

# Identity Theft and Domestic Violence

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New Laws 2012

# How we got here!!



# What is happening in MN?

Minnesota Financial Crimes Task Force

MN Attorney General's office

OJP –

A lot of Information is available on IDT

# Learning Objectives

1. Define identity theft and forms of identity theft.
2. Make the Connection between IDT and DV
3. Understand the impact of the crime on victims of identity theft.
4. Identify the initial and long-term steps in assisting victims in recovery after an identity theft.

# True or False

1. An estimated 5 million Americans were victimized by identity thieves in 2011.
2. A data breach is a form of ID theft.
3. Smart Phones are not a target of identity thieves.
4. More ID theft happens by computer hacking than through old fashioned stealing or dumpster diving.
5. One is only at risk when they are living.
6. Chances are identity theft won't happen to me.

# **ID Theft basics**

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# A working definition of “Identity Theft”

The theft or misuse of personal, identifying information in order to gain something of value or facilitate other criminal activity. (FTC)

# The Legal Definition of Identity Theft

## **IDENTITY THEFT**

**Minn. Stat. 609.527, Subd. 2 (2011)**

A person who transfers, possesses, or uses an identity that is not the person's own, with the intent to commit, aid, or abet any unlawful activity is guilty of identity theft and may be punished as provided in subdivision 3.

# Types of Identity Theft

## Financial

- The use of the victim's existing credit, bank or other accounts; or
- The opening of new accounts in the victim's name.
- Steal Information in order to Commit Fraud

# Types of Identity Theft

## Non -Financial

- Medical
- Criminal
- Employment

### IN ADDITION:

- Passport/Travel
- Social Networking
- Governmental Fraud
  - Tax Fraud, Social Security Administration, Department of Social Services

# Medical Identity Theft

- Thief uses another's identity or health insurance to receive care
- Dangerous because thief's medical records become merged with victim's records
- Difficult to remedy because of HIPAA concerns

# Employment Identity Theft

- Use of victim's personal identifying information to get or keep employment
- Usually discovered through IRS or denial of public benefits

# Criminal Identity Theft

- Use of false identity in connection with commission of a crime
- Hard to detect until victim fails background check, is arrested, receives notice of outstanding warrants, or is unable to renew drivers license

# Identity Theft and Domestic Abuse

- Power and Control
- Economic Abuse (from P&C Duluth)
  - Prevention from getting or keeping a job
  - Making her ask for money
  - Giving her an allowance
  - Taking her money
  - Not letting her know about or have access to family income

# What information is stolen:

Brainstorm:

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# How is this information obtained?

- Dumpster Diving
- Skimming
- Phishing
- Changing Address
- Old-Fashioned Stealing
- Pre-texting
- Hacking
- ID Assumption

# Identity Theft and other Co-Occurring Crimes

- Terrorism
- Drug Trafficking
- Human Trafficking
- Homicide
- Burglary / Robbery
- Assault
- Sexual assault
- Domestic Violence/Domestic Abuse

# Identity Theft in Our State, Our Clients

MN Crime Victim Survey now includes questions on identity theft.

- 7<sup>0</sup>% of all respondents said they were a victim of a scam or fraud in 2010.
- 16% of DV victims reported use/attempted use of credit cards, bank accounts or personal checks

# Impact on Victims

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# How Does Identity Theft Affect Victims?

Over 3 million\* experienced issues such as:

- having utilities cut off;
- being arrested;
- finding erroneous claims on their health records and
- being harassed by collection agencies.

\*Langton, L. & Planty, M. (2010). Bureau of Justice Statistics Special Report, National Crime Victim Victimization Survey Supplement, Victims of Identity Theft 2008.

# Victim Experiences

- Denial of credit
- Loss of credit rating
- Harassment by bill collectors
- Loss/denial of employment
- Loss/denial of housing
- Lawsuits
- IRS problems
- Garnishment
- Denial of drivers license renewal
- Denial of public benefits
- Denial of medical care
- Immigration issues
- Arrest

