

**DEPARTMENTS THAT CURRENTLY  
RECORD A MAJORITY OF CUSTODIAL INTERROGATIONS<sup>1</sup>**

*PD stands for Police Department, DPS for Department of Public Safety,  
and CS for County Sheriff.*

**Alabama**

Mobile CS  
Mobile PD  
Prichard PD

**Alaska**

All departments - Supreme  
Court ruling<sup>2</sup>

**Arizona**

Casa Grande PD  
Chandler PD  
Coconino CS  
El Mirage PD  
Flagstaff PD  
Gila CS  
Gilbert PD  
Glendale PD  
Marana PD  
Maricopa CS  
Mesa PD  
Oro Valley PD  
Payson PD  
Peoria PD  
Phoenix PD  
Pima CS  
Pinal CS  
Prescott PD  
Scottsdale PD  
Sierra Vista PD  
Somerton PD  
South Tucson PD  
Surprise PD  
Tempe PD  
Tucson PD  
Yavapai CS  
Yuma CS  
Yuma PD

**Arkansas<sup>3</sup>**

AR State PD  
Eureka Springs PD  
Fayetteville FD  
Fayetteville PD  
14th Judicial District  
Drug Task Force  
Washington CS  
Van Buren PD

**California**

Alameda CS  
Arcadia PD  
Auburn PD  
Bishop PD  
Butte CS  
Carlsbad PD  
Contra Costa CS  
El Cajon PD  
El Dorado CS  
Escondido PD  
Folsom PD  
Grass Valley PD  
Hayward PD  
LaMesa PD  
Livermore PD  
Oceanside PD  
Orange CO Fire Authority  
Orange CS  
Placer CS  
Pleasanton PD  
Rocklin PD  
Roseville PD  
Sacramento CS  
Sacramento PD  
San Bernardino CS  
San Diego PD  
San Francisco PD

San Joaquin CS

San Jose PD  
San Leandro PD  
San Luis PD  
Santa Clara CS  
Santa Clara PD  
Santa Cruz PD  
Stockton PD  
Sunnyvale DPS  
Union City PD  
Vallejo PD  
Ventura CS  
West Sacramento PD  
Woodland PD  
Yolo CS

**Colorado**

Arvada PD  
Aurora PD  
Boulder PD  
Brighton PD  
Broomfield PD  
Colorado Springs PD  
Commerce City PD  
Cortez PD  
Denver PD  
El Paso CS  
Ft. Collins PD  
Lakewood PD  
Larimer CS  
Logan CS  
Loveland PD  
Montezuma CS  
Sterling PD  
Thornton PD

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**Connecticut<sup>4</sup>**

Bloomfield PD  
Cheshire PD  
CT State PD Internal  
Affairs Unit

**Delaware**

DE State PD  
New Castle City PD  
New Castle County PD

**District of Columbia**

All departments - statute<sup>5</sup>

**Florida**

Broward CS  
Cape Coral PD  
Collier CS  
Coral Springs PD  
Daytona Beach PD  
Ft. Lauderdale PD  
Ft. Myers PD  
Hallandale Beach PD  
Hialeah PD  
Hollywood PD  
Key West PD  
Kissimmee PD  
Lee CS  
Manatee CS  
Margate PD  
Miami PD  
Monroe CS  
Mount Dora PD  
Orange CS  
Osceola CS  
Palatka PD  
Pembroke Pines PD  
Pinellas CS  
Port Orange PD  
Sanibel PD  
St. Petersburg PD

**Georgia**

Atlanta PD  
Centerville PD  
Cobb County PD  
DeKalb County PD  
Fulton County PD  
Gwinnett County PD  
Houston CS

Macon PD  
Perry PD  
Savannah-Chatham PD  
Warner Robins PD

**Hawaii**

Honolulu PD

**Idaho**

Ada CS  
Blaine CS  
Boise City PD  
Boise CS  
Bonneville CS  
Caldwell PD  
Canyon CS  
Cassia CS  
Coeur d' Alene PD  
Garden City PD  
Gooding CS  
Gooding PD  
Hailey PD  
ID Dept Fish & Games  
ID Falls PD  
ID State PD  
Jerome CS  
Jerome PD  
Ketchum PD  
Lincoln CS  
Meridian PD  
Nampa PD  
Pocatello PD  
Post Falls PD  
Twin Falls PD

