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The D.C. Court of Appeals ruled yesterday that Washington courts have no power to order arrest records expunged even if those accused are subsequently exonerated of wrongdoing.

The court, in a long-anticipated ruling on the controversial issue of expungement, held that physical destruction of arrest records is both illegal and inadvisable under "our system of government."

It issued the city's first definitive guidelines for insuring that arrest records show that "no culpability" existed in cases where persons are exonerated.

The expungement of arrest records has become an issue in recent years in demonstrations in which large numbers of persons are arrested. Since many of these persons are cleared of wrongdoing, courts have been besieged with a growing number of requests to expunge records.

The Appeals Court ruled in the case of Dr. Benjamin M. Spock and 74 other persons arrested in an antiwar demonstration on April 3, 1970, in Lafayette Park. Six of the defendants—all of whom were arrested on minor charges such as disorderly conduct—were tried and acquitted and the government then dropped charges against the remainder.

Thereafter the 75 filed motions seeking the physical destruction of their arrest records and seeking also a court order prohibiting the police from disseminating their arrest records.

Earlier this year Superior Court Judge Alfred Burka denied the expungement requests on grounds that the local court lacked power to afford the relief sought.

Yesterday's decision by the Court of Appeals held that the judge had erred in part because he denied "relief short of outright destruction." It

sent the cases back to Judge Burka for further proceedings after spelling out "some guidelines as to the nature and scope of available relief."

In the guidelines, the Appeals Court ordered that "in cases where the arrested person affirmatively demonstrates non-culpability, the police records of that arrest . . . just like the court records, should be made to reflect that fact."

The Court also held that persons to whom arrest records are disseminated must receive notice of the outcome of the case, "the object being to insure that . . . there will also be included as an integral part of such record the fact that no culpability existed."

Total destruction of arrest records would be unwise, the court held, saying "the hallmark of our system of government calls for the preservation of accurate official records rather than suppression of information."

It said that legal requirements to maintain police arrest records insure that there is no danger of "secret arrests" which would be "odious to a Democratic society."

In addition, the Court of Appeals said, persons who wish to bring civil suits against policemen for alleged brutality would have no evidence about which to base their cases if arrest records were destroyed.

"Clearly, law enforcement interests are and must be served by preserving records of arrests if for no other reason than to permit a determination whether and how to defend in the event of an action based on asserted police misconduct."

The Court of Appeals opinion also noted the need to keep all records for consistency "with a national concept of open government based on democratic principles . . ."

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# Court Forbids Expunging of Arrest Records