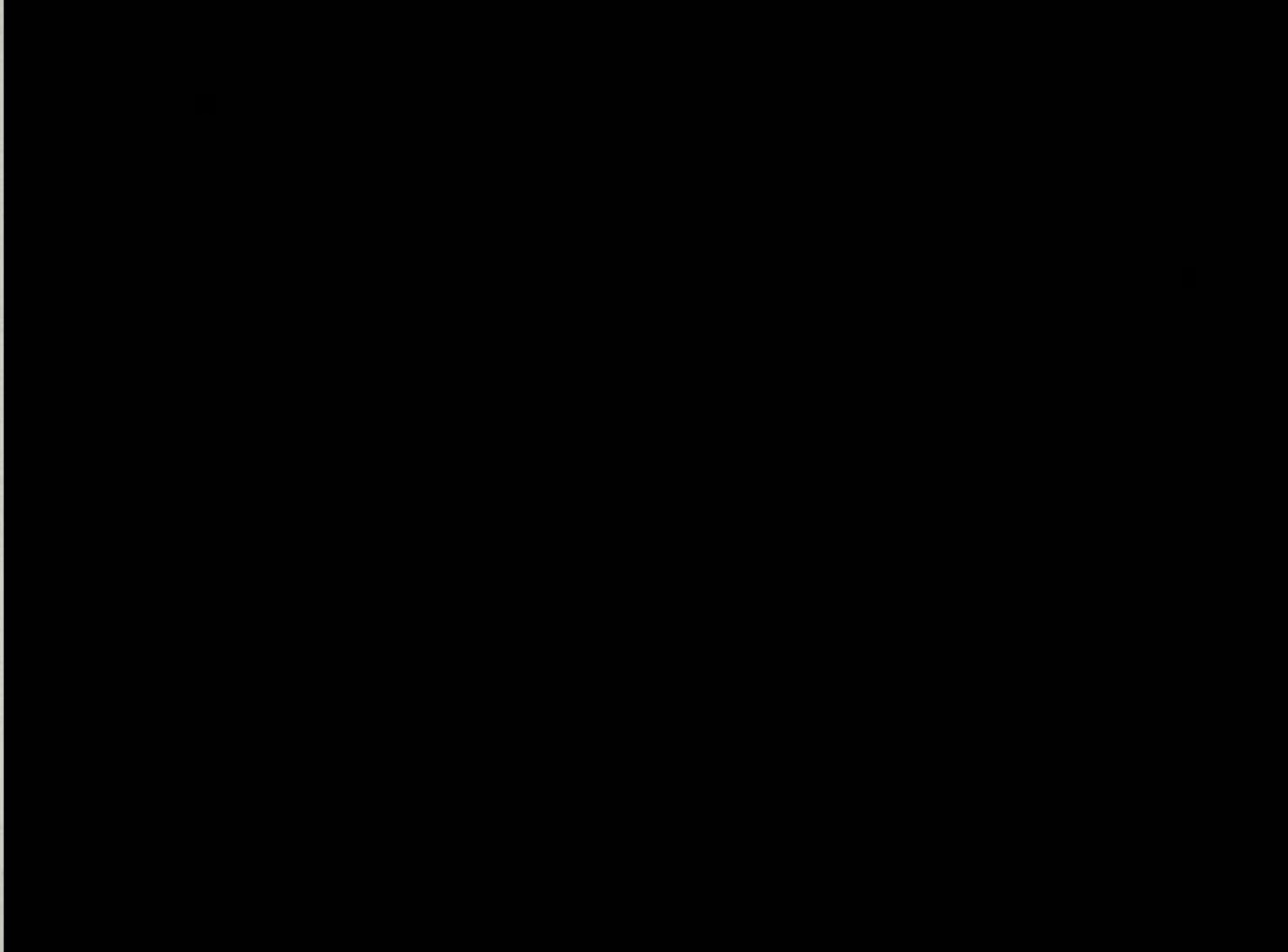
# Impact on Victims

53% of victims feel moderate to severe distress from the identity theft – leading to the following:

- Anger/ Frustration
- Vulnerable/Violated
- Helpless/Stressed
- Depressed
- Suicidal

Langton, L. & Planty, M. (2010).  
Bureau of Justice Statistics  
Special Report, National Crime  
Victim Victimization Survey  
Supplement, Victims of Identity  
Theft 2008.

# Video: Deter, Detect, Defend



# Identity Theft Advocacy

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How do we serve our clients?

# Sample Clients

Put in context of domestic violence:

Jordan: “My Ex-Partner has used my child’s social security card number to start a new bank account in order to get credit. What do I do?”

Tanner: “My partner has hacked my cell phone and taken all of my passwords of my accounts. New accounts have been opened in my name using my social security number and my passwords so the bank thinks it is me.”

# Victim's Rights

FCRA gives consumers rights to:

1. Block fraudulent info from credit report and
2. Have credit bureaus notify creditors of the fraud
3. Get a copy of fraudulent account records and
4. Prevents creditors from placing a disputed account with a debt collector.