**Illinois**

All departments -  
homicides - statute<sup>6</sup>  
Other felonies -  
Bloomington PD  
Cahokia PD  
Carlinville PD  
Caseyville PD  
Dixon PD  
DuPage CS  
East St. Louis PD  
Fairview Heights PD  
Galena PD  
IL Gaming Board

Kankakee CS  
Kankakee PD  
Lincoln PD  
Macon CS  
Naperville PD  
O'Fallon PD  
Rockton PD  
Springfield PD  
St. Clair CS  
Swansea PD  
Troy PD  
Winnebago CS

**Indiana<sup>7</sup>**

Albion PD  
Allen CS  
Atlanta PD  
Auburn PD  
Bluffton PD  
Carmel PD  
Cicero PD  
Clark CS  
Clarksville PD  
Columbia City PD  
Dyer PD  
Elkhart CS  
Elkhart PD  
Elwood PD  
Fishers PD  
Floyd CS  
Fort Wayne PD  
Greensburg PD  
Hamilton CS  
Hancock CS  
Hartford PD  
IN State PD  
Jeffersonville PD  
Johnson CS  
Kendallville PD  
LaGrange CS  
Lowell PD  
Montpelier PD  
Nappanee PD  
Noble CS  
Noblesville PD  
Pendleton PD  
Scherverville PD

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Sheridan PD  
Shipshewana PD  
Steuben CS  
Tipton PD  
Westfield PD  
Wells CS  
**Iowa**<sup>8</sup>  
Altoona PD  
Ames PD  
Ankeny PD  
Arnolds Park PD  
Benton CS  
Bettendorf PD  
Cedar Rapids PD  
Clarion PD  
Colfax PD  
Council Bluffs PD  
Davenport PD  
Des Moines PD  
Fayette CS  
Fayette County PD  
Iowa City PD  
Iowa DPS  
Johnson CS  
Kossuth CS  
Linn CS  
Marion PD  
Marshalltown PD  
Mason City PD  
Merrill PD  
Muscatine PD  
Nevada PD  
Parkersburg PD  
Polk CS  
Pottawattamie CS  
Sioux City PD  
Storm Lake PD  
Vinton PD  
Washington CS  
Waterloo PD  
Waverly PD  
West Burlington PD  
Woodbury CS

**Kansas**  
Derby PD  
Junction City PD  
Kansas Univ. DPS  
Liberal PD  
Newton PD  
Ottawa PD  
Sedgwick CS  
Sedgwick PD  
Shawnee CS  
Topeka PD  
Wichita PD  
**Kentucky**  
Elizabethtown PD  
Hardin CS  
Jeffersontown PD  
Louisville Metro PD  
Louisville PD  
Oldham CS  
St. Matthews PD  
**Louisiana**  
Lafayette City PD  
Lake Charles PD  
Oak Grove PD  
Plaquemines Parish CS  
St. Tammany Parish CS  
**Maine**  
All departments - statute<sup>9</sup>  
**Maryland**  
All departments - statute<sup>10</sup>  
**Massachusetts**<sup>11</sup>  
Barnstable PD  
Boston PD  
Bourne PD  
Brewster PD  
Cambridge  
Chatham PD  
Dalton PD  
Dennis PD  
Easton PD  
Edgartown PD  
Fall River PD  
MA State PD  
North Central Correctional  
Inst.

