



Indiana University Police Department

Arrest with/ without a Warrant

Issue Date:	6/7/2019	Effective Date:	5/15/2020
Review Date:	5/15/2021	Number of Pages:	6
Rescinds:	None		
IACLEA Standards:	2.2.2		

I. Purpose

To provide guidance on the use of authority granted by Indiana state code.

II. General Order

Indiana University Police Department (IUPD) will take active measures to ensure that officers exercise their authority to arrest within constitutional and statutory limitations.

III. Arrest Authority

- A. The U.S. Constitution, the Indiana Constitution, and Indiana Statutes define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, ordinances, and arrests¹.
- B. Indiana Code IC 21-39-4 *Powers to Appoint Police Officers* grants the Board of Trustees of Indiana University authority to employ police officers to serve at their pleasure.
 - 1. Police officers appointed under this statute have the following powers, privileges, immunities, and duties:
 - 1. General police powers including the power to arrest, without process, all persons who commit an offense within the view of the officer.
 - 2. The same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that the officers are empowered to serve civil process only to the extent authorized by the employing board of trustees.

IV. Warrantless Arrests²

- A. Officers have authority to arrest any person without a warrant when probable cause exists to believe the person has committed or attempted to commit or is committing or attempting to commit a felony.
- B. Officers have authority to arrest any person without a warrant when probable cause exists to believe the person has committed or attempted to commit, or is

¹ IACLEA 2.2.2 – Procedures – Arrest with/without a Warrant

² IACLEA 2.2.2.b – Procedures – Arrest with/without a Warrant



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committing or attempting to commit a misdemeanor covered by IC 35-33-1-1 as it now exists or may be amended.

1. Misdemeanor Exceptions (custodial arrest is warranted but not witnessed) include:
 - a. LSA or LSA with Injury
 - b. Operating While Intoxicated (OWI)
 - c. Battery with Injury
 - d. Domestic Battery
 - e. Invasion of Privacy
 - f. Carrying a Handgun without License or Using a Counterfeit Handgun License
 - g. Probation Violation
 - h. Transport of a Dangerous Device
 - i. Interference with the Reporting of a Crime
 - j. Theft under \$750.00
- C. Summoning an individual into court is an alternative to custodial warrantless arrest providing the local County Prosecutor has approved this as an option for misdemeanor offenses.
- D. Where an arrest may be lawfully made without a warrant, an officer making the arrest is justified in implementing all approved measures needed to secure the offender, except entering a residence to make the arrest unless.
 1. A person who resides in the residence consents to the entry; or
 2. Exigent circumstances require the officer making the arrest enter the residence without the consent of a resident or without a warrant.

V. Arrest Warrants



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A. An arrest warrant provides for independent prosecutorial or judicial review of an incident. Whenever time and circumstances allow, the warrant process should be used for an arrest³.

Officers shall make every effort to serve any arrest warrant issued from any court of competent jurisdiction.

1. Arrest warrants served on IU campuses shall always be executed by at least two sworn law enforcement officers, at least one of whom shall be in uniform unless tactical considerations dictate otherwise.
 2. Arrest warrants shall be executed in classrooms only when no other option for service is available and only after the potential risk to innocent persons has been carefully considered. Should it be necessary to serve an arrest warrant in a classroom, every effort will be made to keep any disruption of the class to a minimum.
- B. Officers who are required to serve an arrest warrant off campus shall notify the agency having primary law enforcement responsibility for the location. At least one uniformed officer from the local agency will be requested to participate in serving the warrant unless exigent circumstances dictate otherwise.
- C. In situations in which the arresting officer is not in possession of the warrant, the officer shall be responsible for confirming the validity of the warrant.
- D. Temporary detention of an individual for the purpose of verifying warrant status is permissible.
- E. Upon making an arrest on the strength of a warrant, the arresting officer shall inform the defendant as soon as practicable of the nature of the crime with which the defendant is charged. If available, a copy of the warrant may be provided to the defendant.
- F. Upon execution of a warrant, officers shall notify the IU Dispatch and request that the warrant be removed from IDACS/NCIC system.
- G. When serving an arrest warrant at a residence, officers shall be required to knock, state their identity, and purpose, and await permission to enter, with the following exceptions:
1. Judicial authorization is given for a “no-knock” execution of a warrant.

