

Practices of U.S. police departments regarding recording interrogations

Following is a summary of the findings of a telephone survey conducted by Thomas P. Sullivan and Laura A. Thomas, of the Chicago law firm of Jenner & Block, to identify U.S. police departments that video or audio tape interrogations of in-custody felony suspects. The survey, which was completed in April 2003, does not purport to be complete.

ALASKA

Taping of questioning of suspects in police facilities required by the Alaska Supreme Court. *Stephan v. State*, 711 P.2d 1156 (1985).

CALIFORNIA

San Diego. Police routinely videotape the full interrogation of suspects and some significant witnesses in major crimes, which he said include homicide, rape, robbery and child abuse. An example of a “significant witness” is a witness to a gang shooting, as these witnesses often are not available later. Under California law, persons do not have to be informed that they are being video or audio recorded, and the police conceal the equipment in the interview rooms. A homicide detective said that electronic recording is “a great investigative tool” that often is helpful in the courtroom. The only problem to date has been storage of the videotapes, but new digital equipment will solve the storage issues.

COLORADO

Boulder. Police try to videotape interrogations in most serious felonies, and all homicides and sexual assaults. They audiotape in addition to videotaping to help with transcription, and for additional coverage in case of a video equipment failure. They have two rooms set up for videotaping, and so prioritize the cases that need videotaping on a case-by-case basis, including whether or not to videotape witness and victim interviews. If interrogations are not videotaped, they try to audiotape.

Colorado Springs. Police routinely videotape interrogations of suspects in major crimes, which he defined to include homicides and sexual assaults. The department occasionally videotapes interrogations of suspects in other crimes.

Denver. Police videotape interrogations in homicide, sexual assault, child abuse, bank robbery, aggravated assault, and auto fatality cases, and all shootings involving police officers. Officers may, when they deem it appropriate, videotape custodial interrogations in other cases as well.

Ft. Collins. Police videotape custodial interrogations of all felony suspects. In some cases, interviews with potential witnesses also are videotaped.

CONNECTICUT

The following towns and cities electronically record some or all of interrogations: Berlin, Bridgeport, Bristol, Burlington, Danbury, Darien, Glastonbury, Hamden, Manchester, Milford, New Britain, East Haven, New Haven, New Milford, Norwalk, Orange, Rockville, Simsbury, South Windsor, Stamford, Thomaston, Wallingford, and Wethersfield.

FLORIDA

Coral Springs. Police videotape interrogations in homicide and most serious felony cases, especially sexual assaults. They do not videotape less serious felonies, such as burglary.

Miami. Police do not currently videotape, but there are plans to begin videotaping in the near future.

IOWA

Sioux City. Police videotape custodial interrogations in serious felony cases.

MAINE

Portland. Police videotape all interviews with suspects that take place at the police station. The tape starts running before the detectives walk into the interview room and ends when the detectives leave the room.

MARYLAND

Prince George's County. Police videotape all suspects' statements in homicides and felony sex cases.

MINNESOTA

Taping of questioning of in custody suspects is required by Minnesota Supreme Court. *State v. Scales*, 518 N.W.2d 587 (1984).

NEW MEXICO

Las Cruces. Police videotape and audiotape the full interrogation for all serious felonies.

SOUTH DAKOTA

Aberdeen. Police normally videotape and audiotape all interviews and interrogations of witnesses and suspects, as a matter of good practice.

TEXAS

Austin. Police have an optional procedure for videotaping suspects' statements; is up to the police officer involved as to whether or not to tape; most suspects' statements in homicide cases are videotaped immediately after the Miranda warnings are given.