Oak Bluffs PD  
Orleans PD  
Pittsfield PD  
Revere Fire Dept.  
Somerset PD  
Tewksbury PD  
Troro PD  
West Tisbury PD  
Yarmouth PD  
**Michigan**  
Auburn Hills PD  
Benzie CS  
Big Rapids DPS  
Cass County Drug  
Enforcement Team  
Cass County CS  
Charlevoix CS  
Detroit PD (homicides)  
Emmet CS  
Farmington DPS  
Gerrish Township PD  
Gladwin PD  
Huntington Woods DPS  
Isabella CS  
Kent CS  
Kentwood PD  
Lake CS  
Ludington PD  
Manistee CS  
Mason CS  
Mecosta CS  
MI State PD  
Milford PD  
Mt. Pleasant PD  
Niles City PD  
Novi PD  
Oak Park DPS  
Onaway PD  
Paw Paw PD  
Redford Township PD  
Scottville PD  
Troy PD

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Waterford PD  
West Branch PD  
Wyoming PD  
**Minnesota**  
All departments - Supreme  
Court ruling<sup>12</sup>  
**Mississippi**  
Biloxi PD  
Cleveland PD  
Gulfport PD  
Harrison CS  
Jackson CS  
**Missouri**  
All departments - statute<sup>13</sup>  
**Montana**  
All departments - statute<sup>14</sup>  
**Nebraska**  
All departments - statute<sup>15</sup>  
**Nevada**  
Boulder City PD  
Carlin PD  
Douglas CS  
Elko CS  
Elko PD  
Henderson PD  
Lander CS  
Las Vegas Metro PD  
Nevada DPS  
North Las Vegas PD  
Reno PD  
Sparks PD  
Washoe CS  
Wells PD  
Yerington PD  
**New Hampshire**<sup>16</sup>  
Carroll CS  
Concord PD  
Conway PD  
Enfield PD  
Keene PD  
Laconia PD  
Lebanon PD  
Nashua PD  
NH State PD  
Plymouth PD

Portsmouth PD  
Swanzy PD  
**New Jersey**  
All departments - Supreme  
Court Rule<sup>17</sup>  
**New Mexico**  
All departments - statute<sup>18</sup>  
**New York**  
Binghamton PD  
Broome CS  
Cayuga Heights PD  
Delaware CS  
Deposit PD  
Dryden PD  
Endicott PD  
Greece PD  
Glenville PD  
Irondequoit PD  
NY State PD - Ithaca  
NY State PD - Oneonta  
NY State PD - Sidney  
Rotterdam PD  
Schenectady PD  
Tompkins CS  
Vestal PD  
**North Carolina**  
All departments -  
homicides - statute<sup>19</sup>  
Other felonies -  
Burlington PD  
Concord PD  
Wilmington PD  
**North Dakota**  
Bismarck PD  
Burleigh CS  
Fargo PD  
Grand Forks CS  
Grand Forks PD  
Valley City PD  
**Ohio**  
Akron PD  
Cincinnati PD  
Columbus PD  
Dublin PD  
Franklin PD

Garfield Heights PD  
Grandview Heights PD  
Grove City PD  
Hartford PD  
Hudson PD  
Millersburg PD  
OH Board of Pharmacy  
OH State Univ. PD  
Ontario PD  
Reynoldsburg PD  
Springboro PD  
Upper Arlington PD  
Wapakoneta PD  
Warren CS  
Westerville PD  
Westlake PD  
Worthington PD  
**Oklahoma**  
Moore PD  
Norman PD  
Oklahoma CS  
Tecumseh PD  
**Oregon**  
All departments - statute  
(effective Jan. 1, 2010)<sup>20</sup>  
Bend PD  
Clackamas CS  
Coburg PD  
Corvallis PD  
Douglas CS  
Eugene PD  
Lincoln City PD  
Medford PD  
Ontario PD  
OR State PD, Springfield  
Portland PD  
Roseburg PD  
Salem PD  
Toledo PD  
Warrenton PD  
Yamhill CS

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**Pennsylvania**

Bethlehem PD  
 Tredyffrin Township PD  
 Whitehall PD

**Rhode Island**

RI Dept of Public Safety  
 (capital offenses)  
 Woonsocket PD

**South Carolina**

Aiken CS  
 Aiken DPS  
 N. Augusta DPS  
 Savannah River  
 Site Law Enf.

