

**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

**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  
 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  
 Schererville PD  
 Sheridan PD  
 Shippshewana 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**

Junction City PD  
Kansas Univ. DPS  
Liberal 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  
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**

Clay CS  
Lake Area Narcotics  
Enforcement Group  
Lincoln CS  
Platte CS  
St. Louis County  
Major Case Squad  
St. Louis County PD

**Montana**

All departments - statute<sup>13</sup>

**Nebraska**

All departments - statute<sup>14</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>15</sup>**

Carroll CS

Concord PD

Conway PD

Enfield PD

Keene PD

Laconia PD

Lebanon PD

Nashua PD

NH State PD

Plymouth PD

Portsmouth PD

Swanzey PD

**New Jersey**

All departments - Supreme  
Court Rule<sup>16</sup>

**New Mexico**

All departments - statute<sup>17</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>18</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

Brown CS

Cincinnati PD

Columbus PD

Dawson CS

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>19</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

**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	San Antonio PD	Snohomish CS
SD State Univ. PD	San Jacinto CS	Thurston CS
Vermillion PD	Southlake DPS	Univ. WA PD
<b>Tennessee</b>	Sugar Land PD	Walla Walla PD
Blount CS	Taylor PD	WA State Patrol
Bradley CS	Travis CS	Yakima CS
Brentwood PD	Webster PD	<b>West Virginia</b>
Chattanooga PD	Williamson CS	Charles Town PD
Cleveland PD	<b>Utah</b> <sup>21</sup>	Monongalia CS
Goodlettsville PD	Layton PD	Morgantown CS
Hamilton CS	Salt Lake City PD	Morgantown PD
Hendersonville PD	Salt Lake CS	Wheeling PD
Loudon CS	Utah CS	<b>Wisconsin</b>
Montgomery CS	<b>Vermont</b>	All departments - statute <sup>22</sup>
Murfreesboro PD	Burlington PD	<b>Wyoming</b>
Nashville PD	Norwich PD	Cheyenne PD
<b>Texas</b> <sup>20</sup>	Rutland PD	Cody PD
Abilene PD	<b>Virginia</b>	Gillette City PD
Andrews PD	Alexandria PD	Laramie CS
Arlington PD	Chesterfield County PD	Laramie PD
Austin PD	Clarke CS	Lovell PD
Burleson PD	Fairfax PD	Polk CS
Cedar Hill PD	Loudoun CS	
Cedar Park PD	Norfolk PD	
Cleburne PD	Richmond PD	
Collin CS	Stafford CS	
Corpus Christi PD	Virginia Beach PD	
Dallas PD	<b>Washington</b>	
Duncanville PD	Adams CS	
Florence PD	Arlington PD	
Frisco PD	Bellevue PD	
Georgetown PD	Bothell PD	
Granger PD	Buckley PD	
Harris CS	Columbia CS	
Houston PD	Ellesburg PD	
Hutto PD	Federal Way PD	
Irving PD	Kennewick PD	
Johnson CS	Kent City PD	
Killeen PD	King CS	
Knox CSO	Kirkland PD	
Leander PD	Kittitas CS	
Midland PD	Klickitat CS	
Parker CS	Lewis CS	
Plano PD	Marysville PD	
Randall CS	Mercer Island PD	
Richardson PD	Mount Vernon PD	
Round Rock PD	Pierce CS	
	Prosser PD	

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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 March 2009, the Indiana Supreme Court Committee on Rules of Practice and Procedure distributed an announcement which states: “The Indiana Supreme Court is interested in receiving comments from the bench, bar and public concerning (1) whether it should adopt a rule requiring that custodial interrogations in criminal investigations be electronically recorded in some circumstances, and (2) if so, the appropriate content of such a rule. To that end, the Court asked the Committee on Rules of Practice and Procedure to develop and publish such a rule.”

<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> 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).

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<sup>14</sup> NEB. REV. STAT. ANN. § 29-4501-4508 (West 2009), effective July 18, 2008.

<sup>15</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>16</sup> N.J. CT. R. 3.17 (2005).

<sup>17</sup> N.M. STAT. ANN. § 29-1-16 (West 2009), effective Jan. 1, 2006.

<sup>18</sup> N.C. GEN. STAT. ANN. § 15A-211 (West 2009), effective Mar. 1, 2008.

<sup>19</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>20</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).

<sup>21</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>22</sup> Wis. Stat. Ann. §§ 968.073, 972.115 (West 2009), effective Dec. 31, 2005.