



DENNIS CALO
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**TO: ALL BERGEN COUNTY CHIEFS OF POLICE, POLICE DIRECTORS,
OFFICERS-IN-CHARGE, AND SHERIFF**

FROM: ACTING PROSECUTOR DENNIS CALO

DATE: MARCH 22, 2019

**SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT
DIRECTIVE NO. 2019-4: WARNING OF PENDING CHARGES MUST
PRECEDE WAIVER OF MIRANDA RIGHTS**

In State v. Adrian A. Vincenty, decided March 11, 2019, the New Jersey Supreme Court held that when a criminal suspect has been formally charged with an offense, police must inform the suspect of the specific charges before they request a waiver of Miranda rights. The Court ruled that the police may inform the suspect of the charges either immediately before or after giving Miranda rights, but the advice of charges must occur before the suspect is asked to waive his or her Miranda rights. The advice of pending charges should be "a simple declaratory statement at the outset of an interrogation that informs a defendant of the essence of the charges filed against him," that cannot be woven into the interrogation.

Please be advised that if this rule is not followed, any incriminating statements made by a suspect will be suppressed.

DENNIS CALO
ACTING BERGEN COUNTY PROSECUTOR

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