

<b>ALAMEDA COUNTY SHERIFF'S OFFICE</b>  <b>DETENTION AND CORRECTIONS</b>  <b>POLICY AND PROCEDURE</b>	<b>NUMBER:</b> 11.33	<b>PAGES:</b> 1 of 2
	<b>RELATED ORDERS:</b>	
	G.O. 8.07 H&S 11357, 11360, 11361.5 MJS 1041 P.C. 851.8	
	<b>ISSUED DATE:</b> July 1, 1989	
	<b>REVIEW DATE:</b> December 4, 2015	
<b>REVISION DATE:</b> September 30, 2010		
<b>CHAPTER:</b> Intake, Transfer, Release and Records	<b>SUBJECT:</b> Sealing Records	

- I. **PURPOSE:** To establish a means to permit individuals found factually innocent to request that the related record of arrest be sealed, and to promote timely purging of records mandated by CORPUS Rules and Regulations.
- II. **POLICY:** It is the policy of the Sheriff's Office that all Glenn E. Dyer Detention Facility (GEDDF) records will be sent to Santa Rita Jail (SRJ) for storage after thirty days, therefore all purging, sealing, and/or destruction of jail records shall be done at SRJ. If circumstances designate that records must be purged, sealed or destroyed at GEDDF, the following procedures apply to GEDDF. The day shift ITR Sergeant at SRJ shall ensure lawful and timely purging, sealing, and/or destruction of jail records at SRJ. All requests for purging, sealing and destroying jail records will be referred to the ITR Sergeant of the jail receiving the request.
- III. **DEFINITIONS:**
- A. PENAL CODE 851.8: Allows any person who has been arrested or detained and is determined to be factually innocent, to petition the law enforcement agency or court with jurisdiction over the matter, to grant sealing and destroying the record of arrest.
- B. HEALTH AND SAFETY CODE 11361.5: Requires timely destruction of records, containing specific subdivisions of Section 11357 and 11360 H&S.
- IV. **PROCEDURE:** The ITR Sergeant will direct the Records Deputy to process record sealing as follows.
- A. When a petitioner submits a "Petition to Seal and Destroy Arrest Records:"
1. The petitioner will be referred to the arresting agency, District Attorney, and/or court of jurisdiction.

2. Requests related to an ACSO arrest will be referred to Consolidated Criminal Records (CCR).
- B. When a “Declaration of Factual Innocence” pursuant to 851.8 PC is received the Records Deputy will:
1. Check the declaration form for completeness and signature. If appropriate, telephone the sealing agency/court for verification.
  2. Destroy the appropriate records.
  3. On the appropriate daily record entry, write “Exonerated/Destroyed per 851.8 PC.”
- C. When a court order to seal a record is received from CCR the Records Deputy will:
1. Pull the inactive custodial file.
  2. If the entire booking is to be sealed:
    - a. Delete the reference to the CEN on the appropriate daily record.
    - b. Sign the order as being complied with and return it to CCR with the custodial file.
    - c. CCR will purge and destroy of the computer records.
  3. If part of the booking is to be sealed:
    - a. Delete the charge(s) from the custodial file by marking through the sealed charge.
    - b. Re-file the custodial file in inactive records.
    - c. Sign the sealing order as being complied with and send it to CCR.
- D. When a marijuana or minor traffic purge report is received from CORPUS the Records Deputy will:
1. If the entire booking is to be purged:
    - a. Pull appropriate custodial file from the inactive records and destroy it.
    - b. Delete the entry of the booking, on the appropriate daily record.
  2. If part of the booking is to be sealed:
    - a. Pull the inactive custodial file.
    - b. Delete the charge(s) from the custodial file.
    - c. Re-file the custodial file it in the inactive records.
  3. Data Processing will update the appropriate electronic records.