

Term Sheet Reflecting Settlement

A.A. et al. v. Callahan, MER-L-2001-23

Date: March 11, 2025

This Term Sheet summarizes material terms of an anticipated settlement agreement to resolve the matter identified above, currently pending in the New Jersey Superior Court, Law Division between plaintiffs A.A., B.B., C.C., D.D., E.E., and F.F., on behalf of themselves and all others similarly situated (the “Plaintiffs”), represented by the Office of the Public Defender (the “OPD”), and defendant Colonel Patrick J. Callahan, in his official capacity as Superintendent of State Police (the “NJSP”), represented by Chiesa Shahinian & Giantomasi PC. The Plaintiffs and the NJSP are each referred to herein as a “Party” and collectively the “Parties.”

Counsel for the Parties will draft a settlement agreement and consent order consistent with this Term Sheet and will endeavor to have it finalized, executed, and submitted to the Superior Court, Law Division within 30 days of the execution of this Term Sheet.

1. The NJSP, subject to paragraph 3 below, commits to processing each judicial order of expungement (“Expungement Order”) it receives within 120 days of receipt, such that the expungement petitioner’s applicable computerized criminal history (“CCH”) record is cleared of expunged records. The NJSP also commits to providing notice to the petitioner that the CCH has been cleared of expunged records in this same timeframe. The NJSP further commits to taking best efforts to process each Expungement Order and provide notice to the petitioner within 90 days of receipt. In the unique case where the court finds exceptional circumstances for this time period to be shortened for a particular order, with those circumstances stated in the order, the NJSP will make every effort to comply upon receipt of written notice identifying the shortened period to the NJSP at the following email address: expungementlegal@njsp.gov.
2. The NJSP agrees that by June 1, 2025, it will have processed all known Expungement Orders as provided in paragraph 1 above, subject to paragraph 3 below, that are more than 120 days old (received before February 1, 2025).
3. Notwithstanding the provisions in paragraphs 1 and 2, the Parties agree and acknowledge that certain Expungement Orders will require additional information or an amended order to be processed properly pursuant to the Interim Consent Order of April 30, 2024, and the Second Interim Consent Order of August 19, 2024, in the above-referenced docket number (collectively the “Interim Consent Orders”). In such circumstances, the Parties agree to the following procedures, which apply only to expungement orders that require additional information or an amended order as described in the Interim Consent Orders:
 - a. Within 120 days of receipt of the Expungement Order requiring additional information or an amendment pursuant to the Interim Consent Orders, the NJSP will make any necessary request to the appropriate parties and counsel (including the OPD if there is no counsel) pursuant to the Interim Consent Orders.

- b. When an amended Expungement Order is required, the NJSP agrees to process the amended Expungement Order within 15 days of written notice from the OPD, petitioner, or private counsel for petitioner. Written notice shall be provided to NJSP at the following email address: expungementlegal@njsp.gov. If such written notice of an amended Expungement Order is not provided, the NJSP agrees to process the amended Expungement Order within 45 days of receipt.
 - c. If an amended Expungement Order is not required, the NJSP agrees to process the Expungement Order within 15 days of receipt of requested information sufficient to process the original order. The NJSP shall receive such requested information at the following email address: expungementlegal@njsp.gov.
4. The NJSP has launched an online portal (expungement.njsp.gov) wherein petitioners can register for an account using their email address and other required information and view the status of their respective Expungement Orders. Registered petitioners will receive email updates alerting them that the status of their order has changed, and they can view the update online. The NJSP agrees to maintain all parts of the portal within its control.
5. In order to ensure ongoing compliance with the terms of this agreement, the Parties agree to the following procedures for a period of eighteen months from execution of this Term Sheet:
- a. The NJSP will make publicly available on its website and provide directly to the OPD and the mediator, Honorable Jaynee LaVecchia, S. Ct. Justice, (ret.), a monthly statistics sheet for each of the first 18 months following the execution of this Term Sheet. The statistics sheet shall report the number of Expungement Orders received year-to-date starting January 1 of the year being reported by expungement type, the number of Expungement Orders received each month by expungement type, the number of Expungement Orders processed year-to-date, and the expungement queue, defined as follows: (1) the number of Expungement Orders pending for more than 90 days; and (2) the number of Expungement Orders pending for more than 120 days. Every three months, the reporting required by this paragraph will also include a breakdown in the 90- and 120-day categories between expedited and non-expedited orders. The parties may agree on any other data points to be provided in addition to those listed in this paragraph.
 - b. In addition to the public filing of its statistics sheet, the NJSP will also on a monthly basis provide to the OPD and Justice LaVecchia, an audit report that contains: (1) all Expungement Order docket numbers received during the preceding 120 days; and (2) specific information about 25 of those Expungement Order docket numbers that are randomly selected by a computer program. The information required for the 25 Expungement Orders shall include: the date the applicable Expungement Order was received, the date intake was completed, the date the Expungement Order was processed, the date(s) that the petitioner's entry in the expungement portal was updated, and any other data points upon which the parties agree. The computer program used to randomly select the 25 Expungement Order docket numbers will be provided as part of the audit report.

