

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

Index as:
Identity Theft

IDENTITY THEFT**483.00 PURPOSE**

The purpose of this General Order is to make officers aware of RSMo 570.223; Identity Theft, and establish procedures for reporting this offense.

483.01 DEFINITION

"Identity Theft", RSMo 570.223 "A person commits the crime of identity theft if he knowingly and with the intent to deceive or defraud, obtains, possesses, transfers, uses or attempts to obtain, transfer or use one or more means of identification not lawfully issued for his use." The first and second offenses are misdemeanors and the third offense is a felony.

483.02 BACKGROUND

The use of another person's identity to illegally obtain credit, goods, or services is a growing national problem. The type of identification stolen may include the victim's name, birth date, driver's license, passport, social security number, etc.

Individuals engage in identity theft for a number of reasons, such as to activate some type of customer service, cell phone, local phone or utility; obtain credit in the form of a loan or checking account, with purchases obtained through credit later charged to the victim; or to obtain a document such as a driver's license, birth certificate or prescription.

483.03 POLICY AND PROCEDURE.

Officers will prepare an original Identity Theft report when any element of the crime occurs in the City of Ferguson (e.g., location that identification was fraudulently obtained or location of services received, purchased or ordered.)

A. Example

A resident of Ferguson reports they received a credit card bill which indicates their identification was used to open a charge account at a department store located in unincorporated St. Louis County. The resident states he did not open the account. The officer will prepare an original Identity Theft report as follows:

1. The reporting officer will request that the victim provide documentation of fraud such as an affidavit of forgery, a billing statement from the creditor

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showing debt, invoices, receipts, etc. A credit report from a credit bureau reflecting debt is NOT acceptable.

2. A police report will NOT be prepared if the victim cannot provide some type of documentation of the theft.

B. Report Procedure

1. The reporting officer will seize the documentation and package it as evidence following all General Orders associated with collection and forwarding of evidence.
2. The reporting officer will note in the narrative portion of the report any names and phone numbers that the victim has contacted regarding the Identity Theft.
3. The reporting officer will provide the victim with the complaint number and the following instructions:
 - a. Suggest the victim contact the establishments, credit card companies, Internet Company, service provider, etc., where their identity was fraudulently used. The victim should explain they have made an Identity Theft report and encourage the companies to report the fraudulent use to the appropriate jurisdiction.
 - b. Suggest the victim request new account numbers.
 - c. Suggest the victim contact the following credit bureaus and notify them of the theft.

TRANS UNION	1-800-916-8800
EQUIFAX	1-800-846-5279
EXPERIAN	1-888-397-3742
SOCIAL SECURITY	1-800-772-1213

483.04 IDENTITY THEFT OUTSIDE JURISDICTION

When the Identity Theft occurs outside the jurisdiction of the Ferguson Police Department, the victim will be instructed to contact the appropriate law enforcement agency. The officer will also inform the victim of the remedies identified in sections 483.03 B.3.

By order of:



COLONEL THOMAS JACKSON
Chief of Police

Attachment

Police Officer Guide

Distribution

All Department Personnel

FERGUSON POLICE DEPARTMENT
222 S. FLORISSANT RD., FERGUSON, MO 63135
(314) 522-3100

A Police Officer's Guide to receiving complaints regarding Identity Theft and the subsequent compilation of information for successful prosecution.

RSMO Chapter 570.223, Identity Theft Defined:

1. **A person commits the crime of Identity Theft if he knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer or use, one or more means of identification not lawfully issued for his use.**
2. **Identity theft is punishable by up to six months in jail for the first offense; up to one year in jail for the second offense; and one to five years imprisonment for the third or subsequent offense.**
3. **In addition to the provisions of subsection 2 of this section, the court may order that the defendant make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim:**
 - (1) **In clearing the credit history or credit rating of the victim; and**
 - (2) **In connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising from the actions of the defendant.**

EXAMPLES:

Suspect uses the victim's Social Security Number to obtain credit in victim's name, and then declares bankruptcy in the victim's name to avoid detection. Victim has no idea that the fraud has occurred until he applies for, and is denied a mortgage on his home.

Suspect uses the victim's Social Security Number to obtain a job, thereby avoiding the payment of taxes. (Many deadbeat parents use this so that their spouse or Law Enforcement Agency does not easily trace their income)

Suspect applies for credit using the names of elderly couple. \$20,000 is charged to the accounts before the fraud is detected.

Suspect obtains private information from the victim and is able to have telephone service provided to him at no cost.

DEFINITION OF PERSONAL IDENTIFYING INFORMATION, (as used in this section), means the name, address, telephone number, driver's license number, social security number, place of employment, employee identification number, mother's maiden name,

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demand deposit account number, saving account number or credit card number of an individual person.

