DEPARTMENTS THAT CURRENTLY RECORD A MAJORITY OF CUSTODIAL INTERROGATIONS

Those named are police departments unless otherwise indicated. 
CS refers to county sheriff departments, DPS for Department of Public Safety, and FD for Fire Department.

**Alabama**
- Baldwin CS
- Daphne
- Mobile
- Mobile CS
- Prichard

**Arkansas**
- All departments – Supreme Court ruling

**Arizona**
- Apache Junction
- Casa Grande
- Chandler
- Coconino CS
- El Mirage
- Flagstaff
- Gila CS
- Gilbert
- Glendale
- Marana
- Maricopa CS
- Mesa
- Oro Valley
- Payson
- Peoria
- Phoenix
- Pima CS
- Pinal CS
- Prescott
- San Luis
- Scottsdale
- Sierra Vista
- Somerton
- South Tucson
- State Dept of Corrections
- Surprise
- Tempe
- Tucson
- Yavapai CS
- Yuma
- Yuma CS

**California**
- Alameda CS
- Arcadia
- Auburn
- Bishop
- Butte CS
- Carlsbad
- Contra Costa CS
- El Cajon
- El Dorado CS
- Escondido
- Folsom
- Grass Valley
- Hayward
- La Mesa
- Livermore
- Milpitas
- Oceanside
- Orange CO Fire Authority
- Orange CS
- Placer CS
- Pleasanton
- Rocklin
- Roseville
- Sacramento
- Sacramento CS
- San Bernardino CS
- San Diego
- San Francisco
- San Joaquin CS
- San Jose
- San Leandro
- San Luis
- Santa Clara
- Santa Clara CS
- Santa Cruz
- Stockton
- Sunnyvale DPS
- Union City
- Vallejo
- Ventura CS
- West Sacramento
- Woodland
- Yolo CS

**Colorado**
- Arvada
- Aurora
- Boulder
- Brighton
- Broomfield
- Colorado Springs
- Commerce City
- Cortez
- Denver
- El Paso CS
- Ft. Collins
- Lakewood
- Larimer CS
- Logan CS
- Loveland
<table>
<thead>
<tr>
<th>State</th>
<th>Counties/Departments</th>
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<tbody>
<tr>
<td>Montezuma CS</td>
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<td>South Ute Gaming Div.</td>
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<td><strong>Connecticut</strong></td>
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<td>State Police Dept</td>
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<td><strong>District of Columbia</strong></td>
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</table>

Thomas P. Sullivan, 353 N. Clark Street, Chicago, IL 60654
312-923-2928; 312-840-7328 (fax); tsullivan@jenner.com
Kossuth CS
Linn CS
Marion
Marshalltown
Mason City
Merrill
Missouri Valley
Muscatine
Nevada
Orange City
Parkersburg
Polk CS
Pottawattamie CS
Rock Valley
Sioux City
Storm Lake
Vinton
Washington CS
Waterloo
Waverly
West Burlington
Woodbury CS

**Kansas**
Attorney General – Medicaid Fraud
Derby
Junction City
Kansas Bureau of Invtgn.
Great Bend
Overland Park
Pittsburg
Topeka
Wichita
Kansas Dept. of Corr.
Kansas Univ.
Lenexa
Liberal
Newton
Olathe
Ottawa
Riley County
Saline CS
Sedgwick
Sedgwick CS
Shawnee CS
Topeka
Wichita

**Kentucky**
Elizabethtown
Hardin CS
Jeffersontown
Louisville Metro
Louisville
Oldham CS
St. Matthews

**Louisiana**
Lafayette City
Lake Charles
Oak Grove
Plaquemines Parish CS
St. Tammany Parish CS

**Maine**
All departments – statute

**Maryland**
All departments – statute

**Massachusetts**
Amherst
Assumption College
Campus
Auburn
Ayer
Barnstable
Boston
Bourne
Brewster
Cambridge
Chatham
Dalton
Dartmouth
Dennis
Easton
Edgartown
Fall River
Great Barrington
Holyoke
Hudson
Lenox
Longmeadow
Nantucket
North Central Correctional Inst.
Northeastern Univ.
Oak Bluffs
Orleans

