

Protecting yourself when you're a victim of identity theft, forgery or fraud

Credit Card Fraud

If someone has stolen or is fraudulently using credit cards that are issued to you (including any ATM/Debit/Check cards), you will need to take the following steps:

- Immediately notify the credit card company or financial institution that issued your card. Do not delay as the stolen cards are normally used quickly after being stolen.
- Make an immediate police report for the loss or theft of the credit card(s) with the law enforcement agency holding jurisdiction where the loss/theft occurred and obtain a case number. If the credit card was lost or stolen and it has been used fraudulently, a theft has occurred.

The cardholder is the victim of the theft of the card only. Even though a credit card is issued to a cardholder, the issuing credit card company or financial institution (e.g., Visa, MasterCard, an issuing bank, etc.) has total control over their credit account and only extends the privilege of its use to the assigned cardholder(s). A cardholder is not deemed to be a victim of the fraudulent use of the credit card(s) solely by having their name embossed on the card. The *credit card company or financial institution* issuing this card will normally be the victim of any fraudulent use of the card. The victim of the crime known as fraudulent use of a credit card is determined by whomever ultimately suffers the financial loss.

The issuing credit card company or financial institution will require the assigned cardholder(s) to complete fraud affidavits along with any other document to assist in their investigation. They will determine possible courses of action which may include:

- reimbursing your account.
- writing off the fraud due to the low dollar amount of the loss or declining to prosecute the case, listing this loss as a cost of doing business. Generally, there will be no further investigation by law enforcement.
- charging back any fraudulent charges to the cardholder or merchant. If this occurs, the cardholder or merchant will become the victim of any fraudulent use of the credit card. The cardholder or merchant will have to make a separate complaint report with the law enforcement agency holding jurisdiction where the fraudulent use of the credit card occurred.
- actively pursuing prosecution for any fraudulent charges made within an agency's jurisdiction. The issuing credit card company or financial institution will be required to make a separate complaint report with the law enforcement agency holding jurisdiction where the fraudulent use of the credit card occurred.

Note: As a cardholder, you should remain in contact with the issuing credit card company or financial institution to determine what the outcome of the investigation and any decision to seek prosecution. If their decision is to take the loss, there will not be any further investigation by the agency.

Contact the three credit reporting companies listed below to report this credit card theft and / or fraudulent use. They should confirm that a fraud alert is placed on your personal credit file. This should help prevent any future acts of fraud.

Identity Theft

When your personal identification information (name, social security number, driver license number, etc.) has been used fraudulently to open credit accounts, bank accounts, obtain loans, utilities, telephone services, etc., without your knowledge or permission, you are the victim of the crime of identity theft. If you believe that your identity has been stolen, you should take the following steps:

- immediately contact the company or financial institution's fraud department where your information was used and alert them of this fraudulent account. Have the account closed or cancelled.
- file an immediate police report with the law enforcement agency holding jurisdiction where the identity theft occurred and obtain a case number. The location of jurisdiction is where the account(s) were opened or services provided.
- Contact the three credit reporting companies listed below to report this identity theft complaint. You will need to confirm that a fraud alert is placed on your personal credit file. This alert should help prevent any future acts of fraud involving your personal identification information where a credit check would be conducted with the three credit bureaus.

Note: identity theft cases are generally difficult to prove beyond a reasonable doubt due to a lack of adequate physical evidence. This is due in part to standard business practices (or policies) as businesses conduct day-to-day operations. Businesses are normally unable to provide necessary evidence (applications, contracts, receipts, etc.) or have had no actual personal contact with the perpetrator of the fraudulent act.

On occasion, you may receive information about the perpetrator such as an address, phone number or an e-mail address used to commit fraud. This information is a *lead* in the investigation and while usually not sufficient in and of itself to make an arrest or to facilitate submission of the case to the State Attorney's Office, you should report the information to the law enforcement agency where you filed the police report. Evidence must prove beyond a reasonable doubt that the perpetrator is in fact the specific individual who committed the crime of identity theft.

