

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

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**“IDENTITY THEFT”  
BIG ISSUES FOR SMALL MUNICIPAL  
POLICE AGENCIES**

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**An Administrative Research Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**

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**By  
Eric Anthony Jiminez**

**Windcrest Police Department  
Windcrest, Texas  
March 2005**

## **ABSTRACT**

Identity Theft has become a rapidly building new phenomenon and it has many law enforcement agencies confused on what measure to take in order to assist a victim. This research paper will provide information indicting that municipal police agencies with less than 35 sworn police officers have received minimal training in assisting victims of identity theft victims. In order to prove or disprove this theory a telephone survey was conducted with twenty police agencies of comparable size to the Windcrest Police Department. The survey will show the reader, that whether a department has six officers or thirty-five officers' report procedures and investigative techniques will vary. Also, this survey will suggest there is a need for additional resources and adequate training. At the beginning law enforcement officials were not quite sure how to handle identity theft cases. With this ever increasingly new crime can mandate training, policy changes and additional training fight the battle against identity theft.

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## INTRODUCTION

Identity theft is the easiest and fastest growing crime in America and affecting a vast multitude of the population at an alarming rate. No one is immune to this crime that causes financial damage to its victims and costs billions of dollars each year. According to the Federal Trade Commission (2002), "the 1990's spawned a new variety of crooks called identity thieves" (p. 1). An identity thief targets his / her victim's personal information, such as a person's name, date of birth, Social Security number, address, mother's maiden name, passport number and driver's license number. Victims also find that their financial identifiers such as credit card numbers, insurance accounts and bank account numbers have also been stolen or misused. Texas Attorney General Gregg Abbott reported (2004), "In 2003, more than 20,000 Texans were victims of identity crime. That's up from 14, 000 in 2002. As law enforcement, we have a duty to take major steps to protect the people of Texas from this pervasive and devastating kind of offense" (p.1). Identity Theft has become a rapidly building new phenomenon and it has small municipal police agencies confused about taking reports, assisting the victim and providing the correct information. This research paper will provide information indicating that municipal police agencies with less than 35 sworn police officers have received minimal training in taking reports, obtaining the essential facts, providing the necessary information to victims, and investigating Identity Theft crimes. Unlike larger municipal agencies the Windcrest Police Department is composed of 16 sworn officers, two of which are assigned to the Criminal Investigations Division. These two investigators are tasked with investigating all active cases for the Windcrest Police Department. The Windcrest Police Department does not have the time, money, or manpower to conduct

a proper investigation for Identity Theft cases, especially cases where multiple jurisdictions are involved. It is crucial for law enforcement personnel with minimal resources and manpower to understand how to deal with and assist citizens who have fallen victim to an Identity Thief.

The purpose of the research paper is to identify that there is indeed a problem in understanding Identity Theft among smaller agencies. This paper will provide a guideline for municipal agencies with less than 35 sworn officers on why it is important to take an initial police report and provide the victim with as much assistance as possible. The paper will indicate that there are several agencies that are unaware of their responsibility and the resources at their disposal. This growing epidemic does not discriminate in demographics. Law enforcement agencies across Texas are seeing an increase in these types of cases. Smaller law enforcement agencies often hesitate to take a police report on identity crimes out of concern that they lack the manpower and resources to thoroughly investigate the case. With this in mind, can training, policies / procedures and resources assist smaller municipal agencies in conducting a successful identity crime investigation?

This author will conduct independent research by conducting a survey with agencies in comparable size to the Windcrest Police Department. During the survey this author will try to discover what type of training the patrol officers and investigators have received regarding identity theft crimes; what protocol is used when a victim files a report for an incident within one's jurisdiction, and what the protocol would be for an incident outside of the agencies jurisdiction. For example, an identity crime where a victim's Social Security number was utilized to open up a credit account at a popular

retail store in the State of New York. Also this survey would attempt to ascertain if that agency participates in the Consumer Sentinel provided free of charge by the Federal Trade Commission. This author will make an effort to learn what information and resources are provided to the victim of an identity crime.

The anticipated outcome is that several agencies similar to the Windcrest Police Department are not fully aware of the resources available for law enforcement. Moreover, the findings will indicate that other than the mandated TCLEOSE required training patrol officers and investigators receive little to no training on identity crimes. This author will discover that some agencies take an initial report while other departments merely inform the victim that they need to file a report with the law enforcement agency where the incident occurred and turn the victim away with very little hope or answers.

This research will benefit law enforcement; especially smaller municipal police agencies with minimal manpower, monies, and resources by providing a guideline on why an initial report should be taken on the victim's behalf and what resources can be utilized by the law enforcement agency as well as the victim. It's true that identity crimes can be complicated and in many cases no arrest is ever made. However, some cases have leads and eventually police are able to make an arrest.