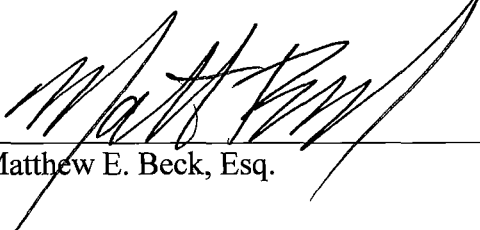
- c. For all statistics and audit reports the NJSP is required to file under this paragraph, the Parties agree that the NJSP shall provide such reports within the first 10 business days of the calendar month.
6. During the 18-month period set forth in paragraph 5, the Parties agree that this litigation will conclude in phases as follows:
 - a. The first phase will commence upon the execution of this Term Sheet and continue for 9 months. During this phase, this litigation shall be stayed, but remain open so that any violation can be brought to the court's attention, subject to paragraph 7 below.
 - b. The second phase will commence 9 months after the execution of this Term Sheet, provided the NJSP complies with the terms of the settlement agreement throughout the first phase. At the beginning of the second phase, the parties will file a stipulation of dismissal without prejudice pursuant to R. 4:37-1. The second phase will continue for 9 months.
 - c. At the end of the second phase, 18 months after the execution of this Term Sheet, provided the NJSP has continued to comply with the terms of the settlement agreement, the Parties shall then file with the Court a stipulation pursuant to R. 4:37-1 dismissing the action with prejudice. Justice LaVecchia's duties as mediator at this point shall be discharged.
7. Should the NJSP fail to comply with the terms of the settlement agreement at any point during the two phases outlined in paragraph 6, the Parties agree to first meet and confer to discuss potential remedies and solutions. If the Parties are unable to reach a resolution during their meet and confer, they shall then mediate before Justice LaVecchia. Only if the Parties are still unable to reach a resolution during mediation may the OPD then seek relief from the court.
8. The Parties understand and agree there may be circumstances that make it impossible for the NJSP to be able to comply with the settlement agreement, such as new legislation. If such circumstances are to happen before this action is dismissed with prejudice as set forth in paragraph 6.c., the NJSP will bring the issue to the attention of the OPD and Justice LaVecchia. The OPD and the NJSP agree to first meet and confer about possible modifications to the settlement agreement. If the Parties are unable to reach a resolution, they shall then mediate before Justice LaVecchia. Only if the Parties are still unable to reach a resolution during mediation may the NJSP then seek relief from the court.
9. The settlement agreement shall not be effective unless it bears signatures of the OPD on behalf of Plaintiffs, Chiesa Shahinian & Giantomasi PC on behalf of the NJSP, a representative of the Office of the Attorney General, and a representative of the NJSP.

NEW JERSEY OFFICE OF THE PUBLIC DEFENDER



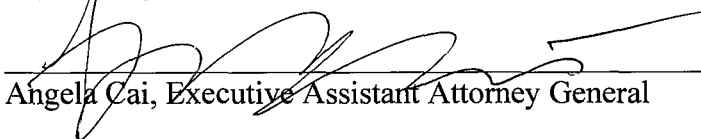
Michael R. Noveck, Deputy Public Defender

CHIESA SHAHINIAN & GIAN TOMASI PC



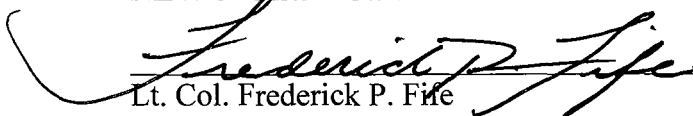
Matthew E. Beck, Esq.

OFFICE OF THE ATTORNEY GENERAL



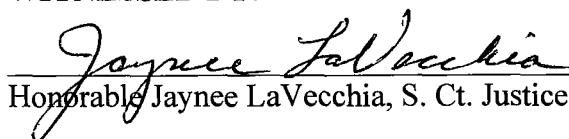
Angela Cai, Executive Assistant Attorney General

NEW JERSEY STATE POLICE



Lt. Col. Frederick P. Fife

WITNESSED BY:



Honorable Jaynee LaVecchia, S. Ct. Justice, (ret.)