
Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Franklin Community Schools Police Department to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Franklin Community Schools Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

100.3 LAW ENFORCEMENT OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE FRANKLIN COMMUNITY SCHOOLS POLICE DEPARTMENT

The arrest authority of officers within the jurisdiction of the Franklin Community Schools Police Department includes (I.C. § 35-33-1-1):

- (a) In compliance with an arrest warrant.
 - 1. The arresting officer shall take steps to have the arrestee delivered to the sheriff of the applicable county (I.C. § 35-33-2-3).
- (b) When there is probable cause to believe a misdemeanor is being committed or attempted in the officer's presence.
- (c) When there is probable cause to believe that the offender has committed or is attempting to commit a felony
- (d) When there is probable cause to believe that the offender has committed:
 - (a) A violation of the duties of a motorist involved in a motor vehicle accident.
 - (b) A violation involving operating a vehicle while intoxicated.
 - (c) A battery resulting in bodily injury.
 - (d) Domestic battery.
 - (e) An invasion of privacy.
 - (f) A violation of a no-contact order with a child or member of a foster family home.
 - (g) A violation relating to unlawful carrying of a handgun or a violation relating to a counterfeit handgun license.
 - (h) A violation of the terms of the offender's probation.

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- (i) A violation pertaining to the undisclosed transport of a dangerous device.
- (j) An offense where the individual interfered with the reporting of any crime (including domestic or family violence), calling 9-1-1, or obtaining medical assistance.
- (k) A theft.
- (l) And been indicted or convicted of one or more of the aggravated felonies in 8 USC 1101 (a)(43).

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE FRANKLIN COMMUNITY SCHOOLS POLICE DEPARTMENT

Officers outside the jurisdiction of the Franklin Community Schools Police Department have the same arrest authority as if inside the jurisdiction of the Franklin Community Schools Police Department (I.C. § 35-33-1-1).

100.4 ARREST AUTHORITY FOR MOTOR VEHICLE VIOLATIONS

Officers may arrest or issue a traffic information and summons to a person when (I.C. § 9-30-2-2):

- (a) The officer is in uniform with a badge displayed or operating a clearly marked police vehicle.
- (b) The officer is in an unmarked vehicle, and:
 - 1. There is a uniformed officer present, or
 - 2. The arrest or citation is for violation of:
 - (a) Reckless endangerment under I.C. § 9-21-8-52(a)(1)(A).
 - (b) Recklessly passing a school bus causing injury or death under I.C. § 9-21-8-52(b).
 - (c) Operating a motor vehicle while intoxicated in a manner endangering a person under I.C. § 9-30-5-2(b).

100.5 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding, or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters Michigan or Ohio in fresh pursuit of a felony suspect (MCL 780.101 (Michigan)); ORC § 2935.30 (Ohio)); or enters Illinois in fresh pursuit of a suspect who has committed a felony or misdemeanor offense (725 ILCS 5/107-4 (Illinois)).

Whenever an officer makes an arrest in another state, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (MCL 780.102; ORC § 2935.31; 725 ILCS 5/107-4).

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100.6 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and Indiana constitutions.