MONROE COUNTY SHERIFF'S OFFICE

General Order

CHAPTER: 34 - D		**TITLE:** Identification Theft Investigation Procedures
EFFECTIVE DATE: August 19, 2009	**NO. PAGES:** 8	**AMENDED:**
REFERENCE: CALEA 42.2.8		**RESCINDS:** Special Order: Identification Theft Investigation Procedures 07.05.2007
 **Sheriff of Monroe County**		

Purpose: The purpose of this policy is to establish uniform procedures to ensure a complete investigation of identity theft crimes.

Policy: It is the policy of the Sheriff to thoroughly investigate all identity theft crimes and assist victims in recovering losses.

Discussion: Florida ranks in the top 10 states for identity crimes. They can be as devastating to the victim as some crimes of violence. Under the provisions of the Fair Credit Reporting Act, an Identity Theft report may be filed wherever the reporting party lives or has lived.

Definitions

Identity Theft: Identity theft is a crime in which the imposter obtains key pieces of information such as Social Security and driver's license numbers and uses them for his or her own gain. Victims are left with a tainted reputation and the complicated task of restoring their good names.

There are four types of identity theft crime:

Financial ID Theft —Typically focuses on the victim's name and Social Security number (SSN). The imposter may apply for telephone service, credit cards or loans, buy merchandise, lease cars or apartments using the victim's identity.

Criminal ID Theft —The imposter in this crime provides the victim's information instead of his or her own when stopped by law enforcement. Eventually when the warrant for arrest is issued it is in the victim's name.

Identity Cloning —In this crime the imposter uses the victim's information to establish a new life. The imposter works and lives as the victim. Examples: Illegal aliens, criminals avoiding warrants, becoming a "new person" to leave behind a poor work and financial history.

Business or Commercial Identity Theft — Businesses can also be victims of identity theft. Typically the perpetrator gets credit cards or checking accounts in the name of the business. The business finds out when unhappy suppliers send collection notices or their business rating score is affected.

Deputy's responsibilities when taking Identity Theft report:

- Have victim complete an "Identity Theft Statement and Fraudulent Account Information Request" (see Addendum A) *(NOTE - the victim is to mail a copy of this form to creditors and the three national credit bureaus - see Addendum B.)* The deputy is not to keep this form. It provides a means for investigators to access documentation from lenders and credit issuers regarding fraudulent accounts opened in another's identity.

- Have victim provide a sworn, written, statement that describes how they first discovered the fraud/theft and all details concerning the incident.

- Deputy to type, in narrative section of report, the following information:
    - Name and contact number for each business identified as being involved in the fraud/theft;
    - Full account number for each account associated with fraud/theft;
    - Date, time, and amount of each fraudulent transaction;
    - Names of all persons (i.e. fraud investigators) that victim spoke with regarding the fraud/theft to include date and time of the call, if available.
- Advise the victim to obtain a current copy of their credit report and to fill out the Identity Theft Affidavit. The ID Theft Affidavit can be accessed online at www.consumer.gov/idtheft.
  [CALEA 42.2.8, b]
- Instruct the victim to retain all documents and electronic communication that they have received.
  [CALEA 42.2.8, a]

All Identity Theft cases shall be forwarded by the duty sergeant/supervisor to the Criminal Investigation Unit.

Criminal Investigation Unit supervisor will assign Identity Theft cases to a detective for follow up investigation.

Upon receipt of Identity Theft case assignment, the detective shall review the details of the case to determine what type of Identity Theft has occurred.

Based upon the type of Identity Theft case, the detective should consider the following when initiating the investigation:

Send out preservation letter requests to businesses such as Internet Service Providers, telephone/cellular phone companies, lending institutions, etc;

Obtain electronic data, such as IP (Internet Protocol) Connection Log Data, taking into consideration that this type of evidence may only be retained by businesses for a short time (usually between 30 to 90 days).

In Finanical Identity Theft Cases, the detective should seek the following evidence:

- Application forms if the account is opened via postal mail or in person, or application information if done online or by phone.
- Signature cards - for any checking or bank account.
- Credit history records, found on the victim's credit report.
- Transaction records - the individual purchase slips for any goods bought on a credit card.
- Billing statements.
- Records of calls made from a specific telephone number - part of the billing statement for a cell phone or telephone utility account.
- Shipping records.
- Videotapes - often part of a security system monitoring cash registers. Most tapes are only kept 2-4 weeks and then reused.
- Bankruptcy records.

In Criminal Identity Theft Cases, the following evidence should be sought:

- Department of Motor Vehicles records.
- Arrest records and outstanding warrants, criminal database searches.
- Passport records.

In Identity Cloning Cases the following evidence should be sought:

- Social Security benefit records.
- Federal IRS tax records, state tax records.

- Employment records.
- Employee photos.
- Department of Motor Vehicles records.
- Credit history information (see financial identity theft, above).
- Credit card and bank account records.
- Bankruptcy records.
- Mortgage and property records.
- Fictitious business name applications and records.
- Business licenses.
- Passport records.

INTERAGENCY CORODINATION

The case detective should contact investigator(s) in all involved jurisdictions.

