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*Lt. Governor*

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December 18, 2024

**VIA ECOURTS**

Douglas H. Hurd, P.J.Cv.  
Mercer County Civil Courthouse  
175 South Broad Street  
Floor 3  
Trenton, NJ 08650

**Re: A.A. v. Callahan, MER-L-002001-23**  
**Status Report and Request for Continuance**

Judge Hurd:

The Office of the Public Defender (OPD) represents the named Plaintiffs, and the proposed class of similarly situated individuals whom those Plaintiffs seek to represent, in the above-captioned matter. We write on behalf of all parties to the litigation to provide a status report, as required by the Court's November 21, 2024 Case Management Order.

This lawsuit concerns the backlog of expungement orders that have been received, but not yet processed, by the New Jersey State Police (NJSP). The Plaintiffs allege that the delay in processing expungement orders results in the

NJSP releasing background checks that contain records that a court has ordered to be expunged, thereby causing individuals to be denied jobs and other benefits, or inhibiting those individuals from seeking jobs and benefits lest their expunged records be revealed.

The parties have engaged in productive settlement discussions, as well as mediation sessions before the Honorable Jaynee LaVecchia, Retired Associate Justice of the New Jersey Supreme Court, for the past several months. As described in our prior status reports, the NJSP has committed to developing and implementing a technological mechanism that will allow it to process expungement orders in bulk batches, which the parties believe will allow the NJSP to address the pending backlog of unprocessed expungement orders. Since the last status report, the NJSP has tested, validated, and begun initial implementation of the technological mechanism.

That implementation has been largely successful. Preliminary reports have shown a high success rate in processing the complaints that are run through the system. The successfully processed complaints are removed from the petitioner's Criminal Court History (CCH), meaning that the complaint will not appear on a subsequent background check.<sup>1</sup> The remaining complaints are processed

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<sup>1</sup> The NJSP's technological mechanism operates by expunging criminal complaints. A single expungement order may have multiple complaints.

manually by NJSP staff following the procedures outlined in the two Interim Consent Orders previously entered by Your Honor on April 30, 2024 and August 19, 2024. The NJSP continues to implement the mechanism, and the parties expect the pace of implementation and processing to increase over the coming weeks.

The parties have also been discussing how to establish a method for individuals who have obtained an expungement order to confirm whether the NJSP has processed that order and cleared the expunged records from the individual's CCH. Currently, the NJSP maintains a website, updated regularly, that lists the docket numbers of orders processed after July 7, 2024. The NJSP also maintains a telephone number and email address for individuals to request information about the status of their expungement order. Additionally, the NJSP has been developing an online portal where individuals will be able to review the status of their expungement order, including orders processed prior to July 7, 2024. The parties are hopeful that this portal will be activated for public use in the coming weeks.

As part of its efforts to both clear the expungement backlog in a timely manner and update information in the forthcoming public portal,<sup>2</sup> the NJSP has

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<sup>2</sup> The process for updating an individual's status in the portal is distinct from the bulk processing mechanism because an individual's CCH and the data for the

added additional civilian and enlisted staff to its Expungement Unit. The NJSP continues to make steady progress towards achieving its goals, and the parties hope that progress will accelerate in the coming weeks and months.

Based on the progress to date, the parties continue to believe that they remain on track towards a final settlement agreement that will resolve this lawsuit. Accordingly, the parties jointly request a six-week adjournment until January 29, 2025, to provide a further status update to the Court. Enclosed herein is a Proposed Order to that effect.

Should Your Honor have any questions for, or requests for additional information from, the parties regarding the status of this matter, we are happy to provide prompt responses to the Court. We thank the Court for its ongoing courtesies.

Respectfully submitted,



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Michael R. Noveck  
Deputy Public Defender

Enclosure

cc: Counsel of Record (via eCourts)

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portal exist on two distinct systems. As a result, the portal will not update simultaneously with the CCH change and requires updates to be made manually.