	ANDOVER POLICE DEPARTMENT GENERAL ORDER	Number: O2512 Page: 1 of 6 Distribution: All
Title: IDENTITY CRIME		Section: Investigations
Issued: 02/22/2011	Effective: 03/02/2011	Revised: 03/05/2014
Rescinds: All Previous	Amends:	
CALEA References: 42.2.8		
Review: Annual	Authority: Chief Michael A. Keller	

I. Purpose

It is the purpose of this policy to provide officers with protocols for completing identity crime reports, investigating identity crimes, and preparing cases for identity crime prosecution.

II. Policy

REV. 03052014 Identity crime is the fastest growing and most serious economic crime in the United States. Although identity crime presents unique challenges, law enforcement agencies have an ethical and professional obligation to assist identity crime victims and bring criminals to justice. The Andover Police Department shall take the following measures to respond to identity crime: 1) record criminal complaints; 2) provide victims with necessary information to help restore their pre-crime status; 3) provide victims with copies of reports as required by federal law; 4) work with other federal, state and local law enforcement and reporting agencies as well as financial institutions to solve identity crime cases; 5) seek opportunities to increase community awareness and prevention of identity crimes; and 6) provide identity crime training to officers.

III. Definitions

A. **Identity Crime:** The fraudulent use of another person's identifying information – such as credit card, social security or driver's license numbers, with the intent to facilitate other criminal activities or to obtain credit, goods or services without the victim's consent. No financial loss is necessary.

B. **Identity Theft Report:** A police report that contains specific details of an identity crime is considered an identity theft report under section 650B of the Fair Credit Reporting Act (FCRA).

IV. Regulations

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V. Procedures

A. Completing Identity Crime Report

An identity crime report entitles an identity crime victim to certain important protections that will help the victim eliminate fraudulent debt and restore their credit to pre-crime status. Identity crime reports should be completed by police personnel, in person with the victim, and in the jurisdiction in which the victim is a resident. Recording all relevant information and data in such reports is essential for further investigation. Therefore, officers and supervisors should (Use Identity Crime Checklist APD FORM 22) (42.2.8a):

1. Obtain or verify identifying information of the victim including: date of birth, social security number, driver's license number, and e-mail address.
2. Obtain information required by Kansas Standard Offense Report form (42.2.8b).
3. Document the nature of the identity crime committed in the victim's name (i.e. when and how the crime was discovered, documents or information used in the crime, the manner in which the victim's identifying information was obtained, the financial institutions or related companies involved, etc.).
4. Determine what types of personal identifying information may have been used and whether any of these have been lost, stolen or potentially misappropriated.
5. Ask the victim to provide a list of the creditors/merchants where the suspect has opened accounts in the victim's name.
6. Determine whether the victim authorized anyone to use his or her name or personal information.
7. Determine whether the victim has knowledge or belief that specific person(s) have used his or her identity to commit fraud or other crimes. If so, obtain information about the suspected person(s).
8. Determine whether the victim is willing to assist in the prosecution of the suspect(s) identified in the crime.
9. Determine if the victim has filed a report of the crime with other law enforcement agencies and whether such agency provided the victim with a report number.
10. Determine if the victim has any additional documentation to support his or her claim or facilitate the investigation.
11. Provide the victim with a case number and information on how to obtain a copy of the report.
12. Forward the report to the appropriate detective and supervisor, and immediately to intelligence agencies (Fusion Centers, ICE, JTTF, etc.) and federal agencies, if it appears to have national security implications. To avoid investigating a fraudulent identity crime complaint, officers should conduct due diligence in their completion of identity crime reports. Otherwise, unless and until it develops that the complaint is fraudulent, identity crime complaints should be aggressively and fully investigated (42.2.8d).

B. Assisting the Victim After the Identity Crime Report is Completed

1. Officers taking identity crime reports should take steps reasonably possible to help victims return to their pre-crime status. This includes providing victims with the following suggestions where appropriate (42.2.8c):
   a. Briefly describe the process that occurs after an identity crime report is completed (i.e. the identity crime report will be assigned to a detective, the detective will review the report and contact the victim, the detective will begin to gather evidence, etc.).
   b. Provide the victim with contact information for the officer and the case number consistent with General Order M1108 Victim/Witness Assistance.
   c. Direct the victim to the download center at http://www.theiacp.org/portals/0/pdfs/recovery_toolkit.pdf to download a "Recovery Kit" or print a copy for the victim if they do not have internet access.