The United States Secret Service (USSS) should be consulted, as their area of expertise is the investigation of financial crimes.
[CALEA 42.2.8, d]

VICTIM ASSISTANCE

The investigator should provide information and assistance to victims when possible. At a minimum, the investigator shall provide information on resources to the victim. These resources include but are not limited to;

- Identification Theft Center
  www.idtheftcenter.org
- Identity Theft Assistance Center
  www.identitytheftassistance.org
- Florida Attorney General's Office
- Florida Identity Theft Victim Kit
  www.myfloridalegal.com/idkitprintable.pdf
- Federal Trade Commission
  www.ftc.gov/bcp/consumer.shtm

Identity theft information may be available from the Sheriff's Public Information Office. It is also made available to the community at large.
[CALEA 42.2.8, c & e]

Addendum A

INITIAL VICTIM OF IDENTITY THEFT STATEMENT AND
FRAUDULENT ACCOUNT INFORMATION REQUEST- Credit Issuers or Merchants

Date:_____
Sent certified, return receipt mail: Number _____

TO: [Credit Issuer] FAX

ACCOUNT NO. REFERENCE NO.

FROM: [Your Name]

I have learned that an unauthorized account has been opened with your company or bank. I did not open this account and have not given permission to anyone else to open this account for me. I have not benefited by this account. You shall consider this account to be fraudulent and a case of identity theft.

Below is my identifying information. I have filed a report with my local police department. Under CA (PC 530.8) and WA law, all lenders and credit issuers must provide documentation regarding all fraudulent accounts opened in another's identity and do so within ten days. The Cantwell-Enzi amendment to the nationally approved FACTA (effective June 2, 2004) will require compliance with this request within 30 days.

Further, credit issuers must provide that documentation and information to a police agency designated by the impersonated party. I am designating the below named detective(s)/prosecutors as additional recipients of all account information and documents.

Application Records or screen prints of Internet/phone applications
Statements, Billing and Payment Records
Transaction Records/Charge Slips
Log of outgoing calls if a cell phone account or telephone utility
Investigator's Summary
Delivery addresses
Any other documents associated with the account
All records of phone numbers used to activate the account or to access the account

Additionally, I hereby request you immediately start an investigation, and remove any entries of this account, the application or inquiry records and collection notices from my credit report at once. I also wish to speak with a fraud investigator within 30 days about the status of this case. Once resolved, I expect a letter of clearance to be sent to me within 10 days.

Do not sell, distribute, trade, exchange, share, donate, giveaway and/or transfer information about this fraudulent account with any other entity except with the designated law enforcement agencies and prosecutors involved in this case.

Please notify any collection agencies that you may have sent this account to. Please do not assign this account to another collection agency. So far these criminals have stolen approximately $_____ in checks or credit charges in my name. We suspect there will be more until they are caught.

Be advised that reporting these items to the credit bureaus as collection items or continuing to pursue these debts from me would be considered a violation of the state and federal level Fair Debt Collection Practices Act and the Fair Credit Reporting Act.

Victim Information

1. My full legal name is:_____

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

2. My birth date is (day/month/year): _____

3. My Social Security number is_____

4. My driver's license or identification card number is: State_____ #_____

5. My current address is: _____

   City: _____ State:_____Zip Code:_____

6. I have lived at this address since _____(month/year)

7. (If different from above) When the events described in this affidavit took place, my address was: _____

   City: _____ State:_____Zip Code:_____

8. I lived at that address from _____ until _____(month/year)

9. My daytime telephone number is (____)_____ Cell (___) _____

10. My evening telephone number is (____)_____

11. My e-mail address is _____

How the Fraud Occurred (Check all that apply):

___ 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.

___ I did not receive any benefit, money, goods, or services as a result of the events described in this report.

___ My identification documents (i.e., credit cards; birth certificate; driver's license; Social Security card, etc.) were **stolen** were **lost** on or about _____(day/month/year)

___ I don't know who the imposter is at this time or how this happened.

___ I have proof that 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 obtain money, credit, loans, goods, or services without my knowledge or authorization: (only fill out if you are certain)

_____	_____
Name (if known)	Name (if known)
_____	_____
Address (if known)	Address (if known)
_____	_____
Phone number(s) (if known)	Phone number(s) (if known)
_____	_____
additional information (e.g. relationship)	additional information (if known)

A report has been made with the following police/sheriff's department. If you are unable to obtain a report or report number from the police, please indicate that by checking here _____. Instead of a police report I filed an official affidavit with the following agency _____ (case #_____)

Name of agency: _____
Case #_____
Name of investigator if known: _____
Contact information for law enforcement: (address/phone)_____
_____

Signature of victim: _____ Date _____

I declare under penalty of perjury that this declaration is true and correct to the best of my knowledge. **Knowingly submitting false information on this affidavit could subject me to criminal prosecution for perjury.**

Have one witness (non-relative) sign below that you completed and signed this declaration.)

Witness:

_____	_____
(signature)	(printed name)
_____	_____
(date)	(telephone number)

List of enclosed documents:

Addendum B

Credit Bureaus

Experian
Fraud Center
https://www.experian.com1-888-397-3742

TransUnion
P.O. Box 6790
Fullerton, CA 92834
1-800-680-7289
fvad@transunion.com

Equifax
Equifax Credit Information Services, Inc.
P.O. Box 740241
Atlanta, GA 30374

Fraud Alert Call 1-888-766-0008