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Wilkesboro Police Department

Electronic Written Directives Document

I. PURPOSE

To establish guidelines for reporting and responding to complaints of identity theft, financial identity, fraud, and crimes related to this type of incident within the Town of Wilkesboro and to the citizens of this community.

II. POLICY

It is the policy of the Wilkesboro Police Department to report and respond to complaints of identity theft, financial identity, fraud, and crimes related to this type of incidents.

III. FINANCIAL IDENTITY FRAUD

- A. A person who knowingly obtains, possesses, or uses personal identifying information of another person, living or dead, with the intent to fraudulently represent that the person is the other person for the purposes of making financial or credit transactions in the other person's name, or for the purpose of avoiding legal consequences is guilty of a felony punishable as provided in G.S. 14-113.22(a).
- B. Identity Theft Protection Act of 2005 (S.L. 2005-414 S1048). The jurisdiction for the offense of financial identity theft has been expanded by stating that it is considered to occur:
 1. In the county where the victim resides,
 2. Where the perpetrator resides,
 3. Where any part of the identity crime took place, or
 4. In any other county instrumental to the completion of the offense, regardless of whether the defendant was ever actually present in that county.
- C. Pursuant to N.C.G.S. 14-113.21A, a victim of identity theft may contact his or her local law enforcement agency and that agency may take the complaint even though jurisdiction may lie elsewhere for investigation and prosecution. The law enforcement agency will issue an incident report, and provide the complainant with a copy of the report and may refer the report to a law

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enforcement agency in that different jurisdiction. A complaint filed or report issued under this section is not required to be counted as an open case for purposes of compiling open case statistics.

IV. TAKING CRIME REPORTS

- A. Sworn personnel will take crime reports for identity crimes. For those reports where the offense occurred outside the jurisdiction of the Wilkesboro Police Department, such as in another city, state or over the Internet, the victim's residence will be used as the location of the incident. After taking the report, the victim will be provided with a copy and should be advised to contact the appropriate law enforcement agency that would retain jurisdiction for investigative purposes.
- B. Recording all relevant information is essential for further investigation to include criminal acts that may have been committed illegally using another person's identity as covered by state and federal laws. Reports should be classified as Identity Theft if they involve any of the following:
 1. Credit card charges, debit cards, ATM cards
 2. Credit card checks written against their account
 3. Credit card accounts opened or account addresses changed
 4. Establishment of a line of credit at a business or obtaining a loan at financial institution
 5. Goods or services purchased in the victim's name
 6. Computer/Internet related frauds
- C. Document the nature of the fraud and other crimes committed in the victim's name. If the elements of the crime exist, reports should also list secondary crime incident offenses such as Financial Transaction Card Theft, Financial Transaction Card Fraud, Forgery/Uttering or Obtaining Property by False Pretense.
- D. Obtain and verify as appropriate the identifying information of the victim to include:
 1. Date of birth

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2. Social security number (if the victim is willing to provide, this is a mandatory field for Identity Theft File DCI entry)
 3. Driver's license number
 4. Other photo identification (if available)
 5. Current and most recent prior addresses
 6. Telephone numbers
- E. Determine what types of personal identifying information may have been used to commit the reported crimes to include, bank account numbers, loan numbers, credit card account numbers and those other identifiers as indicated in N.C.G.S. 14-113.20.
 - F. Determine if the personal identifying information may have been lost, stolen, or potentially misappropriated. If any documents belonging to the victim were used to facilitate the crime, describe how the victim's personal information was obtained and how the crime was committed.
 - G. Document any information concerning where the crime took place, the financial institutions and/or related businesses/companies involved, and the residence of the victim at the time of these events.
 - H. Determine whether the victim authorized anyone to use his or her name or personal information.
 - I. Determine whether the victim has knowledge or belief that a specific person or persons have used his or her identity to commit fraud or other crimes.
 - J. Determine if the victim is willing to assist in prosecution of the persons identified in the crime.
 - K. Determine if the victim has filed a report of the crime with other law enforcement agencies. Request the victim to provide a copy of the report(s) filed with other law enforcement agencies.
 - L. Request the victim to provide copies of affidavits, checks (front and back copies), bank account statements, credit card account statements, and any and all documentation pertinent to the report being filed.

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1. After reports have been forwarded through the appropriate chain of command, reports will be forwarded to the Criminal Investigations Section Commander for review and determination of case status and assignment.

Note: If the report appears to have national security implications, then notify intelligence and federal agencies immediately.

