

**AMENDED POLICY STATEMENT OF THE NEW JERSEY ATTORNEY GENERAL
AND THE NEW JERSEY COUNTY PROSECUTORS' ASSOCIATION REGARDING
ELECTRONIC RECORDATION OF STATIONHOUSE CONFESSIONS**

(December 17, 2004)

The April 13, 2004 "Interim Policy Statement" of the Attorney General and the County Prosecutors' Association requires that when a confession is obtained following a stationhouse interrogation in homicide cases, the law enforcement entity involved either video or audio record the suspect's final statement, or his acknowledgment of the content of a written statement. In addition, the Interim Policy Statement contemplates further, on-going examination of the issues surrounding electronic recordation of suspects' statements, with an eye toward determining whether expansion of electronic recording in this context is warranted as a matter of law enforcement policy, and to what degree any expansion of the practice of recording is practical or feasible.

The Attorney General and the County Prosecutors' Association have determined that expansion of the policy of electronic recordation of final statements is indeed warranted as a matter of policy. Accordingly, the Attorney General, the Director of the Division of Criminal Justice and the County Prosecutors hereby jointly adopt the following amendments to the Interim Policy Statement:

If a person who is suspected of committing any first, second or third degree crime, is asked by a law enforcement officer to provide or acknowledge a written statement in a stationhouse custodial setting, the investigating officer should, whenever feasible, arrange to electronically record the suspect's statement or acknowledgment so as to establish a permanent and objective record that the suspect had been advised of his or her constitutional rights and that any such incriminating statement or acknowledgment was actually made by the suspect. Electronic recordation of the final statement or acknowledgment may be done on notice to and with the express permission of the suspect, or may be done without notice to the suspect. The electronic recordation of the suspect's final statement or acknowledgment may be in addition to or in lieu of having the suspect sign a traditional written statement.

When a written statement is signed or acknowledged by a suspect in custody in a stationhouse and no electronic recordation is made, the officer taking the written statement or acknowledgment shall document the reasons why the statement or acknowledgment was not electronically recorded (e.g., electronic recordation equipment was not reasonably available at the time that the written statement or acknowledgment was given; the suspect indicated a desire that the statement or acknowledgment not be electronically recorded, etc.). The documented reasons for not electronically recording the final statement or acknowledgment shall be provided to the appropriate prosecuting agency.

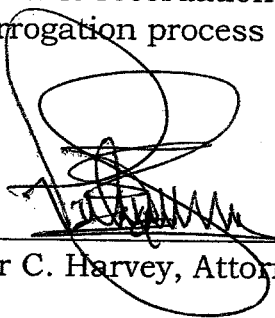
The above provisions shall also apply to any juvenile, age 14 or older, suspected of committing any act that would constitute one of the crimes enumerated in N.J.S.A. 2A:4A-26a(2)(a), thereby subjecting the juvenile to waiver to adult court on the prosecutor's motion.

Given the concerns relating to feasibility in the implementation of these changes to the Interim Policy Statement, the amendments shall be phased in over time. Thus, expansion of the policy from homicides so as to now cover all first and second degree crimes shall take effect on September 1, 2005. The further expansion of the policy to then cover all third degree crimes shall take effect on January 1, 2006. Likewise, expanding the policy to cover all juvenile cases involving the crimes listed in N.J.S.A. 2A:4A-26a(2)(a) shall take effect January 1, 2006.

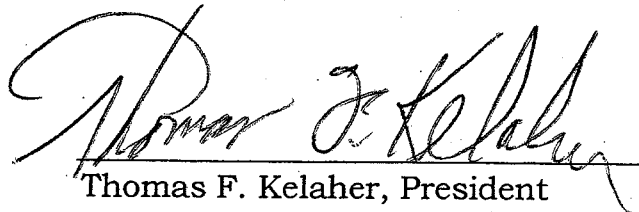
The Interim Policy Statement further called for the commencement and review of pilot programs designed to study whether expansion of an electronic recording policy should in any way encompass the interrogation process itself. The Attorney General and the County Prosecutors' Association strongly encourage county and local law enforcement entities to volunteer for such pilot studies and to thereby experiment in this area in as broad or as narrow a manner as the pilot entity wishes, so long as the pilot program calls for electronic recording of the entire stationhouse interrogation.

By January 1, 2006, the Attorney General in consultation with the County Prosecutors' Association, shall make a final determination as to whether to issue a law enforcement directive requiring expansion of the

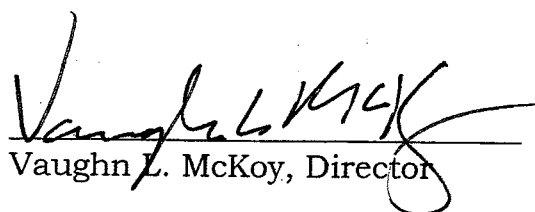
electronic recordation policy so as to cover the entire stationhouse
interrogation process in certain cases.



Peter C. Harvey, Attorney General



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Dated: December 17, 2004

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