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2. If somebody has used the victim's name and information in an arrest situation, direct the victim to file a complaint with the Kansas Bureau of Investigation's Central Repository by completing and submitting an "Identity Theft Claim Form." The submission of the form will prompt the central repository to take steps to correct the victim's criminal history record. The victim may complete the form independently or be guided through the completion of the form by an officer. The form is available from the KBI under the Identity Theft tab at http://www.accesskansas.org/kbi/info/docs/pdf/Id%20Theft%20Claim%20Form2.pdf. Upon completion of the form the person should bring the following to the police department:

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   a. The Identity Theft Claim Form
   b. A passport quality photo (2x2 inches in size) taken within the past six months showing current appearance. Color or black and white photos are accepted. The photo should be a full face front view measuring 1 inch to 1 2/3 inches from the bottom of the chin to the top the head against a plain white or off white background.
   c. A photo copy of a government issued photo ID (i.e. driver's license, military identification card, etc.).
   d. An envelope with sufficient postage to mail the form and the photo copies.
3. Officer's who meet with a victim bringing the above items to the department should assist the victim with completing the process by:
   a. Ensuring the Identity Theft Claim Form is filled out completely.
   b. Compare the actual photo identification with the information on the claim form, the photo copy of the photo identification and the passport photo to ensure they are the same person, and initial the claim form in the "photo verified" space.
   c. Fingerprint the victim on the claim form, sign the form and enter the department's ORI number.

d. Have the victim sign the form.
e. Seal the items in an envelope and mail to the Kansas Bureau of Investigation, 1620 SW Tyler Rd, Topeka, KS 66612.

4. If the victim consents, enter the victim's information into the NCIC Identity Theft File.
   a. In order to be entered into the NCIC Identity Theft File, somebody must be using a means of identification belonging to the victim without the victim's permission, and the identity is being used or intended to be used to commit an unlawful activity.
   b. Have the victim provide a unique password that can be entered into the file. The victim should be informed that if they have future contact with law enforcement they may be asked for the password to verify their identity.
   c. Have the victim sign a consent waiver, authorizing the law enforcement agency to make the NCIC identity Theft File entry and provide the victim with a copy of the form.
   d. Officers and Communications Officers who have a NCIC Identity Theft File hit should not disclose the victim's password over the radio. The password should only be disclosed to the officer who has contact with the victim and only by secure means such as cellular telephone or MDC.

C. Investigative Responsibilities

Detectives assigned to investigate an identity crime case shall, where appropriate, complete the following steps (Use Identity Crime Checklist – APD FORM 22):

1. Interview the victim.
   a. Review the identity crime report and conduct any follow-up inquiry of the victim for clarification or expansion of information.
   b. Ask the victim to obtain a free credit report at www.ftc.gov/freereports, identify any fraudulent accounts on his or her credit report, and contact creditors to close fraudulent accounts.
   c. Ask the victim if he or she recognizes any addresses associated with any of the fraudulent accounts. This may help determine the jurisdiction where the suspect lives.
   d. Ask the victim if he or she has been a victim of theft where their personal information may have been compromised or if the victim knows where his or her identity may have been compromised.
   e. Suggest the victim keep a log of his or her contact with creditors/collection agencies to include the times and dates of the contact and purpose of the call.
2. Contact the creditors/merchants/banks that have the fraudulent accounts:
   a. Determine how the accounts were opened. If the account was opened through the internet, is there an IP address available? If the account was opened over telephone, did the financial institution capture the telephone

number which was used to open the account. If the account was opened in person, identify the institution employee who opened the account for the suspect or the witness who conducted the transaction and determine if videotape of the transaction is available.

b. Request relevant information from the involved financial institutions.
c. Obtain statements from witnesses regarding the transaction and the suspect.

3. Gather additional information:
   a. Contact other involved or potentially involved law enforcement agencies for collaboration to avoid duplication. These include any state and/or local agencies with which the victim has filed a crime report or where there is an indication that the identity crime took place (42.2.8d).
   b. Contact the Federal Trade Commission (FTC) Consumer Sentinel law enforcement network and search the database for investigative leads.
   c. Search the FTC Clearinghouse for other reported complaints that may be related to the case and contact other agencies in the area to determine if there have been similar crimes reported and possibly connected.
   d. Determine the extent of compromise to the victim's identity.
   e. Use available databases to locate additional information or to tie the suspect to the victim.
   f. Obtain search warrants (financial and residential), telephone records, and handwriting samples from the suspect.
   g. If an IP address was obtained and used in the investigation, get a court order for the subscriber information.
4. Utilize investigative tools available on the internet:
   a. www.einformation.usss.gov
   b. www.ftc.gov
   c. www.idsafety.net
   d. www.gethuman.com
   e. www.rocic.com
   f. www.search.org/programs/hightech/isp
   g. www.onguardonline.gov
   h. www.accurint.com
   i. www.nationalnanpa.com/index.html
   j. www.blackbookonline.info/

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D. Community Awareness & Prevention

Where reasonable and appropriate, officers shall provide the public with information on the nature and prevention of identity crime. The department will make information regarding identity crime and methods for preventing identity crime available to the public through social networking, the department web site, brochures, and/or the local television broadcast channel (42.2.8e).

E. Identity Crime Training

The department training coordinator shall ensure that an identity crime program is developed and maintained for the officers of the department. There are several online identity crime training materials and resources available. In addition, this agency requires formal identity crime training for all officers during the Field Training Officer Program.