5. FCRA = Fair Credit Reporting Act

# Victim's Rights

MUST BE IN WRITING and attach:

1. Copy of identity theft affidavit
2. Copy of police report or proof of report
3. Copy of government issued ID (drivers license, etc.)

Sample letters available at [www.idvictim.org](http://www.idvictim.org).

# Financial Identity Theft

## Immediate Concerns

- Address safety first

# Get clear on the question

Ask: What specifically are you wanting to address?

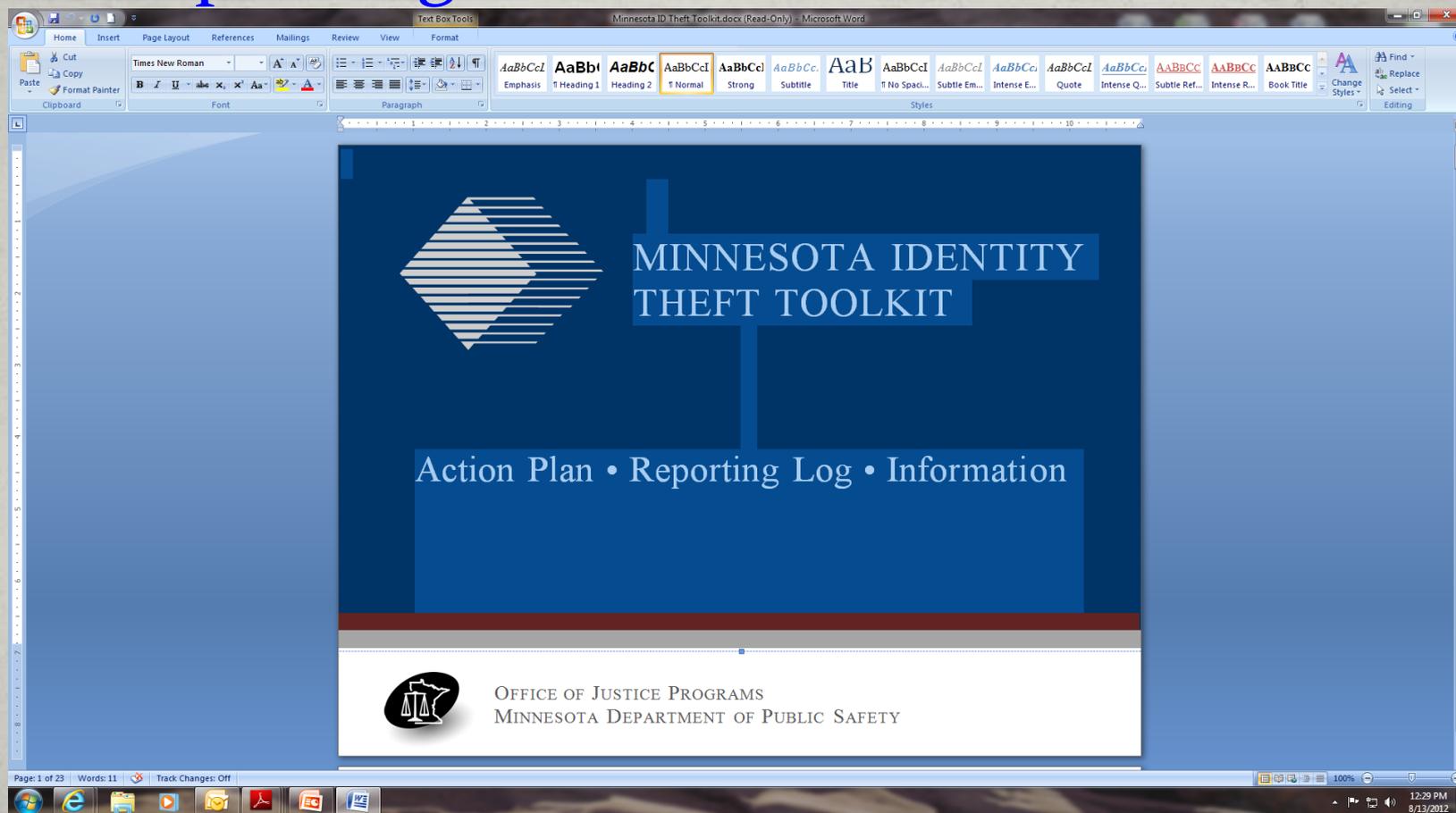
Or What is it that you would like to accomplish?

