



Identity Theft

I. INTRODUCTION

A Police report is a vital tool for a victim of identity theft to use in the recovery process. Without a police report, a victim cannot gain access to fraudulent account information, access certain services, or clear their credit history. The Office of the Attorney General also requires a police report as part of the application process for its Identity Theft Passport program as well as other government and credit reporting agencies require police reports prior to their intervention. A Police report provides a document of proof that a victim is indeed a victim, and allows them to take the steps necessary to clear their credit history and their good name.

II. MARYLAND LAW

In 2005, the General Assembly amended the identity theft statute to include a provision (Md. Stat. Ann. Criminal Law 8-304 et. al.) that allows a victim of identity theft who resides in Maryland to contact a local law enforcement agency to request a police report in either the jurisdiction where the crime occurred or the jurisdiction where the victim lives. Once the victim requests a police report, the law enforcement agency must take the report and furnish the victim with a copy of the report. Once that is done, the local law enforcement agency may refer the case to another law enforcement agency with proper jurisdiction. A report taken under this statute is not required to be counted as an open case for the purpose of compiling open case statistics.

III. DEFINITIONS

A. The identity fraud statute splits identity theft into three classifications:

1. **Obtaining an individual's personal identifying information** without permission in order to obtain a benefit, credit, good, service, or other thing of value in the name of the individual.
2. **Assuming the identity of another** to avoid identification, apprehension, or prosecution, and to obtain a benefit, credit, good, service or other thing of value or avoid payment of a debt or other legal obligation.
3. **Claiming to represent another** person without the knowledge and consent of that person with the intent to induce another person to provide personal information or payment device number.

General Order No. 4-5 (Cont.)

B. Law Enforcement Agencies Jurisdiction: Any Officer may investigate violations of the identity theft statute throughout the State without limitations as to jurisdiction and to the same extent as law enforcement officers of the Department of State Police.

1. The authority granted in the above section may only be exercised if:

- a) The crime was committed in the investigating law enforcement agencies' jurisdiction, or
- b) The complaining witness resides in the investigating law enforcement agencies' jurisdiction.

C. Required Notifications: If an action is taken under the above granted authority, the investigating law enforcement agency must give notice of the investigation to the municipal corporation, chief of police, sheriff, or the Baltimore City Police Commissioner.

D. Immunities and exemption for officers: When acting under the authority granted in this statute, a law enforcement officer has the immunities from liability and exemptions according to a law enforcement officer of the Department of State Police, in addition to and exemptions and immunities already granted, but remains an employee of the officer's employing agency.

E. Prosecution: The prosecution of identity theft can take place in the County where the victim resides, regardless of where the information is obtained from and used to commit the fraud or theft.

F. Identity Theft Passports: A resident of Maryland who has been the victim of identity theft may apply for an identity theft passport through their local law enforcement agency. For implementation purposes, a local law enforcement agency may refer the residence to the Office of the Attorney General for an application. The OAG will issue the passport after conducting a background check on the applicant, reviewing the police report, supporting documents and identification. Upon approval of the application, the identity theft victim may present the passport to a law enforcement agency to help prevent arrest or detention for an offense committed by another using the victim's name, a creditor to aid in the investigation of a fraudulent account opened in the victim's name or a fraudulent charge made against the account of the victim.

A law enforcement agency or a creditor has sole discretion to accept or reject the passport.

General Order No. 4-5 (Cont.)

IV. OFFICER RESPONSIBILITIES

A. Initiate a Criminal Investigation Report for identity theft if the crime meets the criteria set forth in Maryland's Identity Theft Law (Note this does not include lottery scams only scams that request personal information such as Name, Social Security Number, Bank Account Information and other personal information)

B. Conduct an investigation to the extent the resources will allow or refer the investigation to the appropriate law enforcement agency with jurisdiction (i.e. F.B.I., United States Postal Inspectors, Secret Service, another state or local police Agency)

C. Instruct the victim to contact the identity theft unit at the Office of the Attorney General for the State of Maryland at (410-576-6574) or at their website www.oag.state.md.us/idtheft

D. Instruct the victim to file a report with the Federal Trade Commission at their website www.ftc.gov.