

When someone lies about their name, what can we do?

Social Contacts

If you are only at a Social Contact, you can't do anything but use your verbal skills and persuasion. Since that person is free to leave at any moment, and since you do not have a lawful detention, he is not required to be honest with you.

People are always allowed to be silent and choose not to tell you anything about themselves.

Terry Stops (Reasonable Suspicion) & Arrests (Probable Cause)

If you do have a lawful detention, and the person chooses to give you information about his identity, then he is required to be truthful about his identity. If you can establish that the person is lying to you about his identity, then he has committed *Making False or Misleading Statement to a Public Servant*, RCW 9A.76.175, a Gross Misdemeanor. But you'll have to articulate how you knew he was lying (such as checking the name he gave you against the physicals on record with the DOL computer).

This RCW is the best fit because *Making False or Misleading Statement* requires that the suspect knowingly make a "materially false" statement. The mental state of "knowledge" is easier for us to prove than the mental state of "intent" required by *Obstructing*. The false information about his identity is considered to be "material" in that it is important information relied upon by police in the performance of their duties. When someone lies about their name and info, police/public resources are utilized based upon that false statement (waste of patrol resources, tying up radio air time, dispatcher's time, state and federal computers processing power, etc.).

Remember however, that people are always allowed to be silent and choose not to tell you anything about themselves.

What to do if you have PC – but not the person's real name yet:

If you are investigating a crime and can develop Probable Cause, then go ahead and make your arrest – even if you don't have the person's real name, or any name at all. Simply book him as a "John Doe" (or "Jane Doe" for women). He will be fingerprinted and identified when he's processed at the jail.

Which law NOT to use when someone is lying about their name:

If the person is only lying about their identity, do not use *Obstructing a Law Enforcement Officer*, RCW 9A.76.020, a Gross Misdemeanor. This law requires the mental state of "intent." The other RCW is more specific for this situation and is the better fit.

Disclaimer

Your department and jurisdiction's prosecutor may interpret these laws differently. Check with them to make sure you are in line with the way they handle it. You need to make sure that your sergeant and your prosecutor will "back your play" when you make an arrest for one of these statutes.

