

Statement from the Hammond Police Department - October 7, 2014

The Hammond Police Department stopped a vehicle on September 24th, 2014 at about 3:45 P.M. at 169th Street and the Cline Avenue Service road for the driver and passenger not wearing a seat belt as required by Indiana law. The driver, upon asking by the officer, produced a driver's license.

The officer then asked for the identification of the passenger and the driver responded that the passenger did not have any identification with him. The officer then approached the passenger side of the stopped vehicle to speak with the passenger and asked the passenger to provide his identification on a piece of paper.

The passenger refused to lower the window more than a small amount, then told the officer that "he was not going to do his (the officer's) job" and for him to get a piece of paper. The first officer then called for back-up after asking the passenger several more times to provide his name, even pointing out a piece of paper that was seen by the officer near the center console of the vehicle.

Near the time that the back-up officer arrived, the first officer saw the passenger inside the vehicle drop his left hand behind the center console inside of the vehicle. Fearing for officer safety, the first officer ordered the passenger to show his hands and then repeatedly asked him to exit the vehicle.

The passenger continued to refuse to leave the vehicle after repeated requests. The first officer then asked for a Hammond police squad car that had video equipment installed to come to the scene. Another Hammond Police Officer arrived and began recording the incident. The recording officer then asked the passenger again to leave the stopped vehicle. By this time considerable time had passed and both the vehicle and the officers were in danger of being struck by passing traffic.

The driver of the vehicle then shifted her car into drive and moved her vehicle in a forward motion, and was told by an officer present that her tires would be deflated by a stop strip that was placed near her front tires.

The passenger continued to refuse to exit the vehicle after approximately thirteen minutes had elapsed and upon request by at least three different officers present at the scene of the stop. Fearing the occupants of the vehicle may have possessed a weapon, and seeing the passenger repeatedly reach towards the rear seats of the vehicle, the first officer then broke the passenger side window of the vehicle and the passenger was removed from the vehicle and was placed under arrest.

The Hammond Police officers were at all times acting in the interest of officer safety and in accordance with Indiana law.

The driver of the vehicle was issued a citation for failure to wear a seat belt and a license plate reciprocity violation. The passenger was arrested for failure to aid an officer, resisting law enforcement, and was also cited for a seat belt violation. Hammond Fire Department EMT personnel were requested by the passenger of the vehicle and they arrived to the scene a short time later. The passenger was then transported to a medical treating facility. The driver of the vehicle then took back custody of her vehicle and left the scene.

In general, police officers who make legal traffic stops are allowed to ask passengers inside of a stopped vehicle for identification and to request that they exit a stopped vehicle for the officer's safety without a requirement of reasonable suspicion. When the passenger displayed movements inside of the stopped vehicle that included placing his hand in places where the officer could not see, officers' concerns for their safety were heightened. The actions displayed by the passenger during this traffic stop

eventually led to the officers taking the passenger into police custody.

Source: Lt. Richard Hoyda

Hammond, Indiana Police Department