



Las Vegas Police Protective Association Metro, Inc.



To: LVPPA Members
From: David Roger, General Counsel *DR.*
Re: Failure to Provide Identification to a Police Officer
Date: September 24, 2014

Previous memos have addressed NRS 171.123, which allows police officers, who have detained a person based upon reasonable suspicion, to demand identification from the suspect. Additionally, the opinions explain that passengers in vehicle stops must also provide identification. Officers have asked which charge is applicable to the violation.

NRS 197.190 defines Obstructing Public Officer as:

Every person who, after due notice, shall refuse or neglect to make or furnish any statement, report or information lawfully required of the person by any public officer, or who, in such statement, report or information shall make any willfully untrue, misleading or exaggerated statement, or who shall willfully hinder, delay or obstruct any public officer in the discharge of official powers or duties, shall, where no other provision of law applies, be guilty of a misdemeanor.

In *Hiible v. Sixth Judicial District Court*, 542 U.S. 177, 124 S.Ct. 2451 (2004), the U.S. Supreme Court upheld the constitutionality of NRS 171.123 and Hiible's conviction for resisting a public officer.¹

Similarly, the Ninth Circuit Court of Appeals upheld a gambler's conviction, pursuant to NRS 197.190, for providing false identification to a police officer.²

Either charge is appropriate for a suspect failing to identify himself.

¹ NRS 199.280 provides, "A person who, in any case or under any circumstances not otherwise specially provided for, willfully resists, delays or obstructs a public officer in discharging or attempting to discharge any legal duty of his or her office shall be punished..."

² *Tsao v. Desert Palace, Inc.*, 698 F.3d 1128 (9th Cir. 2012).