

BUREAU OF INVESTIGATION

Property Crimes Section

Financial Crimes Unit

IDENTITY THEFT VICTIM'S PACKET INFORMATION AND INSTRUCTIONS

This packet should be completed once you have contacted the Lexington Division of Police and obtained a police report number related to your identity theft case. Please keep track of your report number as creditors, financial institutions and credit reporting agencies will ask for it.

My Lexington Division of Police report number is:

This packet is for you to keep and contains information to assist you in the correction of your credit and to help ensure that you are not responsible for the debts incurred by the identity thief. In addition, this packet includes information that will allow you to obtain financial records related to the fraudulent accounts and provide those records to law enforcement, without which we cannot conduct an investigation for prosecution. We recognize that some victims are only interested in the correction of their credit and do not necessarily wish for prosecution; therefore, we request that you only submit this packet to the Lexington Division of Police if you desire prosecution. It is important to understand that in the event that a suspect is identified and arrested and the case proceeds to court, you as the victim would mostly likely be required to appear and testify in court.

You will need to complete the dispute letters and provide us with necessary documentation before we can begin investigating your case for prosecution. *Examples of the document evidence we need are on the last page of this packet. Without document evidence, we cannot begin the investigation. Please write your report number on copies of documents you send us.* In identity theft cases it is difficult to identify the suspect(s) as they often use inaccurate information such as addresses and phone numbers. Frequently the investigator cannot find evidence to prove who actually used the victim's name and/or personal information over the phone or internet.

- *** It is important to remember that even if the suspect cannot be identified for prosecution, it will not affect your ability to correct the fraudulent accounts and remove them from your credit.
- *** Furthermore, when you report your identity crime to the Lexington Division of Police, all of the relevant information from your case is entered into our database which will allow us to cross-reference your report with potential suspects who are involved in or arrested on other cases.

NOTE:

- If you suspect someone is using your personal information for employment and there is no evidence of other identity fraud, please see the section for contacting the Social Security Administration under Additional Useful Information. Do not contact the employer directly as they may warn the suspect employee.
- If your name and/or information is used by someone else to avoid a traffic ticket or any criminal prosecution, please contact the agency investigating the original crime. It may not be necessary to complete this packet.

Helpful Hints:

- Remember that each creditor has different policies and procedures for correcting fraudulent accounts.
- Do not provide originals and be sure to keep copies of everything you provide to the creditors or companies involved in the identity theft.
- Write down all dates, times and the names of individuals you speak to regarding the identity theft and correction of your credit.

INSTRUCTIONS

STEP 1: CONTACT YOUR BANK AND OTHER CREDIT CARD ISSUERS.

If the theft involved existing bank accounts (checking or savings accounts as well as credit or debit card) you should do the following:

- Close the account that was used fraudulently or put stop payments on all outstanding checks that might have been written without your knowledge.
- Close all credit card accounts that were used fraudulently.
- Close any account accessible by debit card if it has been accessed fraudulently.
- · Open up new accounts protected with a secret password or personal identification number (PIN).

If the identity theft involved the creation of new bank accounts, you should do the following:

- Call the involved financial institution and notify them of the identity theft.
- They will likely require additional notification in writing. (see step 4)

STEP 2: CONTACT ALL THREE (3) MAJOR CREDIT REPORTING BUREAUS.

First request the credit bureaus place a "Fraud Alert" on your file. A fraud alert will put a notice on your credit report that you have been the victim of identity theft. Merchants and financial institutions may opt to contact you directly before any new credit is taken out in your name. Some states allow for a Security Freeze in which a PIN can be designated on your credit file and subsequently the PIN must then be given in order for credit to be extended. Ask the credit reporting bureaus if your state is participating in the Security Freeze Program.

<u>www.scamsafe.com</u> – provides useful information related to identity theft and indicates which states participate in the Security Freeze program.

<u>www.annualcreditreport.com</u> – provides one free credit report, per credit bureau agency, per year, with subsequent credit reports available at a nominal fee.

