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MEMORANDUM

Department of Police

Identity Theft & Economic Crimes Training

Lesson Plan

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Detective Paul Rivera

This training is designed to inform Pinecrest Police patrol personnel on the steps to take when responding to an Identity Theft, Credit Card Fraud, Check Fraud, and other related fraud crimes as listed in the Florida State Statutes, Chapter 817, 831, and 832.

Personnel will be reminded that residence of the victim is the one of the statutory venues for jurisdiction regarding Identity Theft. This means that Pinecrest Police Patrol Personnel would be completing the initial police report for the victim if they reside in Pinecrest (not their banking institution is in Pinecrest) even if further investigation into the offense takes place elsewhere.

What is IDENTITY THEFT?

Any person, who willfully and without authorization fraudulently uses, possessed with intent to fraudulently use, personal identification information concerning an individual without first obtaining that individual's consent.

Identity theft is the criminal use of an individual's personal identification information such as your name, social security number, driver's license information, or bank and credit card accounts and use the information to establish credit, make purchases, apply for loans or even seek employment.

Identity thieves often steal thousands of dollars from unsuspecting victims, in the victim's own name, without the victim knowing about the fraud for months or sometimes years. Identity thieves have used unsuspecting victim's identities to commit crimes ranging from traffic infractions to felonies.

Florida State Statute 817.568: Criminal Use of Personal Identification Information.

(f) "Personal Identification Information" means any name or number that maybe used, alone or in conjunction with any other information, to identify a specific individual, including any:



- Name
- Social Security number
- Date of Birth
- Official state-issued or United States-issued driver's license or identification number.
- Alien registration number
- Government passport number
- Employer or taxpayer identification number
- Medicaid or food stamp account number
- Bank account or credit card number
- Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation
- Unique electronic identification number, address or routing code
- Telecommunication identifying information or access device
- Postal or electronic mail address, telephone number

Who Investigates Identity Theft?

Victim of identity theft should contact their local police department or sheriff's office first to file a report. Under Florida's identity theft law, Law enforcement Officers are required to take a police report from people who reside in their jurisdiction who believe they are victims of Identity Theft, even if the jurisdiction for investigation and prosecution may lie elsewhere. Other police jurisdictions (Coral Gables PD), classified their police report; **Fraud Other Jurisdiction**.

Identity Theft is the general term

The Pinecrest Police RMS Pic List has Identity Theft and Criminal Use of Personal Identification (CUPI).

Police Report: Identity Theft

A-Form Arrest: Criminal Use of Personal Identification

Identity Theft: Criminal Use of Personal Identification is the same as Fraudulent Use of Personal Identification. Identity Theft applies to individual person, not businesses. The business is located in Pinecrest, the classification is Fraud.

The victim resides in Pinecrest and their identity information had been stolen, we take a report for Identity Theft.

The victim resides in Pinecrest and the fraud occurred in their business which is located outside Pinecrest, the crime needs to be reported to the police departments that service their business address.

The victim resides in Pinecrest and his/her credit cards were used outside Pinecrest (If known), we take a report for Identity Theft and he/she must report the "Credit Card Fraud" with the police jurisdiction that service the location where the credit card was used.

Anyone's Fraudulent Use of Credit Cards (Credit Card Fraud) were used in a merchant in Pinecrest, we take a police report for that.

The victim's banking center is in Pinecrest and the victim doesn't live in Pinecrest, we don't take the report. You referred the victim to the police departments that service their home address.

Exception:

-Suspect (customer impersonator) withdrawal money at the banking center in Pinecrest, we take the report for Fraud.

-Suspect presented the check to be cashed at the banking center (inside the bank or drive thru lanes) in Pinecrest, we take the report for Uttering a Forged Check, Attempted or Committed Grand Theft, and Identity Theft (customer impersonator).

If Officers impounded the original documents; Officers would provide a property receipt for those documents to the bank employees. If Officers obtained copies of the documents, submit them to Records and no property receipt is needed.

Officers would submit the original documents to the Property Room and copies of the documents to the Records Bureau.

***Suspect entered the banking center and meets a bank official in the desk to ascertain the validity of the check is not a crime.**

Using someone's name by itself is not Identity Theft

Jurisdiction: Venue for prosecution and trial may be commenced and maintained in any county in which an element of the offense occurred, including the county where the victim generally resides.

Statute of Limitations for Prosecution: A prosecution must be commenced within three years after the offense occurred. However, a prosecution may be commenced within one year after discovery of the offense by an aggrieved party if the prosecution is commenced within five years after the violation occurred.

Identity Theft Sample Narrative

On Monday, 4/09/18, the undersigned officer responded to the Pinecrest Police Station or the victim's address (resides in Pinecrest) reference a Fraud. Upon arrival, I contact John Doe (victim) who was identified by his Florida DL.

John Doe (victim) said that on 4/09/18, he/she received information from _____ that unknown person(s) use the victim's personal information (name, DOB, Social Security Number, etc.) (to change their bank, credit card account's address, make purchases, to obtain a credit card, to obtain a loan, to file their income tax return, etc.) without the victim's consent, permission or knowledge.

If the account is close; please identify the bank, Visa, MasterCard, American Express, Discover Card, etc... with the account number in the regular narrative.

If the account is still open; please identify the bank, Visa, MasterCard, American Express, Discover Card, etc with the account number in the officer's narrative.

Credit & Debit cards have (16) numeric digit while American Express have (15) numeric digits.

Do not write Social Security Numbers in the regular or Officer's narrative.

The victim or the financial institution was/were unable to determine where the fraud originated.

The victim completed a victim/witness statement or provided an affidavit from the bank, Credit Card Company, collection agency, etc. (Supporting documentation)

IRS Identity Theft, we don't collect victim/witness statement. Victims need to follow-up with the IRS; IRS.GOV

Case card and Identity Theft Pamphlet (if available) was issued to the victim. If not available, the victim was referred to the Federal Trade Commission (FTC).