## **REVIEW OF LITERATURE**

The Federal Trade Commission was assigned the role in battling identity theft. In a Statement by the Federal Trade Commission (2003), the FTC's primary role in combating identity theft derives from the 1998 Identity Theft Assumption and Deterrence Act. The Act directed the Federal Trade Commission to establish the federal

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government's central repository for identity theft complaints and to provide victim

assistance and consumer education.

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Also Silver Lake Editor (2004), wrote:

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The Identity Theft Act accomplished four things: 1) It identified people who's credit had been compromised as true victims. Historically, with financial crimes such as bank fraud or credit card fraud, the victim identified by statute was the person, business or financial institution that lost the money. Often, the victims of identity theft – whose credit was destroyed – were not recognized as victims. 2) It established the Federal Trade Commission (FTC) as the one central point of contact for people to report all instances of identity theft. This collection of data on all ID theft cases allows for the identification of systemic weaknesses and the ability of law enforcement to retrieve investigative data from one central location. 3) It provided increased sentencing potential and enhanced asset forfeiture provisions. These enhancements help to reach prosecutorial thresholds and allow for the return of funds to victims. 4) It closed some loopholes in federal law by making it illegal to steal another person's personal identification information with the intent to commit a violation. Previously, only the production or possession of false identity documents was prohibited (p.127).

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According to the Federal Trades Commission (2001), from 1999 through June

2001, the Federal Trade Commission's Identity Theft Data Clearinghouse indicates

there were 69,370 victims. This total is comprised of victims of credit card fraud, phone

or utilities fraud, depository accounts, fraudulent loans and government documents

abuse. The report states consumers from the ages of 30 – 39 were among the highest

and consumers between the ages of 60 – 64 were second to the lowest and under 18

years of age as the lowest. During this period Texas has ranked 5<sup>th</sup>, having over 4000

complaints of identity thefts (p. 3). Since its inception the Federal Trade Commission

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has assisted consumers with education material, brochures and they have even

developed a forgery affidavit with the assistance of Federal Law Enforcement agencies

and private industries.

Federal Trade Commission (2003) states that:

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since the inception of the Clearinghouse, 75 federal agencies and 549 state and local agencies have signed up for access to the database. Within those agencies, over 4500 individual investigators have the ability to access the system from their desktop computers twenty-four hours a day, seven days a week (p. 5).

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It is important to understand that identity theft can occur from crimes when someone steals a wallet, purse, or briefcase. Identity theft also occurs when someone steals mail from a mail box, especially bank and credit card statements, pre-approved credit offers and tax information. Thieves will rummage through garbage cans to obtain personal information. The Federal Trade Commission (2003), reports identity thieves use your personal information by calling your credit card company, pretending they are you, and asking for a change of address. The imposter will then run up charges on your account. They will establish phone or wireless service in your name. They will file for bankruptcy under your name to avoid paying debts. They counterfeit checks or debit cards and drain your bank account. Identity theft is unstoppable, and can happen to anyone (Federal Trade Commission, 2003). The Federal Trade Commission's role in an investigation is civil. Their primary purpose is to assist law enforcement agencies across the nation in sharing information through their clearinghouse database, in order to provide consumer assistance to victims of Identity Theft. However, the Federal Trade Commission is also now assisting the private industry and educating them on how to prevent consumers' personal information from being obtained fraudulently or illegally.

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The Federal government has tasked individual agencies to assist and investigate identity theft crimes. The United States Postal Service has Postal Inspectors who are responsible for investigating cases of identity theft. The Postal Inspectors' primary jurisdiction is the matter of mail. Many identity thieves will steal mail to establish a new credit card account, get bank statements, or make a change of address on credit card



bills. The United States Postal Service will not investigate all matters of mail theft; however, they will assist municipal agencies in conducting investigations and with resources that small municipal agencies did not have at their disposal.

The United States Secret Service will investigate financial crimes that may include identity theft. The Secret Service generally becomes involved when the dollar amount is substantial. On the other hand, the Federal Bureau of Investigation investigates numerous cases of identity where bank fraud, wire fraud, insurance fraud and fraud against the Government occur.

Deputy Assistant FBI Director Steven M. Martinez (2004) states that:

some studies show that more than 10 million Americans were victimized by Identity Theft in the space of one year, with estimated losses exceeding 50 billion dollars. These estimates demonstrate the significant impact on U.S. citizens and businesses. Accordingly, targeting Identity Theft, and related cyber crime activity, will remain a priority of the FBI (p. 1).

When it comes to personal identifiers the Social Security Administration will become involved when it is proven or believed that the misuse or the buying and selling of Social Security cards may be related to terrorist activity or in cases where individuals may be receiving Social Security benefits fraudulently. Another Federal Agency that will become involved in identity theft cases is the Internal Revenue Service. Their primary function is to investigate cases where someone has assumed your identity to file a tax return or to commit tax fraud.

