

# **“Identity Theft”**

**Dallas Police Department  
Financial Investigations Unit**

**September 5, 2006**

**In Texas, Identity Theft is prosecuted under Section 32.51 of the Penal Code. Criminal cases are titled as “Fraudulent Use or Possession of Identifying Information”.**

# WHAT IS ID THEFT?

- Possession or use of identifying information of another person
  - Name
  - Date of Birth
  - Social Security Number
  - Driver's License Number
- Without consent of that person and
- With intent to harm or defraud

# Who can be Victims?

- Generally, any person who has their identity used by another person without their consent with the intent to harm or defraud can file a criminal complaint.
- This does not apply to companies. Fraudulent use of a business identity is considered a trademark infringement.
- Although identities of deceased persons are often obtained and used fraudulently, these cannot be prosecuted under this statute because the victim is unavailable to verify that they did not give any one permission to use their information.

# Penalty

- Violations of the current statute is a “State Jail Felony”, punishable by confinement in a state jail for any term not more than 2 years nor less than 180 days. Additionally, a fine not to exceed \$10,000 may be assessed.

# Jurisdiction

Local law enforcement agencies have jurisdiction in the following circumstances:

- When the stolen identity is used to commit an offense within the jurisdictional limits of the agency.
- When the billing/delivery address is within the jurisdictional limits of the agency and someone used the stolen ID on an application over the phone, internet, or through the mail.
- If the victim whose identity was stolen resides within the jurisdictional limits of the agency.

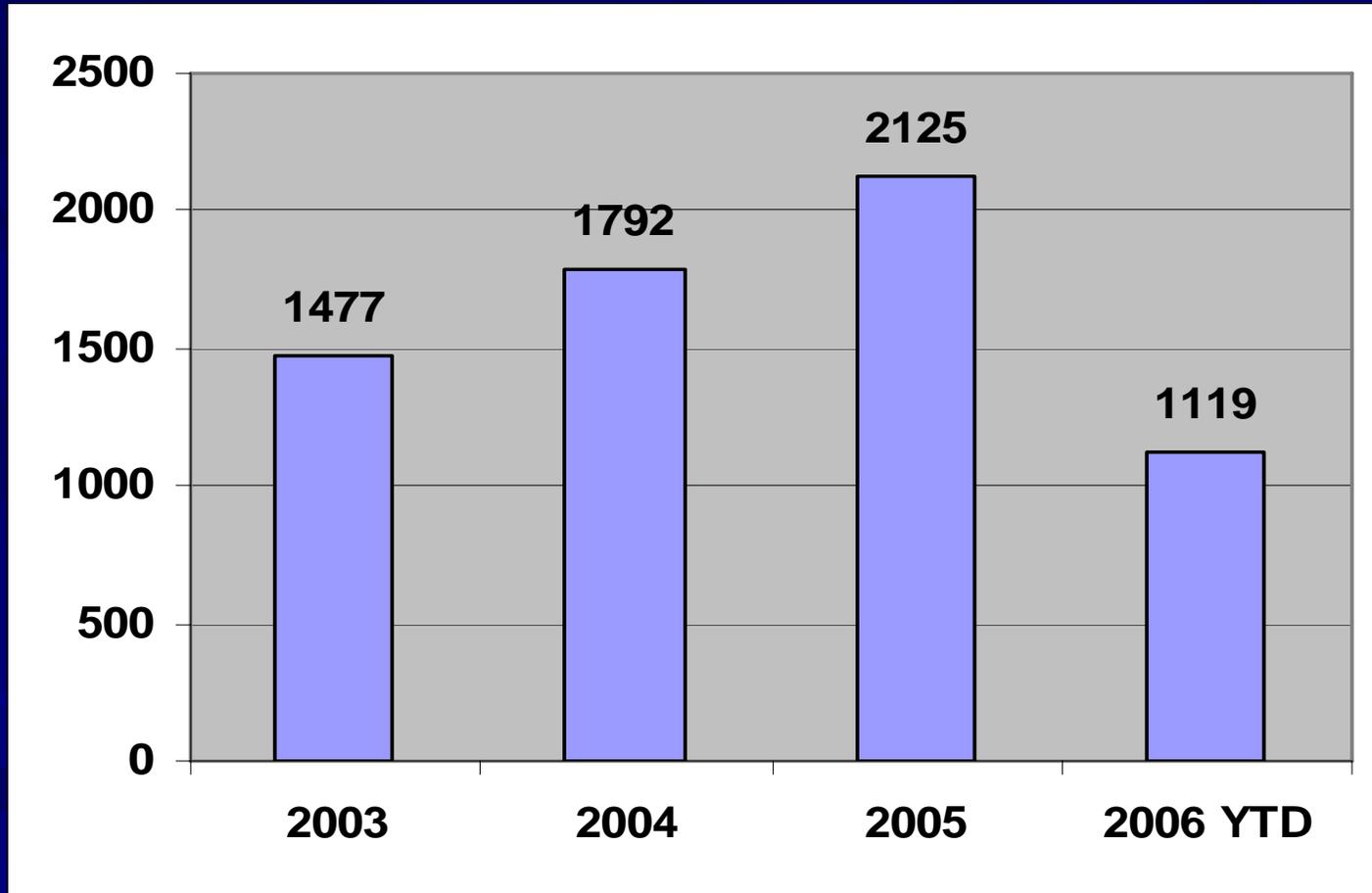
# Circumstances when the Identity Theft Statute does not apply:

- When the suspect does not successfully secure credit or open an account.
  - This is prosecuted under a statute covering False Statement to Obtain Credit
- When a wallet or purse is stolen.
  - This is prosecuted under the Theft statute
- When a person uses a stolen ID during an arrest or when cited by an officer.
  - These are prosecuted under the Failure to Identify statute.
- When a suspect uses stolen checks.
  - These are prosecuted under the Forgery statute

# Scope of Problem

- Texas ranks #2 in the nation for reported cases, and Dallas is the number 2 city in Texas. Houston is ranked #1.

# Identity Theft Investigations by DPD



# Impact on Victims

- Victims spend on average 600 hours working to resolve problems related to the crime. They incur an average of \$16,000 in lost wages and \$1,400 in out of pocket expenses.
- Many have employment difficulty after the crime.
- Many experience extensive harassment by collection agencies.
- Many have problems with the IRS.
- In some cases, victims are subjected to arrests based on the actions of the person who used their identifying information.

# DPD Response

- Specialized Staff of 3 detectives working Identity Theft cases assigned to the Financial Investigations Unit's Forgery Squad.
- One additional detective position will be added in Sept. 06 as a result of Berkshire recommendation.
- Identity Theft Packets and Identity Theft Prevention Tips are accessible through our website.
- Identity Theft Packets, available in both English and Spanish are available from the Financial Investigations Unit Office.
- Presentations are made on a regular and continuing basis at community meetings, etc., to raise awareness of this issue.
- Regular intelligence sharing meetings are held with Federal and other local law enforcement agencies.

# Questions?