Vermont State Police Policy regarding the recording of custodial interrogations,  it is Section 3.10 of VSP-DIR-501 Criminal Investigations

3.10 Custodial Interviews/Interrogations

(1) ALL custodial interrogations of  individuals concerning the investigation of a homicide (Chapter 53 of Title 13) or  Sexual Assault, (Chapter 72 of Title 13) shall be electronically recorded in its entirety. "Electronic recording" means an audio AND video recording.  Members shall capture in the video both the interrogator(s) and the person being interrogated.  Due to this requirement, members shall be required to familiarize themselves with the recording equipment in the place of detention where the interrogation is taking place.

(2) This includes custodial questioning/interrogation that occurs in any police office, station or barracks, or other place of detention.

(3) A custodial interrogating or interview means any situation in which a person is questioned by law enforcement that is reasonably likely to illicit an incriminating response AND the person being questioned would consider himself/herself in custody, or unable to freely leave the situation.  This is the same standard in which a person should have been advised of  his/her Miranda rights.

(4) Electronic Recording means an audio AND visual recording that is authentic, accurate and unaltered, of a custodial interrogation or custodial questioning.  If there is no means or capacity to visually record the interrogation/questioning, then an audio recording must be made.

(5) Both the investigator(s) or person conducting the questioning as well as the person being questioned shall be simultaneously captured on the recording.

(6) Exceptions

The following exceptions apply:

       A. Exigent circumstances;

B. A person’s refusal to be electronically recorded;

C. Interrogations conducted by other jurisdictions;

D. A reasonable belief that the person being questioned/interrogated did not commit a felony homicide or  sexual assault and therefor electronic recording of the interrogation was not required;

E. The safety of a person or protection of his/her identity;

F. Equipment malfunction.

(7) If a member does not make an electronic recording of a custodial interrogation as required under the statute, s/he shall communicate directly and immediately with the prosecutor as to why the recording was not made. The prosecution shall prove by a preponderance of the evidence that one of the exceptions identified applies. (Refer to Title 13 VSA 5585)