



Am I obliged to identify myself at the request of a police officer?

As a general rule, despite the existence of a moral and social duty on the part of every citizen to answer questions from a police officer and assist the police,¹ a person does not have the obligation to disclose their identity to a police officer. However, it is important to realize that there are several exceptions to this rule.

First, there is the situation in which a person has been legally arrested under the Criminal Code.² For example, a police officer who arrests a person after having received a complaint of assault has the power to require the person to identify himself.

Next, there is the situation involving the driver of an automobile that has been intercepted for road safety reasons.³ At the request of the police officer, the driver must remit to the officer his driver's licence, the vehicle's registration certificate and his certificate of insurance. It should be noted, however, that this identification requirement applies solely to the driver and not to every passenger in the vehicle. However, if the passenger himself has committed an offence, such as not properly wearing his seat belt,⁴ he will also have the obligation to identify himself at the request of the police officer so that the officer can give him a statement of offence.

Lastly, there is the situation of a person who has committed a penal offence (such as insulting a peace officer), to whom a police officer wants to remit a statement of offence.⁵ In these circumstances, the police officer can require the person to provide his name and address, as well as provide the information needed to confirm the accuracy of the name and address. However, in order for the police officer to be able to require this information, he must first inform the person of the offence alleged against him. Indeed, before having the duty to identify himself, the person in question has the right to know, in plain language tailored to his level of comprehension, the offence for which the police officer is arresting him.

Consequently, if a person refuses to identify himself at the request of a police officer when that person has the legal obligation to do so, the police officer can arrest the person and hold him in custody in order to identify him or confirm the accuracy of the identifying information provided. Moreover, a person who fails to identify himself may also face criminal charges of obstructing a peace officer⁶ and even identity fraud,⁷ if the person decides to identify himself, but provides a false identity.

Ultimately, it is safe to say that as of the moment a police officer intercepts a person and tells him the reason for doing so, that person has the obligation to identify himself and it is risky for that person, having been asked to identify himself, to decide, there and then, whether or not the police officer is right in making the request.

¹ *R. v. Grafe* (1987), 36 C.C.C. (3d) 267 (Ont. C.A.), p. 271.

² R.S.C. (1985), c. C-46.

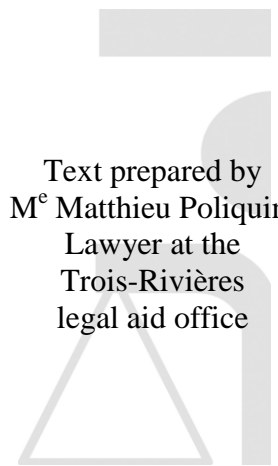
³ Highway Safety Code, c. C-24.2, ss. 36, 61 and 102.

⁴ Highway Safety Code, c. C-24.2, ss. 396 and 508.

⁵ Code of Penal Procedure, c. C-25.1, ss. 72 to 74.

⁶ Criminal Code, R.S.C. (1985), c. C-46, s. 129.

⁷ Criminal Code, R.S.C. (1985), c. C-46, s. 403.



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* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.