

Subtitle

August 8th, 2022

I.C. 34-28-5-3.5

Refresher

This News Letter is just to give everyone a refresher for the statute of Refusing to Identify and the circumstance needed to charge someone with the crime. It's good to read statutes again so you can build confidence in yourself while performing your duties.

This is why it's important to know Indiana statutes and our City Ordinances.

Refusal to Identify

Indiana Statute 34-28-5-3.5



A person who knowingly or intentionally refuses to provide either the person's:

(1) name, address, and date of birth;

or

(2) driver's license, if in the person's possession;

to a law enforcement officer who has stopped the person for an **infraction or ordinance violation** commits a Class C misdemeanor.

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Scenarios

Question: If you have reasonable suspicion to stop a person for speeding can you demand the driver to ID themselves?

Answer: Yes you can.

Question: If you have reasonable suspicion to stop a driver for speeding can you demand the passenger to ID themselves if you don't suspect them of violating an ordinance or infraction?

Answer: No you cannot demand them to ID them self under this Statute. You can and should always ask the passengers to ID themselves, but if they refuse then you cannot enforce this statute on the passengers.

Question: If the passenger throws a cigarette out of the window or any other type of Refuse, can you force them to ID them self?

Answer: Yes you can because you now suspect them of committing an infraction under Indiana Law.

Question: If you are dispatched to a disturbance between two people and you don't suspect the people of violating an ordinance violation or infraction, can you demand ID from them under this Statute?

Answer: No you can't force them to provide Identification. But you can and should always ask for it.

Tips: There are numerous ways that you can identify people in the course of your duties. If you have a suspect that you are arresting for a criminal offense and they refuse to identify themselves there are several ways to find out their name for your reports. 1. Ask the person that they're with who they are. 2. Ask a neighbor who they are before you leave. 3. Search the address in New World. 4. Search the New World people tab with their description. 5. Look up the vehicle in New World and see previous encounters with people attached. 6. Ask Nicely. 7. If you already know who they are then you don't have to ask.

<http://iga.in.gov/legislative/laws/2022/ic/titles/034/#34-28-5-3.5>
