



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 41.39

TITLE: IDENTITY THEFT

EFFECTIVE: 12/10/2017

REVISED: Replaces policy 362

PURPOSE

Identity theft is a growing law enforcement concern that frequently involves other related crimes in multiple jurisdictions. This Chapter is intended to provide guidelines for the reporting and investigation of such crimes.

DEFINITIONS

Domicile—For a natural person, is the place of his habitual residence. (CC 38) A natural person may reside in several places but may not have more than one domicile. In the absence of habitual residence, any place of residence may be considered one's domicile at the option of persons whose interests are affected. (CC39)

Identity Theft—The intentional use or possession or transfer or attempted use with fraudulent intent by any person of any personal identifying information of another person to obtain, possess, or transfer, whether contemporaneously or not, credit, money, goods, services, or anything else of value without the authorization or consent of the other person (R.S. 14:67.16.B).

Personal identifying information—Includes, but is not limited to, an individual's:

- (a) Social security number
- (b) Driver's license number
- (c) Checking account number
- (d) Savings account number
- (e) Credit card number
- (f) Debit card number
- (g) Electronic identification number
- (h) Digital signatures
- (i) Birth certificate
- (j) Date of birth
- (k) Mother's maiden name
- (l) Armed forces identification number
- (m) Government issued identification number
- (n) Financial institution account number

REPORTING

1. Jurisdiction for the investigations and prosecution for the crime of Identity Theft may lie outside the parish of Orleans.
2. Victims of Identity theft may file police reports with:
 - (a) The Louisiana Department of Justice, Office of Attorney General;
 - (b) The municipality or parish in which the victim is domiciled; or
 - (c) Any law enforcement agency requested to conduct an investigation.
3. To maintain uniformity in reporting complaints of identity theft (in the parish of occurrence or the parish in which the victim is domiciled or both), the initial officers investigating the complaint shall establish the domicile of the victim (R.S. 9:3568).
4. If the victim resides in Orleans Parish, a report shall be authored by the initial responding officer or the officer first receiving the complaint, whether the actual fraudulent transactions occurred in Orleans Parish or not.
5. If the actual theft of the identity occurred in Orleans Parish but the transactions are occurring in another jurisdiction(s), the District Investigations Unit (DIU) will coordinate with other law enforcement agencies during the investigation in order to identify suspect(s).
6. In circumstances where the victim resides outside Orleans Parish and is not available in person to file the report but wishes to report identity theft wherein the fraudulent transactions are believed to be occurring in Orleans Parish, the first officer to receive the complaint shall:
 - (a) Request that the victim attempt to obtain a Miscellaneous Complaint report from their local police department where domiciled (to establish and verify their identity).
 - (b) Have the victim inform that police department that the New Orleans Police Department will be able to conduct a follow-up investigation once their agency report is completed and transferred to the New Orleans Police Department – ISB White Collar Crimes Unit.
 - (c) The White Collar Crimes Unit will review the report(s) and determine if the case is investigated by the Unit or assigned to a particular DIU for investigative follow-up.
 - (d) The assignment of the case and the reasons for assignment shall be communicated in an email to the District DIU commander, the Commander of ISB Property Crimes Investigation Section, the ISB Deputy Chief, and the FOB Deputy Chief along with all relevant reports.
7. In reports of Identity Theft, the reporting or investigating officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made an application), including all documentation provided by the victim and all fraudulent dates of application.
8. Investigating officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and Department of Motor Vehicles) with all known report numbers.
9. Investigating Officers should document all actions and statements from the victim as well as names of suspects, investigators, or others the victim has contacted during his/her fact finding personal investigation.
10. Officers shall not use the victim's Social Security Number in the initial report. The initial incident report is considered a public record. The follow-up investigator can obtain the

victim's Social Security Number from the victim, if necessary.

11. Following supervisory review and processing, the initial report should be forwarded to the appropriate investigator or agency for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

PREVENTIVE MEASURES

12. Victims of identity theft should be advised to:
 - (a) File a Fraud Alert or Credit Freeze on his/her credit consumer report with the three major credit bureaus.
 - (b) Keep a log of all fraudulent activities as it pertains to their complaint.
 - (c) Access <http://rev.louisiana.gov/forms/Fraud/IdentityTheftChecklist.pdf>.
 - (d) File an identity theft complaint with the Louisiana Office of the Attorney General, Consumer Protection Section at 225-326-6465

INFORMATION

13. The identity theft victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, <http://www.usdoj.gov>, or a regional FBI division website.