

ATTORNEY GENERAL DIRECTIVE, 2006-4

SUPERSEDING DIRECTIVE REGARDING ELECTRONIC RECORDATION OF STATIONHOUSE INTERROGATIONS

(October 10, 2006)

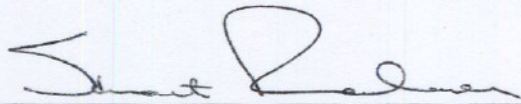
On October 14, 2005, the New Jersey Supreme Court adopted the recommendations of its Special Committee on the Recordation of Custodial Interrogations. The recommendations included a requirement that police electronically record the entirety of all custodial interrogations occurring in a place of detention for cases in which the adult or juvenile being interrogated is charged with an offense requiring the use of a warrant pursuant to R. 3:3-1c. The effective dates for that requirement are staggered so as to go into effect for all covered homicide cases on January 1, 2006, and for all other offenses specified in R. 3:3-1c on January 1, 2007. The new Rule is codified at R. 3:17.

On January 17, 2006, the Attorney General issued Directive No. 2006-2, which mandated the electronic recordation of all custodial interrogations conducted in a place of detention for all first, second and third degree crimes, for adult and juvenile suspects alike. That directive set up its own staggered implementation schedule which differed in some ways from that established by R. 3:17. Its implementation schedule was as follows: (1) the recording requirement for homicides listed in R. 3:17 was to go into effect on January 1, 2006; (2) the recording requirement for all other first and second degree crimes was to go into effect on October 1, 2006; and (3) the recording requirement for all third degree crimes was to go into effect on January 1, 2007.

Upon review and consideration of these two sets of requirements, the Attorney General and the County Prosecutors' Association have determined that having differing time frames in the Court Rule and the Attorney General Directive may be difficult to implement and may cause confusion in the law enforcement community. Accordingly, the Attorney General, the Director of the Division of Criminal Justice, and the County Prosecutors have jointly determined that the two sets of requirements must be harmonized to the greatest extent possible.

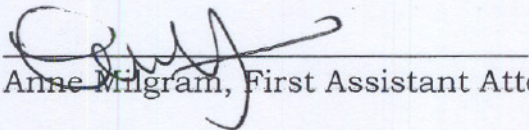
Therefore, it is hereby adopted that the effective date regarding the recording requirement for all homicides listed in R. 3:17 shall remain as it is, at January 1, 2006, particularly as that date is mandated by R. 3:17. However, for all other first and second degree crimes, the recording requirement is hereby amended so as to now go into effect on January 1, 2007. The recording requirement for all third degree crimes shall remain as it is, at January 1, 2007.

All existing policy statements and Directives that are in any way inconsistent with the foregoing provisions are hereby superseded and rescinded.

A handwritten signature in black ink, appearing to read "Stuart Rabner", written over a horizontal line.

Stuart Rabner, Attorney General

ATTEST:

A handwritten signature in black ink, appearing to read "Anne Milgram", written over a horizontal line.

Anne Milgram, First Assistant Attorney General

Dated: October 10, 2006