

**WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS**  
**Model Policy on Identity Theft**  
**Policy, Procedures, and Victim Referral Information**

**Definition** - Identity theft is the wrongful appropriation of an individual's personal information without their knowledge or permission to commit fraud or theft.

**Problem** - Identity theft is one of the fastest growing crimes in America. It is estimated that one person per minute will have their identity stolen in a year's time. The Information Age affords would-be identity thieves countless opportunities to steal personal information, fraudulently incur debt, and leave the person's credit history a tangled mess. Many identity thieves obtain information by stealing a purse or wallet, through information available on the Internet, or by mail theft. Usually the victim does not know how the thief obtained the information.

**Policy Statement** - As of July 1, 2001, RCW 9.35.020 allows law enforcement officials to aggressively investigate and prosecute identity thieves. It establishes jurisdiction for Identity Theft to either where the victim lives in or in the county where any part of the offense takes place. It provides avenues for a victim to correct public records and block adverse credit reports. It requires businesses to provide victims with information about fraudulent transactions made in their name. It is the policy of this department to actively pursue the perpetrators of these crimes, prosecute them, and minimize or prevent victimization.

**Procedure** - An offense report will be taken on all cases of reported identity theft. This should be taken in person so as to attempt to verify the victim's identity through other available means of documentation e.g., drivers license, passport, work identification, etc.

- ◆ Document as best as possible how the victim's personal information was stolen, how it has been used, if known, and the extent of the financial impact to the victim.
- ◆ Provide the victim the case report number, as they will need it as they work through the civil impacts of this crime.
- ◆ Cases will be cleared with the offensive/clearing code specific to identity theft. When applicable, this information will be reported to WASPC on a monthly basis for tracking purposes.
- ◆ Arrangements will be made with the victim to have their fingerprints taken by the law enforcement agency taking the report. There will be no cost to the victim.

- ◆ The agency will then instruct the victim on how to send the completed fingerprint card and payment to the Washington State Patrol. (The State Patrol has established a fee for this service.) A supply of personal identification cards and pamphlets will be obtained from the State Patrol to give to local victims of identity theft.
- ◆ Officers will provide victims with an Identity Theft Victim Information Sheet so as to best minimize their victimization.

### **Applicable RCW's and Criminal Penalties**

RCW 9.35.020(1) now reads as follows:

*No person may knowingly obtain, possess, use, or transfer a means of identification or financial information of another person, living or dead, with the intent to commit, or aid or abet, any crime<sup>1</sup>.*

- ◆ It is no longer necessary to prove the identity thief actually used the stolen ID to commit a felony, or had the intent to harm the victim. However, the state will still have to prove the thief intended to commit, or aid or abet, another crime.
- ◆ An identity thief caught with a cache of identities belonging to different victims can be charged with multiple counts of Identity Theft under circumstances evidencing the intent to use those identities to commit any crime.

**Identity Theft in the First Degree:** RCW 9.35.020(2)(a):

*Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value in excess of one thousand five hundred dollars in value shall constitute identity theft in the first degree. Identity theft in the first degree is a class B felony.*

**Identity Theft in the Second Degree:** RCW 9.35.020(2)(b):

*Violation of this section when the accused or an accomplice uses the victim's means of identification or financial information and obtains an aggregate total of credit, money, goods, services, or anything else of value that is less than one thousand five hundred dollars in value, or when no credit, money, goods, services, or anything of value is obtained shall constitute identity theft in the second degree. Identity theft in the second degree is a class C felony.*

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<sup>1</sup> RCW 9.35.020(5) The provisions of this section do not apply to any person who obtains another person's driver's license or other form of identification for the sole purpose of misrepresenting his or her age.

## **Fingerprint Identification System for Verifying Identity: (RCW 43.43.760)**

*Washington State Patrol now has a system whereby the victims of ID theft can have their fingerprints taken at any police department or sheriff's office and sent to the state patrol to be run through the AFIS computer. The state patrol then issues a letter to the victim verifying that their fingerprints are on file with the state patrol. The letter contains a notice to businesses regarding their obligations to provide information to the victims. The letter serves as a means of identification for the victim.*

**SRA Scoring:** Identity Theft was previously an unranked felony, making the standard sentencing range for each count, regardless of any prior or concurrent criminal history, 0 to 12 months of confinement.