**Michigan**
All departments - statute

**Minnesota**
All departments – Supreme Court ruling

**Mississippi**
Biloxi
Cleveland
Gulfport
Harrison CS
Jackson CS

**Missouri**
All departments – statute

**Montana**
All departments – statute

**Nebraska**
All departments – statute

**Nevada**
Boulder City
Carlin
Douglas CS
Elko
Elko CS
Henderson
Lander CS
Las Vegas Metro
Nevada DPS
North Las Vegas
Reno
Sparks
Washoe CS
Wells
Yerington

*Thomas P. Sullivan, 353 N. Clark Street, Chicago, IL  60654
312-923-2928; 312-840-7328 (fax); tsullivan@jenner.com*
New Hampshire
Carroll CS
Concord
Conway
Enfield
Keene
Laconia
Lebanon
Nashua
Plymouth
Portsmouth
State Police
Swanzey

All departments – Supreme Court rule

New Jersey
All departments – statute

New Mexico
All departments – statute

New York
Binghamton
Brockport
Broome CS
Cayuga Heights
Chautauqua
Chenango
Clinton
Columbia
Deposit
Dryden
Dutchess
Endicott
Franklin
Fulton
Genesee
Glencille
Greene
Greene
Herkimer
Irondequoit
Jefferson
Madison
Monroe CS
Niagara
Oneida
Ontario
Orange
Otsego

NY State – Ithaca
NY State – Oneonta
NY State – Sidney
Rensselaer
Rochester
Rotterdam
Schenectady
Sullivan
Tioga
Tompkins CS
Troy
Ulster
Vestal
Washington
Wyoming

North Carolina
Bismarck
Burleigh CS
Cass CS
Devils Lake
Dickinson
Fargo
Grand Forks
Grand Forks CS
Hazen
Jamestown
Minot PD
ND Bureau of C. I.
ND Highway Patrol
Richland CS
Valley City
Ward CS
West Fargo

North Dakota

Ohio
Akron
Attorney General
Blanchester
Bratenahl
Cadiz
Cincinnati
Columbus
Darke CS
Dublin
Dept of Natural Resources

Ohio

Pennsylvania
Bethlehem
Bradford Township
Philadelphia
Tredyffrin Township
Whitehall

Rhode Island
All departments – Police Accreditation Commission

South Carolina
Aiken CS
Aiken DPS
City of Charleston
Florence CS
N. Augusta DPS

Franklin
Franklin CS
Garfield Heights
Grandview Heights
Grove City
Hartford
Hudson
Miami CS
Millersburg
OH Pharmacy Board
OH DPS
Ontario
Reynoldsburg
Sinclair
Springboro
State Highway Patrol
State Univ.
Troy
Upper Arlington
Wapakoneta
Warren CS
Westerville
Westlake
Worthington

Oklahoma
Moore
Norman
Oklahoma CS
Tecumseh

Oklahoma

Oregon
All departments – statute

Pennsylvania

South Carolina

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312-923-2928; 312-840-7328 (fax); tsullivan@jenner.com
N. Charleston
Savannah River
Site Law Enf.

South Dakota
Aberdeen
Belle Fourche
Brandon
Brookings
Brown CS
Clay CS
Lincoln CS
Minnehaha CS
Mitchell
Pierre
Rapid City
Sioux Falls
State Div. of Criminal
Investigations
State Univ.
Vermillion
Yankton

Tennessee
Bell Meade
Benton CS
Blount CS
Bradley CS
Brentwood
Bristol
Chattanooga
Cleveland
Franklin
Gallatin
Goodlettsville
Hamilton CS
Hendersonville
Highway Patrol
Knox CS
Knoxville
Loudon CS
Montgomery CS
Murfreesboro
Nashville
Shelby CS
White CS

Texas
Abilene
Alamo Heights
Andrews
Arlington
Austin
Burleson
Cedar Hill
Cedar Park
Cleburne
Collin CS
Corpus Christi
Dallas
Dallas CS
Duncanville
Eagle Lake
Eustace
Florence
Fort Worth
Frisco
George West
Georgetown
Granger
Harris CS
Hays CS
Houston
Hutto
Irving
Jim Wells
Johnson CS
Killeen
Leander
Midland
Midland CS
Murphy
Parker CS
Plano
Randall CS
Richardson
Round Rock
San Antonio FD
San Antonio
San Jacinto CS
Southlake DPS
Sugar Land
Taylor
Thrall

