

Identity Theft

361.1 PURPOSE AND SCOPE

Best Practice **MODIFIED**

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

361.1(a) POLICY

It is the policy of this agency to assist identity theft victims in regaining their pre-crime status. This may include recording identity theft complaints via online reporting; providing victims with necessary information; and working with other federal, state, and local law enforcement and reporting agencies, as well as financial institutions to solve identity theft cases.

361.1(b) DEFINITIONS

Identity Theft: The misuse of another individual's personal information with the intent to facilitate other criminal activities; obtain credit, goods, or services without the victim's consent; or conceal one's identity from others, such as the government, law enforcement, or those who perform background checks, such as employers. No financial loss is necessary.

Fair Credit Reporting Act (FCRA): A federal law designed to ensure the accuracy, fairness, and privacy of information in consumer reports, sometimes informally called "credit reports." The FCRA includes consumer protections to help identity theft victims clear their credit reports of negative information that results from fraudulent transactions.

Identity Theft Report: A law enforcement report that contains specific details of an identity theft and complies with the requirements of Section 603(q)(4) of the FCRA. An identity theft report entitles an identity theft victim to certain protections that will help him or her clear fraudulent transactions from credit reports and aid in restoring his or her pre-crime status.

Personal Information: Individually identifiable information from or about a person, such as name, address, driver's license number, passport number, legal resident card number, date of birth, social security number, health insurance number, financial account number (e.g., credit or debit card, savings, checking, or other account number, PIN or password), mother's maiden name, employee identification number, or biometric data, such as fingerprints, facial scan identifiers, retina or iris image, or other unique physical representation.

361.2 REPORTING

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In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this

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jurisdiction, the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

- (a) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction) if there is sufficient suspect information to allow for further follow up investigation. If there are no investigative leads or suspect information is lacking, the reporting parties shall be referred to the department's on line reporting web portal for documentation purposes.
- (b) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application) if a report is taken and an investigation is initiated.
- (c) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers if a report is taken and an investigation is initiated.
- (d) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (e) Following supervisory review and departmental processing, the initial on line or investigative report should be forwarded to the appropriate detective for follow up investigation if any credible suspect information is available, coordination with other agencies and prosecution as circumstances dictate.