These agencies are great outlets to which police agencies may refer victims of identity theft. However, in most circumstances these federal agencies will not become involved until the dollar amount has exceeded a substantial amount. This lack of endeavor on the Government leaves the reporting agencies with the responsibility for

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investigating the crime, assisting the victim, and providing them with the essential information to rebuild their lives. According to Hoar (2001), “the primary identity theft statute is 18 U.S.C. § 1028(a)(7) and was enacted on October 30, 1998, as part of the Identity Theft and Assumption Deterrence Act (Identity Theft Act)” (p. 6). It is this law that allows Federal agencies to pursue Identity Thieves.

The State of Texas foresaw the need to prepare for this epidemic that is sweeping the nation, and passed a law to assist law enforcement officials in combating identity theft crimes. Effective September 1, 1999, the State of Texas enacted Section 32.51-Texas Penal Code, Fraudulent Use of Possession of Identifying Information – which states that obtaining, possessing, transferring or using identifying information of another with intent to harm or defraud is felony offense; court may order restitution, including reimbursement of victim for lost income. This law provided law enforcement officials across Texas to combat Identity theft crimes; however, law enforcement officers did not understand the big picture. Officers are still hesitant to initiate a police report victims. We are turning victims away and telling them to contact their bank, and / or credit card company, or to file a police report where the offense occurred. This run around and never ending cycle sparked legislation to initiate Texas Senate Bill 473, which mandated that the Texas Commission on Law Enforcement Standards and Education establish a comprehensive training program on identity theft and in September 1, 2003, House Bill 254 Section 32.51 went into effect. Offenses may be prosecuted in any county in which the offense was committed or in the county of residence for the person whose identifying information was fraudulently obtained, possessed, transferred, or used.

Chief Mary Ann Viverette (2003), states:

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In earlier year, the involvement of local police departments in identity theft cases was typically minimal. In fact, many local police departments refused to take complaints about identity theft because the crime was not well understood. This was caused by several factors, including the lack of state laws making identity theft a crime, the fact that most identity theft operations are multi-jurisdictional enterprises, with perpetrator and victim usually widely geographically separated, and the general lack of police expertise in investigating the crime of identity theft (p. 4).

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## METHODOLOGY

This research paper intends to identify whether training, policies/procedures, and resources are necessary for smaller police departments with less than 35 sworn officers. This paper will suggest that even though Texas Peace Officers receive TCLEOSE mandated training, officers belonging to smaller municipal agencies will not continue with training and many won't remember the training they received in the Identity Theft course. Moreover, many officers still do not understand how to optimally assist identity theft victims or direct them to proper governmental and civilian agencies. This researcher will conduct a telephone survey with twenty police agencies of comparable size to the Windcrest Police Department. The majority of this survey will be conducted in the Bexar County Metropolitan area, which is located in the same geographical area of the Windcrest Police Department; however, a few municipal agencies in surrounding counties were also asked to participate in this survey. One agency in particular, located in Lavaca County was surveyed. Hallettsville Police Chief Kimberly S. Riffe was contacted and informed of the survey, and was willing to participate in this research. The Hallettsville Police Department consists of six sworn officers. According to Chief Riffe (2004), she is one of six full-time sworn officers. Chief Riffe went to say that he department is too small to employ a full-time investigator, so

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each officer is responsible for follow up investigations. Chief Riffe stated that all of her officers have been to the Identity Theft course and she is confident that her officers know how to handle identity theft report. However, when asked if she or her officers were aware that the Federal Trade Commission offered a clearinghouse database, known as "Consumer Sentinel," to assist law enforcement officials with their investigations, she stated she was not aware of the website, nor were her officers.

All agencies contacted were willing to participate in the survey. This researcher made contact with a criminal investigator or a command level officer from each agency. The reason for this contact was to ensure that this researcher obtained accurate and concise information. Each of these officers is able to review their officer's reports and mostly likely can provide an excellent response.

With most departments it is policy to take a written report whenever dispatched to a call; however, many identity theft reports taken by the Windcrest Police Department are often taken as informational reports and the report is never forwarded to the criminal investigations division for follow up. This practice leaves the victims clueless, helpless and in the same state of mind as when they first arrived.

The information received from this survey will be shown in a chart form later in this paper. These charts will indicate the percentage of departments that feel their officers are properly trained in receiving identity theft reports. Secondly, these charts will indicate the percentage of how many departments are aware of the Consumer Sentinel clearinghouse database provided by the Federal Trade Commission.

