



# Training Bulletin

## SANTA BARBARA POLICE DEPARTMENT



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## False ID Investigations

The purpose of this training is to educate and provide resources for officers as they conduct False ID investigations.

### Overview:

False or "Fake" ID investigations can sometimes be challenging and may also present additional Officer Safety concerns. Suspects are frequently intoxicated and are often accompanied by a group of friends who may interfere with the investigation. Due to these investigations taking place in front of bars and nightclubs, where intoxicated bystanders are present, officers should also utilize a cover officer whenever possible. Suspects themselves are usually well prepared for the initial questions that Officers may ask them, and resources like the Internet have given young people easy access to affordable and high-quality fake IDs. Being familiar with ID laws and knowing the proper sections to use will help officers conduct these investigations effectively.

### Applicable Sections for False ID Violations:

- **25661(a) BP** - Any person under the age of 21 years who *presents or offers* to any licensee, his or her agent or employee, any written, printed, or photocopied evidence of age and identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, OR *who has in his or her possession* any false or fraudulent written, printed, or photocopied evidence of age and identity, is guilty of a misdemeanor.

This is the most commonly used section when citing for Fake ID violations at ABC licensed businesses.

Courts have also routinely recognized that simply being in line and presenting a false or fake ID to a doorman, at a licensed establishment, is sufficient to meet the elements of 25661(a) BP; thus negating any other argument as to their reasons for attempting to gain entry, for example, only going there to dance. Thorough questions and documentation are also key to a successful prosecution of this section.

- **14610(a)(1) VC**- It is unlawful for any person to display or cause or permit to be displayed OR have in his *possession* any canceled, revoked, suspended, fictitious, fraudulently altered, or fraudulently obtained *driver license*.

This applies to both fake and real Driver Licenses. It is important for the officer to articulate why they believe the Driver License was fraudulently obtained.

- **13004(a)VC**- It is unlawful for any person to display or cause or permit to be displayed or have in his possession any canceled, fictitious, fraudulently altered, or fraudulently obtained *identification card*.

Both of these Vehicle Code sections (14610(a)(1) VC & 13004(a) VC) can be used when the possession of a false ID is not related to an alcohol purchase or attempt to purchase; in which case the 25661(a)BP section would be most applicable. An example would be if you are citing an 18 year old subject for an unrelated offense, like skateboarding on State St, and a second ID falls out of the subject's wallet. Through the Officer's investigation they determine that the second ID actually belongs to the subject's 22 year old cousin. In this case, both of the aforementioned VC sections would be appropriate sections to use. Both sections are misdemeanors.

- **25660.5 BP - Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photocopied evidence of the majority and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of majority and identification of any other person is guilty of a misdemeanor.**

This section is applicable when the person who provided the false ID to the underage person is also present, and the Officer wishes to cite them as well. The Officer will need to establish that there was knowledge on the part of the furnisher, so that the underage party can't later claim that they took the ID without permission.

- **148.9(a) PC – Any person who falsely represents or identifies himself or herself as another person or as a fictitious person to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, upon a lawful detention or arrest of the person, either to evade the process of the court, or to evade the proper identification of the person by the investigating officer is guilty of a misdemeanor.**

This crime often takes place within the first few seconds of a legal detention, when the Officer asks the suspect for their name, age or date of birth, and the suspect provides false information.

### **Questions and factors to consider using when Conducting False ID Investigations:**

- Use a simple and friendly greeting, "Hi, what's your name?" - It can assist in revealing the truth or establishing a crime (148.9 PC)
- Note discrepancies in physical descriptors: height (greater/less than 2 inches), weight (greater/less than 20 pounds) or eye color. Also note the presence or absence of moles, piercings or tattoos in ID picture.
- Ask them to spell their full name, especially if it's an uncommon spelling. Listen for hesitation, stumbling and overall lack of confidence in the answer.
- Ask when they graduated High School? The truth should come quickly, so pay attention to hesitation and stalling, which could indicate deception.
- If it's an out-of-state ID, ask them something about the city/state (specifically something you know about as well).
- Warn them about 148.9 PC and the possibility of them going to jail vs. leaving the scene with only a citation. This can be a powerful motivator.
- Consider using CAL-PHOTO as a tool to assist you.
- Ask to see a wallet or look in a purse. If you get consent, look for family health/auto insurance cards – they often don't consider hiding those. (Cover Officers – look to see if there's a wallet showing in a back pocket, when the suspect tells your partner they don't have one.)