

# BUILDING IDENTITY THEFT ADVOCACY SKILLS

Suzanne Elwell  
Office of Justice Programs

Minnesota Alliance on Crime - Webinar  
January 4, 2018

---

---

---

---

---

---

---

---

## Goals

- Understand this type of victimization
- Overcome hesitancy and fear
- Gain basic advocacy skills
- Learn the lingo
- Inspire you to learn more

---

---

---

---

---

---

---

---

## Identity Theft Advocacy

PREVENT REACT REPAIR

---

---

---

---

---

---

---

---

## Definition of Identity Theft

4

### FTC

Identity theft occurs when someone uses your personal information without your permission to commit fraud or other crimes.

### Minnesota

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. (Minn. Stat. § 609.527, subd. 2).

---

---

---

---

---

---

---

---

## Definition of identity theft

5

### For today's presentation

Identity theft occurs when someone uses your personal information without your permission to receive some kind of benefit — **money, property**, medical care, education, housing, employment, utility services, no record of arrest/conviction, revenge, etc.

---

---

---

---

---

---

---

---

## Interconnected

6



---

---

---

---

---

---

---

---

## Identity Theft

7

- Credit card
- Financial—loans, checking accounts, mortgages
- Utilities and services—gas, electricity, phone, cable
- Employment
- Rental
- Public Benefit
- Tax return
- Criminal

---

---

---

---

---

---

---

---

## Who is victimized?

8

- Juveniles
- Foster children
- Vulnerable adults
- Elderly
- Post-deceased
- Pre-deceased (which means anyone)

---

---

---

---

---

---

---

---

## Who are the perpetrators?

9

- Family—siblings, children, parents, foster parents
- Ex-husbands/wives, ex-boyfriends/girlfriends
- Childhood friends, roommates, acquaintances
- Persons committing other crimes (sexual assault, burglary, robbery, theft)
- Employees of organizations that collect and store personal information (hospitals, businesses, banks, government).
- Organized crime—gangs, international organizations

---

---

---

---

---

---

---

---

### Harm to victims

10

- Financial loss (loss of assets, increased debt)
- Damaged credit
- Loss/denial of housing opportunities
- Loss/denial of employment opportunities

---

---

---

---

---

---

---

---

### Harm to victims

11

- Legal problems (civil and criminal)
- Time spent correcting credit problems.
- Time spent preventing further harm

---

---

---

---

---

---

---

---

### Harm to victims - Emotional

12

- Fear, anxiety, embarrassment, helplessness, etc.
- Betrayal—offender may be close friend or family member.
- Less sympathy to “property crime” victims
- Frustration with minimal LE response
- Aggravation at having to untangle the mess
- Recurrent victimization ⇔ recurrent harm

---

---

---

---

---

---

---

---

### Your client says . . .

13

- I think my ex-boyfriend used my credit cards.
- I got a call from a debt collector who threatened to garnish my wages.
- I just found out that my cousin used my name when he was arrested in 2008.
- Someone created a fake Facebook account and posted pictures of me.
- There's a default judgment in Florida for a debt that's not mine.
- Someone stole my purse and used my credit card at the Holiday Station.

---

---

---

---

---

---

---

---

### Four Key Advocacy Goals

14

1. Stop the immediate harm/risk of harm  
*(react)*
2. Identify the extent of harm *(react)*
3. Start repairing the harm—financial and personal *(immediate and long-term repair)*
4. Prevent further harm – ongoing *(prevent)*

---

---

---

---

---

---

---

---

### GOAL: Stop immediate harm

15

Identify the type of harm

**Ask:** *How did you find out something was wrong?*

Identify what guidance you need to give:

**Ask:** *When were you alerted to the problem?*

*What steps have you taken so far?*

*Who have you talked to so far?*

---

---

---

---

---

---

---

---

## Four Basic Response Steps

16

Advise victim to take 4 Basic Steps

1. Close compromised accounts
2. Report to the police
3. Contact the Credit Reporting Agencies (CRAs)
4. Report to the Federal Trade Commission (FTC)

---

---

---

---

---

---

---

---

## 1. Close compromised accounts

17

- Minimize liability
- Show that victim is not part of the crime
- Different reporting rules for credit cards vs. debit cards
  - Debit: Report within 2 days of discovery (limit \$50)
  - Credit: Report within 60 days of when credit card statement sent (limit \$50).

