

May 28, 2004

Frederick P. Horn  
Presiding Judge of the Superior Court  
County of Orange  
700 Civic Center Drive West  
Santa Ana, CA 92701

Dear Judge Horn:

RE: Response to Grand Jury Identity Theft Findings

The Orange County Grand Jury produced a report entitled "Identity Theft: What Are Local Law Enforcement and Prosecutors Doing to Combat the Problem?" In the Grand Jury report, the Newport Beach Police Department was specifically requested, pursuant to Penal Code 933.05 (f), to respond to three listed findings (findings 3-5). Below are the findings and our recommended responses to those findings for your review and comments.

### **FINDINGS**

3. *"The Orange County District Attorney, the Orange County Sheriff-Coroner Department and the city police departments in Orange County take steps to form and actively participate in a countywide Regional Identity Theft Task Force comprised of representatives of each of these agencies. The task force should seek the cooperation and participation of the United States Postal Inspector, the United States Secret Service, the United States Immigration and Naturalization Service and the United States Federal Trade Commission. (Finding 3)"*

### **RESPONSE**

Currently, our Department has four detectives that investigate all identity-theft related crimes reported to our jurisdiction. The assigned detective makes a determination about relevant issues after initial review of the case including:

- Agency jurisdiction
  - Local
  - State
  - Federal

- Case Status
  - Criminal
- Investigation Status
  - Held in Abeyance
  - Follow-up investigation required
  - Case Cleared by Arrest
  - Case Cleared Other

Once a determination has been made that a crime has been committed, resources from the federal government (including the United States Postal Inspector, Secret Service, Immigration and Naturalization Service and Federal Trade Commission), are already available to provide local assistance or assume jurisdiction for the investigation.

There is no need to form a task force to investigate identity theft as sufficient resources and cooperation exists between law enforcement agencies informally. In addition, there is a formal Orange County Financial Crimes Investigators Association (OCFCIA) that meets ten times a year. Members of that association include representatives from:

- All 21 Orange County municipal law enforcement agencies
- Orange County District Attorney's Office
- Long Beach Police Department
- Los Angeles County Sheriff's Department
- California Department of Justice
- California Department of Insurance
- California Department of Health Services
- United States Postal Service
- United States Secret Service
- Major financial institutions (banks, credit unions, credit card services, mortgage corporations, and private sector investigative services)
- Costco Wholesale
- Council on Aging
- Home Depot, Inc.
- Identity Theft 911
- Ralph's Grocery Company
- TransUnion
- Western Collection Recovery

The OCFCIA supplies a written membership directory to all members, facilitates networking between members at their monthly meetings, supports the opportunity to discuss pending investigations and crime trends, and provides monthly training. As an example, the membership was provided specific training on handling identity-theft investigations and had an opportunity to discuss the findings revealed in the Orange County Grand Jury report at their May meeting.

Another reason that we believe a task force is not in the best interest of our department is that our existing resources assigned to investigate identity thefts at the Newport Beach Police Department can be used for other investigations as needed. Typically, officers that would be assigned to a task force would be limited to task force activities and unavailable for other investigative department needs.

#### **FINDING**

4. *“Orange County city police departments and the Orange County Sheriff-Coroner Department work cooperatively to develop standardized public information materials, possibly modeled after excellent pamphlets that now exist, for use by all departments (Finding 4)”.*

#### **RESPONSE**

The Newport Beach Police Department has developed and made available to the public a printed brochure and a dedicated page on our website with public information materials related to identity-theft crimes. Our information includes specific information for reporting those crimes to the Newport Beach Police Department.

Although a generic brochure developed on countywide basis may have some benefits, we believe our public information exceeds the requirements advocated by the Grand Jury.

#### **FINDING**

5. *“Orange County city police departments and the Orange County Sheriff-Coroner Department adopt a standardized identity-theft crime-reporting form, possibly modeled after forms now in use by several police departments. (Finding 5)”*

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## **RESPONSE**

The Newport Beach Police Department developed a specific identity-theft crime-reporting form and believes it meets the necessary requirements for reporting that type of crime. Our form can be made available to other agencies in Orange County that may not have such a specific identity-theft crime report.

Respectfully submitted,

Bob McDonell  
CHIEF OF POLICE

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Attachments

c: Tod Ridgeway, Mayor, Newport Beach  
Homer Bludau, City Manager, Newport Beach  
City Council, Newport Beach