

Know Your Rights:

When do I have to give my name or address to law enforcement in Massachusetts?

It is important to know your rights when you are questioned by law enforcement. In any encounter with the police, try to stay calm and polite because getting upset could cause the police to overreact, or even arrest you.

You generally have the right to remain silent and to consult with an attorney before answering any questions from police. However, some states require people to provide their name and address to the police in specific circumstances.

In Massachusetts, the only laws that require you to provide your name and address to the police are connected with being in a motor vehicle. However, it is a crime to give false identifying information to police if you are arrested. These laws are discussed in further detail below.¹

Please note, you should not rely on the information below when you are in other states as those states may have different laws.

If you get pulled over by the police while driving a motor vehicle

- If you are pulled over while driving a motor vehicle in Massachusetts, you **MUST** identify yourself to the police upon request or you can be charged with a crime for not doing so.² You have a right to ask the police to identify themselves so you can be sure the person asking you for information is in fact a police officer.³

If you are a passenger in a motor vehicle

- If you are a passenger in the car, you do **NOT** have to identify yourself by name or address to a police officer when asked,⁴ *unless perhaps* if the officer is trying to issue you a citation,

¹ Of course, the police may get upset with you if you do not provide your information when asked. Remaining calm and polite may help.

² Massachusetts law requires anyone operating or in charge of a motor vehicle to identify themselves or be subjected to a fine. See G.L. c. 90 § 25; see also *Commonwealth v. Schiller*, 377 Mass. 10, 12-13 (1979) (finding that “operating or in charge of” connotes active control of a vehicle by a driver placed either in the vehicle or in such physical proximity that he might drive away” and involves “on-the-spot inquiries of motorists who were physically in their cars,” rejecting the argument that “in charge of” connotes “the exercise of general dominion over a vehicle or the right to control it” but rather the statute “plainly refers to a more specific and immediate physical control”).

³ § 585. Refusal to stop and give information to police officer, 32 Mass. Prac., Criminal Law § 585 (3d ed.).

⁴ There is no Massachusetts state statute requiring a passenger of a stopped vehicle to identify themselves or answer questions where there is no reasonable suspicion that the passenger has engaged in criminal activity. See *Commonwealth v. Washington*, 459 Mass. 32, 38 (2011) (citing *Commonwealth v. Torres*, 424 Mass. 153, 157-158 (1997)) (“A police officer generally has no right automatically to demand identification from a passenger in a motor vehicle”).

such as for not wearing a seat belt.⁵ Other than that, you can make it clear that you are exercising your rights to remain silent and not to identify yourself.

- If you are a passenger in a car that gets pulled over, keep your seat belt on during the stop, even if the car is not in motion. If the police notice that you do not have your seatbelt on, they may assume that you were not wearing your seatbelt when the car was in motion and issue a citation for violating the Massachusetts seatbelt law. At that point, they may ask for your identification in order to issue the citation.⁶
- Do NOT lie or provide any false information or identification to the police because that may give rise to reasonable suspicion that you have committed a crime and lead to your arrest.⁷

If you are a pedestrian stopped by the police

- If you are a pedestrian and you are stopped and asked to identify yourself to the police, you do not have to give your name. You are free to decline. You can ask the police officer why you are being questioned, if you are free to leave, and whether you are under arrest.⁸ If you are not under arrest and otherwise free to leave, you can walk away.
- It is important that you remain calm if you are approached by an officer. If you choose to exercise your right to walk away, it may be best to avoid running or to otherwise draw more attention to yourself. Suspicious behavior may give the police the right to detain or question you more.⁹

⁵ While a police officer generally may not require a passenger to identify themselves, the SJC has held that an officer may lawfully demand identification if she has probable cause to issue a warning or citation to a passenger for violating Massachusetts seat belt law. Commonwealth v. Washington, 459 Mass. at 38 (“[a] police officer . . . may make such a demand if he intends to issue a citation for a seat belt law violation and has a valid basis to do so”). Because the person in that case did provide his name when asked, the court did not reach the question of whether a passenger who refuses to identify himself can be charged with a separate crime. In the absence of any state statute saying those being cited for a violation of law must provide their name or address, you may be within your rights not to identify yourself, consistent with one’s right to remain silent (but not to give false identity information) when under arrest. But the law is unclear, so it is best to avoid being put in this situation by keeping on your seat belt.

⁶ See footnote 5.

⁷ See Commonwealth v. Goewey, 452 Mass. 399, 407 (2008) (“[a] passenger’s being unable to produce some form of identification may not, by itself, be suspicious; but the production of an apparently false identification is”).

⁸ There is no Massachusetts law requiring a pedestrian who is approached by a police officer and is asked to identify themselves to do so. See also Florida v. Royer, 460 U.S. 491, 497-498 (1983) (“law enforcement officers do not violate the Fourth Amendment by merely approaching an individual on the street or in another public place, by asking him if he is willing to answer some questions . . . [t]he person approached, however, need not answer any question put to him; indeed, he may decline to listen to the questions at all and may go on his way”).

⁹ See Illinois v. Wardlow, 528 U.S. 119, 120 (2000) (citing Florida v. Royer, 460 U.S. 491, 498 (1983)) (“an individual, when approached, has a right to ignore the police and go about his business. Unprovoked flight is the exact opposite of ‘going about one’s business.’ While flight is not necessarily indicative of ongoing criminal activity, Terry recognized that officers can detain individuals to resolve ambiguities in their conduct, 392 U.S., at 30, 88 S.Ct. 1868, and thus accepts the risk that officers may stop innocent people. If they do not learn facts rising to the level of probable cause, an individual must be allowed to go on his way”).

If law enforcement shows up at your house

- You do NOT have to answer questions from officers who show up at your door, even if they have a warrant for your arrest. You do not have to let them into your home unless they have a search warrant. If they say they have a search warrant, you have a right to see the warrant before you let them in. If there is a warrant, you should cooperate, but you are not legally required to identify yourself. Guests in the home also do not have a legal duty to identify themselves. Of course, if the police try to arrest a person who is not named in the arrest warrant, that person may have an interest in identifying themselves to avoid a wrongful arrest, but there is no law saying they must do so.
- During any encounter with the police, do NOT lie or provide any false information or false identification to the police because that may give rise to a reasonable suspicion that you have committed a crime and lead to your arrest.¹⁰
- For more information, see our Know Your Rights on [what to do if you are questioned by the FBI or Police](#).

If you are under arrest

- There is no law that requires you to identify yourself even when you are **under arrest**. If you do not wish to identify yourself, you should say something like: “I wish to remain silent” or “I wish to remain silent and consult with an attorney.” Once you express your intent to remain silent, you do not have to answer questions. If you do not make it clear that you intend to remain silent, you may be subject to more questioning.¹¹
- **Warning:** If you are **under arrest**, you can be charged with an additional crime if you give police a **false** name, Social Security number, date of birth, home address, mailing address or phone number, or other information that is requested for the purposes of establishing who you are.¹²

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¹⁰ See footnote 7 above.

¹¹ *Commonwealth v. Clarke*, 461 Mass. 336, 342 (2012) (“in order for criminal defendants to invoke their right to remain silent, whether before or after waiving their Miranda rights, they must “unambiguously” announce their desire to be silent”).

¹² G.L. c. 268, § 34A.