

NOTICE TO THE BAR

Bergen and Hudson Vicinages - Supplemental Arrest Warrant Procedures

At its March 12, 2002 Administrative Conference, the Supreme Court approved requests from the Bergen and Hudson Vicinages for the relaxation of certain Rules to permit arrest warrants to be issued upon the sworn oral testimony of an applicant who is not physically in the presence of the issuing judge or other authorized judicial officer. Attached is a copy of the Court's order and the supplemental arrest warrant procedures the Court has approved.

Dated: March 22, 2002
Richard J. Williams, J.A.D.
Administrative Director of the Courts

ORDER

It is ORDERED, pursuant to N.J. Const. Art. VI, sec. 2 par. 3, that effective immediately and until further order the provisions of Rules 3:2-3, 3:4-1, 7:2-1(c), and 7:3-1 of the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed as to the Bergen and Hudson Vicinages so as to permit arrest warrants to be issued in those two vicinages in accordance with the attached procedures upon the sworn oral testimony of an applicant who is not physically in the presence of the issuing judge or other authorized judicial officer.

For the Court
Deborah T. Poritz
Chief Justice
Dated: March 20, 2002

BERGEN AND HUDSON-VICINAGES B SUPPLEMENTAL ARREST WARRANT PROCEDURES (When Applicant Is Not Physically Present)

A judge, or other authorized judicial officer, may issue an arrest warrant upon sworn oral testimony of a law enforcement applicant who is not physically present. Such sworn oral testimony may be communicated by the applicant to the judge, or other authorized judicial officer, by telephone, radio or other means of electronic communication.

The judge, or other authorized judicial officer, shall administer the oath to the applicant and contemporaneously record such sworn oral testimony by means of a tape-recording device or stenographic machine if such are available; otherwise, adequate longhand notes summarizing what is said shall be made by the judge, or other authorized judicial officer. Subsequent to taking the oath, the applicant must identify himself or herself and disclose the basis of his or her information that establishes probable cause for the issuance of an arrest warrant. This sworn testimony shall be deemed to be an affidavit for the purposes of issuance of an arrest warrant.

An arrest warrant may issue if the judge, or other authorized judicial officer, is satisfied that probable cause exists for issuing the warrant. Upon approval, the judge, or other authorized judicial officer, shall memorialize the specific terms of the authorization and shall direct the applicant to enter this authorization verbatim on the complaint/warrant form. The judge, or other authorized judicial officer, shall direct the applicant to print his or her name, the date and time of the warrant, followed by the phrase ""By Officer _____, per telephonic authorization by " _____" on the complaint/warrant form.

[March 2002]

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