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No More Crimeless Victims (Victims of Identity Theft)

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We have all heard of so called “**victimless crimes**” but have you had to deal with the “**crimeless victims**?”

The Crime

Janet called to report a crime committed against her father. He is an elderly gentleman living alone in north Alabama. He had a woman named Tanya come in a few days a week to assist him with cleaning and laundry. Her father had just learned that his identity was used by Tanya to open credit card accounts and she purchased furniture, electronic equipment and appliances over the Internet. The credit accounts used to purchase these items had not been paid, and Janet's father was extremely upset because the credit card companies wanted to collect from him. The credit card companies reported this problem to the credit reporting agencies and his once excellent credit rating was ruined.

Another complaint was received when Bill called the police department to report a theft. He had just been told by a national retail store chain that his identity was stolen by one of their store clerks. His identifying information was sold by the store clerk to a young man in the mid-west who purchased thousands of dollars worth of merchandise using Bill's identity.

The Problem

Both of these crimes were reported over two years ago. The law enforcement agencies in Alabama taking these complaints had no victims within their jurisdiction. The credit card companies, banks and merchants, all located outside the state of Alabama, absorbed the losses and may or may not have filed complaints where the losses occurred. Janet's father and Bill were harmed and suffered a great deal of anxiety but they were not the victims of a crime in Alabama. Hence they became the “crimeless victims.”

Numerous incidents similar to these were being reported throughout the state of Alabama. The officers taking these complaints were asking the usual questions. How much did you lose, what was stolen and where did the theft occur. Then the people like Bill and Janet's father were told they were not victims of a crime and they could not file a report. Of course this was just the beginning of the bad news. They would spend a year or more repairing their credit rating, obtaining new bank and credit accounts, and in some cases obtaining new identification documents. How frustrated they were to endure these never ending problems related to the theft of their identity and being told that they were not victims of a crime.

The Solution

Fortunately the plight of these Crimeless Victims was heard. The law enforcement agencies around the state, the Alabama Attorney General's Office, the Alabama Bankers Association, the Alabama Retail Association, the Alabama Legislature and others combined their efforts to come to the aid of "crimeless victims" in Alabama.

The Consumer Identity Protection Act was passed by the legislature and became law in Alabama effective April 26, 2001. It can be found in Criminal Code of Alabama Title 13A-8-192 et seq. Now Janet's father and Bill would be able to file an incident report for the crime of Identity Theft, and the jurisdiction would be where the victim resides even if there is no monetary loss to the victim.

Things to Remember

Please remember that victims of Identity Theft may be enduring a tremendous amount of anxiety over the theft of their identity. Many victims have taken more than a year to straighten out all of the problems caused by this theft. There have been times that victims have actually had to change some of their records permanently to escape the never ending accusations of having bad credit and or a criminal record.

What we need to do in law enforcement is act swiftly on these violations in order to limit the damage to the victim as much as possible. We should also furnish the victims with resource information (see below) on how they can help themselves repair the damage to their credit history and obtain new identification documents.

Here are some important facts about the Consumer Identity Protection Act:

- Even if there is no financial loss a violation of this statute is a Class A misdemeanor
- If there is a financial loss greater than \$250.00 a violation would be a Class C felony
- Trafficking in stolen identities is a Class B felony

- Obstructing justice using a false identity is a Class C felony

For additional information on Identity Theft you can go to the Office of the Alabama Attorney General web site at <http://ago.alabama.gov/File-Consumer-Protection-Brochure-Identity-Protection> or the Federal Trade Commission web site at <http://www.consumer.gov/idtheft/> or call their hotline at 877-IDTHEFT (438-4338). Both of these are excellent resources for law enforcement and victims of Identity Theft.

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