

**ROCKWALL POLICE DEPARTMENT
CRIMINAL INVESTIGATIONS DIVISION
205 W. Rusk St. – Rockwall, Texas 75087
(972) 771-7716**

Identity Theft Information and Affidavit

The attached Identity Theft Affidavit is being given to you because you may have been a victim of identity theft. Identity theft is defined as *“the theft or misuse of personal or financial identifiers in order to gain something of value and/or to facilitate other criminal activity.”* Identity theft is a violation of the Texas Penal Code section 32.51 and is a State Jail Felony Offense.

The Rockwall Police Department is diligent in its efforts to apprehend and stop those individuals responsible for committing identity theft. This packet is essential in helping the investigator understand, evaluate, and ultimately bring your case to closure. It is important that you take the time to complete this packet and return it to the Rockwall Police Department. Upon the return of your completed, signed, and notarized affidavit, it will be assigned to a Criminal Investigator. **If you choose not to complete the packet in its entirety or choose not to complete the below listed steps, your case will be suspended and no additional investigative follow-up will be given.** Additionally, if it is determined the Rockwall Police Department is not the appropriate agency to investigate your case or does not have the jurisdiction then the affidavit will be forwarded to the appropriate agency. You will be notified of the transfer of the affidavit.

The attached Identity Theft Affidavit is a sworn statement and will be used as evidence in court should an arrest be made. It is essential that the information you provide be accurate and true. The Affidavit of Fact is where you describe your case, and will initially serve as a summary. The Affidavits must be signed in front of a Notary. Notaries are available at the Police Department in the Records Unit.

The below listed steps are necessary to assist the Rockwall Police Department in their investigation of the alleged identity theft:

- √ Complete the attached Identity Theft Affidavit and return it to the Rockwall Police Department (maintain a copy for your records).
- √ Contact the three major credit bureaus and place a “Fraud Alert” on your credit report.

Credit Bureaus:

| | |
|--------------------|----------------|
| Equifax | 1-800-525-6285 |
| Experian | 1-888-397-3742 |
| Trans Union | 1-800-680-7289 |

- √ Obtain a copy of your credit report and check it for unauthorized accounts or lines of credit (you are entitled to a free copy of your credit report as a victim of identity theft if there are unauthorized entries on your credit report - provide a copy to the investigator).
- √ File a complaint with the Federal Trade Commission:
www.ftc.gov/idtheft
Identity Theft Hotline 1-877-IDTHEFT (1-877-438-4338)
- √ Contact the fraud department at each creditor, bank, or service by phone. Obtain their address so that you may submit a letter requesting account information on those accounts where fraud is suspected (see attached “**Request for Fraudulent Transaction/Account Information**” sample letter and make sure you include the required supporting documentation). Attached is a sample letter or you may obtain an electronic version of the attached sample letter at www.ftc.gov/idtheft under the *Consumer* tab and select *Tools for Victims*. **Be sure to insert the investigating officer’s information where it is listed on the form – see attached sample letter to obtain officer’s information.**

Photocopy the packet in its entirety so that you may submit additional copies to each creditor. Detach this page along with the course of action chart from the Identity Theft Affidavit and retain them for your records. If you have any questions regarding the Identity Theft Affidavit, please contact the Criminal Investigator at 972-771-7716.

Name _____ Phone Number _____ Page 1

ID Theft Affidavit

Victim Information

(1) My full legal name is _____
(First) (Middle) (Last) (Jr., Sr., III)

(2) (If different from above) When the events described in this affidavit took place, I was known as

(First) (Middle) (Last) (Jr., Sr., III)

(3) My date of birth is _____
(day/month/year)

(4) My Social Security number is _____

(5) My driver's license or identification card state and number are _____

(6) My current address is _____
City _____ State _____ Zip Code _____

(7) I have lived at this address since _____
(month/year)

(8) (If different from above) When the events described in this affidavit took place, my address was

City _____ State _____ Zip Code _____

(9) I lived at the address in Item 8 from _____ until _____
(month/year) (month/year)

(10) My daytime telephone number is () _____
My evening telephone number is () _____

How the Fraud Occurred

Check all that apply for items 11-17:

- (11) I did not authorize anyone to use my name or personal information to seek the money, credit, loans, goods or services described in this report.
- (12) I did not receive any benefit, money, goods or services as a result of the events described in this report.
- (13) My identification documents (for example, credit cards; birth certificate; driver's license; Social Security card; etc) were stolen lost on or about _____
(day/month/year)
- (14) To the best of my knowledge and belief, the following person(s) used my information (for Example, my name, address, date of birth, existing account numbers, Social Security number, mother's maiden name, etc.) or identification documents to get money, credit, loans, goods or services, without my knowledge or authorization:

| | |
|--|--|
| _____ Name (if known) | _____ Name (if known) |
| _____ Address (if known) | _____ Address (if known) |
| _____ Phone number(s) (if known) | _____ Phone number(s) (if known) |
| _____ Additional information (if known) | _____ Additional information (if known) |

- (15) I do NOT know who used my information or identification documents to get money, credit, loans, goods or services, without my knowledge or authorization

- (16) Additional comments: (For example, description of the fraud, which documents or Information was used or how the identity thief gained access to your information)

(Attach additional pages as necessary.)

