



Identity Theft Resource Center

Identity Theft Resource Center
A Nonprofit Organization
P.O. Box 26833, San Diego CA 92196
phone: 858-693-7935
email us: itrc@idtheftcenter.org
(Since state laws vary, please state
your city/state in correspondence)

Fact Sheet 106 (formerly 17B): Organizing Your Identity Theft Case

Written by: Linda Foley, ITRC Executive Director

Resource Material of: www.idtheftcenter.org

Email: itrc@idtheftcenter.org,

Copyright: Identity Theft Resource Center and Linda Foley, 2000. All rights reserved. Revised 11/01, 2/03

The text of this copyrighted document may not be altered without express authorization of the Identity Theft Resource Center.

This fact sheet should not be used in place of legal advice.

ORGANIZING YOUR IDENTITY THEFT CASE

Identity theft cases can become very complex. You may be dealing with multiple jurisdictions. There may be numerous instances of unauthorized and fraudulent use of your identity. And you have had more conversations about your case than you could possibly remember.

In order to become an effective, strong advocate for your case, it is vital to impose a form of organization on your case from the first day. You need to track evidence, paperwork and contacts. You should keep a journal to help you remember what occurred, when you received documents, what documents you still need, as well as your costs and time lost. This documentation will help prove financial loss when requesting restitution from the courts.

All of your papers are evidence in a criminal case and should be treated as such. Mari Frank, an attorney and ID theft victim, advises that you think like a police officer or an attorney. Keeping your records current, organized and protected may make a critical difference in a conviction or winning a lawsuit!

Some victims like to keep everything in files, in a locked cabinet. I like to take my papers with me with court, so I found the easiest organizer is a thick notebook or two, with sections for each type of documentation. Buy a three-hole punch and just keep adding to the pile. Whatever you decide, keep everything in one place and stick to your routine. Don't allow them to pile up on that black hole called a desk, visible to everyone, safe from no one.

There are three sets of organizers each victim is recommended to use:

Official Case Log

Personal Journal

Notebook Items

OFFICIAL CASE LOG: Chronological and detailed journal of events

Best kept in a bound booklet or ledger-type book.

- **Case Log:** Keep a *dated* log either on the computer or on paper. A bound booklet, like a ledger book where pages cannot be easily removed, carries a great deal of weight in a court case. Start with the first time you found out you were a victim of identity theft and continue from there. Make sure you have firewall protection if you use a computer.

Avoid writing notes on little post-its; they will get lost. Write directly in your log, neatness does not count. You may choose to later input the notes on your computer either in a word processing or database program.

- **Journaling:** Keep track of each person you spoke with, their title, employee number, phone and fax number, email address and the procedure you need to use to reach them easily (i.e., Punch 2, then *, then 41).

Include what they said, any follow-up needed from that call and the date that follow-up should occur.

- **Confirm agreements and discussions:** Whenever possible, ask for written confirmation of a discussion. If refused, send a "Confirmation of Discussion" to that person stating that if the information as you listed it is incorrect, they should contact you. When they don't, you have confirmation. Send this by return receipt requested mail so you have a paper trail. Fax or email is acceptable *only* if you get a written response of receipt.
- **Log items received and sent:** Log in what you receive by mail, who it was from, what steps you took that day with that piece of mail or the phone call.
- **Telephone records:** Start a separate telephone and address book, separate from the log, for ease in finding contact names quickly. However, also include this information in the official case log. Some victims like to use the last few pages of the log as a directory, working backwards as it grows.
- **Costs:** Keep a log of every penny you spend, when it occurred, what it was used for. Attach receipts to the sheets of paper in your log if you want, documenting what it was for, just like for the IRS. If necessary, you can photocopy them later for court cases.

Track phone calls, postage, mileage, , legal assistance, notarizing, court costs for documentation. Time lost from work - including vacation time you lost because you needed to spend that week on your case - is also considered an expense. If you decide to purchase any self-help materials (i.e., books, an organizer) or pay for assistance (i.e., babysitting, accountant, attorney), these costs may also be considered reimbursable by the courts.

Document the time you spend working on your case. A good log is available in Mari Frank's *From Victim to Victor* (see footnote at end of this Fact Sheet). Your time is your largest investment.

Did you need to see a doctor because of emotional distress, severe upset stomachs or headaches? Did you get arrested because of the imposter's actions or suffer from undue embarrassment at your job site because a marshal or collection agency contacted you there and your co-workers overheard the conversation?

These costs - including the amount of time you spent on clearing your name - will become the basis of your request for restitution, but **you** hold the burden of proving these costs occurred. The judge has the right to refuse anything he/she deems unreasonable.

- **Court notes:** If possible, we recommend you attend all court hearings from the Arraignment on. Take notes. Who was the judge? Who was the DA that day? What was said by the DA, the defense attorney, the defendant, and the judge? What is the next court date? What will occur then? Ask questions of the DA after your case is heard if you aren't certain about what happened or what will happen next. See ITRC Fact Sheet #109 (formerly 17F) for guidelines on what might occur.