## FINDINGS

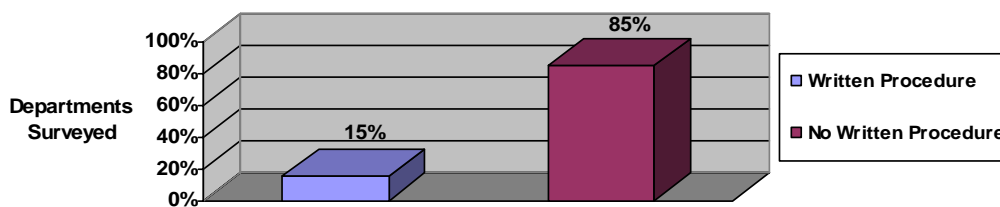
During this survey twenty municipal police departments were surveyed via telephone. These twenty police departments varied in size. The smallest department, Hallettsville Police Department only has six full-time sworn police officers and no detectives. The largest agency surveyed is the Schertz Police Department with thirty-five full-time sworn officers, with 4 of them being assigned to the criminal investigations division. Of the twenty departments surveyed the Helotes Police Department had the lowest population of only 1100 residents and the Schertz Police Department had the highest population with only 26,685 residents. All departments that participated were asked a series of questions pertaining to Identity Theft cases. Officers contacted held the titles of Detective, Corporal, Sergeant, Lieutenant, Deputy Chief of Police and Chief of Police. When dealing with some small municipal agencies, one will learn that investigations may be assigned to any member of the department regardless of rank or title. The primary purpose of this survey is to show the reader, that whether a department has six officers or thirty-five officer's report procedures and investigative techniques vary from agency to agency.

The very first question posed to each of these agencies, was if there are any guidelines or written procedures for patrol officers to follow while taking an initial police report from an identity theft victim [\(figure 1\)](#).

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**Figure 1 - Departments with written procedures**



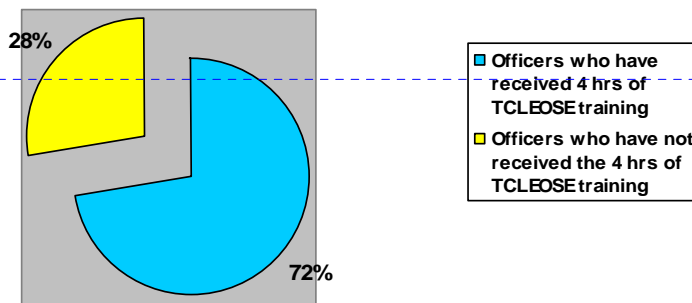
Second, these departments were asked how many officers have attended the mandated TCLEOSE required training on Identity Crimes. The response varied from agency to agency. Several agencies have assured that all of their officers have received training on Identity Crimes, while other agencies believe only a few officers have attended the training or taken it online thus far. During the survey this researcher reminded all persons contacted that every Texas Peace Officers has until December, 2005 to complete the mandated Identity Crimes training set forth by TCLEOSE or their Peace Officers license may be suspended. Out of the twenty agencies surveyed the total number of full-time sworn officers is 345. 72% of the 345 officers surveyed have received the required training (figure 2).

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**Figure 2 - Mandated Training Completed**



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The survey conducted also inquired on whether or not the current 4 hours of training provided by TCLEOSE approved training providers is adequate. The response varied from officer to officer. It was learned that several of the officers surveyed had not yet attended the training. However, many feel Identity Crimes is a new era in criminal

activity and will be the crime of the future. Officers surveyed had varying opinions as to how many hours of training would be adequate (figure 3).

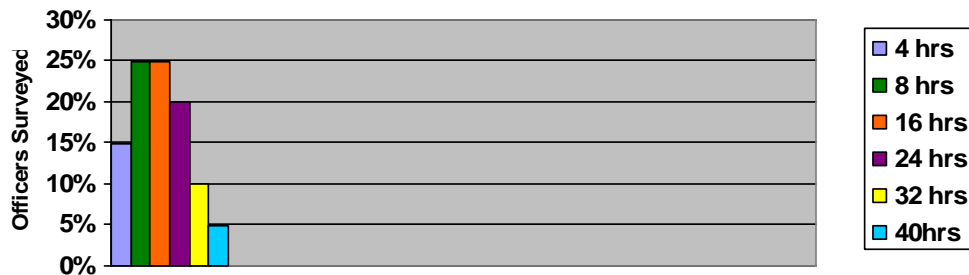
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**Figure 3 - Recommended training hours**



**Identity Crimes Training Hours**

Another question posed to each officer was if they are aware that the Federal Trade Commission offers a national clearinghouse database known as the Consumer Sentinel, which allows officers access to a wealth of information compiled by the Federal Trade Commission and several law enforcement agencies across the nation.

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The chart will indicate agencies' awareness of and or participation in the database (figure 4).

