



## ***Gustine Police Department***

Phone: 209 854-3737 FAX: 209 854-1205

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400 R Street, Suite 3000 | Sacramento, CA 95814 | 1-800-952-5210  
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### **Identity Theft Victim Checklist CONSUMER INFORMATION SHEET 3**

This checklist can help identity theft victims to clear up their records. It lists the actions most identity theft victims should take to limit the damage done by the thief. Use the contact logs at the end of the checklist to keep a record of all your contacts with credit bureaus, creditors and others. Keep copies of all the letters you send and receive.

For more information, see the web sites of the Federal Trade Commission <http://www.consumer.gov/idtheft>, the Identity Theft Resource Center <http://www.idtheftcenter.org/>, the Privacy Rights Clearinghouse <http://www.privacyrights.org/>, and the Department of Consumer Affairs <http://www.dca.ca.gov/>.

#### **✓ Report the fraud to the three major credit bureaus.**

Ask each of the credit bureaus to flag your file with a “fraud alert.” Also, ask them to add a victim’s statement to your credit report. The victim’s statement tells creditors to call you to get your approval if they receive requests to open new accounts. Give them a phone number to use to contact you. Ask each credit bureau for a free copy of your credit report. As a victim of identity theft, you have the right to a free report from each credit bureau. For more on what to tell the credit bureaus, see “Identity Theft: What to Do When It Happens to You” at [www.privacyrights.org/fs/fs17a.htm](http://www.privacyrights.org/fs/fs17a.htm).

#### **✓ Report the crime to the police.**

Under California law, you can report identity theft to your local police department. Ask the police to issue a police report of identity theft. You may have to show copies of the laws to the police. The laws are on the last page of this information sheet. Give the police as much information on the theft as possible. Give them any new evidence you collect to add to your report. Be sure to get a copy of your police report. You will need to give copies to creditors and the credit bureaus. For more information, see “Organizing Your Identity Theft Case” by the Identity Theft Resource Center, available at <http://www.privacyrights.org/fs/fs17b-org.htm>

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## ✓ **Call creditors.**

Call all creditors for any accounts that the thief opened or used. When you call, ask for the security or fraud department. Creditors can be credit card companies, other lenders, phone companies, other utility companies, and department stores where you have charge accounts. Tell them you are an identity theft victim. Ask them not to hold you responsible for charges the thief made. Ask them to close those accounts and to report them to credit bureaus as “closed at consumer’s request.” If you open new accounts, have them set up to require a password or PIN to approve use. Don’t use your mother’s maiden name or the last four numbers of your Social Security number as your password. For more information on what to tell creditors, see the “Identity Theft: What to Do When It Happens to You,” available at <http://www.privacyrights.org/fs/fs17a.htm> and the Federal Trade Commission’s “When Bad Things Happen to Your Good Name,” available at <http://www.ftc.gov/bcp/online/pubs/credit/idtheft.htm>.

## ✓ **Review your credit reports carefully.**

Look for accounts opened in your name that you did not open. Also, look for charges to your accounts that you did not make. And look for late payments or non-payments that are not yours. Check your name, address and Social Security number. Look at the Inquiries section of the report. Ask the credit bureaus to remove any inquiries from companies holding fraudulent accounts in your name. Ask each credit bureau to remove all information in your credit report that results from the theft. Order new credit reports every three months until your situation has cleared up. You may have to pay \$8 for each report after the first free one.

## ✓ **Use the ID Theft Affidavit.**

The Federal Trade Commission’s ID Theft Affidavit is a form that can help you clear up your records. The Affidavit is accepted by the credit bureaus and by many major creditors. Send copies of the completed form to creditors where the thief opened accounts in your name. Also send copies to creditors where the thief made charges on your account, to the credit bureaus, and to the police. The form is available on the FTC web site at <http://www.consumer.gov/idtheft/affidavit.htm>

## ✓ **Write to the credit bureaus.**

Write a letter to each credit bureau. Repeat what you said in your telephone call. Send copies of your police report and completed ID Theft Affidavit. Remind the credit bureaus that they must remove any information that you, an identity theft victim, say is the result of the theft. Send your letters by certified mail, return receipt requested. Keep a copy of each letter.

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### ✓ **Write to creditors.**

Write a letter to each creditor. Repeat what you said in your telephone call. Send copies of your police report and the completed ID Theft Affidavit. Send your letters by certified mail, return receipt requested. Keep copies of your letters. Continue to review your bills carefully and report any new fraudulent charges to the creditor.

### ✓ **If your checks or bank account information were stolen...**

Close your bank account. Open a new one with a new account number. Tell the bank you want to use a new password for access to your new account. Do not use your mother's maiden name or the last four digits of your Social Security number. Report the stolen checks to the check verification companies that stores use. For more information on stolen checks, see "Identity Theft: What to Do When It Happens to You," at <http://www.privacyrights.org/fs/fs17a.htm>

### ✓ **If your driver's license or DMV-issued ID card was stolen...**

Immediately contact your local DMV office to report the theft. Ask them to put a fraud alert on your license. Then call the toll-free DMV Fraud Hotline at 866-658-5758. If the thief is using your license as ID, you may want to change your license number. Ask DMV for an appointment. Take a copy of the police report and copies of bills or other items supporting your claim of fraud. You will also need to prove your identity. Take current documents such as a U.S. or Canadian passport, a certification of citizenship or naturalization, or a U.S. military photo ID. DMV will issue a new driver's license or ID card number when you meet all the requirements. For more information, see "Identity Theft: Have You Been A Victim of Identity Theft? DMV Can Help," available at [www.dmv.ca.gov/pubs/brochures/fast\\_facts/ffd124.htm](http://www.dmv.ca.gov/pubs/brochures/fast_facts/ffd124.htm).

### ✓ **If your mail was stolen or your address changed by the identity thief...**

Notify the Postal Inspector if you think the identity thief has stolen your mail or filed a change of address request in your name. To find your nearest Postal Inspector, look in the white pages of the telephone book for the Post Office listing under United States Government. Or go to the Postal Inspection Service's web site at [www.usps.gov/websites/depart/inspect/](http://www.usps.gov/websites/depart/inspect/).

### ✓ **If you are wrongly accused of a crime committed by the identity thief...**

In the case of a false civil judgment, contact the court where the judgment was entered. Report that you are a victim of identity theft. In the case of a false criminal judgment, contact the California Department of Justice at 800-952-5225 and the FBI. Ask them for information on how to clear your name. To find the local field office of the FBI, look in the white pages of the telephone book for the FBI under United States Government. Or go to the FBI's web site at <http://www.fbi.gov/contact/fo/fo.htm>,

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## ✓ **A word about your Social Security number ...**

Sometimes, an identity thief will use the victim's Social Security number to be able to work. It's a good idea to check your Social Security earnings record to see if the thief is using your Social Security number. You can get a copy of your earnings record by calling 1-800-772-1213. Or get a Request for Social Security Statement (Form 7004) at [www.ssa.gov/online/ssa-7004.pdf](http://www.ssa.gov/online/ssa-7004.pdf). If the thief is using your Social Security number, call the Social Security Fraud Hotline at 1-800-269-0271. You can also read "When Someone Misuses Your Number" at [www.ssa.gov/pubs/10064.html](http://www.ssa.gov/pubs/10064.html).

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Credit Bureau	Date	Contact person	Comments
Equifax 800-525-6285			
Experian 1800 297 3742			
Trans Union 1 800 680 7289			

## **Calls To Police**

Date	Contact Person	Comments

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## **Calls to Creditors**

Creditor	Date	Contact Person	Comments

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## **Letters to Credit Bureaus**

Credit Bureau	Date Sent
Equifax P.O. Box 740241 Alanta, GA 30374	
Experian Consumer Fraud Assistance P.O. Box 949 Allen TX 75013	
Trans Union Fraud Victim Assistance Division P.O. Box 6790 Fullerton, CA 92834	

## **Letters to Creditors**

Creditor	Date Sent

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## **Calls to Check Verification Companies**

Company	Phone Number	Date	Contact Person	Comments
Check Rite	800-766-2748			
Chexstems	800-428-9623			
Cross Check	800-843-0760			
Equifax	800-437-5120			
SCAN	800-262-7771			
Telecheck	800-710-9898			
International Check Services	800-526-5380			

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## **Penal Code Section 530.5: Definition of Identity Theft**

530.5 (a) Every person who willfully obtains personal identifying information, as defined in subdivision (b), 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, and upon conviction therefor, shall be punished either by imprisonment in a county jail not to exceed one year, a fine not to exceed one thousand dollars (\$1,000), or both that imprisonment and fine, or by imprisonment in the state prison, a fine not to exceed ten thousand dollars (\$10,000), or both that imprisonment and fine.

(b) "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.

(c) In any case in which a person willfully obtains personal identifying information of another person without the authorization of that person, and uses that information to commit a crime in addition to a violation of subdivision (a), and is convicted of that crime, the court records shall reflect that the person whose identity was falsely used to commit the crime did not commit the crime.

## **Penal Code Section 530.6: Police Jurisdiction and Expedited Judicial Action**

530.6 (a) A person who has learned or reasonably suspects that his or her personal identifying information has been unlawfully used by another, as described in subdivision (a) of Section 530.5, 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.

(b) A person who reasonably believes that he or she is the victim of identity theft may petition a court for an expedited judicial determination of his or her factual innocence, where the perpetrator of the identity theft was arrested for or convicted of a crime under the victim's identity, or where the victim's identity has been mistakenly associated with a record of criminal conviction. Any judicial determination of factual innocence made pursuant to this section may be heard and determined upon declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties. Where the court determines that the petition is meritorious and that there is no reasonable cause to believe that the petitioner committed the offense for which the perpetrator of the identity theft was arrested or convicted, the court shall find the petitioner factually innocent of that offense. If the petitioner is found factually innocent, the court shall issue an order certifying this determination. The Judicial Council of California shall develop a form for use in issuing an order pursuant to these provisions. A court issuing a determination of factual innocence pursuant to this section may at any time vacate that determination if the petition, or any information submitted in support of the petition, is found to contain any material misrepresentation or fraud.

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## **Penal Code Section 530.7: ID Theft Victim Data Base**

530.7 (a) In order for a victim of identity theft to be included in the data base established pursuant to subdivision (c), he or she shall submit to the Department of Justice a court order obtained pursuant to any provision of law, a full set of fingerprints, and any other information prescribed by the department.

(b) Upon receiving information pursuant to subdivision (a), the Department of Justice shall verify the identity of the victim against any drivers license or other identification record maintained by the Department of Motor Vehicles.

(c) The Department of Justice shall establish and maintain a data base of individuals who have been victims of identity theft. The department shall provide a victim of identity theft or his or her authorized representative access to the data base in order to establish that the individual has been a victim of identity theft. Access to the data base shall be limited to criminal justice agencies, victims of identity theft, and individuals and agencies authorized by the victims.

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(d) The Department of Justice shall establish and maintain a toll free number to provide access to information under subdivision (c). (e) This section shall be operative September 1, 2001.