- ◆ *Identity Theft in the first degree is ranked as a level VI offense on the sentencing grid. (Standard sentences range from 3 – 9 months to 63 – 84 months, depending on the offender's prior or concurrent criminal history.)*
- ◆ *Identity Theft in the second degree is ranked as a level II offense on the sentencing grid. (Standard sentences range from 0 – 3 months to 43 – 56 months, depending on the offender's prior or concurrent criminal history.)*

December 11, 2002

## **Identity Theft Victim Information Sheet For Officer Referrals**

### **How the Law Applies to Victims:**

#### **Court Orders to Correct Public Record**

*Upon a criminal conviction the law authorizes the courts to issue an order for the victim to use in correcting public records that contain false information due to the theft of identity. For example - arrest records in the victim's name that were the result of the defendant using the victim's name at the time of arrest.*

#### **Consumer Protection Remedies**

*The criminal provisions also constitute violations of the Consumer Protection Act (CPA), and victims and the Attorney General's Office (AGO) can pursue civil actions against the perpetrators using the protections of the CPA (RCW 9.35.800). Also, the following civil provisions all contain CPA remedies whereby the victims and/or the AGO can enforce compliance.*

#### **Businesses Required to Provide Information to Victims (RCW 9.35.040)**

*The law requires businesses that have information relevant to the identity theft to provide that information to a victim once the victim provides positive proof of their identity and a copy of their police report. For example, the victim now has the legal right to require a business to hand over their records about the credit account the ID thief opened in the victim's name. Those records often contain critical information the victim needs in order to prove they were not the person who is responsible for that account. It is also information the victim can then provide to law enforcement to assist them in their investigation.*

*The business may require the victim to provide all or some of the following items before complying with this section:*

- *A copy of a government-issued photo identification card;*
- *A copy of a filed police report evidencing the victim's claim; and*
- *A written statement from the state patrol verifying the victim has completed the fingerprint verification program under RCW 43.43.760.*

#### **Blocking Bad Information From Credit Reports (RCW 19.182.160)**

*The law also provides a civil remedy for consumers. Under the law, a victim of identity theft can block any adverse credit reports resulting from the crime by filing the police report of the crime with the credit-reporting agency and supplying the agency with other proof of identification similar to those above. Provisions are made for denial and removal of the block in cases of fraud or error. The effect is that the victim's credit record is restored to reflect only the victim's true credit history.*

#### **Limitations Imposed on Collection Agencies (RCW 19.16.250)**

*A collection agency may not call a debtor (victim) more than one time in 180 days in order to collect on debts associated with fraudulent checks, as long as the victim forwards information regarding the alleged theft to the collection agency. The victim must provide the collection agency with the relevant police report and proof of the victim's identity similar to the provisions above.*

## **IDENTITY THEFT WHERE TO GO FOR MORE INFORMATION**

**Federal Trade Commission:** Accepts complaints from ID theft victims: <http://www.consumer.gov/idtheft>

Identity Theft Hotline: 1-877-IDTHEFT  
To request the booklet "ID Theft, When Bad Things Happen to Your Good Name":  
Call 1-877-FTC-HELP or mail a request to;  
FTC, Consumer Response Center  
600 Pennsylvania Ave. N.W.  
Washington D.C. 20580

**Washington State Attorney General's Office:** Posts detailed information about ID theft on-line at:  
<http://www.wa.gov/ago/consumer/idtheft>

Consumer Resource Centers – Provide statewide ID Theft experts who can refer you to the proper authorities and who can assist consumers and businesses regarding the new law. Call 1-800-551-4636

**Credit Reporting Agencies:** It is important to include your social security number and current address when writing to the following three credit bureaus:

Equifax: <http://www.equifax.com>  
P.O. Box 740241  
Atlanta, GA 30374  
Order Credit Report: 1-800-685-1111  
Report Fraud: 1-800-525-6285

Experian: <http://www.experian.com>  
National Consumer Assistance Center  
P.O. Box 2002  
Allen, TX 75013  
Order Credit Report: 1-888-EXPERIAN  
Report Fraud: 1-888-EXPERIAN

TransUnion: <http://www.transunion.com>  
P.O. Box 2000  
Chester, PA 19022  
Order Credit Report: 1-800-888-4213  
Report Fraud: 1-800-680-7289

### **Social Security Administration**

E-Mail: [oig.hotline@ssa.gov](mailto:oig.hotline@ssa.gov)  
Fraud Hotline: 1-800-269-0271  
FAX: 1-410-597-0118  
Mail: P.O. Box 17768  
Baltimore, MD 21235

**U.S. Postal Service:** If theft of U.S. Mail is involved, or a fraudulent change of address has been filed, contact the U.S. Postal Inspector in your area or online at: <http://www.usps.com/postalinspectors>

**Department of Motor Vehicles:** If a false driver's license was obtained in your name, or someone is using your driver's license number call 360-664-8885 or write:

Department of Licensing  
Driver Responsibility-Fraud Unit  
P.O. Box 9030  
Olympia, WA 98507-9030.  
Email: [drvfraud@dol.wa.gov](mailto:drvfraud@dol.wa.gov)  
Or online at: <http://www.wa.gov/dol>

November 4, 2002