



Identity Theft

When your identity has been used in a Criminal History Record

A Fact Sheet
Prepared by the
Kansas Bureau of Investigation



Kansas Bureau of Investigation

Fact Sheet

Identity Theft

Identity Theft is when someone uses your personal identification information such as your name, date of birth, or social security number without your knowledge to commit fraud or theft. If you are a victim, you will have to take many steps to determine the extent of the misuse of your identity, correct the damages done, and protect yourself from further harm.

Criminal History Records

A common type of Identity Theft is when a person uses your personal identification information when they are arrested or issued a ticket/summons. If the person knows you well enough, they may be able to successfully impersonate you and avoid being correctly identified. Even if their impersonation fails, their use of your identity may cause your personal information to be included as an alias in their arrest record. Thus, a name check of criminal history records might cause your identity to be associated with that other person's criminal activity.

Kansas arrest, court, and corrections information is kept on file at the Kansas Bureau of Investigation (KBI) Central Repository. Many agencies such as employers and licensing agencies request criminal history record checks from the KBI to make decisions on employment, licensing, or other fitness determinations. If your personal identifiers have been falsely used, then it will appear that you have committed a crime when in reality you haven't.

If you believe your personal identification information has been used by another individual whose criminal history is held at the KBI Central Repository, you should file a complaint with the KBI by completing and submitting an Identity Theft Claim Form found at:

http://www.kansas.gov/kbi/criminalhistory/request_idtheft.shtml.

In order to file a complaint, you will have to go to your local law enforcement agency to be fingerprinted. These fingerprints will be used to prove that you are not the same person who was arrested using your identification.

Once the complaint form is received at the KBI Central Repository, the fingerprints you submitted and your personal identifiers are compared against the fingerprints and personal identifiers in the KBI database. If a fingerprint analysis verifies that your personal identifiers appear on another individual's criminal history record, that person's record will be "flagged" as having a stolen identity and list the information that was stolen. Your personal identifying

information will not be removed from the criminal history records because that information is now the other person's known alias.

The KBI will then provide you a certified letter stating the results of the review. You should keep the certified letter available as confirmation that you were the victim of identity theft.

Filing Criminal Charges

You should report identity theft to your local law enforcement agency and get a copy of the resulting police report. Completing and submitting the Identity Theft Claim Form to the KBI Central Repository does NOT result in charges against the identity thief.

Keep a copy of the police report in case you need to establish the fact of the identity theft. If you are unable to get a copy of the police report, at least get the report number.

NCIC Identity Theft Password

While you are at your local law enforcement agency you should also ask for an identity theft password. The National Crime Information Center (NCIC), which is the national database for law enforcement information and records, has an Identity Theft File for law enforcement to "flag" stolen identities and identify imposters when they are encountered. Your local law enforcement agency has access to this file.

The law enforcement agency will need to get personal and biographic information to enter into the Identity Theft File to create a "victim profile." A password is created by you, the victim, at the time the victim profile is entered. This password can be used for identification to law enforcement as proof of your true identity.

For example: If you get pulled over for speeding and the officer finds an outstanding arrest warrant in your name. Since the warrant was issued for criminal activity by the person who impersonated you, you need to convince the officer that you are a victim of identity theft. You give the officer your identity theft password. He then radios the police dispatch center and the dispatcher verifies the password against the NCIC Identity Theft File. The NCIC file contains information explaining how your identity was misused and confirms that you are the victim of identity theft and not the real subject of the arrest warrant.

Consumer Reporting Agencies

The most common type of Identity Theft is when a person poses as another to open a bank or credit account, borrow funds, make purchases, or withdraw funds from an existing account.

If you have found a financial fraud in which your identity was improperly used, you should contact one of the three major credit bureaus to place a fraud alert on your credit report. You must have a police report case number to report the information to the credit bureau. Once the fraud has been confirmed the other two bureaus will be automatically notified and notices will be placed on your reports. You will also be sent all three reports for free.

Once you receive your reports, check them carefully and immediately report any errors to the credit bureau.

Equifax

www.equifax.com

To order your report: 1-800-685-1111

To report fraud: 1-800-525-6285/

TDD 1-800-255-0056 and write:

PO Box 740241, Atlanta, GA 30374-0241

Experian

www.experian.com

To order your report: 1-800-397-3742

To report fraud: 1-800-397-3742/

TDD 1-800-972-0322 and write:

PO Box 9532, Allen, TX 75013

TransUnion

www.transunion.com

email: fvad@transunion.com

To order your report: 1-800-888-4213

To report fraud: 1-800-680-7289/

TDD 1-877-553-7803 or write to:

Fraud Victim Assistance Dept, PO Box 6790,

Fullerton, CA 92834-6790

Federal Trade Commission

You should also report your identity theft to the Federal Trade Commission (FTC). This information will assist law enforcement in tracking the thieves and stopping them. The FTC will refer victim complaints to the appropriate government agencies and companies for further actions.

You can obtain the FTC claim form on their website at www.consumer.gov/idtheft or call them toll free at 1-877-IDTHEFT (438-4338); TDD 202-326-2502; or write: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Ave NW, Washington, DC 20580.

Other Agencies to Contact

The Social Security Administration can verify the accuracy of earnings reported by employers. You can request a copy of your record by calling 1-800-772-1213.

If you think someone has used your personal identifiers to obtain a driver's license or identification card, contact your local Department of Motor Vehicles (DMV).

Related Websites

Privacy Rights Clearinghouse

www.privacyrights.org/identity.htm

Social Security Online Identity Theft

http://ssa-custhelp.ssa.gov/app/answers/detail/a_id/329/kw/identity%20theft