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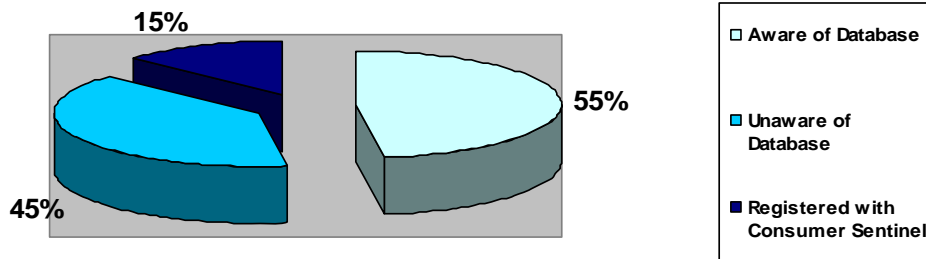
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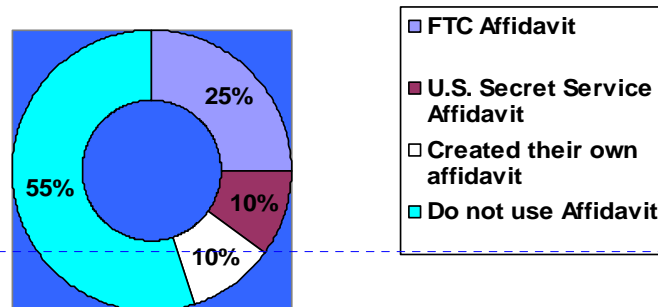
**Figure 4 - Awareness of Consumer Sentinel**



During this survey it was learned that out of the twenty police agencies that participated only a few actually use an Identity Theft Affidavit. Some agencies use the Identity Theft Affidavit provided by the Federal Trade Commission, while others stated they use affidavits they obtained from the U.S. Secret Service. Additionally, a few agencies stated that they created their own affidavits and others said they did not use an affidavit at all [\(figure 5\)](#).

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**Figure 5 - Use of affidavit**



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The last question in the survey asked agencies what procedure they took for cases which occurred within their jurisdiction or out of their jurisdiction. The example given is as follows: A resident in your city comes to the police department to file an Identity Theft report because some individual in New York City has stolen their identity and has been opening up bank accounts and charge accounts. The majority of the agencies surveyed stated that would only work cases in or around their city and refer cases to agencies where the incident occurred out of their jurisdiction. A few agencies stated they would attempt to investigate the case in order to assist the resident. However, all agencies surveyed stated they would initiate a police report. The main

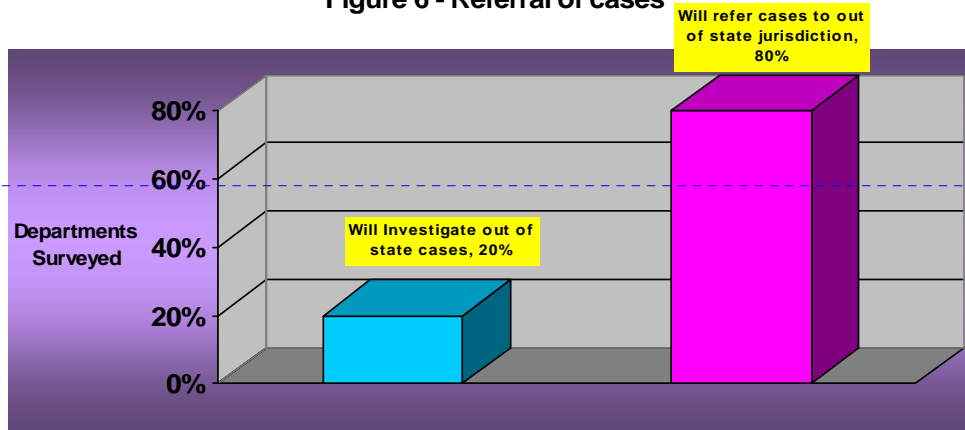
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reason for referring cases to another jurisdiction is manpower, money, case load and not enough resources to conduct a proper investigation (figure 6).

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**Figure 6 - Referral of cases**



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## CONCLUSIONS

Identity theft covers a wide range of issues and crimes. It goes from trivial to scandalous. Most people go about their daily business without the slightest thought that someone in another state is using their identity. Often it is not until several months have passed until the victim receives information from a Credit Card Company or bank about erroneous charges. Other individuals find out they are victims of identity theft when they apply for some type of credit and are declined. They began to question the credit bureaus and request their credit report. It is at that time when a victim has discovered hundreds and often thousands of dollars has been acquired with the use of their personal identifiers. Unable to comprehend the legitimacy of those charges the victim will confront the place of business where the charges first initiated. Once they have found themselves to be unsuccessful they turn to the police for assistance. Recently,

identity theft has become a new phenomenon and it knows no boundaries. Law enforcements agencies at first weren't quite sure how to handle identity theft cases; often officials would tell the victim they needed to contact the agency where the incident occurred. After receiving several runarounds from law enforcement officials and credit bureaus, the victims ultimately gave up. With this ever increasingly new crime can mandated training, department training, policies / procedures help smaller municipal police agencies fight the battle against identity theft. In the beginning this author stated this paper would indicate that even with mandated training many officers will forget what they learned and others will not pursue continued training in this area. Unfortunately, officers still do not understand the process on how to assist a victim of identity theft and several still hesitate to take a report.