**South Dakota**

Aberdeen PD  
 Brookings PD  
 Brown CS  
 Clay CS  
 Lincoln CS  
 Minnehaha CS  
 Mitchell PD  
 Rapid City PD  
 Sioux Falls PD  
 SD State Div. of Criminal  
 Investigations  
 SD State Univ. PD  
 Vermillion PD

**Tennessee**

Blount CS  
 Bradley CS  
 Brentwood PD  
 Chattanooga PD  
 Cleveland PD  
 Goodlettsville PD  
 Hamilton CS  
 Hendersonville PD  
 Loudon CS  
 Montgomery CS  
 Murfreesboro PD  
 Nashville PD

**Texas<sup>21</sup>**

Abilene PD  
 Andrews PD  
 Arlington PD  
 Austin PD

Burleson PD  
 Cedar Hill PD  
 Cedar Park PD  
 Cleburne PD  
 Collin CS  
 Corpus Christi PD  
 Dallas PD  
 Duncanville PD  
 Florence PD  
 Frisco PD  
 Georgetown PD  
 Granger PD  
 Harris CS  
 Houston PD  
 Hutto PD  
 Irving PD  
 Johnson CS  
 Killeen PD  
 Knox CSO  
 Leander PD  
 Midland PD  
 Parker CS  
 Plano PD  
 Randall CS  
 Richardson PD  
 Round Rock PD  
 San Antonio PD  
 San Jacinto CS  
 Southlake DPS  
 Sugar Land PD  
 Taylor PD  
 Travis CS  
 Webster PD  
 Williamson CS

**Utah<sup>22</sup>**

Layton PD  
 Salt Lake City PD  
 Salt Lake CS  
 Utah CS

**Vermont**

Burlington PD  
 Norwich PD  
 Rutland PD

**Virginia**

Alexandria PD  
 Chesterfield County PD  
 Clarke CS  
 Fairfax PD  
 Loudoun CS  
 Norfolk PD  
 Richmond PD  
 Stafford CS  
 Virginia Beach PD

**Washington**

Adams CS  
 Arlington PD  
 Bellevue PD  
 Bothell PD  
 Buckley PD  
 Columbia CS  
 Ellensburg PD  
 Federal Way PD  
 Kennewick PD  
 Kent City PD  
 King CS  
 Kirkland PD  
 Kittitas CS  
 Klickitat CS  
 Lewis CS  
 Marysville PD  
 Mercer Island PD  
 Mount Vernon PD  
 Pierce CS  
 Prosser PD  
 Snohomish CS  
 Thurston CS  
 Univ. WA PD  
 Walla Walla PD  
 WA State Patrol  
 Yakima CS

**West Virginia**

Charles Town PD  
 Monongalia CS  
 Morgantown CS  
 Morgantown PD  
 Wheeling PD

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## Wisconsin

All departments - statute<sup>23</sup>

## Wyoming

Cheyenne PD

Cody PD

Gillette City PD

Laramie CS

Laramie PD

Lovell PD

Polk CS

## Federal<sup>24</sup>

Air Force Office of

Special Investigations<sup>25</sup>

Department of Defense<sup>26</sup>

Naval Criminal

Investigative Service<sup>27</sup>

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<sup>1</sup> In August 2007, the National Conference of Commissioners on Uniform State Laws approved formation of a drafting committee to formulate a uniform state statute on electronic recording of custodial interrogations.

<sup>2</sup> *Stephan v. State*, 711 P.2d 1156, 1162 (Alaska 1985).

<sup>3</sup> In *Clark v. State*, 374 Ark. 292 (2008), the Arkansas Supreme Court rejected the defendant's argument that she had a constitutional right to have the police make a complete recording of her custodial interview. However, the Court stated, "we believe that the criminal-justice system will be better served if our supervisory authority is brought to bear on this issue. We therefore refer the practicability of adopting such a rule to the Committee on Criminal Practice for study and consideration." *Clark*, 374 Ark. at 304.

