Abstract

Statutes provide law enforcement with effective tools for dealing with criminals in society. There can be, unfortunately, laws that have unclear messages or simply do not make sense. Indiana has such a law. Indiana Criminal Code 9-30-2-2 provides certain mandates that police officers must follow in order to make a traffic stop to enforce all laws pertaining to the use of motor vehicles on Indiana highways. Indiana requires all officers to either be in a uniform, or in a clearly marked police vehicle in order to arrest or issue a summons to motor vehicle law violators. Even though most motorists are not aware of this law, it has created confusion and uncertainty for officers. Because of this uncertainty, this law’s intent has been questioned and challenged at the trial court level and at different courts of appeals in Indiana. These courts have struggled to define when an arrest occurs and have ruled to allow private citizens to make criminal arrests when police officers were not allowed to make the very same arrests. As a result of several of these court decisions, faults with the law have been recognized by criminal justice professionals. These faults, coupled with better legal examples from other, more progressive states, illustrate the necessity for a change in Indiana Code 9-30-2-2. This research will provide the reader with legal briefs that are applied to various officers’ enforcement of motor vehicle law and some sample statutes from other states. Also included are opinions from local officers, officers from other states, as well as local prosecutors and judges. After reviewing the material, the reader should be able draw a conclusion about the effectiveness of Indiana Code 9-30-2-2.