

Court Rules

On FBI SURV

Arrest Files

Washington

The FBI must expunge a person's arrest record from its criminal files if the arrested person was exonerated and released without charge, a U.S. Court of Appeals ruled here yesterday.

In a 27-page opinion, the three-judge panel said the FBI had "no authority to retain" the record of a California man, Dale B. Menard, who was arrested on suspicion of burglary but never charged with a crime.

Menard, a 19-year-old college student at the time, was arrested in Los Angeles in August, 1965. He was booked, fingerprinted and held in police custody for more than two days. No information, according to the court's opinion, was found "that tied Menard to any crime." A fingerprint card was subsequently forwarded to the FBI which read, "Released — unable to connect with any felony or misdemeanor at this time."

Yesterday, the court said the "FBI has the responsibility to expunge the incident from its criminal identification files."

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