



IDENTITY THEFT

Directive: 15-109

Date of Issue: July 2013 Amends/Cancel: 14-109

I. PURPOSE

The purpose of this Directive is to establish procedures for the handling and investigation of identity theft complaints.

II. POLICY

The Department of General Services Maryland Capitol Police (DGS-MCP) will take all necessary measures to record criminal complaints, assist victims with contacting other relevant investigative and consumer protection agencies, and work with other federal, state, and local law enforcement agencies to correctly identify and arrest identity theft perpetrators.

III. BACKGROUND

The Federal Trade Commission (FTC) estimates that as many as nine (9) million Americans have their identities stolen each year. Individuals who are victimized by identity theft may be denied loans, purchases based on credit, or perhaps the most frightening of all scenarios, be arrested for a crime that they did not commit.

IV. DEFINITION

Identity Theft:

Identity theft occurs when someone knowingly, willfully and with fraudulent intent, obtains or aids another person in obtaining the personal identifying information of another, without the consent of that individual, for the purpose of using, selling or transferring that information to obtain any benefit, credit, goods, service, or other item of value in the name of the said victim.

V. PROCEDURES

- A. As outlined in Maryland Criminal Law, CR-8-304: A person who knows or reasonably suspects that the person is a victim of identity fraud may contact a local law enforcement agency that has jurisdiction over:
1. Any part of the county in which the person lives
 2. Any part of the county in which the crime occurred.

- B. Responding officers will complete an Incident Report for any victim who knows or reasonably suspects that another has unlawfully used his/her personal identifying information, as listed above.
- C. All other victims, not listed above, should be encouraged to promptly report the identity theft to the law enforcement agency where he/she resides.
- D. If a portion of the identity theft scheme occurs outside the state of Maryland, every effort should be made to put the victim in contact with the proper agency in that state.
- E. Report content
 - 1. Determine the types of personal identifying information used to commit the crime(s).
 - 2. Document any information concerning where the crime(s) took place, the financial institutions or related companies involved and the residence or whereabouts of the victim at the time of these events.
 - 3. The type(s) of unauthorized activities that have taken place will be classified in the report, such as:
 - a. Credit card accounts opened or account address changed
 - b. Establishment of a line of credit at a store or lending institution
 - c. Goods or services purchased in their name
 - 4. If the victim produces original or photocopied documents of any kind that were used in the commission of the identity theft scheme, they should be seized and submitted as evidence. Videotapes, surveillance photos, and e-mails should also be seized as evidence if available.
- F. If the investigation is not closed by the responding patrol officer the report *may* be forwarded to the Criminal Investigations Unit.
- G. Credit card thefts that result in a more elaborate theft scheme, such as payment of financial obligations which can be traced (i.e., BGE, vehicle payments, transfer of funds or other charges linked directly to a specific and assigned account number) *should* be forwarded to the Criminal Investigations Unit.
- H. Thefts of actual credit/debit cards and miscellaneous purchases (non-traceable not account number specific) should be investigated, at the Detachment level.

I. PROVIDING INFORMATION AND ASSISTANCE TO VICTIMS

Officers taking reports of identity theft should take the following steps to help victims resolve their problem.

- A. Provide the victim with the Case Number and advise how they can obtain a copy of the report.
- B. Advise the victim, if applicable, to cancel each credit and charge card and request new cards with new account numbers.

- C. If bank accounts are involved, advise the victim to report the loss to each financial institution, cancel existing accounts, and open new accounts with new account numbers. If deemed necessary, advise the victim to place stop payments on outstanding checks and contact the creditors to explain.
- D. If a driver's license is involved, advise the victim to notify the Motor Vehicle Administration.
- E. Advise the victim to contact the three credit reporting agencies and the Federal Trade Commission (www.consumer.gov/idtheft):
 - 1. Equifax 1-800-525-6285
 - 2. Experian 1-888-397-3742
 - 3. TransUnion 1-800-680-7289
 - 4. FTC 1-877-IDTHEFT

J. COORDINATION OF INVESTIGATIONS WITH OTHER AGENCIES

The investigating officer/detective will coordinate the investigation with other applicable agencies as determined by the follow-up investigation. All efforts will be made to contact other involved or potentially involved law enforcement agencies for collaboration and avoidance of duplication.