

DATE: March 23, 2020

TO: ISP Sworn and Capitol Police Section

FROM: Douglas G. Carter, Superintendent  
Indiana State Police

SUBJECT: Enforcement of Governor's Executive Order 20-08 – "Directive for Hoosiers to Stay at Home"

In response to the public health emergency declared for the Coronavirus Disease, Governor Holcomb issued Executive Order 20-08 – "Directive for Hoosiers to Stay at Home" (hereinafter referred to as the Stay at Home Order) on March 23, 2020. This Executive Order shall be effective at 11:59 p.m. on March 24, 2020, and remain in full force and effect until 11:59 p.m. on April 6, 2020, unless rescinded, modified, or extended by the Governor. The intent of the Stay at Home Order and included travel ban is to ensure that the maximum number of people self-isolate in their homes or residences to the maximum extent feasible, while also enabling essential services to continue, in order to slow the spread of COVID-19 to the greatest extent possible.

The Stay at Home Order effectively orders all individuals currently living in the State of Indiana to stay at home or their place of residence, with certain exceptions to allow for essential businesses to function, in addition to essential activities and operations and minimum basic operations for any "non-essential" business. Included in the Stay at Home Order is a travel ban which only allows essential travel (see attached Executive Order 20-08 for specific details). Although this is a broad travel ban issued to all Indiana residents as well as visitors to Indiana, the Stay at Home Order permits a variety of travel. Permitted travel includes:

- Any travel that is related to the provision of, or access to, "Essential Activities," "Essential Governmental Functions," "Essential Businesses and Operations", or "Minimum Basic Operations."
- Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
- Travel in order to return to a place of residence from outside the jurisdiction.
- Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- Travel for non-residents to return to their place of residence outside of the State of Indiana.

As a reminder, although the Governor has also issued executive orders which prohibit in-person dining and specify certain exceptions to the alcohol provisions related to carry-out sales under Indiana Code Title 7.1, he has specified that any necessary corresponding enforcement shall be carried out by the Indiana State Department of Health and Indiana Alcohol and Tobacco Commission. Accordingly, any related complaints should be forwarded to your District or Division Commander for referral to the State Police Operations Section at (317) 232-8248.

Under Title 10 law enforcement authorities have the power to enforce any order, rule, and regulation issued by the Governor. Ind. Code §10-14-3-24. A person who knowingly, intentionally, or recklessly violates this chapter, commits a Class B misdemeanor. Ind. Code §10-14-3-34. Therefore, if an individual is known to be violating the Stay at Home Executive Order, a Class B misdemeanor may be charged.

Therefore, effective 11:59 p.m. on March 24, 2020, until 11:59 p.m. on April 6, 2020, if you have reason to engage with a member of the traveling public, remind those individuals of the Governor's Stay at Home Order and travel ban and direct them to return home immediately if not engaged in Essential Business/Activities or Travel. If an individual is found to be violating the Stay at Home Order and knowingly refuses to comply with your lawful order to return home, they may be charged with a misdemeanor for violation of IC 10-14-3-34. However, I would expect you to use your discretion wisely by only issuing a summons to those who make it absolutely necessary for you to act. Outright arrests should only be made in extraordinary circumstances. Note, you shall not stop individuals merely for traveling on Indiana roadways; you must have either a "good faith belief" an infraction has been committed by the individual; or at least reasonable suspicion the individual is committing or has committed a crime to justify a "Terry Stop" on the individual or vehicle.

Respectfully,

Douglas G. Carter, Superintendent  
Indiana State Police