Travis CS
Univ. of Texas
Upton CS
Webster
Williamson CS

Utah
American Fork
Beaver CS
Box Elder CS
Brian Head
Brigham City
Cedar City
Centerville
Clearfield City
Cottonwood Heights
Davis CS
Draper City
Duchesne CS
East Carbon
Emery CS
Enoch City
Farmington
Garfield CS
Garland
Grand CS
Granite School District
Grantsville
Harrisville
Heber City
Helper City
Hurricane City
Iron CS
Ivins PD
Kanab City
Kane CS
Kaysville
Layton City
Lehi City
Lindon City
Logan City
Lone Peak
Mapleton
Millard CS
Morgan CS
Mount Pleasant
Murray
Naples

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1127233.57
Nephi
North Park
North Ogden
North Salt Lake
Orem DPS
Park City
Parowan
Pleasant Grove
Pleasant View
Price City
Provo City
Rich CS
Riverdale
Roosevelt
Roy City
Saint George
Salt Lake City
Salt Lake City Airport
Salt Lake CS
San Juan CS
Sandy
Saratoga Springs
Sevier CS
South Jordan
South Ogden
South Salt Lake
Southern Utah Univ. DPS
Spanish Fork
Springville
Summit CS
Syracuse
Tooele City
Tooele CS
Tremonton City
Uintah CS
Univ. of Utah DPS
Utah Atty General’s Office
Utah CS
Utah Highway Patrol DPS
Utah Transit Authority PSD
Vernal City
Washington DPS
Wayne CS
Weber CS
Weber State Univ.
West Bountiful City
West Jordan

West Valley City
Woods Cross

Vermont
Bennington
Norwich
Rutland CS
Rutland

Virginia
Alexandria
Blacksburg
Campbell CS
Chesterfield County
Clarke CS
Fairfax County
Louidoun CS
Norfolk
Patrick CS
Radford City
Richmond
South Boston
Stafford CS
Virginia Beach
Virginia Tech

Washington
Adams CS
Arlington
Bellevue
Bellingham
Bothell
Buckley
Clark CS
Columbia CS
Cowlitz CS
Ellensburg
Enumclaw
Everett
Federal Way
Ferndale
Grandview PD
Keneddick
Kent City
King CS
Kirkland
Kittitas CS
Klickitat CS
Lewis CS
Lynden

Mercer Island
Mount Vernon
Pierce CS
Port Angeles
Prosser
Quincy
Redmond
Snohomish CS
State Patrol
Sunnyside
Thurston CS
Toppensish
Univ. WA
Walla Walla
Washougal
Whatcom CS
Yakima
Yakima CS

West Virginia
Charles Town
Clarksburg
Huntington
Monongalia CS
Morgan CS
Morgantown
Wheeling

Wisconsin
All departments – statute

Wyoming
Campbell CS
Casper
Cheyenne
Cody
Gillette City
Laramie
Laramie CS
Lovel
Park CS

Federal
Air Force Office of
Special Investigations
Department of Defense
Naval Criminal
Investigative Service


3 On June 22, 2012, the Court adopted rule 4.7, providing, “Whenever practical, a custodial interrogation at a jail, police station, or other similar place, should be electronically recorded,” and that in determining admissibility of a custodial statement, the court may consider, among other relevant evidence, “whether an electronic recording was made; if not, why not; and whether any recording is substantially accurate and not intentionally altered.”

4 CAL. PENAL CODE § 859.5 and CAL. WELFARE & INSTS. Code § 626.8.

5 Conn. Gen. Stat. §54-1o. The statute, effective January 1, 2014, requires audiovisual recording of custodial interrogations of arrested suspects of capital and Class A and B felonies, with a rebuttable presumption of inadmissibility if statements that should have been but were not recorded are offered into evidence. The presumption “may be overcome by a preponderance of the evidence that the statement was voluntary given and is reliable, based on the totality of the circumstances.”

6 D.C. CODE §§ 5-116.01-03.

7 705 ILL. COMP. STAT. ANN. § 405/5-401.5 and 725 ILL. COMP. STAT. ANN. § 5/103-2.1.

8 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.

9 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). In 2009, the Department of Public Safety issued guidelines for interviews providing, “Officers will audio or video record interrogations as defined in DOM 23-02.5 … Custodial interrogations will be audio or video taped, including documentation of the *Miranda* warnings and waiver of rights consistent with DOM 23-02.15” DOS guidelines, IV C2g and E4C.

