

APPENDIX

DEPARTMENTS THAT CURRENTLY RECORD A MAJORITY OF CUSTODIAL INTERROGATIONS

*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 ruling¹

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

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
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

¹ *Stephan v. State*, 711 P.2d 1156,
1162 (Alaska 1985).

Thornton PD
Connecticut
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 - statute²
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 - statute³
Other felonies -
Bloomington PD
Cahokia PD
Caseyville PD
Dixon PD
DuPage CS
East St. Louis PD
Fairview Heights PD
Galena PD
Kankakee CS
Kankakee PD
Macon CS
Naperville PD
O'Fallon PD
Rockton PD
St. Clair CS
Swansea PD
Winnebago CS
Indiana
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
Fishers PD
Floyd CS
Fort Wayne PD
Greensburg PD
Hamilton CS
Hancock CS
Hartford PD

² D.C. CODE §§ 5-116.01-03
(2005).

³ 705 ILL. COMP. STAT. ANN.
§ 405/5-401.5; 725 ILL. COMP.
STAT. ANN. § 5/103-2.1; 720 ILL.
COMP. STAT. ANN. § 5/14-3(k).

IN State PD
Jeffersonville PD
Johnson CS
Kendallville PD
LaGrange CS
Lowell PD
Montpelier PD
Nappanee PD
Noble CS
Noblesville PD
Schererville PD
Sheridan PD
Shipshewana PD
Steuben CS
Tipton PD
Westfield PD

Iowa⁴

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

⁴ Following the ruling of the Supreme Court of Iowa in *State v. Hajtic*, 724 N.W.2d 449 (Iowa 2006), the Iowa Attorney General wrote in the Iowa 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."

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

Kansas Univ. DPS
Liberal PD
Ottawa PD
Topeka PD
Sedgwick CS
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 - statute⁵

⁵ ME REV. STAT. ANN. Title 25, § 2803-B(1)(K).

Maryland⁶

Harford CS
Montgomery PD
Prince George's County PD

Massachusetts⁷

Barnstable PD
Boston PD
Bourne PD
Brewster PD
Cambridge
Chatham PD

⁶ The Maryland Code of Criminal Procedure directs 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 art. 2 § 401-04 (2008).

⁷ *DiGiambattista*, 813 N.E.2d at 533-34. Following this ruling, the state Attorney General and District Attorneys Association 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 Massachusetts Chiefs of Police Association, District Attorneys Association and State Police distributed a "Sample Policy and Procedure" (No. 2.17) to law enforcement agencies throughout the state, in order "to have all law enforcement departments 'on the same page' while waiting for clarification from the courts on many issues left unanswered in *DiGiambattista*." The sample begins, under the heading "Policy": "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."

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
Bloomfield Hills 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
Novi PD
Oak Park DPS
Onaway PD
Paw Paw PD

Redford Township PD
Scottville PD
Troy PD
Waterford PD
West Branch PD

Minnesota
All departments - Supreme
Court ruling⁸

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
Billings PD
Bozeman PD
Butte/Silverbow LED
Cascade CS
Flathead CS
Gallatin CS
Great Falls PD
Helena PD
Kalispell PD
Lewis & Clark CS
Missoula PD
Missoula CS

Nebraska
Beatrice PD
Buffalo CS
Columbus PD
Cozad PD
Dawson CS
Douglas CS

Fremont PD
Grand Island PD
Hall CS
Hastings PD
Holdredge PD
Kearney PD
Lancaster CS
Lincoln CS
Lincoln PD
Madison CS
NE State Patrol
Norfolk PD
North Platte PD
Omaha PD
O'Neill PD
Sarpy CS

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 Hampshire⁹

⁸ *State v. Scales*, 518 N.W.2d 587, 591 (Minn. 1994).

⁹ In *State v. Barnett*, 789 A.2d 629, 632-33 (N.H. 2001), the Supreme Court of New Hampshire 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. Further, if a partially recorded statement is excluded from evidence because the entire

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 Rule¹⁰
Jersey City Fire Dept. - Arson

New Mexico

All departments - statute¹¹

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

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.

¹⁰ Supreme Court Rule 3.17 (2005).

¹¹ N.M. STAT. ANN. § 29-1-16.

Tompkins CS
Vestal PD
North Carolina
All departments -
homicides - statute¹²
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

¹² N.C. GEN. STAT. § 15A-211
(2007).

Norman PD
Oklahoma CS
Tecumseh PD

Oregon

Bend PD
Clackamas CS
Coburg PD
Douglas CS
Eugene PD
Lincoln City PD
Medford PD
Ontario PD
OR State PD, Springfield
Roseburg PD
Salem PD
Warrenton PD
Yamhill CS

Pennsylvania

Bethlehem PD
Tredyffrin Township PD
Whitehall PD

Rhode Island

Woonsocket PD

South Carolina

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

South Dakota

Aberdeen PD
Brown CS
Clay CS
Lincoln CS
Minnehaha CS
Mitchell 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

Texas¹³

Abilene PD
Arlington PD
Austin PD
Burlison 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

Kileen PD
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

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
Loudoun CS
Richmond PD

Washington

Adams CS
Arlington PD
Bellevue PD
Bothell PD
Buckley PD
Chehalis CS
Columbia CS
Ellesburg PD
Federal Way PD
Kennewick PD
Kent City PD
King CS
King County Arson
Investigation Units

Kirkland PD
Kittitas CS
Klickitat CS
Lewis CS
Mercer Island PD
Mount Vernon PD
Pierce CS
Snohomish CS
Thurston CS
Univ. WA PD
Walla Walla PD
WA State Patrol
Yakima CS

West Virginia

Charles Town PD
Morgantown PD
Wheeling PD

Wisconsin

All departments - statute¹⁴

Wyoming

Cheyenne PD
Cody PD
Gillette City PD
Laramie CS
Laramie PD
Lovell PD
Polk CS

¹³ The Texas Code of Criminal Procedure provides that a defendant's oral statement is inadmissible if it is not recorded, 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. CRIM. CODE PROC. ANN. art. 38.22; *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).

¹⁴ Wis. Stat. § § 968.073, 972.115 (2005).

Thomas P. Sullivan
Jenner & Block LLP
330 N. Wabash Avenue
Chicago, IL 60611

October 6, 2008