Check Forgery

If you've discovered that someone has been forging checks on your checking account, you should take the following steps:

Theft of Checks

Immediately notify your financial institution of the theft. They will flag your account and determine if any stolen checks have been cashed (uttered). Make a prompt police report with the law enforcement agency holding jurisdiction where the theft occurred and obtain a case number. Provide a sworn statement to the officer, listing your bank or credit union name, account number, the check numbers of the stolen checks any possible suspect information. Include a statement that no one had your permission to take, possess or use your checks.

Checks Forged (Stolen) On Your Account

If you discover in your monthly bank statements that someone has stolen check(s) and has cashed them by forging your signature, immediately notify your bank or credit union. Make a police report as described above. You are considered a victim of the theft of checks only. Provide

your bank or credit union with the original forged checks, complete and sign forgery affidavits for each forged check.

Note: Your bank or credit union will normally take the financial loss and should credit your account. Once this is done, they become the victim of the uttering of a forgery. A victim of uttering of a forgery is ultimately determined by whomever suffers the money loss. Even though your signature has been forged, you will be considered only as a witness in this case. If the bank or credit union determines that you were negligent and does not credit your account, then *you* will become the victim of uttering of a forgery.

Recipient of Forged Checks (Stolen or Counterfeit)

If you discover that unauthorized checks (stolen or counterfeit) have been cashed or deposited to your account, take the original forged checks to your bank or credit union. You will be required to complete and sign fraud / forgery affidavits for each check. Your bank or credit union will investigate to determine exactly how and when these stolen or counterfeit checks entered your account. They will then do one of the following:

- Accept the financial loss and make an uttering of a forgery report with the law enforcement agency holding jurisdiction of where the check(s) were uttered / presented for payment; or
- Notify the merchant, bank, etc. from where the check was initially received, return the check(s) in question and request repayment for their loss. The merchant or bank will have to make the uttering of a forgery complaint report with the law enforcement agency holding jurisdiction where the check was presented.

If you are the victim of any of these crimes, contact the three credit reporting companies listed below. Request that a fraud alert be placed on your personal credit file. This should help prevent any future acts of fraud.

The following is a list of credit bureaus that may be contacted when there is a dispute over your credit. These bureaus can provide you with a detailed account of your credit history. Victims of economic crimes are encouraged to contact the following companies when their identity has been compromised by criminal activity.

EXPERIAN

www.experian.com

To report fraud, dispute an item in your credit report, or order a copy of your credit report, call:

1-888-EXPERIAN (397-3742) or write to:

P.O. Box 9352 Allen, TX. 75013

EQUIFAX

www.equifax.com

To report fraud, call:

1-800-525-6285 / Fax 1-800-255-0056 or write to:

P.O. Box 740241

Atlanta, GA. 30374-0241

To obtain a copy of your credit report, call 1-800-685-1111 or write to:

P.O. Box 740241

Atlanta, GA. 30374-0241

TRANS UNION

www.transunion.com

To report fraud, call: 1-800-680-7289 / Fax 1-877-553-7803 or write to:
Fraud Victim Assistance Division
P.O. Box 6790, Fullerton, CA. 92634-6790

To obtain a copy of your credit report or to dispute an item in your credit report, call:
1-800-916-8800 or write:
Trans Union - Consumer Relations
P.O. Box 1000, Chester, PA. 19022

OTHER IMPORTANT NUMBERS

United States Secret Service
U.S. Treasury
www.secretservice.gov
Investigates account takeovers and fraudulent use of Social Security Numbers
Social Security "Hot Line"
1-800-269-0271

United States Postal Inspectors
www.usps.gov
Investigates mail fraud and fraudulent applications for credit by mail
Ft. Lauderdale Office
(954) 436-7200

Federal Trade Commission
www.ftc.gov
Consumer Response Center
Identity Theft: 1-800-382-4357
Tele-Check (problems with checking account frauds and opened accounts): 1-800-366-2425

Consumer Credit Counseling Service
Advice and direction to victim
1-800-388-2227