RECEIVE THE COMPLAINT:

1. Complainant must be a resident of the City of Ferguson, as the jurisdiction for the crime of Identity Theft, is where the impersonated victim resides.
2. Complainant will usually have some documentation supporting his claim of Identity Theft, i.e.:
 - A. Credit Card Account
 - B. Bank Statement
 - C. Telephone/Utility Bill
 - D. Notice from Collection Agency

NOTE: This form should be seized as evidence. A copy should be provided to the victim for their records.

3. The complainant must complete a written statement regarding the known facts of the incident. This statement should also be seized as evidence.
4. The Police Officer handling the incident will complete a written report concerning the matter and the victim will be provided with a Police Report Number.
5. While the Department may investigate the Identity Theft, this does not necessarily mean it will handle the entire case. If the suspect(s) are committing other crimes in the name of the victim, in other jurisdictions, those respective law enforcement agencies are responsible for writing an incident report and investigating the separate offenses.

EXAMPLE: Victim lives in Ferguson. Suspect files a "Change of Address Form" at the local Post Office and obtains a pre-approved application for a credit card that was addressed to the victim. Suspect completes the application, using the victim's personal information, and the credit card is issued to the suspect. The suspect drives to Northwest Plaza in St. Ann, Missouri, and uses the card to purchase \$10,000 in merchandise. Ferguson Police Department would be responsible for the report of Identity Theft, but St. Ann Police Department would be responsible for the report of Fraudulent Use of a Credit Device. The Postal Inspector's Office should also be contacted by the victim to report the fraudulent completion of the Change of Address Form.

6. Police Officers should advise the victim to call the three credit bureaus and have a "Fraud Alert" placed on their account. This alert flags the victim's account, and notifies the victim when an inquiry occurs. The alert will continue for 90 days, but can usually be extended if the victim provides the credit bureau with a copy of the police report. The police report should reference this notification by the victim.

EQUIFAX:

To report fraud, call 1 (800) 525-6285 or write to Equifax Credit Information Services Inc. P.O. Box 740241, Atlanta, and Ga. 30374

To order a copy of your credit report (usually \$10.00), call 1 (800) 846-5279, or write to P.O. Box 740241, Atlanta, Georgia 30374-0241.

EXPERIAN: (formerly TRW)

To report fraud, call 1 (888) EXPERIAN or 1 (888) 397-3742, fax to 1 (800) 301-7196, or write to P.O. Box 1017, Allen, Texas, 75013.

To order a copy of your credit report (usually \$10.00), call 1 (888) EXPERIAN, or write to P.O. Box 9532, Allen, Texas, 75013.

TRANS UNION:

To report fraud, call 1 (800) 680-7289 or write to P.O. Box 6790, Fullerton, California 92834.

To order a copy of your credit report (usually \$11.00), call 1 (800) 888-4213 or write to Trans Union, P.O. Box, 1000 Chester, PA. 19022

7. Police Officers should also advise the victim to obtain a copy of their credit report from all three credit bureaus. The victim should examine each report, as some activity may show on one report and not the others. (Different credit bureaus occasionally receive reports from different sources) Officers should instruct the victim to register their complaint with the Federal Trade Commission at **1 (877) ID-THEFT**, so their information is placed into the national database. This is a secure consumer fraud database and may, in appropriate instances, be shared with other law enforcement agencies and private entities, including any companies about which the victim might complain.
8. As the victim reports the incident to other entities, i.e.: United States Secret Service, United States Postal Service, Department of Revenue, Social Security Administration, and other law enforcement agencies, he or she should contact the reporting officer, so that information can be referenced in the original police report.
9. Officers should provide the victim with a copy of the Department's ***Victim's Guide to Identity Theft***.
10. Depending on the circumstances of the theft, the officer may want to advise the victim to contact their Bank or Financial Institution and find out which check verification company handles their accounts. The victim can then contact the check verification company's fraud division to report the matter. Contact numbers for the major check verification companies follow:

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Check Rite	(800) 627-0041
ChexSystems	(800) 428-9623
CrossCheck	(800) 552-1900
National Processing Co. (NPC)	(800) 925-0230
TeleCheck	(800) 710-9898

11. In cases where the victim's Social Security Number has been fraudulently used for any reason, the victim should be advised to contact the Social Security Administration's Fraud Division at **1 (800) 269-0271**. The victim can request a copy of his/her Earnings and Benefits Statement by calling **1(800) 772-1213**.
12. In cases where the suspect used the Postal Service to defraud, officers should advise the victim to contact United States Postal Inspector's Office:

Mail Fraud or Theft: 1 (877) 876-2455

13. In cases where the suspect used the victim's Social Security Number or name to obtain a drivers license or a non-drivers license, officers should advise the victim to contact the Missouri Department of Revenue Criminal Investigations Division at (314) 877-0393.
14. RESOURCES:

Federal Trade Commission
United States Postal Inspection Service
United States Secret Service
Federal Bureau of Investigation
Social Security Administration
Better Business Bureau
National Fraud Information Center
National Consumers League
Missouri Department of Revenue