Name _____ Phone Number _____ Page 3

Victim's Law Enforcement Actions

(17) (check one) I am am not willing to assist in the prosecution of the person(s) who committed this fraud.

(18) (check one) I am am not authorizing the release of this information to law enforcement for the purposes of assisting them in the investigation and prosecution of the person(s) who committed this fraud.

(19) (check all that apply) I have have not reported the events described in this affidavit to the police or other law enforcement agency.

The police did did not write a report. In the event you have contacted the police or other law enforcement agency, please complete the following:

| | |
|--------------------|---|
| _____ | _____ |
| (Agency #1) | (Officer/Agent personnel taking report) |
| _____ | _____ |
| (Date of report) | (Report number, if any) |
| _____ | _____ |
| (Phone number) | (email address, if any) |
| _____ | _____ |
| (Agency #2) | (Officer/Agent personnel taking report) |
| _____ | _____ |
| (Date of report) | (Report number, if any) |
| _____ | _____ |
| (Phone number) | (email address, if any) |

Documentation Checklist

Please indicate the supporting documentation you are able to provide to the companies you plan to notify. Attach copies (NOT originals) to the affidavit before sending it to the companies.

(20) A copy of a valid government-issued photo-identification card. If you are under 16 and don't have a photo-ID; you may submit a copy of your birth certificate or a copy of your official school records showing your enrollment and place of residence.

(21) Proof of residency during the time the disputed bill occurred, the loan was made or the other event took place.

Name _____ Phone Number _____ Page 4

(22) A copy of the report you filed with the police or sheriff's department. Some companies only need the report number, not a copy of the report. You may want to check with each company.

Signature

I certify that, to the best of my knowledge and belief, all the information on and attached to this affidavit is true, correct, and complete and made in good faith. I also understand that this affidavit or the information it contains may be made available to federal, state, and/or local law enforcement agencies for such action within their jurisdiction as they deem appropriate. I understand that knowingly making any false or fraudulent statement or representation to the government may constitute a violation of 18 U.S.C. § 1001 or other federal, state, or local criminal statutes, and may result in imposition of a fine or imprisonment or both.

(signature)

(date signed)

(Notary)

Witness:

(signature)

(printed name)

(date)

(telephone number)

Name _____ Phone Number _____ Page 5

Fraudulent Account Statement

- Make as many copies of this page as you need. **Complete a separate page for each company you're notifying and only send it to that company.** Include a copy of your signed *ID Theft Affidavit*.
- List only the account(s) you're disputing with the company receiving this form. **See the example below.**
- If a collection agency sent you a statement, letter or notice about the fraudulent account, attach a copy of that document (**NOT** the original).

I declare (check all that applies):

As a result of the event(s) described in the ID Theft Affidavit, the following account(s) was/were opened at your company in my name without my knowledge, permission or authorization using my personal information or identifying documents:

| Creditor Name/Address (the company that opened the account or provided the goods or services) | Account Number | Type of unauthorized credit/goods/services provided by creditor (if known) | Date issued or opened (if known) | Amount/Value provided (the amount charged or the cost of the goods/services) |
|--|----------------|--|----------------------------------|--|
| Example Example National Bank 22 Main Street Columbus, Ohio 22722 | | | | |
| | | | | |
| | | | | |

During the time of the accounts described above, I had the following account open with your company:

Billing Name _____

Billing Address _____

Account Number _____

Request for Fraudulent Transaction/Account Information
Made pursuant to Section 609(e) of the Fair Credit Reporting Act
(15 U.S.C. § 1681(g))

To: _____

Account Number: _____

Description of fraudulent transaction/account:

From

Name: _____

Address: _____

Telephone Number: _____

As we discussed on the phone, I am a victim of identity theft. The thief made a fraudulent transaction or opened a fraudulent account with your company. Pursuant to federal law, I am requesting that you provide me, at no charge, copies of application and business records in your control relating to the fraudulent transaction. A copy of the relevant federal law is enclosed.

Pursuant to the law, I am providing you with the following documentation, so that you can verify my identity:

- (A) A copy of my driver's license or other government-issued identification card; and
- (B) A copy of the police report about the identity theft; and
- (C) A copy of the identity theft affidavit.