10 ME REV. STAT. ANN. Title 25, § 2803-B(1)(K).

11 MD. ANN. CODE, CRIM. PROC. § 2-402. The statute requires that “A law enforcement unit that regularly utilizes one or more interrogation rooms capable of creating audiovisual recordings of custodial interrogations shall make reasonable efforts to create an audiovisual recording of a custodial interrogation of a criminal suspect in connection with a case involving” named felonies, “whenever possible.” Other law enforcement units “shall make reasonable efforts to create an audio recording of a custodial interrogation of a criminal suspect in connection with” cases involving the named felonies, “whenever possible.”

12 *Commonwealth v. DiGiambattista*, 813 N.E.2d 516, 533-34 (Mass. 2004). Following this ruling, the Attorney General, the Chiefs of Police and District Attorneys Associations, and the State Police, endorsed the policy of videorecording all custodial interrogations of suspects in serious felony investigations unless strong countervailing considerations make recording impractical or the suspect refuses to be recorded.

13 Michigan Public Act No. 479, effective March 28, 2013. The statute requires that audiovisual recordings be made of the entire interrogations of persons in custodial detention regarding involvement in the commission of a major felony. The
requirement takes effect in each law enforcement agency within either 60 or 120 days after the agency obtains appropriate audiovisual recording equipment or funds. Failure to record as required “does not prevent any law enforcement official present during the taking of the statement from testifying in court as to the circumstances and content of the individual’s statement if the court determines that the statement is otherwise admissible,” but “the jury shall be instructed that if is the law of this state to record statements of an individual in custodial detention who is under interrogation for a major felony and that the jury may consider the absence of a recording in evaluating the evidence relating to the individual’s statement.”

14 State v. Scales, 518 N.W.2d 587, 591 (Minn. 1994).

15 MO. REV. STAT. ch. 590, §701. The statute requires recording of custodial interviews of suspects of specified felonies if recording equipment is available and recording is feasible. A law enforcement agency’s failure to comply with the statute shall have no impact other than that “the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds the agency did not act in good faith in attempting to comply with” the statute. Nothing in the statute “shall be construed as a ground to exclude evidence.” A violation of the statute “shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.”


17 NEB. REV. STAT. ANN. §29-4501-4508 (West 2009).

18 In State v. Barnett, 789 A.2d 629, 632-33 (N.H. 2001), the 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.


20 N.M. STAT. ANN. §29-1-16.

21 N.C. GEN. STAT. ANN. §15A-211, relating to major felonies.

22 In April 2011, the Governor enacted a law providing that “the legislative management shall consider studying the feasibility and desirability of adopting the Uniform Electronic Recording of Custodial Interrogations Act. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-third [2012] legislative assembly.” No recording bill has been approved by the legislature.

23 OHIO REV. CODE ANN. §2933.81. Recorded statements made during custodial interviews are presumed voluntary. Failure to record is not a basis to exclude the statement.

24 The Oregon statute requires recording of custodial interviews of suspects of aggravated homicides and crimes with mandatory minimum sentences. OR. REV. STAT. §165.540.

25 The General Assembly established a Task Force to develop policies for electronically recording custodial interrogations in their entirety. R.I. Gen. Laws §12-7-22, June 2011. In February 2012, the Task Force filed its Final Report which contained recommendations that by July 1, 2013, “every Rhode Island law enforcement agency adopt uniform written policies and procedures requiring the electronic recording of custodial interrogations.” The December 2013 edition of the RI Police Accreditation Commission (RIPAC), which contains mandatory standards for accreditation of police departments, requires adoption of a model policy of recording custodial interrogations of persons suspected of having committed a capital offense crime, punishable by up to life in prison, from the Miranda warnings to the end. All 43 state police departments have agreed to adopt and implement the RIPAC model policy.

26 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

27 The Utah Attorney General has adopted a Best Practices Statement, endorsed by all state law enforcement associations, recommending that custodial interrogations in a fixed place of detention of persons suspected of committing a statutorily defined 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).

28 Act of June 3, 2010, §238d. Pursuant to this statute, a Working Group of the Vermont Law Enforcement Advisory Board adopted a Best Practices Statement, recommending that custodial interviews of felony suspects be electronically recorded by audio and visual whenever practicable.


30 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.”


32 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.” On May 10, 2010, the DOD Judge Advocate General issued detailed guidelines. Directive-Type Memorandum 09-031.

33 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.