The following is a list of the three (3) major credit reporting bureaus for victims to report fraud:

Equifax	TransUnion	Experian
Consumer Fraud Division	Fraud Victim Assistance Dept	Nat. Consumer Assist
800-525-6285	800-680-7289	888-397-3742
P.O. Box 740256	P.O. Box 6790	P.O. Box 9530
Atlanta, GA 30374	Fullerton, CA 92834	Allen, TX 75013

STEP 3: FILE A REPORT WITH THE FEDERAL TRADE COMMISSION.

You can go on-line to file an identity theft complaint with the FTC at www.FTC.gov and click on the Id Theft icon or by calling 1-877-IDTHEFT.

STEP 4: CONTACT CREDITORS INVOLVED IN THE IDENTITY THEFT BY PHONE AND IN WRITING.

This step involves contacting all the companies or institutions that provided credit or opened new accounts for the suspect or suspects. Some examples include banks, mortgage companies, utility companies, telephone companies, cell phone companies, etc. Provide the creditors with the completed Identity Theft Affidavit (some may require that you use their own affidavit), Letter of Dispute, and a copy of the FACTA Law.

FTC Identity Theft Affidavit - A copy of the FTC Identity Theft Affidavit can be found at the end of this packet. This is the same affidavit that the FTC makes available to victims of identity theft. The affidavit requests information regarding you as the victim, how the fraud occurred, law enforcement's actions, documentation checklist and Fraudulent Account Statement. NOTE. Some creditors, financial institutions, or collection agencies have their own affidavit that you may have to complete.

Letters of Dispute - Sample copies of the Letters of Dispute can also be found at the end of this packet. This letter needs to be completed for every creditor involved in the identity theft. The letter of dispute should contain information related to the fraudulent account(s), your dispute of the account(s), and your request for the information to be corrected. In addition, the letter should reference FACTA and make a request for copies of any and all records related to the fraudulent accounts be provided to you and made available to the Lexington Division of Police.

FACTA Law - A portion of the FACTA Law can also be found at the end of this packet. As previously discussed in this packet, FACTA allows for you to obtain copies of any and all records related to the fraudulent accounts. You are then permitted to provide law enforcement with copies of the records you received related to the fraudulent accounts; thereby allowing us to bypass the sometimes difficult process of obtaining subpoenas for the very same information. It also allows you to request the information be made available to the Lexington Division of Police. We have found it useful to provide a copy of the FACTA Law with the submission of the Identity Theft Affidavit and Letter of Dispute to the individual creditors.

STEP 5: SUBMIT THE IDENTITY THEFT AFFIDAVIT AND COPIES OF ALL INFORMATION AND RECORDS OBTAINED FROM THE CREDITORS WITH REGARD TO THE FRAUDULENT ACCOUNTS TO:

Lexington Division of Police 150 E. Main St. Lexington, KY 40507 Attn: Financial Crimes Unit

To avoid confusion and to ensure that all items are forwarded to the assigned detective, we request that you submit everything at once and if possible do not send items separately. Be sure to write your police report number on all items submitted. The types of document evidence needed are listed on the next page. The information can be hand delivered or mailed.

Please remember that some victims are only interested in the correction of their credit and do not necessarily wish for prosecution. Therefore, we request that you only submit this packet to the Lexington Division of Police if you desire prosecution and would be willing and available to appear and testify in court should a suspect be identified and arrested.

Additional Useful Information:

- **Post Office** If you suspect that your mail has been stolen or diverted with a false change-of-address request, contact your local postal inspector. You can obtain the address and telephone number of the postal inspector for your area at United States Postal Service website: http://www.usps.com/ncsc/locators/findis.html or by calling 800-275-8777.
- Social Security Administration If you suspect that someone is using your social security number to obtain employment, contact the Social Security Administration's fraud hotline at 1-800-269-0271. Order a copy of your Personal Earnings and Benefit Estimate Statement (PEBES) to check the accuracy of your work history on file with the Social Security Administration. You can obtain a PEBES application at your local Social Security office or at http://www.ssa.gov/online/ssa-7004.pdf.
- Internal Revenue Service The IRS Office of Special Investigations can be contacted at www.IRS.gov to report false tax filings, potential criminal violations of the Internal Revenue Code and related financial crimes.
- If you are contacted by a collection agency about a debt for which you are not responsible, immediately notify them that you did not create the debt and that you are a victim of identity theft. Follow up with the collection agency and creditor in writing and include a copy of your police report, ID Theft Affidavit, Letter of Dispute and a copy of the FACTA Law.

Documentation for Prosecution:

The following items of evidence should be obtained by the victim by using the sample dispute letters to dispute charges and requesting all documentation related to the account(s). Without this document evidence, we will not be able to begin an investigation.

If your existing accounts are being accessed, please obtain the following types of documents:

- · Bank statements or bills showing where the transactions occurred
 - Please circle or underline the fraudulent transactions
 - Using a highlighter may make it impossible to read photocopies
 - Please attempt to obtain a physical address for the transactions from your bank.
- · Bills from companies showing merchandise ordered
 - Addresses where items were delivered
 - What phone numbers were associated with the order

- Any information from the creditor that shows how or where the account was used
- The name and phone number of any representatives from the businesses you deal with

If new accounts have been opened in your name please obtain the following:

- Bank statements that you may have received for accounts that are not yours
- · Credit reports showing the accounts that are not yours
 - Please circle or underline all accounts that are not yours
 - Using a highlighter may make it impossible to read photocopies
- Bills from utilities companies for accounts you did not open
- · Letters or documentation from creditors or utilities companies that contain
 - Copies of applications for credit
 - How the account was opened. (in person, over the phone, on internet)
 - Where the account was opened if done in person
 - Where the account is being used (addresses of transactions)
 - Address where any cards, bills, merchandise or correspondence was mailed
 - Any phone numbers associated with the fraudulent account
- The name or employee number and phone number of any representatives from the businesses you deal with

If someone is using your personal information for employment we will need:

- Letters from the Social Security Administration and/or Internal Revenue Service
- If only your Social Security Number is being used for employment, please provide a stamped social security number verification letter from the Social Security Administration that verifies the social security number in question is assigned to you.

If only a partial account number is listed on the document, please write the entire number on the copy you send to us.

Helpful Web Sites:

http://ag.ky.gov/civil/consumerprotection/idtheft/ Commonwealth of Kentucky Attorney

General's page for identity theft

http://idtheftcenter.org/ Identity Theft Resource Center

http://ftc.gov/ Federal Trade Commission

http://www.equifax.com/ Equifax Credit Reporting Bureau

http://www.transunion.com/ TransUnion Credit Reporting Bureau

http://www.experian.com/ Experian Credit Reporting Bureau

http://lexingtonky.gov/police Lexington Division of Police Web Site

http://www.lexingtonvictims.policereports.us. Site to get your police report online

https://www.annualcreditreport.com/cra/index.jsp Free Credit Report

ID These Assistants				
ID Theft Affidavit				
Victim Information				
My full legal name is	(Last) (Jr.,Sr., III)			
2. (If different from above) When the events described in this affidav	vit took place, I was known as			
(First) (Middle) (Last)	(Jr., Sr., III)			
3. My date of birth is(day/month/year)				
4. My Social Security Number is	 			
5. My driver's license or identification card state and number are	·····			
6. My current address is	· · · · · · · · · · · · · · · · · · ·			
CityState	Zip Code			
7. I have lived at this address since(month/year)				
8. (If different from above) When the events described in this affida	vit took place, my address			
was				
CityState	Zip Code			
9. I lived at the address in Item 8 fromuntil(month/year) (month/y	rear)			
10. My daytime telephone number is ()				
My evening telephone number is ()				
· <u>-</u>				
How the Fraud Occurred				

Check all that apply for items 11 – 17:

I did not authorize anyone to use my name or personal information to seek the money, credit, loans, goods or services described in this report. 11.	
I did not receive any benefit, money, goods or services as a result of the events descibed in this report.	

stolen lost on or about	
my name, address, date of birth, exis	ief, the following person(s) used my information (for example sting account numbers, Social Security number, mother's documents to get money, credit, loans, goods or services on:
Name (if known)	Name (if known)
Address (if known)	Address (if known)
Phone number(s) (if known)	Phone number(s) (if known)
Additional information	Additional information
loans, goods or services without my Additional comments: (For example	ation or identification documents to get money, credit, knowledge or authorization a, description of the fraud, which documents or entity their gained access to your information)
loans, goods or services without my Additional comments: (For example	knowledge or authorization , description of the fraud, which documents or
loans, goods or services without my Additional comments: (For example	knowledge or authorization , description of the fraud, which documents or
loans, goods or services without my Additional comments: (For example	knowledge or authorization , description of the fraud, which documents or
loans, goods or services without my Additional comments: (For example	knowledge or authorization , description of the fraud, which documents or
loans, goods or services without my Additional comments: (For example	knowledge or authorization , description of the fraud, which documents or
loans, goods or services without my Additional comments: (For example	knowledge or authorization , description of the fraud, which documents or
loans, goods or services without my Additional comments: (For example	knowledge or authorization , description of the fraud, which documents or
loans, goods or services without my Additional comments: (For example	knowledge or authorization , description of the fraud, which documents or

Name ______ Lexington Division of Police Report Number ______Page 2

Name	Lexington Division of	of Police Report Number	Page 3
Victim's Law Enf	orcement Actions		
17. (check only on	e)		
☐ I am willing to a	ssist in the prosecution of the pe	erson(s) who committed this fraud.	
☐ I am NOT willing	g to assist in the prosecution of t	the person(s) who committed this fraud.	
18. (check only or	ne)		
_ I am authorizing	the release of this information to	o law enforcement for the purposes of assisting person(s) who committed this fraud.	
		tion to law enforcement for the purposes of ion of the person(s) who committed this fraud.	
or other law enforce	cement agency. The police \Box c	reported the events described in this affidavit to the did \Box did not write a report. In the event you have ency please complete the following information:	
(Agency #1)		(Officer/Agency personnel taking report)	
(Date of Report)		(Report number, if any)	
(Phone number)		(email address, if any)	
(Agency #2)		(Officer/Agency personnel taking report)	
(Date of Report)		(Report number, if any)	
(Phone number)		(email address, if any)	
Documentation (Checklist		
Attach copies (NO	e supporting documentation you T originals) to the affidavit befor	are able to provide to the companies you plan note sending it to the companies.	tify.
state-issued ID submit a copy	card, or your passport.) If you a	tification card (for example, your driver's license, are under 16 and don't have a photo-ID, you may of your official school records showing your	
21.			
		oill occurred, the loan was made or the other event your name, a copy of a utility bill or a copy of an	took

insurance bill.

Name	Lexington Division	of Police Report Number	Page 4
22.			
report number from	om the police, please indicate t	iffs department. If you are unable to o hat in Item 19. Some companies only nt to check with each company.	
Signature			
affidavit is true, corr information it contai such action within the or fraudulent statem	rect, and complete and made ins may be made available to heir jurisdiction as they deem nent or representation to the g	and belief, all the information on and in good faith. I also understand that the federal, state, and/or local law enforce appropriate. I understand that knowir overnment may constitute a violation may result in imposition of a fine or in	his affidavit or the ement agencies for ngly making any false of 18 U.S.C. 1001 or
other lederal, state	or local criminal statutes, and	may result in imposition of a line of in	ilprisoriment of both
(signature)		(date signed)	
(Notary)			
	ompany. Creditors sometimes ve) sign below that you comple	s require notarization. If they do not, poted and signed this affidavit.]	olease have one
Witness:			
(signature)	-	(printed name)	
(date)		(telephone number)	

