

DEPARTMENT GENERAL ORDER 13-08

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 04-09

DATE: October 30, 2013

IDENTITY THEFT

I. STATEMENT OF PURPOSE.

To provide a guideline in regard to the understanding and investigation of identity theft.

II. DEFINITIONS.

Identity Theft – 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/her use to commit financial or other crimes.

A felony identity theft occurs when the results of the theft or appropriation of credit, money, goods, and services exceed Five Hundred dollars.

III. GENERAL INFORMATION.

A. Types of Qualifying Identification

The type of identification stolen may include, the victim's name, birth date, driver's license, passport, social security number, phone number, home address, PIN numbers, credit card numbers, bank accounts, birth certificate etc.

B. Reasons for Identity Theft

Individuals engage in identity theft for a number of reasons, such as:

- 1). Activate some type of customer service, to include but not be limited to: cell phones, local phones, or utility services.
- 2). Obtain credit in the form of a loan or checking account, with the purchases obtained through the credit charged to the victim.
- 3). Obtain a document such as a driver's license, birth certificate, or prescription to support intended illegal activities.

C. Related Offenses

The scope of the Identity Theft statute is intended to be relatively broad and thereby encompass the use or fraudulent adoption of more than one element of a victim's personal identification or history.

Individuals who use a stolen or fictitious credit card will not be charged with Identity Theft at the time of arrest. Instead officers will continue to charge such suspects with Fraudulent Use of a Credit Device (RSMo 570.130).

Individuals who commit the crime of Forgery will also be charged with the appropriate state statute.

Subjects who are responsible for Making a False Declaration (RSMo 575.060) shall similarly be charged with that offense alone, unless it can be shown that such false declarations were related to Identity Theft. In such an instance, officers may charge the suspect with both offenses.

Identity theft also does not apply to a person obtaining the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors.

IV. INVESTIGATIVE PROCEDURES.

- A. Officers assigned to the Field Operations Bureau will complete an original Incident Report in regard to Identity Theft when any substantiated element of the crime occurs within the City of Clayton (e.g. location where identification was fraudulently obtained, or location where goods or services were received, purchased, or ordered). In some instances the Criminal Identification Bureau

will initiate the original report.

- B. Investigating officer(s) will request the victim provide documentation of the Identity Theft, to include affidavits of forgery, billing statements from creditors, invoices, receipts, etc. A credit report showing general debt will not suffice. Should the victim be unable to produce acceptable documentation, the initiation of a police report shall be held in abeyance until such time as the required documentary proof is available.
- C. The reporting officer(s) will seize the documentation as evidence and mark and package same in accordance with existing department directives. The reporting officer will also attach photocopies of all documents to the report for reference purposes by investigators.
- D. The reporting officer(s) will note in the narrative portion of the Incident Report any names and phone numbers that the victim has contacted in regard to the Identity Theft. This should include credit agency security representatives, financial, real estate, or insurance personnel, and those who had some direct involvement concerning the establishment, activation, or use of illegal accounts, charges, etc.

The reporting officer should also determine if the victim has filed reports with other law enforcement agencies, the identity of such agencies, and the dates when the reports were filed. These agencies should be contacted to collaborate in the exchange of information and the development of leads.

- E. If more than one act of theft occurs (even if it occurs in another jurisdiction) and is believed to be attributable to a single plan or scheme, the acts may be considered as a single identity and the value may be the total value of all credit, property, and services involved.
- F. Identity theft reports will be forwarded to the Criminal Investigations Division in the most timely manner feasible. Due to the complicated nature of these type cases, once a detective is assigned to the case, he/she shall be responsible to follow-up on same through its conclusion (to include warrant application).
- G. All elements of follow-up investigation shall be properly documented and forwarded to the division supervisor for review.

V. CREDIT RESOURCES/AGENCIES.

During the course of investigating Identity Theft, officers shall suggest to the victim that they contact the establishments, credit card companies, internet

providers, service providers, and/or any other business/governmental entity where their identity was falsely used. In the course of this process, the victim should explain that they have initiated an Identity Theft report with this agency, and request that the companies report the fraudulent use of the victim's identity to their appropriate law enforcement jurisdiction.

In addition to the preceding, investigating officers should recommend the victim contact the following credit bureaus or agencies and apprise them of the situation:

Trans Union	1-800-680-7289	Equifax	1-800-525-6285
Experian	1-888-397-3742	Social Security	1-800-772-1213

Finally, the victim should be informed to keep accurate and detailed notes of all correspondence and contacts in regard to their case.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB: mj

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