

NOTICE TO THE BAR

Notice -- Recordation of Custodial Interrogations -- Implementation Report as Requested by the Supreme Court

In *State v. Thomahl Cook*, 179 N.J. 533 (2004), the Supreme Court called for a careful and deliberate study to evaluate the protections that electronic recordation of custodial interrogations affords both the State and criminal defendants. *Id.* at 562. The Supreme Court Special Committee on the Recordation of Custodial Interrogations ("Special Committee"), appointed to make recommendations in accordance with the Cook decision, submitted its report to the Court in April 2005. The Special Committee's report, published and posted for comment, included a recommendation that "the Supreme Court ... periodically review the implementation of the recording requirement" (Recommendation 9).

On October 15, 2005, after the close of the comment period, the Supreme Court issued its Administrative Determination on the Special Committee's Report. That document provided that the recordation requirement would become effective January 1, 2006 for homicide offenses, and January 1, 2007 for all other offenses specified in Rule 3:17(a). The Administrative Determination also requested that the Administrative Director of the Courts and the Supreme Court Criminal Practice Committee work with the Office of the Attorney General and the County Prosecutors to review the implementation of the recordation requirement, suggesting preparation and submission of "a status report on this subject by June 1, 2007, or sooner if circumstances warrant it."

In accordance with those instructions, the Administrative Office of the Courts on May 30, 2007 submitted to the Court the requested Report on the Implementation of the Requirement for Recordation of Custodial Interrogations. That report is available for review on the Judiciary's Internet website (www.njcourtsonline.com). It is expected that a further implementation report will be prepared in or after January 2008, with that subsequent report to be made similarly available through Internet posting.

Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Dated: August 2, 2007

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