<sup>4</sup> In 2008, the Connecticut General Assembly instructed the Advisory Commission on Wrongful Convictions to implement a "pilot program to electronically record the interrogations of arrested persons" and report findings and recommendations by July 1, 2009. Act of June 5, 2008, Pub. Act No. 08-143, sec. 2-4, 2008 Conn. Legis. Serv. (West), effective June 5, 2008. The Commission reported that of the ninety-nine custodial interviews recorded under the pilot program, eighty-four interviews were covert, fifty-five resulted in confessions, and three resulted in statements of criminal involvement. CONN. ADVISORY COMM'N ON WRONGFUL CONVICTIONS, REPORT, at 4 (Feb. 2009). A substantial majority of detectives reported positive opinions of the recording program, and a remainder expressed neutral opinions. REPORT at app. B. The detectives reported that the use of recording equipment did not interfere with questioning or outcomes. REPORT at app. B.

<sup>5</sup> D.C. CODE §§ 5-116.01-03 (West 2009), effective Apr. 13, 2005.

<sup>6</sup> 705 ILL. COMP. STAT. ANN. § 405/5-401.5 and 725 ILL. COMP. STAT. ANN. § 5/103-2.1 (West 2009), effective July 18, 2005.

<sup>7</sup> In September 2009, the Indiana Supreme Court entered an order stating, "this Court finds that the interests of justice and sound judicial administration will be served by the adoption of a new Rule of Evidence to require electronic audio-video recordings of customary custodial interrogation of suspects in felony cases as a prerequisite for the admission of evidence of any statements made during such interrogation." Under the Court's "inherent authority to supervise the administration of all courts of this state," the Court added Rule 617, which requires custodial interrogations of felony suspects to be recorded, beginning January 1, 2011. Indiana Rule of Evidence 617 - Unrecorded Statements During Custodial Interrogation.

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<sup>8</sup> Following the ruling of the Iowa Supreme Court in *State v. Hajtic*, 724 N.W.2d 449 (Iowa 2006), the Attorney General wrote in the State Police Association's publication: "Although the court stated that it is 'encouraging' the practice of electronic recording, the attorney general's office believes that the *Hajtic* decision should be interpreted as essentially requiring this practice." Tom Miller, *Cautions Regarding Custodial Issues*, IOWA POLICE J., vol. 39, no. 1, at 15 (2007)

<sup>9</sup> ME REV. STAT. ANN. Title 25, § 2803-B(1)(K) (West 2009), effective Jan. 1, 2005.

<sup>10</sup> The Maryland Code of Criminal Procedure requires that law enforcement units shall make "reasonable efforts" to create a recording of custodial interviews of suspects in connection with cases involving named felonies "whenever possible." MD. ANN. CODE, CRIM. PROC. § 2-402 (West 2009), effective Oct. 1, 2008.

<sup>11</sup> *Commonwealth v. DiGiambattista*, 813 N.E.2d 516, 533-34 (Mass. 2004). Following this ruling, the state Attorney General and District Attorneys Ass'n wrote in a Sept. 2006 Justice Initiative Report: "Law enforcement officers shall, whenever it is practical and with the suspect's knowledge, electronically record all custodial interrogations of suspects and interrogations of suspects conducted in places of detention." The Chiefs of Police Ass'n, District Attorneys Ass'n and State Police distributed a "Sample Policy and Procedure" (No. 2.17) to law enforcement agencies throughout the state, which states, "It is the policy of the department, whenever it is practical, to electronically record all custodial interrogations of suspects or interrogations of suspects in places of detention."

<sup>12</sup> *State v. Scales*, 518 N.W.2d 587, 591 (Minn. 1994).

<sup>13</sup> MO. REV. STAT. ch. 590, sec. 701.

<sup>14</sup> The Montana statute requires recording of custodial interviews of felony suspects. Act of Apr. 15, 2009, ch. 214, 2009 Mont. Laws (West), effective Oct. 1, 2009 (to be codified at MONT. CODE ANN. tit. 46, ch. 4).

<sup>15</sup> NEB. REV. STAT. ANN. § 29-4501-4508 (West 2009), effective July 18, 2008.