After completing the survey it was learned that many departments will initiate a report for victims of identity theft. The majority of the agencies that responded to the survey indicate that a report is taken as a matter of policy. To understand this better the reader must realize that most small municipal police agencies require that an officer take a written report whenever dispatched to a call. In this instance, an officer is merely taking the report as normal practice taught to him or her during the Field Training Officer program and not because the citizen is the victim of an identity theft crime. Several departments feel the current mandated training required by TCLEOSE is not enough. On average the officers surveyed stated they felt training should consist of at least 8 – 16 hours. Furthermore, over half of the officers surveyed stated that were aware of Consumer Sentinel Clearinghouse Database provided by the Federal Trade Commission but were not registered users.

The data collected during this research does suggest that the author's hypothesis was somewhat accurate. Even though some officers have received the mandated training the majority of the officers surveyed are not fully confident that their patrol officers are well diverse when it comes to identity theft crimes.

This paper barely scratches the surface on the issue of Identity Theft. Due to this over growing problem consumers and governmental agencies have joined force in combating this issue. However, law enforcement officials, particularly in small agencies, are not receiving the needed information, resources, manpower, or additional monies to assist in the battle against Identity Theft. The survey conducted only allowed time to question one officer from every department. Investigators and the Command level personal were the only officers contacted for this study. The only limitation experienced was not having enough time to survey every officer from every department and not being able to locate many books on the subject.

This paper will assist the Windcrest Police Department and other departments comparable in size to understand the importance of educating officers and creating a process to assist the victims. It is this author's intention to develop guidelines for patrol officers and investigators of the Windcrest Police Department to follow. In doing so, it is imperative to assure that every officer from the Windcrest Police Department attends the mandated Identity Theft training in the near future. Secondly, a written set of guidelines will be developed to show the officer a step by step process on how to take the initial report and what information to provide the victim. Thirdly, an Identity Theft packet will be created and it will contain all of the pertinent information regarding Identity Theft, such as brochures and the Federal Trade Commission Identity Theft Affidavit

(Appendix A). Lastly, the officers assigned to the Criminal Investigations Division will receive information on the different organizations that can provide assistance to the investigation. These investigators will also be required to register with the Consumer Sentinel.

Smaller municipal police agencies that have the same interest can learn the importance in educating and better preparing the officers in understanding Identity Theft crimes. Once departments have crossed that hurdle they will be able to assist their victims to the optimal level. Identity Theft is a disease spreading like a plaque and fortunately law enforcement officers are the cure. Combined with knowledge and resources officers and victims can battle Identity Thieves and stop their destruction.

## REFERENCES

Abbatt, G. (2004, January). *Law enforcement can help victims of identity theft*. [Online].

Deleted:

Available: <http://www.oag.state.tx.us/newpubs/oeds/200410blues.shtml>. [2004, December 01].

Federal Trade Commission. (2002). *ID theft when bad things happen to your good name*.

Federal Trade Commission. (2003). *Prepared statement of the federal trade commission on identity theft: before the house financial services committee*.

Retrieved November 19, 2004, from

<http://www.ftc.gov/os/2003/04/bealesidthefttest.pdf>

Federal Trade Commission. (2001). *Identity theft victim complaint data: figures and trends on identity theft november 1999 through June 2001*. Retrieved November 19, 2004, from <http://www.consumer.gov/idtheft/charts/01-06c.pdf>

Hoar, S. (2001, March). *Identity theft: the crime of the new millennium*. [Online].

Available: [http://www.usdoj.gov/criminal/cybercrime/usamarch2001\\_3.htm](http://www.usdoj.gov/criminal/cybercrime/usamarch2001_3.htm)

[2004, December 02].

Lobert, K., Son, S., Thorpe, M., & Walsh, J. (2004). *Identity theft protect your name, credit and information*. Los Angeles: The Silver Lake Editors

Martinez, S. (2004, September). *Technology, information police, intergovernmental relations and the census*. Retrieved December 03, 2004. from

<http://www.fbi.gov/congress/congress04/martinez092204.htm>

Viverette, M. (2003, June). *Chief Viverette on fighting identity theft*. Retrieved December 03, 2004, from

[http://www.theiacp.org/documents/index.cfm?fuseaction=document&document\\_type\\_id=...](http://www.theiacp.org/documents/index.cfm?fuseaction=document&document_type_id=...)

## Instructions for Completing the ID Theft Affidavit

To make certain that you do not become responsible for the debts incurred by the identity thief, you must provide proof that you didn't create the debt to each of the companies where accounts were opened or used in your name.

A working group composed of credit grantors; consumer advocates and the Federal Trade Commission (FTC) developed this ID Theft Affidavit to help you report information to many companies using just one standard form. Use of this affidavit is optional for companies. While many companies accept this affidavit, others require that you submit more or different forms. Before you send the affidavit, contact each company to find out if they accept it.

