

**ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY**

GLENN A. GRANT, J.A.D.
ACTING ADMINISTRATIVE
DIRECTOR OF THE COURTS



RICHARD J. HUGHES
JUSTICE COMPLEX
PO Box 037
TRENTON, NEW JERSEY 08625-0037

[Questions or comments may
be directed to 609-292-4638.]

MEMORANDUM

[**RESCINDS DIRECTIVE #22-06.**]

TO: Assignment Judges
Criminal Presiding Judges

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

SUBJECT: Criminal – Recordation of Custodial Interrogation – Conclusion
of Monitoring of Compliance – Directive #22-06 Rescinded

DATE: August 19, 2009

On October 14, 2005, the Supreme Court issued an Administrative Determination regarding the *Report of the Special Committee on the Recordation of Custodial Interrogations*. In that Administrative Determination, the Court required that effective January 1, 2006, custodial interrogations in homicide cases were to be electronically recorded. Furthermore, effective January 1, 2007, the recordation requirement would apply to all other offenses specified in R. 3:17(a). The Court also asked that the Administrative Office of the Courts and the Criminal Practice Committee work with the Office of the Attorney General and the County Prosecutors to review the implementation of the recordation requirement, and that a status report be filed by June 1, 2007.

Consequently, the Criminal Practice Committee and the Conference of Criminal Presiding Judges developed the Recordation of Custodial Interrogations Reporting Form, for use in certain homicide cases occurring on or after January 1, 2006. That form was promulgated on July 18, 2006, via Directive #11-06. It was later superseded on December 22, 2006 by Directive #22-06, which promulgated a form that included the additional cases for which recordation would be required as of January 1, 2007. Both directives required that trial judges complete the forms and forward them to the Administrative Office of the Courts (AOC), Criminal Practice Division.

On May 30, 2007, the Criminal Practice Committee filed its *Report on the Implementation of the Requirement for Recordation of Custodial Interrogations*

with the Court. The report noted that the data received by the Administrative Office of the Courts and the Office of the Attorney General indicated that law enforcement was clearly complying with the recordation requirement in homicide cases. However, in order to examine law enforcement's compliance with the recordation requirement in non-homicide cases, the Criminal Practice Committee subsequently recommended that recordation continue to be monitored.

On October 21, 2008, the Criminal Practice Committee submitted its *Follow-Up Report on the Implementation of the Recordation of Custodial Interrogations*. That report, which covered the recordation of custodial interrogations in homicide cases for a two-year period, and also the recordation of custodial interrogations for the non-homicide offenses listed in R. 3:17(a) for a one-year period, noted that the available information indicated that law enforcement was in overwhelming compliance with the recordation requirement. As a result, the Criminal Practice Committee was of the view that continued monitoring was no longer necessary and recommended that it be discontinued.

At its July 9, 2009 Administrative Conference, the Supreme Court accepted the Criminal Practice Committee's findings and approved its recommendation to discontinue monitoring law enforcement's compliance with the recordation requirement. Use of the Recordation of Custodial Interrogations Reporting Form thus no longer is necessary. Accordingly, I am rescinding, effective immediately, Administrative Directive #22-06.

Any questions or comments regarding this memo or about the subject of recordation of custodial interrogations may be directed to Assistant Director Joseph J. Barraco at 609-292-4638.

G.A.G.

cc: Chief Justice Stuart Rabner
Hon. Edwin H. Stern
Criminal Division Judges
AOC Directors and Assistant Directors
Trial Court Administrators
Criminal Division Managers
Vance D. Hagins, Criminal Practice Division
Melaney S. Payne, Criminal Practice Division
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant