



CITY OF TUSTIN

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[www. TustinPD.Org](http://www.TustinPD.Org)

Chief of Police
(714) 573-3300

April 29, 2004

Administration
(714) 573-3306

Community Res.
(714) 573-3285

Traffic Section
(714) 573-3219

Communications
(714) 573-3225

Records Bureau
(714) 573-3201

Investigations
(714) 573-3240

Property/Evidence
(714) 573-3232

Office of Professional
Standards & Training
(714) 573-3289

Honorable Frederick P. Horn
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, California 92701

Dear Sir:

I am writing in response to the recommendations made in the 2003-2004 Orange County Grand Jury Report, "Identity Theft: What Are Local Law Enforcement and Prosecutors Doing to Combat the Problem?"

The Grand Jury Report makes three findings and recommendations that require a response from this agency. The three findings and recommendations center on the lack of an Identity Theft Task Force or Sub-Task Force, public information and resource materials regarding preventative measures, and specialized Identity Theft Crime Report forms.

The Tustin Police Department has one investigator whose primary responsibility is the investigation of Identity Theft and fraud cases reported to the agency. This investigator currently has informal liaisons with other investigators from Orange County, Los Angeles County, and other surrounding jurisdictions, who are charged with investigating Identity Theft cases. Our agency would be willing to participate in any formal Task Force that the County implements to combat this crime. This is a countywide decision and one that the Orange County Chiefs and Sheriffs Association will be considering at their June meeting.

The Tustin Police Department currently has a variety of identity theft reference materials available to the public. An information brochure (copy attached) is available in our public lobby on a 24-hour a day basis. An information package (copy attached) is provided to individual victims of identity theft at the time they file a report with this agency. Additionally, our Department Internet website (<http://www.tustinpd.org>) has a section detailing identity theft and contains a link to the Federal Trade Commission website's Identity Theft home page (<http://www.consumer.gov/idtheft/>).

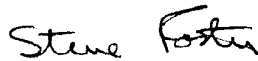
"Raise the Bar Toward Excellence"

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The Tustin Police Department has already developed a specialized Identity Theft Crime Report form that is highlighted in the Grand Jury Report as a positive step to ease the process of notifying victims how to correct damaged credit history and prevent further victimization. Again, the topic of a standardized reporting form will be discussed at the June OCCSA meeting.

The Tustin Police Department takes great pride in its proactive approach to combating Identity Theft crimes and has committed personnel to the investigation and prosecution of those responsible for these crimes. I believe that the information noted in this response will show that the Tustin Police Department meets or exceeds all of the findings and recommendations as outlined by the Grand Jury Report.

Sincerely,



STEVE FOSTER
Chief of Police

SF:MAS:tlc
Attachments (2)
cc: Orange County Grand Jury

IDENTITY THEFT: WHAT TO DO IF IT HAPPENS TO YOU

This guide provides victims of identity theft with the major resources to contact. Unfortunately, at this time victims themselves are burdened with resolving the problem. You must act quickly and assertively to minimize the damage.

In dealing with the authorities and financial institutions, keep a log of all conversations, including dates, names, and phone numbers. Note time spent and any expenses incurred, in case you are able to request restitution in a later judgment or conviction against the thief. Confirm conversations in writing. Send correspondence by certified mail, return receipt requested. Keep copies of all letters and documents.

1. Credit bureaus. Immediately call the fraud units of the three credit reporting companies Experian (formerly TRW), Equifax and Trans Union. Report the theft of your credit cards or numbers and request a credit report (free to identity theft victims). Ask that your file be flagged with a fraud alert. Add a victim's statement to your report. ("My ID has been used to apply for credit fraudulently. Contact me at [your phone number] to verify all applications.") Ask how long the fraud alert is posted on your file, and how you can extend it if necessary.

Be aware that these measures may not entirely stop new fraudulent accounts from being opened by the impostor. Request a free copy of your credit report every few months so you can monitor any new fraudulent activity.

Ask the credit bureaus for names and phone numbers of credit grantors with whom fraudulent accounts have been opened. Ask the credit bureaus to remove inquiries that have been generated due to the fraudulent access. You may also ask the credit bureaus to notify those who have received your credit report in the last six months in

order to alert them to the disputed and erroneous information (two years for employers).

When you provide your police report to the credit bureaus, they must remove the fraudulent accounts from your credit report (Calif. Civil Code 1785.16(k). (See #3 below.)

2. Creditors. Contact all creditors immediately with whom your name has been used fraudulently, by phone and in writing. You may be asked to fill out fraud affidavits. (No law requires these to be notarized at your own expense.) Get replacement cards with new account numbers for your own accounts that have been used fraudulently. Ask that old accounts be processed as "account closed at consumer's request." (This is better than "card lost or stolen," because when this statement is reported to credit bureaus, it can be interpreted as blaming you for the loss.) Carefully monitor your mail and credit card bills for evidence of new fraudulent activity. Report it immediately to credit grantors.

3. Law enforcement. Report the crime to your local police or sheriff's department. You might also need to report it to police departments where the crime occurred. Give them as much documented evidence as possible. Make sure the police report lists the fraud accounts. Get a copy of the report. Keep the phone number of your investigator handy and give it to creditors and others who require verification of your case. Credit card companies and banks may require you to show the report in order to verify the crime. It is a violation of federal law (18 USC 1028) and the laws of many states (such as Calif. Penal Code 530.5) to assume someone's identity for fraudulent purposes. But some police departments have been known to refuse to write reports on such crimes. Be persistent!

4. Stolen checks. If you have had checks stolen or bank accounts set up

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fraudulently, report it to the appropriate check verification companies (see next page). Put stop payments on any outstanding checks that you are unsure of. Cancel your checking and savings accounts and obtain new account numbers. Give the bank a secret password for your account (not mother's maiden name). If your own checks are rejected at stores where you shop, contact the check verification company that the merchant uses.

5. ATM cards. If your ATM or debit card has been stolen or compromised, report it immediately. Get a new card, account number and password. Do not use your old password. When creating a password, don't use common numbers like the last four digits of your SSN or your birth date. Monitor your account statement. You may be liable if fraud is not reported quickly.

6. Fraudulent change of address. Notify the local Postal Inspector if you suspect an identity thief has filed a change of your address with the post office or has used the mail to commit fraud. (Call the U.S. Post Office to obtain the phone number, (800) 275-8777). Find out where fraudulent credit cards were sent. Notify the local Postmaster for that address to forward all mail in your name to your own address. You may also need to talk with the mail carrier. (Web: <http://www.usps.gov/websites/depart/inspect/>)

7. Secret Service jurisdiction. The Secret Service has jurisdiction over financial fraud, but it usually does not investigate individual cases unless the dollar amount is high or you are one of many victims of a fraud ring. To interest the Secret Service in your case, you may want to ask the fraud department of the credit card companies and/or banks, as well as the police investigator, to notify the particular Secret Service agent they work with. (Web: <http://www.treas.gov/usss/>)

8. Social Security Number (SSN) misuse. Call the Social Security Administration to report fraudulent use of your SSN. As a last resort, you might want to try to change your number. The SSA will only change it, however, if you fit their fraud victim criteria. Also order a copy of your Personal Earnings and Benefits Statement and check it for accuracy. The thief might be using your SSN for employment purposes. (Web: <http://www.ssa.gov/>)

9. Passports. Whether you have a passport or not, write the passport office to alert them to anyone ordering a passport fraudulently. (Web: travel.state.gov/passport_services.html)

10. Phone service. If your long distance calling card has been stolen or you discover fraudulent charges on your bill, cancel the account and open a new one. Provide a password which must be used any time the account is changed.

11. Driver's license number misuse. You may need to change your driver's license number if someone is using yours as identification on bad checks. Call the state office of the Department of Motor Vehicles (DMV) to see if another license was issued in your name. Put a fraud alert on your license. Go to your local DMV to request a new number. Also, fill out the DMV's complaint form to begin the fraud investigation process. Send supporting documents with the completed form to the nearest DMV investigation office. Web: <http://www.dmv.ca.gov/>

12. Victim statements. If the impostor is apprehended by law enforcement and stands trial, write a victim impact letter to the judge handling the case. Contact the victim-witness assistance program in your area for further information on how to make your voice heard in the legal proceedings.

13. False civil and criminal judgments. Sometimes victims of identity theft are wrongfully accused of crimes committed by the impostor. If a civil judgment has been entered in your

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name for actions taken or debts incurred by your impostor, contact the court where the judgment was entered and report that you are a victim of identity theft. If you are wrongfully prosecuted for criminal charges, contact the state Department of Justice and the FBI. Ask how to clear your name.

14. Legal help. You may want to consult an attorney to determine legal action to take against creditors and/or credit bureaus if they are not cooperative in removing fraudulent entries from your credit report or if negligence is a factor. Call the local Bar Association or Legal Aid office to find an attorney who specializes in consumer law, the Fair Credit Reporting Act and the Fair Credit Billing Act.

15. Dealing with emotional stress. Psychological counseling may help you deal with the stress and anxiety commonly experienced by victims. Know that you are not alone. Contact CALPIRG or the Privacy Rights Clearinghouse for information on how to network with other victims.

16. Making change. Write to your state and federal legislators. Demand stronger privacy protection and fraud assistance by creditors and credit bureaus. Contact CALPIRG for information on any pending state or federal legislation.

17. Don't give in. Do not pay any bill or portion of a bill which is a result of identity theft. Do not cover any checks which were written and/or cashed fraudulently. Do not file for bankruptcy. Your credit rating should not be permanently affected, and no legal action should be taken against you. If any merchant, financial institution or collection agency suggests otherwise, simply restate your willingness to cooperate, but don't allow yourself to be coerced into paying fraudulent bills. Report such attempts to government regulators immediately.

Resources

Credit reporting bureaus

Equifax: P.O. Box 105069, Atlanta, GA 30348.

Report fraud: Call (800) 525 6285 and write to address above.

Order credit report: (800) 685-1111.

Web: www.equifax.com

Experian (formerly TRW): P.O. Box 9532, Allen, TX 75013.

Report fraud: Call (888) EXPERIAN (888-397-3742) and write to address above. Fax: (800) 301-7196.

Order credit report: (888) EXPERIAN.

Web: www.experian.com

Trans Union: P.O. Box 6790, Fullerton, CA 92834.

Report fraud: (800) 680-7289 and write to address above.

Order credit report: (800) 888-4213.

Web: <http://www.transunion.com/>

To opt out of pre-approved offers of credit for all three bureaus, call (888) 5OPTOUT. This establishes a two-year opt-out. For permanent opt-out status, put your request in writing.

Remember, you are entitled to a **free credit report** if you are a victim of identity theft, if you have been denied credit, if you receive welfare benefits, or if you are unemployed.

Social Security Administration

Report fraud: (800) 269-0271. Order Personal Earnings and Benefits Statement: (800) 772-1213. Web:

<http://www.ssa.gov/>

To remove your name from mail and phone lists

- Direct Marketing Association (Web: <http://www.the-dma.org/>)
- Mail Preference Service, P.O. Box 9008, Farmingdale, NY 11735.
- Telephone Preference Service, P.O. Box 9014, Farmingdale, NY 11735.

To report fraudulent use of your checks

- CheckRite: (800) 766-2748
- Chexsystems: (800) 428-9623
- CrossCheck: (800) 843-0760
- Equifax: (800) 437-5120

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- International Check Services:
(800) 526-5380
- SCAN: (800) 262-7771
- TeleCheck: (800) 710-9898

Other useful resources

- **Federal Trade Commission.**
You may obtain assistance from and file your complaint with the FTC. Consumer Response Center, (877) IDTHEFT. Web: <http://www.consumer.gov/idtheft/> and <http://www.ftc.gov/>.
- **CALPIRG**, 11965 Venice Blvd., Suite 408, Los Angeles, CA 90066. (310) 397-3404 or (916) 448-4516. E-mail: calpirg@pirg.org. Web: <http://www.pirg.org/calpirg/>.
- **Privacy Rights Clearinghouse**, 1717 Kettner Ave., Suite 105, San Diego, CA 92101. Phone: (619) 298-3396. E-mail: prc@privacyrights.org. Web: <http://www.privacyrights.org/>.

This guide is a joint project of CALPIRG and the Privacy Rights Clearinghouse, funded by the San Francisco Foundation's Bank of America Consumer Education Fund.

**TUSTIN POLICE DEPARTMENT
300 CENTENNIAL WAY
TUSTIN, CA 92780
(714) 573-3200**

**City of Tustin
Police Department**

**Brochure available to view at the Orange County Public Law
Library
515 North Flower
Santa Ana, CA 92703
(Building 32, Civic Center Plaza)**