You can use this affidavit where a **new account** was opened in your name. The information will enable the companies to investigate the fraud and decide the outcome of your claim. (If someone made unauthorized charges to an **existing account**, call the company to find out what to do.)

This affidavit has two parts:

- **ID Theft Affidavit** is where you report general information about yourself and the theft.
- **Fraudulent Account Statement** is where you describe the fraudulent account(s) opened in your name. Use a separate Fraudulent Account Statement for each company you need to write to.

When you send the affidavit to the companies, attach copies (**NOT** originals) of any supporting documents (for example, drivers' license, police report) you have. Before submitting your affidavit, review the disputed account(s) with family members or friends who may have information about the account(s) or access to them.

**Complete this affidavit as soon as possible.** Many creditors ask that you send it within two weeks of receiving it. Delaying could slow the investigation.

**Be as accurate and complete as possible.**

You *may* choose not to provide some of the information requested. However, incorrect or incomplete information will slow the process of investigating your claim and absolving the debt. Please print clearly.

When you have finished completing the affidavit, mail a copy to each creditor, bank or company that provided the thief with the unauthorized credit, goods or services you describe. Attach to each affidavit a copy of the Fraudulent Account Statement with information only on accounts opened at the institution receiving the packet, as well as any other supporting documentation you are able to provide.

**Send the appropriate documents to each company by certified mail, return receipt requested**, so you can prove that it was received. The companies will review your claim and send you a written response telling you the outcome of their investigation. **Keep a copy of everything you submit for your records.**

If you cannot complete the affidavit, a legal guardian or someone with power of attorney may complete it for you. Except as noted, the information you provide will be used only by the company to process your affidavit, investigate the events you report and help stop further fraud. If this affidavit is requested in a lawsuit, the company might have to provide it to the requesting party.

Completing this affidavit does not guarantee that the identity thief will be prosecuted or that the debt will be cleared.

**DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER  
GOVERNMENT AGENCY**

If you haven't already done so, report the fraud to the following organizations:

- 1 Each of the three **national consumer reporting agencies**. Ask each agency to place a fraud alert on your credit report, and send you a copy of your credit file. When you have completed your affidavit packet, you may want to send them a copy to help them investigate the disputed accounts.

■ **Equifax Credit Information Services, Inc.**

(800) 525-6285/ TDD 1-800-255-0056 and ask the operator to call the Auto Disclosure Line at 1-800-685- 1111 to obtain a copy of your report.

P.O. Box 740241, Atlanta, GA 30374-0241  
[www.equifax.com](http://www.equifax.com)

■ **Experian information Solutions, Inc.**

(888) 397-3742/ TDD (800) 972-0322  
P.O. Box 9530, Allen, TX 750 13

[www.experian.com](http://www.experian.com)

■ **TransUnion**

(800) 680-7289/ TDD (877) 553-7803  
Fraud Victim Assistance Division  
P.O. Box 6790, Fullerton, CA 92634-6790  
[www.transunion.com](http://www.transunion.com)

- 2 The **fraud department at each creditor, bank, or utility/service** that provided the identity thief with unauthorized credit, goods or services. This would be a good time to find out if the company accepts this affidavit, and whether they require notarization or a copy of the police report.

- 3 Your local **police department**. Ask the officer to take a report and give you a copy of the report. Sending a copy of your police report to financial institutions can speed up the process of absolving you of wrongful debts or removing inaccurate information from your credit reports. If you can't get a copy, at least get the number of the report.

- 4 The FTC, which maintains the Identity Theft Data Clearinghouse ñ the federal government's centralized identity theft complaint database ñ and provides information to identity theft victims. You can visit [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft) or call toll-free **1-877-ID -THEFT (1-877-438-4338)**.

The FTC collects complaints from identity theft victims and shares their information with law enforcement nationwide. This information also may be shared with other government agencies, consumer reporting agencies, and companies where the fraud was perpetrated to help resolve identity theft related problems.

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GOVERNMENT AGENCY**



## I D Theft Affidavit

### Victim Information

(1) My full legal name is \_\_\_\_\_  
(First) (Middle) (Last) (Jr., Sr., III)

(2) (If different from above) When the events described in this affidavit took place, I was known as

\_\_\_\_\_  
(First) (Middle) (Last) (Jr., Sr., III)

(3) My date of birth is \_\_\_\_\_  
(day/month/year)

(4) My Social Security number is \_\_\_\_\_

(5) My driver's license or identification card state and number are \_\_\_\_\_

(6) My current address is \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

(7) I have lived at this address since \_\_\_\_\_  
(month/year)

(8) (If different from above) When the events described in this affidavit took place, my address was

\_\_\_\_\_  
(9) I lived at the address in Item 8 from \_\_\_\_\_ until \_\_\_\_\_  
(month/year) (month/year)