Name	Lexington Division of Police Report Number	Page 5
------	--	--------

Fraudulent Account Statement

Completing the Statement

- Make as many copies of this page as you need. Complete a separate page for each company you're notifying and only send it to that company. Include a copy of your signed affidavit.
- List only the account(s) you're disputing with the company receiving this form. See the example below.
- If a collection agency sent you a statement, letter or notice about the fraudulent account, attach a copy of that document (NOT the original).

As a result of the event(s) described in the ID Theft Affidavit, the following account(s) was/were opened at your company in my name without my knowledge, permission or authorization using my personal information or identifying documents:

Creditor Name/Address (the company that opened the account or provided the goods or services)	Account Number	Type of unauthorized Credit/goods/services Provided by creditor (If known)	Date Issued or Opened (if known)	Amount/Value provided (the amount charged or the cost of the goods/services)
Example Example National Bank 22 Main Street Columbus, OH 22722	01234567-89	Auto Loan	01/05/2002	\$25,500.00

During the time of the a	accounds des	cribed above, I had the follow	ing account op	pen with your company:
Billing name:				
Billing address:				
Account number: _				

Sample Dispute Letter

Date Your Name Your Address, City, State, Zip Code Complaint Department

Name of Company Address City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute the following information in my file. I have circled the items I dispute on the attached copy of the report I received.

This item (identify item(s)) disputed by name of source, such as creditors or tax court, and identify type of item, such as credit account, judgment, etc.) is (inaccurate or incomplete) because (describe what is inaccurate or incomplete and why). I am requesting that the item be removed (or request another specific change) to correct the information.

Enclosed are copies of (use this sentence if applicable and describe any enclosed documentation, such as a police report, Identity Theft Affidavit, payment records, court documents) supporting my position. Please reinvestigate this (these) matter(s) and (delete or correct) the disputed item(s) as soon as possible.

In addition, pursuant to FACTA, as a victim of identity theft I am requesting that you provide me with copies of any and all applications and business transaction records related to the fraudulent account(s). The copies of the records can be (mailed to me at the address listed below or faxed to the number listed below. In addition, please make these records available to the Lexington Division of Police upon their request.

Sincerely, Your name

Enclosures: (List what you are enclosing.)

Sample Dispute Letter For Existing Accounts

Date Your Name Your Address Your City, State, Zip Code Your Account Number

Name of Creditor Billing Inquiries Address City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute a fraudulent (charge or debit) on my account in the amount of \$______. I am a victim of identity theft, and I did not make this (charge or debit). I am requesting that the (charge be removed or the debit reinstated), that any finance and other charges related to the fraudulent amount be credited, as well, and that I receive an accurate statement.

Enclosed are copies of (use this sentence to describe any enclosed information, such as a police report or Identity Theft Affidavit) supporting my position. Please investigate this matter and correct the fraudulent (charge or debit) as soon as possible.

In addition, pursuant to.....as a victim of identity theft I am requesting that you provide me with copies of any and all applications and business transaction records related to the fraudulent account(s). The copies of the records can be (mailed to me at the address listed below or faxed to the number listed below). In addition, please make these records available to the Lexington Division of Police upon their request.

Sincerely, Your name

Enclosures: (List what you are enclosing.)

Request for Fraudulent Transaction/Account Information Made pursuant to Section 609(e) of the Fair Credit Reporting Act (15 U.S.C. § 1681(g))

To:

Account Number:

Description of fraudulent transaction/account:

From: [Name]

[Address]

[Telephone Number]

As we discussed on the phone, I am a victim of identity theft. The thief made a fraudulent transaction or opened a fraudulent account with your company. Pursuant to federal law, I am requesting that you provide me, at no charge, copies of application and business records in your control relating to the fraudulent transaction. A copy of the relevant federal law is enclosed.