---

---

---

---

---

---

---

---

## 2. Report to police

18

- Report to police and get copy of police report (may need later)
- Be prepared for likely law enforcement response
- Timing depends on situation
- Reporting makes a difference!

---

---

---

---

---

---

---

---

## Investigation Reality Check

19

### Challenges to investigation:

- Cross jurisdictional (intrastate, interstate, international)
- Complex investigations
- Inadequate law enforcement training
- Inadequate resources—priority toward person crimes.
- Minor vs. major victimization
- Victim's relationship to perpetrator impacts response by law enforcement

---

---

---

---

---

---

---

---

## 3. Call Credit Reporting Agencies (CRAs)

20

Call CRA and make **fraud alert**.

Equifax: 1-800-525-6285

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

Experian: 1-888-EXPERIAN (397-3742)

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

TransUnion: 1-800-680-7289

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

---

---

---

---

---

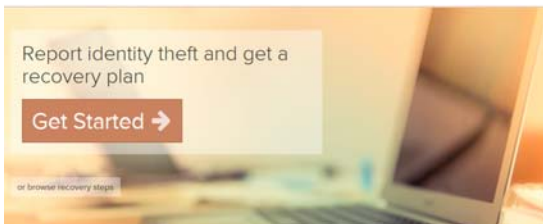
---

---

---

## 4. Report to FTC

21



**IdentityTheft.gov**

1-877-FTC-HELP

---

---

---

---

---

---

---

---

## 4. Report to FTC

22

### Website reporting encouraged!

- Print off identity theft report for files.
- Attached to the police report.
- Identity theft report needed when attempting to clear up credit problems.
- Can be updated.

---

---

---

---

---

---

---

---

## GOAL: Identify the extent of harm

23

- Advise victim to get copy of credit report and examine carefully.
- Advise victim to look at bank statements and credit card statements.
- Ask victim if they have noticed any other suspicious activity.
- Ask who they think might be behind the theft/fraud/suspicious activity.

---

---

---

---

---

---

---

---

## GOAL: Start repairing the harm

24

- Acknowledge and address emotional trauma
- Be realistic – about investigation, prosecution, and recovery.
- Explain that there are ways to correct inaccuracies in credit report, billing, collections (federal tools)
- Special considerations when victim knows the offender (domestic abuse, elder abuse).

---

---

---

---

---

---

---

---



### GOAL: Start repairing the harm, *cont.*

25

- Steer victims in right direction
  - Many online resources—federal agencies and national organizations
  - Direct victims to appropriate state agencies and victim services
- Advise victims to focus, organize, and track
  - Keep copies of all written communications, financial documents, etc.
  - Keep log of telephone communications—date, telephone number, organization, person talked to, summary of conversation.

---

---

---

---

---

---

---

---

### GOAL: Start repairing the harm, *cont.*

26

#### Know when to refer to legal resources:

- Civil lawsuits
- Collection actions
- Foreclosure
- Criminal convictions

---

---

---

---

---

---

---

---

### GOAL: Stop future harm

27

**PREVENT REVICTIMATION**

---

---

---

---

---

---

---

---

## GOAL: Stop future harm

28

- Advise victim to take steps to prevent further victimization
- Advise continuous monitoring
  - One free credit report per year from **each** CRA  
[www.annualcreditreport.com](http://www.annualcreditreport.com)
- Suggest placing a credit freeze with each CRA

---

---

---

---

---

---

---

---

## Credit Freeze vs. Fraud Alert

29

CREDIT FREEZE	FRAUD ALERT
Write each CRA	One call to CRA, shared with other 2.
No one can apply for new credit	Initial 90 days, renewable
Victim must get thaw to get credit	Can get 7 year —need ID theft report
More effective	Military—available when deployed
No charge to MN victim (varies by state); \$5 fee if non-victim	Creditors must take "reasonable steps to verify identity"

- Won't stop ongoing fraud
- Won't protect existing accounts
- Some types of fraud will not likely be prevented. *(No credit? No problem!)*
- Link to request form on OJP website.