(10) My daytime telephone number is ( \_\_\_\_ ) \_\_\_\_\_

My evening telephone number is ( \_\_\_\_ ) \_\_\_\_\_

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### How the Fraud Occurred

**Check all that apply for items 11 - 17:**

- (11) ☐ I did not authorize anyone to use my name or personal information to seek the money, credit, loans, goods or services described in this report.
- (12) ☐ I did not receive any benefit, money, goods or services as a result of the events described in this report.
- (13) ☐ My identification documents (for example, credit cards; birth certificate; driver's license; Social Security card; etc.) were ☐ stolen ☐ lost on or about \_\_\_\_\_  
(day/month/year)
- (14) ☐ To the best of my knowledge and belief, the following person(s) used my information (for example, my name, address, date of birth, existing account numbers, Social Security number, mother's maiden name, etc.) or identification documents to get money, credit, loans, goods or services without my knowledge or authorization:

\_\_\_\_\_  
Name (if known)

\_\_\_\_\_  
Name (if known)

\_\_\_\_\_  
Address (if known)

\_\_\_\_\_  
Address (if known)

\_\_\_\_\_  
Additional information (if known)

\_\_\_\_\_  
Additional information (if known)

- (15) ☐ I do NOT know who used my information or identification documents to get money, credit, loans, goods or services without my knowledge or authorization.
- (16) ☐ Additional comments: (For example, description of the fraud, which documents or information were used or how the identity thief gained access to your information.)(Attach additional pages as necessary.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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### Victim's Law Enforcement Actions

- ( 17) (check one) I ☐ am ☐ am not willing to assist in the prosecution of the person(s) who committed this fraud.
- ( 18) (check one) I ☐ am ☐ am not authorizing the release of this information to law enforcement for the purpose of assisting them in the investigation and prosecution of the person(s) who committed this fraud.
- ( 19) (check all that apply) I ☐ have ☐ have not reported the events described in this affidavit to the police or other law enforcement agency. The police ☐ did ☐ did not write a report. *In the event you have contacted the police or other law enforcement agency, please complete the following:*

(Agency # 1)

(Officer/Agency personnel taking report)

(Date of report)

(Report number, if any)

(Phone number)

(e-mail address, if any)

(Agency # 2)

(Officer/Agency personnel taking report)

(Date of report)

(Report number, if any)

(Phone number)

(e-mail address, if any)

### Documentation Checklist

Please indicate the supporting documentation you are able to provide to the companies you plan to notify. Attach copies (NOT originals) to the affidavit before sending it to the companies.

- (20) ☐ A copy of a valid government-issued photo-identification card (for example, your driver's license, state-issued ID card or your passport). If you are under 16 and don't have a photo-ID, you may submit a copy of your birth certificate or a copy of your official school records showing your enrollment and place of residence.
- (21) ☐ P r o o f of residency during the time the disputed bill occurred, the loan was made or the other event took place (for example, a rental/lease agreement in your name, a copy of a utility bill or a copy of an insurance bill).

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- (22) ☐ A copy of the report you filed with the police or sheriff's department. If you are unable to obtain a report or report number from the police, please indicate that in Item 19. Some companies only need the report number, not a copy of the report. You may want to check with each company.

Signature

I declare under penalty of perjury that the information I have provided in this affidavit is true and correct to the best of my knowledge.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date signed)

**Knowingly submitting false information on this form could subject you to criminal prosecution for perjury.**

\_\_\_\_\_  
(Notary)

*[Check with each company. Creditors sometimes require notarization. If they do not, please have one witness (non-relative) sign below that you completed and signed this affidavit.]*

**Witness:**

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(telephone number)

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## Fraudulent Account Statement

### Completing this Statement

- Make as many copies of this page as you need. **Complete a separate page for each company you're notifying and only send it to that company.** Include a copy of your signed affidavit.
- List only the account(s) you're disputing with the company receiving this form. **See the example below.**
- If a collection agency sent you a statement, letter or notice about the fraudulent account, attach a copy of that document (**NOT** the original).

**I declare (check all that apply):**

- ☐ As a result of the event(s) described in the ID Theft Affidavit, the following account(s) was/were opened at your company in my name without my knowledge, permission or authorization using my personal information or identifying documents:

<b>Creditor Name/Address</b> <i>(the company that opened the account or provided the goods or services)</i>	<b>Account Number</b>	<b>Type of unauthorized credit/goods/services provided by creditor</b> <i>(if known)</i>	<b>Date issued or opened</b> <i>(if known)</i>	<b>Amount/Value provided</b> <i>(the amount charged or the cost of the goods/services)</i>
Example Example National Bank 22 Main Street Columbus, Ohio 22722	01234567-89	auto loan	01/05/2002	\$25,500.00

- ☐ During the time of the accounts described above, I had the following account open with your company:

Billing name \_\_\_\_\_

Billing address \_\_\_\_\_

Account number \_\_\_\_\_

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