V. ASSISTING VICTIMS

- A. Officers taking identity theft reports should take steps reasonably possible to assist the victim in resolving their problem. This includes providing the victims with the following suggestions if applicable:
 1. Offer the option of entry into the Identity Theft Victim DCI file and explain the benefits and purpose of the file. Supervisors and officers DCI certified will be responsible for the DCI entry but officers will complete the Identity Theft Victim DCI Entry Form and have the victim sign the Identity Theft File Consent form.
 2. Ask the victim to contact other law enforcement agencies to file a police report when it is determined that the crime occurred within their jurisdiction.
 3. Contact the Federal Trade Commission (FTC) 1-877-IDTHEFT, which acts as the nation's clearinghouse for information related to identity theft crimes. Victims will receive assistance from trained counselors in resolving credit related problems. Provide the victim with a Take Charge: Fighting Back Against Identity Theft pamphlet.
 4. Contact the three major credit-reporting bureaus: Equifax 1-800-525-6285, Experian 1-888-EXPERIAN, and Transunion 1-800-680-7289. Victims can request that a fraud alert be placed on their accounts and request copies of their credit reports to review.
 5. Contact the Internet Crime Complaint Center (IC3) 1-800-251-3221 if the crime is computer/internet related.
 6. Contact the Social Security Administration 1-800-269-0271.
 7. If bank accounts are involved, report the loss to each financial institution. Victims should request existing accounts be cancelled/closed and have new accounts opened. If necessary, place stop payments on outstanding checks and contact creditors to explain.

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8. If a driver's license is involved, the victim should contact the North Carolina Division of Motor Vehicles or the motor vehicle department of the state where the victim was issued his or her license.
9. To contact other law enforcement agencies such as the Federal Bureau of Investigation (FBI), the State Bureau of Investigation (SBI), United States Secret Service (USSS), the United States Postal Inspectors or any other agencies as deemed necessary to assist the victim.
10. To change the locks on residences and vehicles if there is any indication that these have been copied or otherwise compromised.

** The Wilkesboro Police Department will maintain a current list of referral agencies and their services. These lists will be provided to the Patrol Lieutenants, Criminal Investigations personnel and the Front Desk.

VI. INVESTIGATIONS

- A. Criminal Investigation Section Commander will review the crime reports and conduct any follow-up inquires of the victims or others as appropriate for clarification and expansion of any information. Investigations Commander will make a determination as to whether the report on file will be inactivated or assigned to a detective for further investigation. This determination is based on solvability factors, jurisdiction, and the most appropriate course of action based on the facts provided such as investigative action by another law enforcement agency and current Criminal Investigations guidelines. Other actions include:
 1. When a victim's case report will not be assigned to an investigator, a case status letter will be mailed to the victim indicating the reason as well as suggestions to follow to address problems caused by identity theft.
 2. May contact any and all federal law enforcement agencies for collaboration and avoidance of duplication of independent investigations, whereby, a joint investigation could be conducted.
 3. May contact any state and/or local law enforcement agencies where the victim has filed an identity theft report or where there is an indication that the identity theft occurred.
- B. May contact the FTC Consumer Sentinel law enforcement network and search the database for investigative leads.

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VII. IDENTITY THEFT FILE

- A. An Identity Theft File has been implemented by NCIC that allows any law enforcement agency to enter information of identity theft victims. Only the agency that takes the identity theft complaint (report) may make the NCIC identity theft entry. By entering victim information, law enforcement agencies are provided with information necessary to determine if an individual in question (such as on a traffic stop) is the victim of identity theft or the actual offender.
1. The information can be beneficial in preventing a false arrest of the actual victim or in effecting the arrest of the suspect.
 2. The Identity Theft File allows agencies with a documented case of identity theft to enter the personal identifying information of the victim along with a password for identity confirmation.
 3. The Identity Theft Victim DCI entry form must be completed as thoroughly as possible, with all mandatory data fields completed. The victim must sign the Identity Theft File Consent Form or the entry cannot be made. A copy of the waiver form should be given to the victim and the original turned into records division along with the report and DCI entry form.
 4. Documentation for the identity theft complaint must meet the following criteria before an entry can be made into the identity theft file:
 - a. Someone is using a means of identification of the victim (denoted in the Identity Theft and Assumption Deterrence Act of 1998 as any name or number that may be used alone or in conjunction with any other information, to identify a specific individual).
 - b. The identity of the victim is being used without the victim's permission.
 - c. The victim's identity is being used or intended use is to commit an unlawful activity.
 - d. The victim must sign a consent waiver prior to the information being entered into the Identity Theft File.

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VIII. COMMUNITY AWARENESS

- A. All sworn personnel are responsible for the prevention of identity crimes. The Criminal Investigation Section along with the Public Information Officer will provide press releases and coordination of other media resources to continue in their efforts of public education and awareness.
- B. Sworn personnel will include identity theft as a crime prevention topic that needs to be addressed regularly at community meetings, in newsletters, other public speaking forums and by using handouts and brochures.
- C. All officers of the Wilkesboro Police Department will conduct public education/information forums (upon request) on identity theft, in addition, to current fraudulent scams.

IX. REFERENCES

N.C.G.S. 14-113.20
CALEA 42.2.8