



California State University, Los Angeles
Department of Public Safety

NUMBER: IV- 45 APPROVED: _____
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EFFECTIVE: September 12, 2012

SUPERSEDES: April 16,2010 Reviewed/Revised: September 12, 2012

SUBJECT: **Identity Theft Crimes**

I. PURPOSE:

The purpose of this procedure is to standardize the reporting of identity theft cases and to provide additional procedures for officers when investigating and processing identity theft complaints.

II. POLICY:

It shall be the policy of the University Police Department to investigate all reported identity thefts. Identity theft is a growing problem that incorporates numerous related crimes in multiple jurisdictions. It has been reported that the average time spent by the victim of an identity theft is 400 hours, of their own time, to clear their name. That is in addition to the number of hours and resources spent by law enforcement and/or credit and business organizations.

As a result, Penal Code Section 530.5(a) was enacted on January 1, 1998. Prior to enactment of this legislation, only the creditor was the victim. Now the person whose information is used is also a victim.

III. REFERENCES: Applicable Penal Code Sections.

530.5(a) PC - Penal Code Section 530.5(a) PC provides that every person who willfully obtains personal identifying information of another person without the authorization of that person, and uses that information for any unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services, or medical information in the name of the other person without the consent of that person, is guilty of a public offense (wobbler).

530.5(b) PC - 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, demand deposit account number, savings account number, or credit card number of an individual person.

530.6(a) PC - A person who has learned or reasonably suspects that his or her personal identifying information has been unlawfully used by another may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over his or her actual residence, which shall take a police report of the matter, provide the complainant with a copy of that report, and begin an investigation of the facts or, if the suspected crime was committed in a different jurisdiction, refer the matter to the law enforcement agency where the suspected crime was committed for an investigation of the facts.

530.7 PC - As of September 1, 2001, Department of Justice will be required to maintain a database of all reported victims of identity theft. That database will be available to victims and law enforcement agencies under certain circumstances.

IV. PROCEDURES

A. Uniform Patrol

1. The responding officer will initiate a report and supply the victim of the identity theft with a copy of that report number so the victim can begin to repair their credit, to facilitate appropriate prosecution, and to inform the victim of prevention and resources to minimize the future damage that can occur from this crime.
 - a. Initiate a report listing 530.5(a) PC- Identity Theft in the Code & Crime Description section.
 - b. A 530.5(a) PC report should contain all known incidents of fraudulent activity (e.g., Visa Card account number 1234 5678 9012 3456 applied for in the victim's name).
 - c. If the victim has made reports to other agencies (e.g., US Secret Service, US Post Office, D.M.V., or other law enforcement agencies), those reports should be referenced in the initial crime report, with case numbers if known.
 - d. If a reporting officer believes the victim of an identity theft might be unaware of the incident, the officer should attempt to contact and inform that victim. The officer should document if contact was made.
 - e. The officer should refer the victim to the Government Web site www.ftc.gov/idtheft for the booklet on "Take Charge: Fighting Back against Identity Theft" and give them an Identity Pamphlet with their case number.
 - f. Identity Theft Prevention presentations will be provided to the campus community by department personnel as part of the crime prevention program.
2. If the victim is a member of the campus community and discovers that someone has used his or her personal identifying information to apply for a credit card and that credit card was then subsequently mailed to and/or used in another jurisdiction, the following would apply.
 - a. University Police would take a 530.5(a) PC report for the theft of the personal identification information.

- b. The other police agency would be responsible for investigating the illegal use of that credit card and take a report for violation of 484g PC (Using Access Card Obtained Without Consent of Cardholder or Issuer) or any other applicable section.
 - c. Contact with the other jurisdiction (law enforcement agency) shall be attempted as soon as possible and the information provided to their agency.
 3. Internet/Telephone Fraud: In the event that an Identity Theft is reported and a fraud committed over the Internet or telephone, with jurisdiction uncertain, the initiating officer should:
 - a. Initiate an Identity Theft report (as detailed above),
 - b. Obtain as much information as possible regarding the associated fraud(s),
 - c. Document the information,
 - d. Forward the report through the Watch Commander to Investigations for follow up.

B. Investigative Responsibilities

1. Upon receipt of any identity theft (or related) report, the Investigations Sergeant shall evaluate the agency's responsibilities for the case.
2. The assigned investigator shall investigate all practical leads that fall within the Department's jurisdiction.
3. The investigator shall assess the potential to successfully resolve the case. If applicable, the investigator should contact other involved agencies and forward reports when appropriate, or when the successful prosecution is dependent upon the other agency's investigation of an associated offense.
4. Investigations will have the responsibility for the disposition of the case.

V. APPENDICES: None.