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TO: Assignment Judges

FROM: Glenn A. Grant, J.A.D.

SUBJ: Expungements – Deleting Records in the Criminal Case Management Database and the Judgment of Conviction Database

DATE: April 16, 2012

DIRECTIVE # 02-12
(SUPERSEDES DIRECTIVE #16-08)

Directive # 16-08 (issued November 17, 2008) dealt with the expungement of records from the Criminal Case Management Database. This directive supersedes that earlier Directive and deals with the expungement of records from the Judgment of Conviction Database as well as from the Criminal Case Management Database.

Chapter 52 of the New Jersey Criminal Code outlines the procedures for the expungement of records. N.J.S.A. 2C:52-1 specifically addresses the removal and isolation of all records on file within any court, detention or correctional facility, law enforcement or criminal justice agency concerning a person's detection, apprehension, arrest, detention, trial or disposition of an offense within the criminal justice system.

Indigency investigations, presentence investigation reports, and Pretrial Intervention Program reports produced by vicinage Criminal Division staff are stored on the **Criminal Case Management database**, commonly known as the CCM database. This is a centralized statewide database that can be viewed by approved users, the majority of which are probation officers and team leaders in the Criminal Division.

All Judgment of Conviction forms produced by vicinage judicial secretaries are stored in the **Judgment of Conviction database**, commonly known as the "JOC Database." This is a centralized statewide database that can be viewed by approved users, the majority of which are Criminal Division staff, but who now also include some outside agencies.

When the court grants a defendant's petition for expungement, the case file and all copies of case-related documents are secured and can no longer be accessed by the public or by court staff unless specifically authorized by a judge. The Criminal Division similarly needs to ensure that all information contained in the statewide CCM Database and in the JOC Database related to the case covered by the expungement order is deleted.

Accordingly, attached are the protocol (covering both databases) and two accompanying forms (one for each database) to ensure that information pertaining to expunged cases is deleted from the Criminal Case Management Database and the Judgment of Conviction Database in accordance with court-ordered expungements. This protocol and forms are being promulgated on the recommendation of the Conferences of Criminal Presiding Judges and Criminal Division Managers.

G.A.G.

Attachments

cc: Chief Justice Stuart Rabner
Criminal Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Trial Court Administrators
Gurpreet M. Singh, Special Assistant

Criminal Division Managers & Assistant Managers
John P. McCarthy, III, ATCSU, Chief
Susan Callaghan, Criminal Practice, Chief
Vance Hagins, Criminal Practice, Asst. Chief
Susan Tse, ITO, Administrative Supervisor

PROTOCOL

EXPUNGEMENTS – DELETING RECORDS IN (1) CRIMINAL CASE MANAGEMENT DATABASE, AND (2) JUDGMENT OF CONVICTION DATABASE

- A.** The staff person designated to process expungements within the Criminal Division shall provide a copy of every signed expungement order to the Office of the Criminal Division Manager for purposes of this protocol.
- B.** Each Criminal Division Manager shall designate a staff person to search (1) the **Criminal Case Management (CCM) Database** and (2) the **Judgment of Conviction (JOC) Database** for any case records that correspond to cases covered by such expungement orders. The Criminal Division Manager should also designate a backup staff person for this function.
- C. Criminal Case Management (CCM) Database**
1. The designated person, having searched the CCM Database for any case records that correspond to cases covered by an expungement order, shall make one hard copy of all documents corresponding to the expunged case found in the CCM Database.
 2. The designated person shall place those hard copies of the documents in the case file, which shall be secured in accordance with the expungement order.
 3. The designated person shall then delete the electronic versions of these documents from the CCM Database.
 4. The designated person shall complete and include in the case file the attached form (“Deletion of Records in Criminal Case Management Database”) memorializing having taken the above steps as to the CCM Database.
- D. Judgment of Conviction (JOC) Database**
1. The designated person, having searched the JOC Database for any case records that correspond to cases covered by an expungement order, shall make one hard copy of all documents corresponding to the expunged case found in the JOC Database.
 2. The designated person shall place those hard copies of the documents in the case file, which shall be secured in accordance with the expungement order.
 3. The designated person shall then delete the electronic versions of these documents from the JOC Database.
 4. The designated person shall complete and include in the case file the attached form (“Deletion of Records in the Judgment of Conviction Database”) memorializing having taken the above steps.

[Protocol Promulgated by Directive # 02-12 (April 16, 2012).]

**DELETION OF RECORDS IN CRIMINAL
CASE MANAGEMENT DATABASE**

In accordance with the attached expungement order regarding _____
_____ and dated _____, I have searched the Criminal Case
Management database for any corresponding documents covered by this
expungement order.

- ☐ **No documents were found**
- ☐ **The following documents were found and deleted**
- ☐ Indigency Application and/or Bail Report
 - ☐ Pretrial Intervention Program Report
 - ☐ Presentence Investigation Report

Prior to deleting the document(s) I made one hard copy of each such document
and placed it in the case file secured in accordance with the terms of the order.

PRINT NAME

_____/_____/_____
DATE

**DELETION OF RECORDS IN THE
JUDGMENT OF CONVICTION DATABASE**

In accordance with the attached expungement order regarding _____
_____ and dated _____, I have searched the
Judgment of Conviction database for any corresponding documents covered by this
expungement order.

☐ **No documents were found**

The following document(s) was/were found and deleted:

- ☐ **Judgment of Conviction**
- ☐ **Judgment of Conviction and Order for Commitment**
- ☐ **Change of Judgment of Conviction**
- ☐ **Change of Judgment of Conviction and Order for Commitment**
- ☐ **Judgment of Acquittal**
- ☐ **Judgment of Dismissal**

Prior to deleting the document(s), I made one hard copy of each such document
and placed it in the case file secured in accordance with the terms of the order.

PRINT NAME

DATE