

NMDPS - CONCEAL ID - OBSTRUCTING

Roswell police officers were advised that a vehicle not belonging to anyone in the neighborhood had been parked in front of a house for thirty minutes. It was late at night, 11:30 p.m., when an officer observed two subjects in the vehicle. Because of recent burglaries in the neighborhood, he took out a field investigation card and asked for ID from both subjects. The card would be useful should further crimes happen in the area.

Driver was cooperative. The passenger gave officer his name and address but refused to produce identification, stating he did not have to give the officer his ID. Defendant was arrested for obstructing an officer. Another officer arrived who knew Defendant and said he lived nearby. Defendant was issued a citation instead.

The officer, with his field contact card out prior to approaching the vehicle, had a generalized suspicion about the situation. But he didn't have an individualized reasonable suspicion that Defendant was committing or had committed a crime. The two subjects were sitting in a car, legally parked, and not involved in any criminal activity.

In a situation like this, where the individual refuses to provide identification, and no individualized reasonable suspicion exists, that's the end of the story. We cannot charge concealing ID or obstructing an officer. Conviction reversed. City of Roswell v. Hudson (2007).
- - - ADA Elliott



Ok, two outta three to see
who does the report!