---

---

---

---

---

---

---

---

## Minnesota Tools

30

- Officers must take a report – in county where victim lives.
- Law enforcement agency can aggregate cases that occur in different jurisdictions
- Mandatory restitution – not less than \$1000.
- Free copies of court documents to victims (including certified copy of complaint, judgment of conviction).

Minn. Stat. § 609.527

---

---

---

---

---

---

---

---

## Minnesota Tools

31

- Minnesota Security Freeze Law
- Minnesota Driver and Vehicle Services – Driving Record Flag.
- Background check services must correct erroneous information
- BCA questioned identity process (for criminal identity theft).

---

---

---

---

---

---

---

---

## Federal Tools

32

- FCRA - Fair Credit Reporting Act
- FACTA - Fair and Accurate Credit Transactions Act - 2003 (enhancements to FCRA )
- FDCPA—Fair Debt Collections Practices Act
- FCBA—Fair Credit Billing Act

Get information

Correct errors

Protection from further harm

---

---

---

---

---

---

---

---

## Challenges to advocacy

33

- Victims may not have access to computer or insufficient computer literacy skills
- Language barriers, non-native victims
- Vulnerable populations (juveniles, elderly)
- Terms and process complicated, technical, confusing, overwhelming
- Advocate is more familiar with criminal and family law.

---

---

---

---

---

---

---

---

## Challenges to advocacy

34

- Problem may have been going on for some time before being discovered.
- May have many fraudulent accounts and problems.
- High risk of re-victimization.
- Victims may need an attorney to take advantage of legal remedies available.
- It's overwhelming. Really overwhelming.

---

---

---

---

---

---

---

---

## What can you do?

35



---

---

---

---

---

---

---

---

## What can your office do?

36

- Teach everyone the 4 basic steps.
- Designate someone to become the expert on responding to identity theft.
- Incorporate prevention into your advocacy with your clients



---

---

---

---

---

---

---

---

## What can your office do?

37

- Have staff go through OVC online training. *(It's free!)*
- Stretch your advocacy muscles



[www.ovcttac.gov/identitytheft/](http://www.ovcttac.gov/identitytheft/)

---

---

---

---

---

---

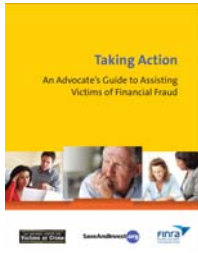
---

---

## What can your office do?

38

Great resource for advocates!



[www.victimsofcrime.org](http://www.victimsofcrime.org)

---

---

---

---

---

---

---

---

## What can your office do?

39

Legal resources/self-help



[Ftc.gov/idtheftresources](http://Ftc.gov/idtheftresources)

---

---

---

---

---

---

---

---

## What can your office do?

40

### Learn about state resources

- Identity theft page on OJP website

**[ojp.dps.mn.gov](http://ojp.dps.mn.gov)**

Basic advice, links to resources, ID theft toolkit,  
Minnesota specific information.

- LawHelpMN

**[www.lawhelpmn.org](http://www.lawhelpmn.org)**

Do-it-yourself tool—letter templates.

---

---

---

---

---

---

---

---

Suzanne Elwell

Director, Crime Victim Justice Unit  
Office of Justice Programs  
Minnesota Dept. of Public Safety  
445 Minnesota Street, Suite 2300  
St. Paul, MN 55101-1515

651-201-7312  
[suzanne.elwell@state.mn.us](mailto:suzanne.elwell@state.mn.us)



Contact Information

---

---

---

---

---

---

---

---