And address the question the victim asks you...

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# Minnesota Identity Theft Tool Kit

[www.dps.mn.gov](http://www.dps.mn.gov)



# Exploring more with your client....

- How did you find out your identity was stolen? (Example: I was turned down for a car loan.)
- When did you find out your identity was stolen?
- What was taken or misused and in what amounts?
- Were new accounts opened?
- Do you have written proof? (Example: letter from a debt collector)

From the Minnesota Identity Theft Tool Kit—OJP Website MN.

# Public vs. Private in Minnesota

- Proving Who you are not where you live.
- Domestic Abuse survivors using Safe at Home.

# Immediate Action Needed

- Close affected accounts
- Place alert/hold on Credit Reports
- Report to Police
- Report to the FTC

# HALT—Immediate Action Needed

- Close affected accounts

# **HALT—Immediate Action Needed**

- Place alert/hold on Credit Reports

# Get a Credit Report

[www.annualcreditreport.com](http://www.annualcreditreport.com)

<b>Equifax</b>	800-525-6285 P.O. Box 740241 Atlanta, GA 30374
<b>Experian</b>	888-397-3742 P.O. Box 9532 Allen, TX 75013
<b>Transunion</b>	800-680-7289 P.O. Box 6790 Fullerton, CA 92834
<b>Innovis</b> <a href="http://www.innovis.com">www.innovis.com</a>	1-800-540-2505 P.O. Box 1358 Columbus, OH 43216

# Fraud Alerts

- Initial: 90-day, renewable, one free credit report
- Extended: 7-year, need ID Theft Report, two free credit reports
- Set fraud alert by contacting *only one* of the three CRAs
  - Equifax 800-525-6285
  - Experian 888-397-3742
  - TransUnion 800-680-7289
- Must provide personal information to match file
- Beware of diversion to “free annual report” or other commercial services during call

# HALT—Immediate Action Needed

- Report to Police

# Consumer Sentinel

## A Law Enforcement Tool

[www.ftc.gov/sentinel](http://www.ftc.gov/sentinel)

- **Consumer Sentinel** is the unique investigative cyber tool that provides members of the Consumer Sentinel Network with access to millions of consumer complaints.

# HALT—Immediate Action Needed

- Report to the FTC

# Report to the FTC

- Identity Theft Affidavit
- Page H-1 of the Taking Charge: What to do if your Identity is Stolen book you received with your folders.

# Tips for Victims

- If it's not in writing, it doesn't count – get confirmation!
- Send everything certified mail, return receipt requested; by fax; by email with scanned attachments; or other method where you can prove it was received.

# Non-Financial ID Theft

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# Medical IDT–Assisting Victims

- Victim requests medical records from own doctor
- Request victim's medical records from providers that gave care to the impostor.  
**Important: Do not mention identity theft at this point.**

# Employment IDT –Assisting Victims

- Get a copy of victim's earnings record from SSA
- Mark impostor activity, provide supporting documentation, request corrected statement

# Criminal IDT -- Assisting Victims

- Contact the BCA at 651-793-2400 and request a Questioned Identity Form.
- In addition
  - Contact law enforcement, provide proof of victim's identity and alibi information, request letter of clearance
  - Provide letter of clearance to relevant businesses, agencies, and data brokers

# Victims need a lawyer when

- their age, health, language proficiency, or economic situation prevents them from making disputes
- they are sued by creditors attempting to collect debts incurred by an impostor
- they are being harassed by creditors attempting to collect debts incurred by an impostor

# Victims need a lawyer when

- creditors or credit reporting agencies are uncooperative
- their identity thief is arrested to assist with their rights
- their case is complex or involves non-financial identity theft

# Sample Clients

Put in context of domestic violence:

Jordan: “My Ex-Partner has used my child’s social security card number to start a new bank account in order to get credit. What do I do?”

Tanner: “My partner has hacked my cell phone and taken all of my passwords of my accounts. New accounts have been opened in my name using my social security number and my passwords so the bank thinks it is me.”

# Follow-Up

## Minimizing Re-Victimization

- Shred!
- Watch the mailbox;
- Surf safely;
- Don't carry it if you don't need it;
- Never give out personal information if you did not initiate the transaction.



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Questions which arose from this training.

What can we do to assist you to better-serve your clients?

# Thank you!!

- You have been a super-fantastic audience 😊
- Thank you to our HOSTING AGENCY for hosting us this year.