

OPINION 40

OFFICIAL OPINION NO. 40

December 3, 1969

Superintendent Robert K. Konkle
Indiana State Police
301 State Office Building
Indianapolis, Indiana 46204

Dear Superintendent Konkle:

I am in receipt of your letter asking my opinion on the following:

“Does the broad grant of authority to police employees of the Indiana State Police Department in Acts of 1945, Ch. 344, Sec. 10, as found in Burns’ (1965 Repl.), Section 47-855, authorize such employees, with respect to criminal matters and the enforcement of laws relating thereto, to take any action that a city police officer could take within his jurisdiction with particular reference to the supervision and inspection of junkyards located outside a city?”

To answer your question it is necessary to consider the several acts through which you obtain your authorization. First, the Indiana State Police are granted certain powers in Acts of 1945, Ch. 344, Sec. 10, as found in Burns’ (1965 Repl.), Section 47-855, as follows:

“The officers and *police employees* of the department * * * have in any part of the state the *same powers* with respect to criminal matters and the enforcement of the laws relating thereto as sheriffs, constables and *police officers have in their respective jurisdictions* * * *” (my emphasis)

It is necessary to ascertain what powers the city police have in this area. Acts of 1905, Ch. 129, Sec. 164, as found in Burns’ (1963 Repl.), Section 48-6110 provides in part:

“* * * the duty of such police force, and the members thereof are specially empowered, at all times, within such city, to * * * carefully observe and inspect all places of business under license. * * * The

chief of police and each captain, in his precinct, shall possess the power of supervision and inspection over all * * * junk-shop keepers * * * and any member of such force may be authorized, in writing by the chief to exercise the same powers. Such chief or any captain may, by written authority, empower any member of such police force, when in search of stolen property, of evidence, or of suspected offenders, to examine the books, business or premises of any of the persons named in this section and to examine property in whosesoever possession the same shall be."

The above quoted statute does grant the city police a limited right of inspection of licensed junk shops, and in this connection it should be noted that anyone desiring to deal in junk must obtain a license from the clerk of the circuit court of the county in which he intends to do business. Acts of 1905, Ch. 137, Sec. 3, as found in Burns' (1965 Repl.), Section 42-703.

In my opinion, since the State Police have the same powers, with respect to criminal matters, as do sheriffs, constables and police officers, and since the city police have the power to inspect junk yards for criminal matters, and since the statute has been interpreted to mean that police may inspect licensed businesses, that the State Police have power and authority to inspect junk yards in relation to criminal matters and the enforcement of laws relating thereto.