

HIIBEL V. SIXTH JUDICIAL DISTRICT COURT
124 S. Ct. 2451 (2004)

The Supreme Court upheld Nevada's "stop and identify" statute requiring a person briefly detained by police to disclose his name, ruling that it violated neither the Fourth nor the Fifth Amendment.

Larry Hiibel was approached by a police officer as part of a *Terry* stop—a brief police detention and investigation authorized under the reasonable suspicion that a person is involved in criminal activity. Nevada police had received a call reporting an assault on a woman inside a pick-up truck matching that of Hiibel. The officer asked Hiibel several times to state his name, but Hiibel refused. The officer eventually arrested and charged Hiibel with "willfully resisting, delaying, or obstructing a public officer" for not stating his name. Hiibel challenged his conviction as violating his Fourth and Fifth Amendment rights.

The Court ruled that conviction under Nevada's "stop and identify" statute did not violate Hiibel's constitutional rights. The Court set out the standard for Fourth Amendment questions, which requires determining the reasonableness of a seizure by weighing promotion of legitimate government interests against intrusion on Fourth Amendment interests. The Court first noted that obtaining the identification of a suspect is a routine and accepted part of a *Terry* stop. Such identification serves important government interests, such as allowing the law enforcement officer to determine whether the suspect has an outstanding arrest warrant and to clear the suspect of suspicion. In contrast, the Court noted that the request for identification did not change the nature of the already permissible *Terry* stop, leaving intact all the requirements for constitutionality of such a stop.

The Court also held that Hiibel's conviction did not violate his Fifth Amendment right against self-incrimination. The Court reasoned that the mere disclosure of identification presented no reasonable danger of incrimination. The Court found it highly unlikely that a name would "furnish a link in the chain of evidence needed to prosecute" a suspect, while also noting that Hiibel had articulated no reasonable belief that disclosing his name would incriminate him.