<sup>16</sup> In *State v. Barnett*, 789 A.2d 629, 632-33 (N.H. 2001), the New Hampshire Supreme Court held that if an electronically recorded statement is offered into evidence, the recording is admissible only if the entire post-*Miranda* interrogation interview was recorded. The ruling does not require that custodial interviews be recorded either in whole or in part. If a partially recorded statement is excluded from evidence because the entire interview was not recorded, testimonial evidence is nevertheless admissible as to what occurred before, during and after the custodial interview, including the portion that was recorded.

<sup>17</sup> N.J. CT. R. 3.17 (2005).

<sup>18</sup> N.M. STAT. ANN. § 29-1-16 (West 2009), effective Jan. 1, 2006.

<sup>19</sup> N.C. GEN. STAT. ANN. § 15A-211 (West 2009), effective Mar. 1, 2008.

<sup>20</sup> The Oregon statute requires recording of custodial interviews of suspects of aggravated homicides and crimes with mandatory minimum sentences. Act of Jan. 24, 2009, ch. 488, 2009 Or. Laws ch. 488 (West 2009), effective July 1, 2010 and July 1, 2011 (to be codified at OR. REV. STAT. § 165.540).

<sup>21</sup> The Texas Code of Criminal Procedure provides that a defendant's unrecorded oral statement is inadmissible unless the statement "contains assertions of facts or circumstances that are found to be true and which conduce to establish the guilt of the accused." TEX. CODE CRIM. PROC. ANN. art. 38.22 (Vernon 2009) (effective Sept. 1, 1989, amended 2001); see *Moore v. State*, 999 S.W.2d 385, 400 (Tex. App. 1999). The statute does not require recording of custodial interviews preceding recorded statements, nor exclusion of suspects' unrecorded written statements. See *Rae v. State*, No. 01-98-00283-CR, 2001 WL 125977, at 3 (Tex. App. 2001); *Franks v. State*, 712 S.W.2d 858, 860 (Tex. App. 1986).

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<sup>22</sup> The Utah Attorney General has adopted a Best Practices Statement, endorsed by all state law enforcement agencies, recommending that custodial interrogations in a fixed place of detention of persons suspected of committing a statutory violent felony, should be electronically recorded from the *Miranda* warnings to the end in their entirety. Various exceptions to the requirement are included. Office of the Utah Attorney General, *Best Practices Statement for Law Enforcement: Recommendations for Recording of Custodial Interviews* (Oct. 2008).

<sup>23</sup> Wis. Stat. Ann. §§ 968.073, 972.115 (West 2009), effective Dec. 31, 2005.

<sup>24</sup> In October, 2009, the Commission on Military Justice (the “Cox Commission”) released a report containing recommendations “to advance principles of justice, equity, and fairness in American military justice,” including: “Require military law enforcement agencies to videotape the entirety of custodial interrogations of crime suspects at law enforcement offices, detention centers, or other places where suspects are held for questioning, or, where videotaping is not practicable, to audiotape the entirety of such custodial interrogations.”

<sup>25</sup> Air Force Judge Advocate General’s Online News Service, August 26, 2009: “AFOSI will begin recording all subject interviews beginning 1 October 2009. The current draft policy requires DVD recording of all subject interviews, with limited exceptions, and the optional recording of witness and victim interviews.”

<sup>26</sup> Section 1080 of the National Defense Authorization Act for Fiscal Year 2010 requires that “each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a [DOD] facility is videotaped or otherwise electronically recorded.” The “term ‘strategic intelligence interrogation’ means an interrogation of a person . . . conducted at a theater-level detention facility.” The DOD Judge Advocate General is to develop guidelines.

<sup>27</sup> U.S. Naval Criminal Investigative Services Manual, General Order 00-0012, “Policy Change Regarding Recording of Interrogations,” Sept. 4, 2008. Require audio or video recording of interrogations of suspects involving crimes of violence which take place within an NCIS facility. The Special Agent-in-Charge or supervisory designee may make a decision not to record when recording would be counterproductive or impede the interrogation.

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