division shall report the above criminal history record information to CRCR in accordance with all applicable current provisions of Criminal Procedure Article 10-215 and the provisions of COMAR relating to these reporting requirements.

VI. EXPUNGEMENT(S)

- A. The expunging of all records shall be done in accordance with Criminal Procedure Article 10-101-109 of the Maryland Code as well as any pertinent COMAR regulations.
1. The Assistant Chief, Support Operations or designee, is responsible for the Division's actions regarding all expungement requests.
- B. Any adult arrested and not subsequently charged may, with certain restrictions, apply to the arresting agency to have their record expunged. Upon the receipt of a timely filed notice, the Assistant Chief, Support Operations, or designee, shall promptly investigate and attempt to verify the facts stated in the notice. If the facts are verified, he/she shall:
1. Make a diligent search for any police records concerning that arrest, detention or confinement of the person;
 2. Within 60 days after receipt of the notice, expunge the police records it has concerning that arrest, detention or confinement; and
 3. Notify any other law enforcement agency and the CRCR, if it is believed that other records exist, of the notice and verification of the facts contained in it. A copy of this notice shall be sent to the person requesting the expungement.
 - a. Upon receiving a notice from another law enforcement agency regarding an expungement, the Assistant Chief, Support Operations, or designee, shall, within 30 days of receipt, make a diligent search for any police records concerning the arrest, detention or confinement of the named individual and expunge all such records found. Expungement notices will be forwarded to Investigative Operations as needed.
- C. A person charged with the commission of a crime may file a petition with the court of record requesting expungement of the police, court and other records if:

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1. The person is acquitted,
 2. The charge is otherwise dismissed or dropped,
 3. A judgment of probation without finding a verdict (PBJ) or probation on stay of entry of judgment is entered,
 4. A nolle prosequi is entered,
 5. The proceeding is placed on the stet docket,
 6. The case is compromised pursuant to Criminal Law Article 3-207,
 7. The person is convicted of only one criminal act, which is not a crime of violence, and is subsequently granted a full and unconditional pardon by the Governor, or
 8. The charge was transferred to Juvenile Court jurisdiction.
- D. Unless the state's attorney files a petition challenging the above expungement request, the court shall enter an order requiring the expungement of police records and court records pertaining to the charge.
- E. Every custodian of police records shall, within 60 days after entry of the order, unless it is stayed pending an appeal, advise the court and the person in writing of compliance with the order.
- F. The Assistant Chief, Support Operations, shall establish the procedures necessary for the compliance with these sections of the law.

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