Please provide all information relating to the fraudulent transaction, including:

- Application records or screen prints of Internet/phone applications
- Statements
- Payment/charge slips
- Investigator's summary
- Delivery addresses
- All records of phone numbers used to activate the account or used to access the account
- Any other documents associated with the account.

Please send the information to me at the above address. In addition, I am designating a law enforcement officer to receive the information from you. This officer is investigating my case. The law enforcement officer's name, address and telephone number is: **Detective Steve Tigert, Rockwall Police Department, 205 W. Rusk St., Rockwall, Texas 75087, (972) 772-6458, email (preferred): stigert@rockwall.com**. Please also send all documents and information to this officer.

Enclosure: Section 609(e) of the Fair Credit Reporting Act (15 U.S.C. § 1681(g))

ENCLOSURE:**FCRA 609(e) (15 U.S.C. § 1681g (e)) Disclosures to Consumers -
Information Available to Victims**

(e) Information available to victims

(1) In general

For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 30 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit to, provided for consideration products, goods, or services to, accepted payment from, or otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to—

- (A) the victim;
- (B) any Federal, State, or local government law enforcement agency or officer specified by the victim in such a request; or
- (C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.

(2) Verification of identity and claim

Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, otherwise has a high degree of confidence that it knows the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity—

- (A) as proof of positive identification of the victim, at the election of the business entity—
 - (i) the presentation of a government-issued identification card;
 - (ii) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or
 - (iii) personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and
- (B) as proof of a claim of identity theft, at the election of the business entity—
 - (i) a copy of a police report evidencing the claim of the victim of identity theft; and
 - (ii) a properly completed—
 - (I) copy of a standardized affidavit of identity theft developed and made available by the Commission; or
 - (II) an [\[FN1\]](#) affidavit of fact that is acceptable to the business entity for that purpose.

(3) Procedures

The request of a victim under paragraph (1) shall—

- (A) be in writing;
- (B) be mailed to an address specified by the business entity, if any; and
- (C) if asked by the business entity, include relevant information about any transaction alleged to be a result of identity theft to facilitate compliance with this section including—

- (i) if known by the victim (or if readily obtainable by the victim), the date of the application or transaction; and
- (ii) if known by the victim (or if readily obtainable by the victim), any other identifying information such as an account or transaction number.

(4) No charge to victim

Information required to be provided under paragraph (1) shall be so provided without charge.

(5) Authority to decline to provide information

A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that--

- (A) this subsection does not require disclosure of the information;
- (B) after reviewing the information provided pursuant to paragraph (2), the business entity does not have a high degree of confidence in knowing the true identity of the individual requesting the information;
- (C) the request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

(6) Limitation on liability

Except as provided in [section 1681s](#) of this title, [sections 1681n](#) and [1681o](#) of this title do not apply to any violation of this subsection.

(7) Limitation on civil liability

No business entity may be held civilly liable under any provision of Federal, State, or other law for disclosure, made in good faith pursuant to this subsection.

(8) No new recordkeeping obligation

Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

(9) Rule of construction

(A) In general

No provision of subtitle A of title V of Public Law 106-102, prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.

(B) Limitation

Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.

(10) Affirmative defense

In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that--

- (A) the business entity has made a reasonably diligent search of its available business records; and

(B) the records requested under this subsection do not exist or are not reasonably available.

(11) Definition of victim

For purposes of this subsection, the term "victim" means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, an identity theft or a similar crime.

(12) Effective date

This subsection shall become effective 180 days after December 4, 2003.

(13) Effectiveness study

Not later than 18 months after December 4, 2003, the Comptroller General of the United States shall submit a report to Congress assessing the effectiveness of this provision.

CHART YOUR COURSE OF ACTION

Use this form to record the steps you've taken to report the fraudulent use of your identity. Keep this list in a safe place for reference.

NATIONWIDE CONSUMER REPORTING COMPANIES – REPORT FRAUD

| Consumer Reporting Company | Phone Number | Date Contacted | Contact Person | Comments |
|----------------------------|---------------------------|----------------|----------------|----------|
| Equifax | 1.800.525.6285 | | | |
| Experian | 1.888.EXPERIAN (397.3742) | | | |
| TransUnion | 1.800.680.7289 | | | |

BANKS, CREDIT CARD ISSUERS AND OTHER CREDITORS (Contact each creditor promptly to protect your legal rights.)

| Creditor | Address and Phone Number | Date Contacted | Contact Person | Comments |
|----------|--------------------------|----------------|----------------|----------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

LAW ENFORCEMENT AUTHORITIES – REPORT IDENTITY THEFT

| Agency / Department | Phone Number | Date Contacted | Contact Person | Comments |
|---------------------|--------------|----------------|----------------|----------|
| | | | | |
| | | | | |
| | | | | |

Notes: _____
