

# IDENTITY THEFT & FRAUD PRO BONO TRAINING

Presented by Maryland Crime  
Victims Resource Center, Inc.  
(MCVRC)

# History of MCVRC

- Private nonprofit organization
- Grassroots organization founded by Vince and Roberta Roper after the murder of their daughter Stephanie in 1982
- 25 years of assisting victims of crime
- Passed 70 pieces of legislation concerning victims' rights in the state of Maryland since inception

# Services

- Offer victims' services to any victim of crime.
- Trained advocates do intake and assessment.
- Therapist provides counseling and support group services.
- Lawyers do direct legal representation of victims.
- Pro bono panel of attorneys.
- Represent victims with Criminal Injury Compensation Board (CICB) claims.
- Assist victims with the enforcement of their restitution.

# Identity Theft and Fraud Grant

## Three Goals—

- Direct Victim Services assist victims with legal, emotional, and financial consequences of crime
- Self Advocacy and Pro Bono Attorney Development
- Law Enforcement Development

# What Is Identity Theft?

The unauthorized use of another person's identifying information with the intent of fraudulently obtaining money or services or to hide from law enforcement.

# Maryland Dec. of Rights, Art. 47

## ■ Article 47. Rights of victims of crime

(a) A victim of crime shall be treated by agents of the State with dignity, respect, and sensitivity during all phases of the criminal justice process.

(b) In a case originating by indictment or information filed in a circuit court, a victim of crime shall have the right to be informed of the rights established in this Article and, upon request and if practicable, to be notified of, to attend, and to be heard at a criminal justice proceeding, as these rights are implemented and the terms “crime,” “criminal justice proceeding,” and “victim” are specified by law.

(c) Nothing in this Article permits any civil cause of action for monetary damages for violation of any of its provisions or authorizes a victim of crime to take any action to stay a criminal justice proceeding.

# Virginia Statutes

## *Va. Code Ann.*

- False Statements/Failure to Disclose §18.2-186.2
- Penalty, Restitution, Victim Assistance § 18.2-186.3
- Consumer Reporting Agencies, Police Reports § 18.2-186.6.3:1
- Use of ID with intent to coerce, intimidate, harass § 18.2-186.4
- Expungement of false ID info from police & court records § 18.2-186.5
- Using a computer to gather ID information § 18.2-152.1

## Security Freeze Law in Virginia

- All consumers eligible
- Fees: No fees for identity theft victims with police reports
- All others pay a \$10.00 fee to place the freeze.
- Effective date of law: July 1, 2008.
- Permanent freeze remains until removal requested by consumer.

# Federal Statutes pertaining to Identity Theft & Fraud

- Identification fraud (18 U.S.C. § 1028)
- Credit card fraud (18 U.S.C. § 1029)
- Computer fraud (18 U.S.C. § 1030)
- Mail fraud (18 U.S.C. § 1341)
- Wire fraud (18 U.S.C. § 1343)
- Financial institution fraud (18 U.S.C. § 1344)
- Each of these federal offenses are felonies that carry substantial penalties in some cases, as high as 30 years imprisonment, fines, and criminal forfeiture.

# Definition of Victim

A person who suffers—

- Actual
- Threatened
- Physical
- Emotional
- Financial harm as a direct result of a crime or delinquent act

# How Does Identity Theft Affect Victims?

- **“We are largely invisible to law enforcement and the judicial system and often seen as victims of property crime or not seen as victims at all.”**  
**—Jaimee Napp, victim of identity theft**

Jaimee Napp, Executive Director of the Identity Theft Action Council of Nebraska, *When Identity Theft Strikes Home, The Crime Victims Report* (volume 12, No. 2. May/June 2008).

# How Does Identity Theft Affect Victims?

- Why did this happen to me?
- The police don't care
- Anger/Frustration
- Vulnerable/Violated
- Helpless/Stressed
- Depressed
- Suicidal

# Four Steps Identity Theft Victim Needs To Take

- Victims should contact Credit Reporting Agencies
- Victims should contact companies where the thief committed the fraud
- Victims Should File A Complaint with the FTC
- Victims Should File A Report with the Police

# Step 1. Victim Should Contact CRAs

- Place 90-day fraud alert, get and review a copy of the credit report.
- Set a fraud alert by contacting only one of the three CRAs:
  - Equifax 800-525-6285
  - Experian 888-397-3742
  - TransUnion 800-680-7289
- If client does not receive a confirmation letter from any of the three companies in 7–10 days, contact that company directly.
- Beware of diversion to free annual report.

# Step 2. Victim Should Contact Places Where Fraud Committed

- Immediately close accounts that have been fraudulently opened and used.
- Contact fraud department, not customer service.
- Ask about company dispute form or FTC form and where to send dispute correspondence.
- Inform the company.

# Step 3. Victim Should File a Complaint With the FTC

- Channels
- [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft)
- 877-438-4338
- FTC Complaint Form Helps Build Case
- Universal Identity Theft Complaint Form

# Step 4 Victim Should File a Report With the Police

- Call the police as soon as possible.
- Tell the police—
  - They need to obtain a written report;
  - They would like to sign their Universal Complaint Form in the presence of an officer.

# Police Reports

- Role of the 1<sup>st</sup> Responder
- Memo to Police on importance of Report
- Universal Police Report w/ necessary info
- ID Theft Affidavit

# Victim Advocate's Role

- Identify the problem(s) and how they can assist.
- Inform victim of rights.
- Encourage and teach self-advocacy.
- Provide emotional support.
- Assist in compiling information/documents.
- Assist in reporting the crime & working with law enforcement.
- Assist in making disputes of impostor accounts.
- Make referrals to attorneys and other service providers.

# Example of Cases

The need for Pro Bono  
Attorneys

QUESTIONS ?

# Contact Information

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# MCVRC INFORMATION

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