During the sentencing phase of my case, I noted that the imposter was prohibited from collecting personal data from any persons unless she provided to them a written notice that she was a convicted felon of false personation. Just before the review hearing, the police did a search of her home. They found more unauthorized employee applications. I reminded the DA of this probation requirement. While the probation summary didn't note it, the judge did order a copy of the transcript. The imposter ended up serving jail time for probation violations --- because I did my homework and acted as an extension of the DA's office.

- **Summary of case to date:** Write a 1/2 page summary of your case every month or so. This will help you to focus on the primary points of your case, answer questions effectively and clearly explain what has transpired. See ITRC Fact Sheet #112 (formerly 17J) for a guide.

Should you decide to go public and talk with the media, this exercise will help you quickly summarize your case instead of rambling on. It will also help you explain your case to a DA or attorney who doesn't have time to chat.

I faxed these summaries to each DA involved in my case (I went through four of them) to help them understand what I felt were the pertinent points of my case. My summary also became the basis of my victim statements.

PERSONAL JOURNAL:

Some people also like to use this opportunity to vent, to write down their frustrations/emotions/fears. Write down your suspicions and emotional outbursts in a separate journal from the official log of the case. As your case goes on, you will forget these small details unless they are documented. This may help an attorney show emotional distress if your case goes to court.

NOTEBOOK ITEMS:

Without a mentor or any prior experience in court cases, many of us start by throwing papers into a file or a box. This just doesn't work. It quickly turns into clutter and you chance having someone throw out your papers thinking it is trash. My husband became motivated one day while I was out of the house and didn't realize what the papers were. Thankfully, it was still early in my case and I could get additional copies of almost everything I had not filed away in a second location.

You may decide to keep duplicates, especially if you are like me and tend to misplace items. We also advise that you file away all papers as soon as you receive them. I hate to think of all the papers I've almost lost because I didn't take that extra moment.

- **Police report:** This item is of highest priority. It is not enough to just have a case number, though you may have to settle for that. Request a copy of the report or at least a summary of it. When that fails, get a letter from the detective on the case stating that he/she could not give you a physical copy of the report. Your case number may change as it moves through the judicial system. Keep track of them all, noting *who* uses *which* number.
- **Any applications, credit slips, credit cards, physical proof of the fraud:** Keep everything you receive by mail that relates to your case or may relate to your case, even if you don't understand its significance at the time. Depending on the complexity of your case, you may even decide to keep a separate section for each credit grantor involved.

As soon as you find out about a new credit card, purchase or crime, request all documentation regarding that action. Do not take no for an answer. If the first person will not help, speak with the supervisor. If he/she cannot help, keep going higher up. If you are listed as the "primary account holder," they have an obligation to provide you with copies. As of 2001 both the states of Washington and California passed legislation allowing this. Federal legislation is pending (Feb 2003).

The police will be interested in seeing these, although in some jurisdictions they cannot use them as evidence. In some states they will need to request a search warrant and officially receive these forms from the credit grantors—chain of evidence requirements.

In many cases, victims received information from grantors that the police could not access. It made a big difference in proving their cases because the police could then go back to the grantors and specifically subpoena information.

- **Credit reports:** During the active phase of your case when a lot of activity is occurring, we recommend requesting credit reports about every three months. Keep these together to track changes as they occur. As things seem to quiet down, you may cut back to requesting reports every six months.

- **Copies of all letters you send or receive regarding this case:** If you feel you are not up to the task of writing them from scratch, many good form letters are available in Mari Frank's *From Victim to Victor* (see footnote at end).
- **All court documents:** This may include subpoenas, probation reports, and transcripts of testimony, if necessary.
- **Victim statements:** We recommend that you submit a victim statement IN WRITING whenever a judge will hear your case. They are required to read any statements you submit. Please check out ITRC Fact Sheet #111 (formerly 17H) regarding what to include in a Victim Statement.

SUMMARY:

As victims of identity theft, we are often left on our own, without a guide through the maze of reestablishing our good credit and name. The Identity Theft Resource Center cannot emphasize enough the need to stay organized. It helps you to appear more professional, prove possible violations of the law and sentencing, bring your case more quickly to a more positive place, and return a sense of order back into your life.

As Mari Frank, a nationally recognized identity theft expert, said in her book *From Victim to Victor*, "If you can't keep track of what you've done, what you're doing, and what you need to do, you'll make the ordeal – and its emotional impact – twice as bad as it already is."²

The information in this publication is the property of the Identity Theft Resource Center (ITRC) and not available for promotional purposes. Copyright 2000, 2003. All rights reserved. Any requests to reproduce this material, other than by individual victims for their own use, should be directed to ITRC. E-mail: itrc@idtheftcenter.org We thank Mari Frank, Esq. and Beth Givens from Privacy Rights Clearinghouse for their insights, advice and, as always, a valued source of information.

1 & 2. *From Victim to Victor: A Step-by-Step Guide for Ending the Nightmare of Identity Theft*, by Mari Frank, Esq. with Dale Fetherling, Esq., page 38. Porpoise Press, 1998. Web: www.identitytheft.org Phone: (800) 725-0807 Please mention you were referred by ITRC.