

**REFUSING TO OBEY A POLICE OFFICER
GIVING A FALSE NAME OR ADDRESS TO A POLICE
OFFICER**

G.L. c. 90, § 25

I. Refusing to Obey a Police Officer

The defendant is charged with refusing to obey a police officer.

To prove the defendant guilty of this offense, the

Commonwealth must prove four things beyond a reasonable doubt:

First: That the defendant was operating or in charge of a motor vehicle;

Second: That a police officer (signaled the defendant to stop) (requested the defendant's name and address) (requested the name and address of the owner of the motor vehicle) (requested the defendant to produce their license and registration) (requested the defendant to permit the officer to take the license or certificate in hand for the purpose of examination) (requested the defendant to sign their name in the presence of the officer);

Third: That the defendant (refused the officer's request) (refused or neglected to stop); and

***Fourth:* That the police officer was either in uniform or had their badge conspicuously displayed on the outside of their clothing.**

To prove the first element, the Commonwealth must prove beyond a reasonable doubt that the defendant was operating or in charge of a motor vehicle. A person is operating a motor vehicle whenever they are in control of it. A person may be in control of a vehicle if they are in close physical proximity to it, even if they are not actually in the vehicle. You should consider all the evidence, and any reasonable inferences you draw from the evidence, in determining whether the defendant was operating or in control of a vehicle.

To prove the second element, the Commonwealth must prove beyond a reasonable doubt that the police officer (signaled the defendant to stop) (requested the defendant's name and address) (requested the name and address of the owner of the motor vehicle) (requested the defendant to produce their license and registration) (requested the defendant to permit such officer to take the license or

certificate in hand for the purpose of examination) (requested the defendant to sign their name in the presence of the officer).

To prove the third element, the Commonwealth must prove beyond a reasonable doubt that the defendant (neglected to stop) (refused to stop) (refused to give their name and address to the officer) (refused to give the name and address of the owner of the motor vehicle to the officer) (refused to produce their license and registration) (refused to sign their name in the presence of the officer) (refused to furnish the number plates furnished by the registrar). You should consider all the evidence, and any reasonable inferences you draw from the evidence, in determining whether the defendant [neglected to stop] [intentionally (refused to stop) (refused to give their name and address to the officer) (refused to give the name and address of the owner of the motor vehicle to the officer) (refused to produce their license and registration) (refused to sign their name in the presence of the officer)].

To prove the fourth element, the Commonwealth must prove

beyond a reasonable doubt that the police officer was in uniform, had their badge conspicuously displayed on the outside of their clothing.

[If refusing or neglecting to stop is alleged]

or in some way effectively notified the defendant that they were a police officer.

A police officer is any constable or other officer authorized to make arrest or serve process.

Despite the statute's literal requirement that the police officer either be in uniform or "display[] his badge conspicuously on the outside of his outer coat or garment," it is sufficient if in some other manner "the defendant was effectively notified that he was being told to stop by a police officer." *Commonwealth v. Gray*, 423 Mass. 293, 295 (1996) (sufficient for officer in unmarked cruiser pulling alongside motorist to flash strobe lights and hold up badge); *Commonwealth v. Ross*, 73 Mass. App. Ct. 181 183-184 (2008) (where motorist was attempting to hit unmarked cruiser pulling alongside, sufficient for officer to use siren, blue lights and strobe lights and shout "pull over," without displaying badge).

If the Commonwealth has proven all four elements beyond a reasonable doubt, you should return a verdict of guilty. If the Commonwealth has failed to prove one or more of these elements beyond a reasonable doubt, you must return a verdict of not guilty.

II. Giving a False Name or Address to a Police Officer

The defendant is charged with giving a false (name) (address) to a police officer.

To prove the defendant is guilty of this offense, the Commonwealth must prove five things beyond a reasonable doubt:

***First:* That the defendant was operating or in charge of a motor vehicle;**

***Second:* That the defendant gave a person a false (name) (address);**

***Third:* That the defendant did so knowingly and intentionally;**

***Fourth:* That the person to whom the false information was given was a police officer;**

***Fifth:* That the police officer was either in uniform or had their badge conspicuously displayed on the outside of their clothing.**

To prove the first element, the Commonwealth must prove beyond a reasonable doubt that the defendant was operating or in charge of a motor vehicle. A person is operating a motor vehicle when they are in control of it. A person may be in control of a vehicle if they are in close physical proximity to it, even if they are not actually in the vehicle. You should consider all the evidence, and any reasonable inferences you draw from the evidence, in determining

whether the defendant was operating or in control of a vehicle.

To prove the second element, the Commonwealth must prove beyond a reasonable doubt that the defendant gave a person a false (name) (address).

To prove the third element, the Commonwealth must prove beyond a reasonable doubt that the defendant provided the false information knowingly and intentionally. The Commonwealth must prove both that the defendant knew the (name) (address) was false and that the defendant intended to give the person (a name) (an address) that was false. It is not sufficient if the information was provided by mistake or through negligence.

To prove the fourth element, the Commonwealth must prove beyond a reasonable doubt that the person to whom the defendant gave the information was a police officer. A police officer is any constable or other officer authorized to make arrest or serve process.

To prove the fifth element, the Commonwealth must prove beyond a reasonable doubt that the police officer was in uniform or had their badge conspicuously displayed on the outside of their clothing.

If the Commonwealth has proved all five elements beyond a reasonable doubt, you should return a verdict of guilty. If the Commonwealth has failed to prove one or more of these elements beyond a reasonable doubt, you must return a verdict of not guilty.

Notes:

1. **“In charge of” a motor vehicle.** The statute applies only to a person in active control of a vehicle, either in it or in physical proximity to it. See *Commonwealth v. Schiller*, 377 Mass. 10, 12 (1979) (defendant inside his home when officer demanded license and registration).

2. **“Badge requirement”.** The purpose of the badge requirement is to inform a driver that person making the demand has authority to do so. *Commonwealth v. Sullivan*, 311 Mass.177, 178 (1942). See also *Commonwealth v. Materia*, 350 Mass. 785, 785 (1966).

3. This instruction does not cover the statute’s prohibition of failing to deliver a license, certificate of registration or number plate to a police officer, to the Registrar, or failing to produce a license when requested by a court or trial justice.

4. A violation of G.L. c. 90, § 25 is a criminal offense and not a civil motor vehicle infraction. See G.L. c. 90C, § 3(A), first par.

5. For the definition of “police officer,” see G.L. c. 90, § 1; for a definition of “operation of a motor vehicle,” see Instruction 3.200.

6. **False information after arrest.** District Court Model Jury Instruction 7.300 pertains to giving false information after arrest. See G.L. c. 268, § 34A.

7. This charge may be decriminalized pursuant to G.L. c. 277, § 70C.