³ IACLEA 2.2.2.a – Procedures – Arrest with/without a Warrant



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2. When executing a warrant for a felony and, after announcement of identity and purpose, entry is refused.
 3. When those within, upon being made aware of the presence of someone outside, engage in activity that justifies officers in the belief that destruction of evidence is being attempted.
 4. When officers are justified in the belief that they, or the persons within, are in imminent peril of bodily harm.
- H. When forcible entry is required, officers shall perform the following:
1. Locate and control all persons on the premises and any property that might potentially serve as a weapon.
 2. Photograph any damage occurring because of the forcible entry and describe in the offense report how the damage occurred.
- J. The entry of a temporary felony want should be considered when probable cause exists that a serious felony was committed and there is a known suspect, but the suspect was not located. It is important to remember that a temporary felony want does not take the place of a warrant. It does allow the police to get a warrant entered the IDACS/NCIC system soon after the crime was committed. This may increase the likelihood that the suspect will be quickly apprehended and decrease the danger to the public.
1. The investigating officer must notify an on-duty supervisor and receive approval for the entry based on the following required elements being met:
 - a. Probable cause that a serious felony was committed.
 - b. Probable cause that a known suspect committed the felony; and
 - c. The need to immediately apprehend the suspect.
 2. The officer or supervisor must call the Prosecutor’s Office of jurisdiction. If the office is closed, notify the on-call Prosecutor, and provide the details of the incident and the intent to enter the temporary felony want.
 3. As soon as possible (prior to the 48-hour expiration time), the officer will attempt to secure a warrant through the Prosecutor’s Office of jurisdiction.
 4. The investigating officer(s) shall complete the required offense reports.



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5. If a warrant is not issued, the temporary felony want shall not be reentered after the 48 hours has expired. If the suspect is taken into custody by another agency on a temporary felony want, a supervisor shall make the decision to send on-duty officers or a transport team to take custody of the suspect. Once the suspect is in custody, IU Dispatch must cancel the warrant.

VI. Use of Discretion by Sworn Officers

- A. The following shall govern the use of discretion by sworn officers:
 1. Officers shall use discretion in furtherance of established Department goals and objectives but only when in compliance with applicable laws and the law enforcement code of ethics.
 2. The exercise of discretion shall be guided by a combination of written enforcement policies, training, and supervision.
 3. Reasonableness and probable cause shall vary with each situation, and different facts may justify investigation, detention, search, arrest, warning, or no action at all. In each case, officers shall act reasonably and within the limits of authority as defined by statute and judicial interpretation.
- B. Arrests or other enforcement actions should generally be taken or effected when there is probable cause to believe that a person has committed a serious crime.
- C. For minor offenses, officers should consider the action that would most likely deter future violations. Such actions may include the following: physical arrest, citation, written warning, or verbal warning, or referral to the Institution
- D. The degree of enforcement action or inaction used by officers shall not be influenced by malice, vengeance, or prejudice based on race, gender, ethnic background, religious belief, economic status, sexual orientation, physical ability, or political affiliation.
- E. Enforcement action shall not be more severe than can be reasonably and objectively justified. Officer contact shall not be extended unnecessarily for the purpose of delaying the release or inhibiting the free movement of any person.

VII. Related Information

[U.S. Constitution Amendment IV](#)

[U.S. Constitution Amendment X](#)



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General Order G2.2.2

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[Indiana Constitution - Article 1. Section 11.](#)

Indiana Code:

[IC 21-39-4](#) Powers to Appoint Police Officers

[IC 21-39-4-5](#) Powers and Duties of Police Officers

[IC 35-33-1-1](#) Exceptions to Misdemeanor Witness Rule

Benjamin Hunter (05/15/2020)
Superintendent of Public Safety