

The Law against Identity Theft

Oregon Revised Statute 165.800

Identity Theft- (1) A person commits the crime of identity theft if the person, with the intent to defraud, obtains, possesses, transfers, creates, utters, or converts to the person's own use the personal identification of another person.

(2) Identity Theft is a Class C Felony

Section 4b- "Personal Identification" includes but is not limited to, any written document or electronic data that does, or purports to, provide information concerning:

- (A) A person's name, address, or telephone number
- (B) A person's driving privileges
- (C) A person's social security number or tax identification number
- (D) A person's citizenship status or alien identification number
- (E) A person's employment status, employer or place of employment
- (F) The identification number assigned to a person by a person's employer
- (G) The maiden name of a person or a person's mother
- (H) The identifying number of a person's depository account at a financial institution, or a credit card account
- (I) A person's signature or a copy of a person's signature

Recovering Your Losses through the Civil Process

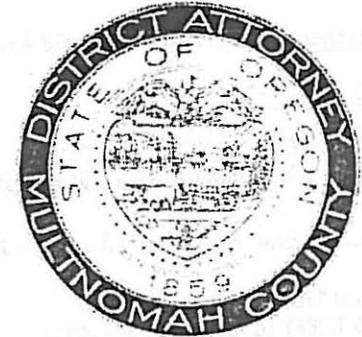
Restitution is independent of and may be awarded in addition to a civil judgement. "Pain and suffering" cannot be requested as restitution. Once a defendant has pled guilty and been sentenced, we cannot request additional restitution for problems you may encounter in the future as a result of the crime.

You can file in the small claims department if you are seeking to recover money, damages, or personal property, which is valued at \$5,000 or less.

To file a claim, go to the small claims counter in Room 210 of the Multnomah County Courthouse to get the appropriate paperwork. Keep in mind that there will be filing fees that you will be responsible for. You may contact the Civil Division at 503-988-3022.

IDENTITY THEFT

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VICTIMS' ASSISTANCE PROGRAM
1021 SW 4th Ave., Room 804
Portland, OR 97204

503-988-3222
TTY/TDD 503-988-3302

<http://www.mcda.us/va>

Who can help me?

The Federal Trade Commission (FTC) is an agency that does not bring forward criminal charges but can be of assistance to victims of ID theft by providing useful information and assistance in resolving problems, such as financial, that can result from this type of crime. You can reach the FTC

Online: www.consumer.gov/idtheft

Mail: Identity Theft Clearinghouse
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Telephone: 1-877-ID THEFT (438-4338)

TDD: 202-326-2502

What do I do if I have become a victim of ID theft?

There are several agencies you may want to contact.

1) Federal Trade Commission (FTC)
1-877-ID THEFT to report the situation

2) The fraud unit of the three major credit reporting companies. You can ask that a "fraud alert" be placed in your file and that no new credit be granted without your approval.

Equifax fraud line	1-800-525-6285
Experian fraud line	1-888-397-3742
Transunion fraud line	1-800-680-7289

3) Contact your creditors (which can include credit card companies, phone companies, utilities, banks, etc) and ask to speak with someone in their fraud or security department. Always be sure to follow any contact with a letter so that your information is properly documented. Close those accounts that have been tampered with and open new ones with new PIN (personal identification numbers) and passwords. When choosing a PIN or password, be sure not to use information that someone may already have access to

such as your mother's maiden name, your birth date or last four digits of your social security number.

4) Contact your local law enforcement agency to file a police report. Even if the police may not be able to apprehend the criminal, some creditors may require a police report for proof that a crime has occurred. Be sure to ask the police officer taking your report how to obtain a copy of the report for your own records and ease in dealing with creditors.

Some suggestions for the two most common types of identity theft:

Stolen checks- if your checks have been stolen, be sure to stop payment on any of the numbers that were remaining. You may also want to contact the five major check verification companies to have them notify retailers that use their database not to accept these checks.

- 1) National Check Fraud Service
www.ckfraud.org
- 2) SCAN
1-800-262-7771
- 3) TeleCheck
1-800-710-9898 or 927-0188
- 4) International Check Services
1-800-526-5380

Stolen Mail- if your mail has been stolen, either incoming or outgoing, report it immediately to your local postal inspector. Contact your local post office for the phone number for the nearest postal inspection offices or access their web site at:

www.usps.gov/websites/depart/inspect

Is restitution assistance available?

Victims of crime have the right to request restitution for crime related expenses. In cases of ID Theft these examples could include:

- 1) Lost wages for time spent contacting banks, creditors, law enforcement agencies and for preparing letters or other documentation to the different type of creditors. The section of lost wages in the loss form does not provide you with a lot of room. Feel free to attach a separate sheet of paper in which your total amount is broken down and itemized.
- 2) In most cases creditors are able to successfully work with victims of identity theft. An example of this includes crediting back your account that was fraudulently used. In these circumstances that creditor becomes a victim in this case because they took the monetary loss. Please provide us with their information so we can request restitution on their behalf.
- 3) Any copying, mailing, or ordering copies of police reports. Please include copies of receipts.
- 4) Please keep in mind that a defendant can only be monetarily held accountable for the crime he/she has been charged with. For example, if your ID was obtained by a car prowl or stolen purse, unless the defendant is charged with that crime, we will not be able to request restitution for any damage done to the vehicle or for the other contents of your purse.
- 5) Remember that it is the court's decision how much if any restitution is ordered. Courts are also obligated by law to consider a defendant's ability to pay before restitution can be ordered.