Pursuant to the law, I am providing you with the following documentation, so that you can verify my identity:

- (A) A copy of my driver's license or other government-issued identification card; and
- (B) A copy of the police report about the identity theft; and
- (C) A copy of the identity theft affidavit, on the form made available by the Federal Trade Commission.

Please provide all information relating to the fraudulent transaction, including:

- Application records or screen prints of Internet/phone applications
- Statements
- Payment/charge slips
- Investigator's summary
- Delivery addresses
- All records of phone numbers used to activate the account or used to access the account
- Any other documents associated with the account.

Please send the information to me at the above address. In addition, I am designating a law enforcement officer to receive the information from you. This officer is investigating my case. The law enforcement officer's name, address and telephone number is: [insert]. Please also send all documents and information to this officer.

Enclosure: Section 609(e) of the Fair Credit Reporting Act (15 U.S.C. § 1681(g))

ENCLOSURE:

FCRA 609(e) (15 U.S.C. § 1681g(e)) Disclosures to Consumers – Information Available to Victims

(e) Information available to victims

(1) In general

For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 30 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit to, provided for consideration products, goods, or services to, accepted payment from, or otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to--

- (A) the victim;
- **(B)** any Federal, State, or local government law enforcement agency or officer specified by the victim in such a request; or
- **(C)** any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.

(2) Verification of identity and claim

Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, otherwise has a high degree of confidence that it knows the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity-

- (A) as proof of positive identification of the victim, at the election of the business entity-
 - (i) the presentation of a government-issued identification card;
 - (ii) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or
 - (iii) personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and
- (B) as proof of a claim of identity theft, at the election of the business entity--
 - (i) a copy of a police report evidencing the claim of the victim of identity theft; and
 - (ii) a properly completed--
 - (I) copy of a standardized affidavit of identity theft developed and made available by the Commission; or
 - (II) an [FN1] affidavit of fact that is acceptable to the business entity for that purpose.

(3) Procedures

The request of a victim under paragraph (1) shall--

- (A) be in writing;
- (B) be mailed to an address specified by the business entity, if any; and
- (C) if asked by the business entity, include relevant information about any transaction alleged to be a result of identity theft to facilitate compliance with this section including--
 - (i) if known by the victim (or if readily obtainable by the victim), the date of the application or transaction; and
 - (ii) if known by the victim (or if readily obtainable by the victim), any other identifying information such as an account or transaction number.

(4) No charge to victim

Information required to be provided under paragraph (1) shall be so provided without charge.

(5) Authority to decline to provide information

A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that--

- (A) this subsection does not require disclosure of the information;
- **(B)** after reviewing the information provided pursuant to paragraph (2), the business entity does not have a high degree of confidence in knowing the true identity of the individual requesting the information;
- **(C)** the request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or
- **(D)** the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

(6) Limitation on liability

Except as provided in <u>section 1681s</u> of this title, <u>sections 1681n</u> and <u>1681o</u> of this title do not apply to any violation of this subsection.

(7) Limitation on civil liability

No business entity may be held civilly liable under any provision of Federal, State, or other law for disclosure, made in good faith pursuant to this subsection.

(8) No new recordkeeping obligation

Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

(9) Rule of construction

(A) In general

No provision of subtitle A of title V of Public Law 106-102, prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.

(B) Limitation

Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.

(10) Affirmative defense

In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that--

- (A) the business entity has made a reasonably diligent search of its available business records; and
- (B) the records requested under this subsection do not exist or are not reasonably available.

(11) Definition of victim

For purposes of this subsection, the term "victim" means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, an identity theft or a similar crime.

(12) Effective date

This subsection shall become effective 180 days after December 4, 2003.

(13) Effectiveness study

Not later than 18 months after December 4, 2003, the Comptroller General of the United States shall submit a report to Congress assessing the effectiveness of this provision.