



OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject:

Expunction Orders

Section – Policy Number:

E: Information Management - 2.4

Supersedes:

I-E-2.4 (12/11)
I-E-2.4 (07/06)
I-E-2.4 (11/05)

Effective Date:

01/08/2016

Date of Last Reviewed:

01/08/2020

Related Standards and References:

- [ORS 419A.260](#) (Expunction; definitions)
- [ORS 163](#) (Offenses Against Persons)
- [ORS 167](#) (Offenses Against Public Health, Decency and Animals)
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-6F-01 (Juvenile Case-Record Management)
- [JJIS policy](#): Expunction (8/1/2007)
- [OYA policy](#): I-E-2.2 (Youth Facility Case File and Medical File Protection and Transfer)
- [OYA form](#): YA 1700 (Expunction Order)

Related Procedures:

- Support Staff Manual: [Expunction Orders](#)

Policy Owner:

Public Policy and Government Relations Manager

Approved:


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I. PURPOSE:

This policy provides standards for OYA staff to comply with court-issued expunction orders.

II. POLICY DEFINITIONS:

Central Expunction Representative: An OYA staff member who helps the OYA Records Officer to collect expunged record documents.

Local Expunction Assistant: OYA staff who assist in responding to expunction orders by searching the local facility, field office, or central office work unit for the youth's records.

OYA Records Officer: One or more OYA staff whose job duties include agency coordination and oversight of the following: youth case and medical file archiving; youth record expunction; agency record retention; or maintaining youth case file filing guides.

III. POLICY:

OYA will comply with court-issued expunction orders by sealing related records to reflect no history of OYA contact with the youth. Staff will also ensure related information within the Juvenile Justice Information System (JJIS) is sealed. OYA staff will notify the court of any related juvenile commitment record with the Department of Human Services (DHS) and request that a court expunction order be sent to DHS. Records that are exempt from expunction are listed under ORS 419A.260.

OYA complies with expunction orders by sealing or marking “expunged” on the records, not by destroying the records. The intent of this action is to prevent subsequent dissemination of expunged information to third parties; not to erase all traces of a youth’s history with OYA.

IV. GENERAL STANDARDS:

- A. The OYA Records Officer coordinates agency responses to expunction orders.
- B. A Central Expunction Representative will assist in collecting expunged records. The Central Expunction Representative is an OYA staff member assigned to the facility where all expunged records are collected and stored.
- C. OYA facilities and field offices: Each superintendent, camp director, and field supervisor will designate a Local Expunction Assistant for their assigned facilities or field offices. The Local Expunction Assistant will assist the Expunction Representative by searching the local facility or field office for related records according to the OYA Support Staff Manual Expunction Procedures.
- D. OYA central office: The Central Expunction Representative or OYA Records Officer will contact central office work areas listed in the OYA Support Staff Manual expunction procedures to collect expunged records.
- E. Operating process:
 - 1. The OYA Records Officer will work with the Central Expunction Representative to ensure that the expunction process is completed within 21 days of receiving the court order for expunction.

If a court order for expunction is received at the local facility or field office, staff will immediately forward it to the OYA Records Officer.
 - 2. The Central Expunction Representative will send expunction notifications and work with the Local Expunction Assistant(s) to search, document and collect youth records, according to the OYA Support Staff Manual Expunction Procedures.
 - a) The Local Expunction Assistant must respond to the Central Expunction Representative within three days of receiving the

expunction notification regarding what records (if any) were found.

- b) Records to search include:
 - 1) Files, exhibits, reports, and any other written material related to the youth, including electronic files maintained on computers by staff at the field, facility, and central office work units;
 - 2) Multiperson records which contain the name of the youth (e.g., interstate compact, Professional Standards Office, diversion specialist's records);
 - 3) Youth foster certification records that mention the youth's name; and
 - 4) Trust administration records located at Central Accounting.
- 3. The OYA Records Officer, with the assistance of the OYA Expunction Representative, will ensure all information on the youth is sealed according the OYA Support Staff Manual Expunction Procedures. The procedures must follow ORS 419A.260 regarding what records can and cannot be expunged.
- 4. All hard copy sealed records must be stored within a secure area at MacLaren YCF, with limited access to only the OYA Records Officer and the Central Expunction Representative. Sealed records must not be stored at the State Archives Division.
- 5. The OYA Records Officer will send a compliance letter signed by the OYA director to the court within 21 days of receiving the court order for expunction.
- 6. Once a record is sealed, a court order is required to unseal the record.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO