Aging Concerns Unite Us Conference 2012

ID Theft and Older Adults:

Prevention and Mitigation

Lifespan

take it on!

Presenters

- Melanie Grossman, NYS Division of Consumer Protection
- Carlos Rodriguez, Esq. – Retired NYS Assnt. Attorney General
- Kaaren Smith, Director, Livingston County OFA
- Paul Caccamise, Vice President, Lifespan

GOALS OF WORKSHOP

- Definitions of identity theft
- Four types of ID theft
- Impact on victim
- ID theft and older persons as targets
- ID theft and elder abuse
- Prevention of identity theft
- Assisting and guiding victims
- NYS and federal laws
- Local resources
- Strategies for mitigation and prosecution
- Useful material

What is Identity Theft?

The theft or misuse of personal identifying information in order to gain something of value or facilitate other criminal activity

9.6 Million American Victims in 2010

ID Theft Affects Persons of All Incomes and Backgrounds

THERE IS NO FOOL-PROOF WAY TO AVOID BEING A VICTIM OF ID THEFT

- WE ARE ALL VULNERABLE
- YOU MAY NEVER DISCOVER THE CAUSE OF ID THEFT
- COULD BE HAPPENING TO YOU TODAY

The Incidence of Identity Theft

- Identity theft was the No. 1 consumer complaint nationwide to the Federal Trade Commission
- NYS had the sixth highest per capita identity theft rate in the U.S., with more than 92 complaints for every 100,000 residents
- In 2011, the FTC received more than 17,880 identity theft complaints from NYS residents
- In 2011, consumers reported losses from fraud and identity theft of more than $1.5 billion
- The median monetary loss from fraud was $537 per person

Consumer Fraud and Identity Theft Complaint Data for 2010, FTC, 2011

http://www.dos.ny.gov/ermweb/action/viewer/powerstream?view=asset&id=8dfd7f6c-6499-11e1-9e93-0a42007e0000&player=null

WHAT DOES IT TAKE TO STEAL YOUR IDENTITY?

- VERY LITTLE INFORMATION IS NEEDED FOR YOUR IDENTITY TO BE STOLEN.
- ONCE INFORMATION IS OBTAINED, THE ID THIEF CAN APPLY AND POSSIBLY OBTAIN A NEW CREDIT CARD IN YOUR NAME AND LEAVE YOU WITH THE BILLS.
- AN ID THIEF NEVER PAYS THE BILLS THAT HE ACQUIRED IN YOUR NAME.

How is it Committed?

Without the:

1. Authorization;
2. Consent; or
3. Permission of the victim

AND with the intent to defraud or benefit

ID THEFT TAKES MANY FORMS

- DUMPSTER DIVING: RUMMAGING THROUGH TRASH LOOKING FOR BILLS OR OTHER PAPERS CONTAINING PERSONAL INFORMATION (BANK STATEMENTS, ETC.)
- STEALING YOUR MAIL
- STEALING YOUR WALLET, PURSE OR OTHER IMPORTANT PAPERS/ITEMS (PDA/ CELL PHONE/SOCIAL SECURITY CARD/ MEDICARE CARD)
- ENGAGING IN A “PHISHING” OR “VISHING” SCAM
- STEALING BUSINESS INFORMATION
- STEALING YOUR SOCIAL SECURITY INFORMATION WHICH IS GOOD AS GOLD
- “ SHOULDER SURFING”- WATCHES VICTIM PUNCH IN CREDIT CARD # / PIN #, ETC.

Types of Identity Theft

Financial Identity Theft

- Fraudulent use of victim's personal info for financial gain
- Most common form of ID theft
  - Use of existing credit, bank or other accounts
  - Opening of new accounts in victim's name

Financial Identity Theft

- FTC: about 75% of victims report thief misused only existing accounts
- Credit card accounts –most commonly misused *existing* accounts
- Done by skimming, theft of cards, account numbers
- Phone accounts: most common form of *new* accounts

Non-Financial Identity Theft

- **Criminal Identity Theft**
  - occurs when a person who has been stopped by law enforcement falsely supplies another person's information in place of his/her own.
  - This results in tickets and warrants being assigned to an innocent person.

Non-Financial Identity Theft

Medical Identity Theft

- Thief uses someone's name & info (possibly insurance info) to obtain medical services or goods
- Can cause:
  - Creation of false medical record
  - False insurance billing
  - Impact of diagnosis; healthcare errors
  - Debt collections

Non-Financial Identity Theft

Employment Identity Theft

- Results in:
  1. IRS Fraud
  2. Social Security Administration Fraud

Non-Financial Identity Theft

Governmental Fraud

- An imposter uses identity data of another person
- supplies such data as part of an interaction with governmental agencies and databases.

Synthetic Identity Theft

- Use of only the victim's Social Security number, in combination with another person's name and birth date, to create a new, fictitious identity.
- Victim experiences problems when the new identity tracks back to the victim's credit or tax records.

Fraudulent IRS tax returns

deavour to a stop before

Taxpayer identity theft soaring

LARRY MARGASAK
The Associated Press

WASHINGTON — Imagine filing your tax return and learning that someone else got your refund. With your name and Social Security number, no less.

The IRS is grappling with a nearly five-fold increase in taxpayer identity theft between 2008 and 2010, a Government Accountability Office official plans to tell a House hearing today. There were 248,357 incidents in 2010, compared to 51,702 in 2008.

The GAO findings, obtained by The Associated Press, don't begin to describe the pain for a first-time victim, who must wait for a refund while the IRS sorts out which return is real and which is a fraud.

Many identity thieves don't get prosecuted, according James White, director of strategic issues for the GAO.

"IRS officials told us that IRS pursues criminal investigations of suspected identity thieves in only a small number of cases," White says in testimony prepared for a House Oversight and Government Reform subcommittee.

He said that in the 2010 fiscal year, the IRS criminal investigations division initiated just over 4,700 investigations of all types — far less than the identity theft cases alone.

"We want to know why this problem is apparently getting much worse," said Rep. Todd Platts, R-Pa., chairman of the subcommittee. "By bringing these issues to the public as quickly as possible, the committee hopes to give citizens the necessary information so they can protect themselves from such identity theft."

IRS Commissioner Douglas Shulman, in his prepared statement, defended the criminal investigation record. He said his criminal division concentrates on schemes of national scope and added that 95 percent of those prosecuted for refund-related identity theft go to prison.

Tax identity thieves typically submit returns for refunds early in the filing season.

The legitimate taxpayer usually files later, and only then learns from the IRS that two returns were filed using the same Social Security number.

Some thieves steal a name and Social Security number to obtain a job. The employer will report the thief's wage information to the IRS, as would the legitimate taxpayer's employer. The victim then would receive an unwelcome IRS notice that he or she failed to report everything that was earned. The victim would then need to work with the tax agency to sort things out.

If the IRS receives multiple tax returns for the same individuals, the taxpayer usually must substantiate identity with a federal or state-issued

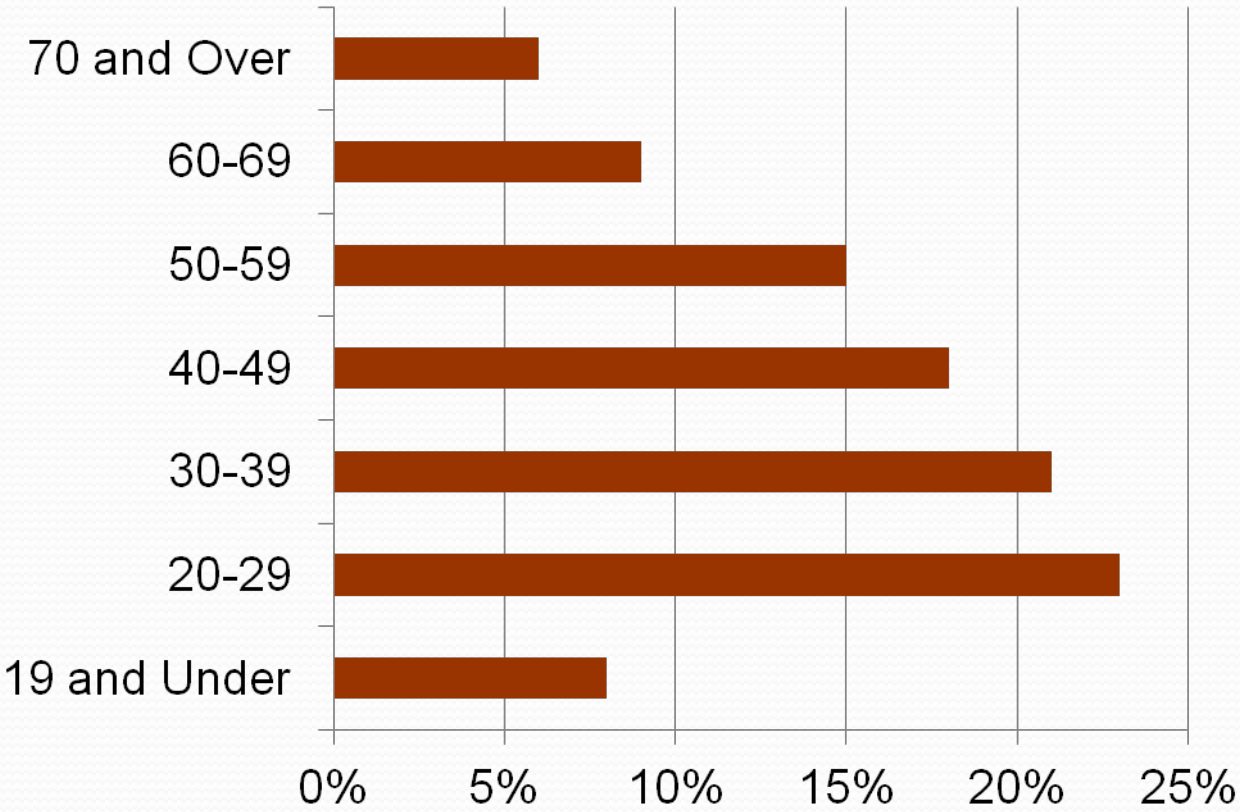
ff the Press

Identity Theft and Older Adults

Why focus on older adults?

- Can be especially vulnerable.
- "… in certain situation, criminals plan and carry out identity theft and fraud knowing full well that their victims are senior citizens." (Alice Fisher, DOJ rep in testimony to US Senate Special Committee on Aging)
- More than 50% of those victimized by fraud and scams are age 50 or older.
- National estimates: 4.3% of older adults have been victims of ID theft in past 5 years (> 45,000 victims in NYC)

Identity Theft Complaints by Victims' Age



Consumer Fraud and Identity Theft Complaint Data for 2011, FTC 2012

ID theft and Elder Abuse

- Overlap between elder abuse and ID theft
- 4.1% of older adults (over 60) reported major financial exploitation in previous year (NYS Elder Abuse Prevalence Study, 2010)
- 6.6% of older adults in NYC reported financial exploitation in a one-year period in same study.
- Financial exploitation of older persons by family members and other trusted individuals can take the form of ID theft: unauthorized use of credit cards, opening accounts in victim's name.

Consequences of Identity Theft:

1. **Denial of credit**
2. **Increased rates and financial charges**
3. **Loss of employment**
4. **Inability to get a job**
5. **Bankruptcy**
6. **Arrest**
7. **Loss of money associated with repairs**
8. **Missed opportunities (housing, employment, education)**

A Shock: How the Victim Discovers

Victim may find out when:

1. …bill collection agencies contact for overdue debts never incurred.
2. …applying for a mortgage or car loan and learning of problems with credit history.
3. …getting something in the mail about an apartment never rented, a house never bought, a job never held.
4. …being arrested for a crime NOT committed.

How Does Identity Theft Affect Victims?

- Recovering victims spent an average of $1,870 in out-of-pocket costs.
- Over 3 million experienced issues such as:
  - having utilities cut off
  - being arrested
  - finding erroneous claims on their health records
  - having child support garnished for kids they never had
  - being harassed by collection agencies

Impact on Victims

- Take over of your most precious commodity –your good name
- Financial loss
- Ruined credit
- Recovery process can take untold hours of follow up
- "ID theft investigation can take up to 500 hours."
- 26% of victims: "Most affected by the emotional impact of ID theft." (FTC survey, 2006)

How Does Identity Theft Affect Victims –Mental Health impact

- Rage
- Depression
- Anxiety
- Insomnia
- Helplessness/hopelessness
- PTSD symptoms
- Substance misuse
- Suicidal thoughts or acts

PREVENTION

OF

ID THEFT

How is information stolen?

- Trash diving
- Lost/stolen wallet/purse
- Mail theft
- Burglary
- Skimming
- Computer hacking
- Data breach
- Scams/fraud

Warning Signs

- Receipt of bills for purchases never made
- Denial of credit for no apparent reason
- Cessation of monthly bank or credit card statements
- Inaccuracy of credit report information
- Contact by creditors, debt collection agencies and law enforcement
- With respect to **child identity theft**: your child/grandchild receives offers for credit or credit cards in the mail

Prevention

Documents, Credit Cards, and Mail:

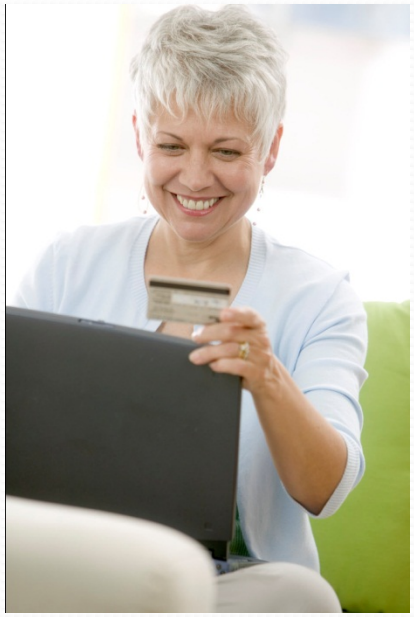
- Shred! (Cross shred!)
- Ask why someone needs your SSN.
- Lock mailbox or know when mail comes.
- Take outgoing mail to a blue box or post office.
- Opt out of credit card offers: **1-888-5-OPTOUT (1-888-567-8688).**
- Travel light -- Carry only what you need.
- Remove your SSN from your Medicare card.
- Do not carry your Social Security Card

Prevention

Internet &Phone

Do:

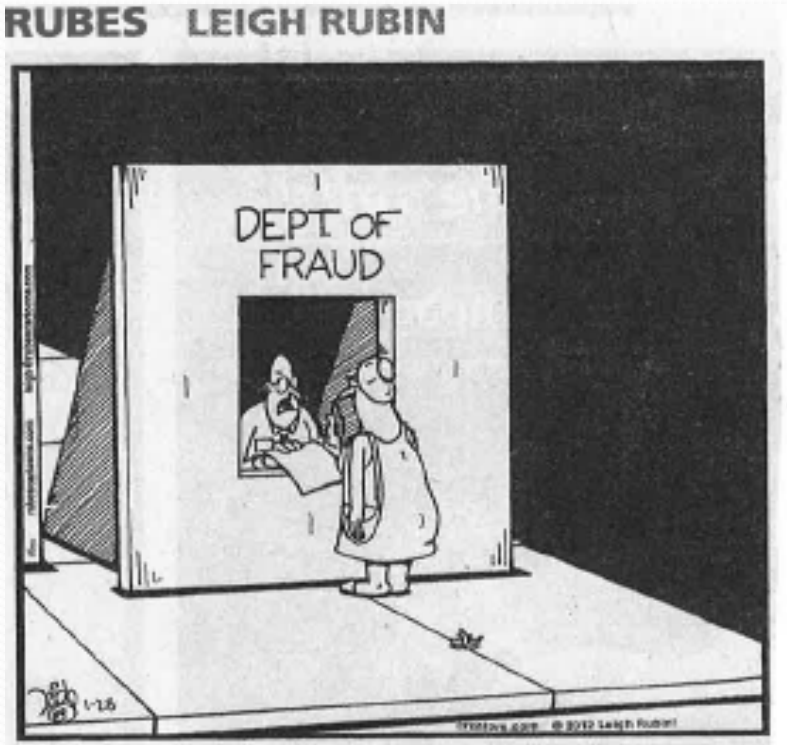
Get on the do not call list



Don't:

- Give personal information unless you see "https" or lock
- Donate to charity via email or phone
- Wire transfer to someone you don't know – especially overseas
- Respond to SPAM
- Open email attachments from someone you do not know
- Call a phone number for a business that is listed in an email

AVOID COMMON SCAMS



"Before we process your claim, ma'am, you'll need to provide us with a complete list of your bank accounts, passwords and, of course, Social Security number."

COMMON SCAMS

- The Nigerian scam
  - Tale of woe by one claiming to be rich
  - Who cannot get to money
  - Promise of riches to you if . . .
  - Wire transfer or money order to account
- The Lottery scam
  - Victim has won or inherited large amount of money
  - Must pay taxes up front by wire transfer or money order

COMMON PHONE SCAMS

- Scare tactic
  - Caller pretends to be from trusted source
  - Caller says something is wrong
  - Caller asks that victim “verify” personal or account information

- Fake charity
  - Caller purports to be soliciting for a charity
  - Caller takes credit card and personal information for donation

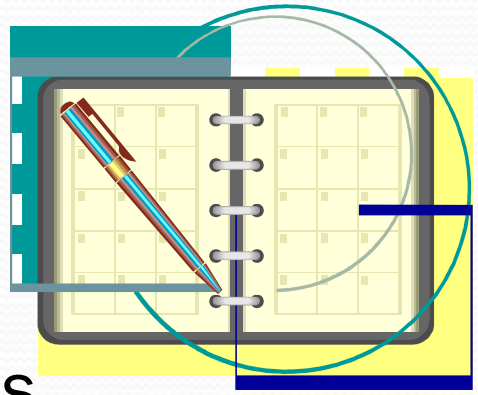
DON'T FALL FOR THESE!

- Jury Duty
- Easy Credit – Pay in advance
- Foreign lotteries
- Work-at-home or investment schemes
- Fake ebay or craigslist sales
- Fake emails
- Internet dating scams
- Medicare Part D scams
- "Grandparents" scam

How to Spot Dishonest Service Providers

- Don't tolerate service providers who:
  - isolate you from friends and family
  - ask about your will or finances
  - ask to be given power of attorney
  - do not respect your privacy
  - try to make you feel sorry for them

Detection



- ✓ Check your credit report regularly
- ✓ Monitor bank & credit card statements
- ✓ Be alert to mail that does not arrive
- ✓ Do not ignore harassing phone calls or collection letters
- ✓ Check your Social Security Earnings record
- ✓ Check your criminal history

Assisting Victims

IMMEDIATE STEPS

- Stop impostor activity
- Report the crime
- Repair the damage

Stop Activity and Report the Crime

1. Order your credit report and place fraud alert or freeze
2. Close accounts that have been tampered with or opened by impostor
3. Report to law enforcement and FTC

Fraud Alert vs. Credit Freeze

- Call one bureau
- Creditors must take "reasonable steps" to verify identity
- Less effective
- 90 days, 7 years

- Write each bureau
- No one can apply for new credit – must thaw the report
- More effective
- Fee if no police report

Neither will prevent new accounts with merchants that do not check credit reports.

3 Things Needed to Enforce Victim's Rights Under Federal Law

- ✓ Proof of identity, i.e., copy of driver's license or ID card;
- ✓ Police report + ID theft affidavit;
- ✓ Complete description of account, debt, or other item being disputed.

If it's not in writing, it doesn't count!

Identity Theft Report

- Identity Theft Report is a report:
  A. that alleges an ID theft,
  B. that is a copy of an official, valid report filed by a consumer with an appropriate Federal, State, or local law enforcement agency, and
  C. the filing of which subjects the person filing the report to criminal penalties relating to the filing of false information if, in fact, the information in the report is false.
- Police Report & attached ID Theft Complaint and/or Affidavit
  – The attachments provide the required detail in the Police Report to make it an ID Theft Report

File a Police Report

- Call local police as soon as possible
  - Request appt. for in-person report filing
  - Take along completed FTC ID Theft Complaint
  - Request copy of Official Police Report
  - Officer may attach ID Theft Affidavit to police report, or department's own police report's details may suffice
  - Goal: to get an ***Identity Theft Report***

- In NY, Mandatory Police Reports for ID Theft Victims:
  - Executive Law: §646 - The law enforcement agency must take a police report of the matter and provide the complainant with a copy of the report at no charge.

Can't Get Police Report?

1. Provide Officer with:
   - The Mandatory Police Report Law in NY
   - The Memorandum to Police on Importance of Taking Police Reports for Identity Theft
2. If unable to file in person, inquire about filing an "automated report" online or via phone.
3. Seek a report from another jurisdiction, such as where the thief misused info, or from a different law enforcement agency, such as state police.

File a Complaint with the FTC

- FTC hotline phone counselors & web-based consumer guidance to help victims recover
- File an ID Theft Complaint with FTC:
  www.ftc.gov/idtheft
  877-438-4338 or TTY: 866-653-4261
- Filing with FTC does not substitute for a report to criminal law enforcement. FTC does not take enforcement actions on behalf of individuals.

Remember: Victims need ID Theft Report for Blocking Info = FTC ID Theft Complaint + Police Report

FTC Complaint Assistant

Step 1

Step 1: Let's Get Started

Welcome to the FTC Complaint Assistant. So that we can properly record your complaint, you will first be asked to answer a series of questions. After answering these questions, you will have the opportunity to provide us additional details regarding your complaint in your own words. Please start by telling us how we can best contact you.

Contact Information

First Name:

Last Name:

Street Address:

Apt/PO

Identity Theft Affidavit

- Provides critical info in comprehensive, standardized manner (less detailed than FTC ID Theft Complaint)
- Can be used in disputes with creditors, credit reporting agencies – widely accepted
- Start with the FTC online complaint: www.ftc.gov/idtheft
  - Gather info first - credit reports, billing statements, collection letters
  - Include as much detail as possible
- Print complaint, "ID Theft Affidavit"

Average time to complete: 10 minutes

Identity Theft Victims' Complaint and Affidavit

A voluntary form for filing a report with law enforcement and disputes with credit reporting agencies and creditors about identity theft-related problems. Visit ftc.gov/idtheft to use a secure online version that you can print for your records.

Before completing this form:

1. Place a fraud alert on your credit reports, and review the reports for signs of fraud.
2. Close the accounts that you know, or believe, have been tampered with or opened fraudulently.

About You *(the victim)*

Now

(1) My full legal name: _____
First Middle Last Suffix

(2) My date of birth: _____
mm/dd/yyyy

(3) My Social Security number: _____-_____-_____

(4) My driver's license: _____ _____
State Number

(5) My current street address:
_____
Number & Street Name Apartment, Suite, etc.
_____
City State Zip Code Country

(6) I have lived at this address since _____
mm/yyyy

(7) My daytime phone: (____)_____
My evening phone: (____)_____
My email: _____

This section is for the victim's information, even if he or she cannot complete the form.

Leave (3) blank until you provide this form to someone with a legitimate business need, such as when you are filing your report at the police station or sending the form to a consumer reporting company to correct your credit report.

At the Time of the Fraud

(8) My full legal name was: _____
First Middle Last Suffix

(9) My address was: _____
Number & Street Name Apartment, Suite, etc.
_____
City State Zip Code Country

(10) My daytime phone: (____)_____ My evening phone: (____)_____
My email: _____

Skip (8) - (10) if your information has not changed since the fraud.

The Paperwork Reduction Act requires the FTC to display a valid control number (in this case, OMB control #3084-0047) before we can collect – or sponsor the collection of – your information, or require you to provide it.

THE FAIR CREDIT REPORTING ACT

§ 605A. - Identity theft prevention; fraud alerts and active duty alerts

§ 605B. - Block of information resulting from identity theft

FAIR CREDIT REPORTING ACT

- Free credit report each year;
- Removal of first 5 digits of SSNs on request;
- Fraud alerts for 90 days / 7 years;
- Block of portions of credit reports attributable to identity theft (4 days on written notification);
- Allows victims to get account documentation if requested in writing;

Role of Offices for Aging/ Aging Services Network

County OFAs/Aging Service Providers

- Education and Prevention Activities
- New York Connects programs as focal points for I&R and access to services
- Support for older adult victims and linkage to mental health services

County OFAs/Aging Service Providers

- Rural counties:

  the experience of Livingston County and ID theft

NEW YORK STATE IDENTITY THEFT

CRIMINAL STATUTES

AND RELATED OFFENSES

N.Y. PENAL LAW SECTION 190.77 " OFFENSES INVOLVING THEFT OF IDENTITY- DEFINITIONS-" PERSONAL IDENTIFYING INFORMATION MEANS"

PERSONS :NAME,ADDRESS,TELEPHONE NUMBER

- DATE OF BIRTH; DRIVERS LICENSE NUMBER;SOCIAL SECURITY NUMBER
- PLACE OF EMPLOYMENT; MOTHER'S MAIDEN NAME; FINANCIAL SERVICES ACCOUNT NUMBER OR CODE;

Savings account # or code ; checking account # or code;

- Brokerage account # or code; credit account # or code; debit card # or code; ATM # or code; taxpayer ID # ; computer system password , signature or copy of a signature, electronic signature, unique biometric data that is a fingerprint ; voice print,

Retinal image or iris image of another person, telephone calling card # ; mobile ID # or code ; electronic serial # or personal ID # ; OR

- Any other name ,number, code or information that may be used alone or in conjunction with other such information to ASSUME THE IDENTITY OF ANOTHER PERSON.

N.Y. PENAL LAW SECTION 190
ID THEFT IN THE FIRST , SECOND OR THIRD DEGREE

- A person is guilty of ID Theft when he or she:
- 1. knowingly and with intent to defraud:
- 2. assumes the identity of another person by:
- 3. presenting himself or herself as that other person ; or
- 4. by acting as that other person; or
- 5. by using personal identifying information of that other person;

ID THEFT IN NYS

- ID THIEF:
- 1. Obtains goods , money , property or services or uses credit in the name of such other person or causes financial loss to such person or to another person or persons; or
- 2. commits a class A misdemeanor or higher level crime.

N.Y. PENAL LAW SECTION 190.80-a: AGGRAVATED ID THEFT

- A person is guilty of AID Theft when he/she:
  Knowingly and with Intent to Defraud:
- Assumes the identity of another person by:
- Presenting himself or herself as that other person , or
- By acting as that other person or,
- By using personal identifying information of that other person AND
- Knows that such other person is a member of the armed forces and knows that such member is presently deployed outside of the continental USA

N.Y. PENAL LAW SECTION 190.81:UNLAWFUL POSSESSION OF PERSONAL IDENTIFICATION INFORMATION IN THE THIRD DEGREE

- A person is guilty of violating this statute when he/she:
- Knowingly possesses a persons:
- 1. financial services account # or code,
- 2.savings account # or code,
- 3.checking account # or code,

N.Y. PENAL LAW 190.81

- 4.Brokerage account # or code,
- 5. credit card account # or code,
- 6. debit card # or code,
- 7. ATM # or code,
- 8. PIN #
- 9. Mother's Maiden Name
- 10. computer system password,
- 11. electronic signature,
- 12. unique biometric data that is a fingerprint,
- 13. voice print
- 14. retinal or iris image

FINAL RELATED CRIMES

- UNLAWFUL POSSESSION OF A SKIMMER DEVICE IN THE FIRST [CLASS E FELONY] AND SECOND DEGREE [CLASS A MISDEMEANOR]- NY PENAL LAW SECTIONS 190.85 AND 190.86:

FEDERAL ID THEFT STATUTES

- **18 U.S.C. § 1028 : US Code - Section 1028: Fraud and related activity in connection with identification documents, authentication features, and information**

WILDLIFE
CONSERVATION
SOCIETY
BRONX ZOO

Who can help?

- **Call your local police or Sheriff's Department**
- **In NYC, call NYC ID Theft Coalition for additional information or further assistance:**

South Brooklyn Legal Services

105 Court Street, 4th Floor
Brooklyn, NY 11201

718-237-5500

Who can help?

- **Protective Services for Adults (PSA)**

- **NYC:**
  - **Elder Abuse Programs (JASA LEAP, etc.)**
  - **NYC DFTA Elderly Crime Victims Resource Center**

Help in New York State

NYC ID Theft Coalition
South Brooklyn Legal Services
105 Court Street, 4th Floor
Brooklyn, NY 11201
(718) 237-5500 (Phone)
(718) 855-0733 (Fax)
(serving New York City)

Finger Lakes ID Theft Coalition
Lifespan of Greater Rochester
1900 Clinton Ave. S.
Rochester, NY 14618
(585) 244-8400
(585) 244-9114
(serving Cayuga, Livingston, Monroe, Ontario, Schuyler, Seneca, Wayne and Yates Counties)

Help in New York State

NYS Division of Consumer Protection

NYS Dept. of State

ID Theft Mitigation

Consumer Assistance Unit

The State's Identity Theft Resource

- DOS consumer advisors can help victims through the recovery process stemming from the damages of identity theft.
- An elderly or disabled identity theft victim may be eligible for financial compensation if s/he satisfies requirements.
- State residents who are victims of identity theft may be eligible for financial restitution for costs, actual losses and consequential losses incurred due to offender's criminal conduct.
  - This ***may*** also include financial restitution for time spent repairing victims' credit standing due to identity theft.
  - A victim of identity theft should keep detailed records and receipts of all expenses incurred in rectifying the identity theft and re-claiming his/her good name.

OTHER RESOURCES

NYS Attorney General's Office
http://www.ag.ny.gov/consumer-frauds-bureau/identity-theft

For police agencies:
FTC Consumer Sentinel Network
http://www.ftc.gov/sentinel/index.shtm

OTHER RESOURCES

Federal Trade Commission
www.ftc.gov/idtheft

Privacy Rights Clearinghouse
www.privacyrights.org

U.S. Department of Justice, Office for Victims of Crime

Identity Theft Resources
http://www.ojp.usdoj.gov/programs/identitytheft.htm

Identity Theft Victim Assistance Online Training
https://www.ovcttac.gov/views/TrainingMaterials/dspOnline_IdentityTheft.cfm

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THANK YOU!

QUESTIONS ??????????