



**SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA**

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June 30, 2004

Tom Staple, Foreman
Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report, "Identity Theft: What Are Local Law Enforcement and Prosecutors Doing to Combat the Problem?"

Dear Mr. Staple:

Per your request and in accordance with California Penal Code §933 and §933.05, enclosed please find my response to the FY 03-04 Grand Jury Report. If you have any questions, please contact Assistant Sheriff Jo Ann Galisky at 647-1804.

Respectfully,


Michael S. Carona
Sheriff-Coroner

C: Jim Ruth, County Executive Officer

PROUDLY SERVING THE UNINCORPORATED AREAS OF ORANGE COUNTY AND THE FOLLOWING CITIES AND AGENCIES:

ALISO VIEJO • DANA POINT • LAGUNA HILLS • LAGUNA NIGUEL • LAGUNA WOODS • LAKE FOREST • MISSION VIEJO
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**DRUG USE
IS
LIFE ABUSE**

Response to the Grand Jury

**“Identity Theft: What Are Local Law
Enforcement and Prosecutors Doing to Combat
the Problem?”**

Final Report 2003 – 2004



Sheriff – Coroner Michael S. Carona

ORANGE COUNTY SHERIFF'S DEPARTMENT

Jo Ann Galisky, Assistant Sheriff

Chief of Investigations

Santa Ana, California

June 2004

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Findings 3-5 of the Orange County Grand Jury Report on Identity Theft

FINDINGS

Under California Penal Code §933 and §933.05, each finding requires a response from the government entity to which it is addressed. The 2003-2004 Orange County Grand Jury arrived at the following findings for the Sheriff-Coroner's Department. Beneath each is the Sheriff's Department response to that finding:

Finding 3:

Identity Theft Sub-Task Forces are in place in five major population centers in California and are functioning to facilitate better communication, coordination, and cooperation among federal, state, and local law enforcement and public record keeping agencies involved in prevention, investigation and prosecution of identity theft. Orange County does not have an Identity Theft Task Force or Sub-Task Force.

Response:

The Sheriff-Coroner agrees with the finding. Due to current statewide budget constraints, financial resources are not available to facilitate an Identity Theft Task Force. A countywide task force will require funding for a full time investigative staff, as well as an office location and equipment. The Orange County Sheriff's Department has recently requested grant funding for technology-based investigations that could be used for identity theft, but this grant was not awarded.

Finding 4:

The Orange County District Attorney's Office, Orange County city police agencies and the Orange County Sheriff-Coroner Department provide some form of public information and resource materials outlining how one can prevent identity theft as well as corrective steps to take where identity theft has occurred.

Response:

The Sheriff-Coroner agrees with the finding. The Orange County Sheriff's Department provides an Identity Theft Pamphlet. This pamphlet can be obtained at all operations stations and can be mailed on request. The pamphlet is also available at public speaking events presented by members of the Economic Crimes detail. The Economic Crimes detail conducts Identity Theft presentations to civic groups, associations, business groups, and numerous public forums. Preventative measures are also presented at these events. The pamphlet is also available on the Sheriff's Internet website.

Finding 5:

Eight city police agencies in Orange County have developed specialized identity theft crime reporting forms that incorporate standardized terms and information formats. These forms can help identity theft victims repair damaged credit history more quickly.

Response:

The Sheriff-Coroner agrees with the finding. A “*specialized identity theft crime reporting form*” will aid victims of identity theft. The forms in use by the eight city police agencies in Orange County enable the reporting victim to receive a copy of the report from the officer at the scene or at the police station counter. This immediate obtaining of the form aids victims in receiving faster resolution with financial institutions. Each department’s forms are different in layout and design but all contain the basic initial information. A “*specialized identity theft crime reporting form*” has specific information fields and provides victims and financial institutions with necessary basic information. A “specialized identity theft crime reporting form” is a separate and different issue than the “standardized identity theft crime reporting form” noted in Recommendation 5 of this report. Please see the response to Recommendation 5 of this report.

Recommendations 3-5 of the Orange County Grand Jury Report on Identity Theft

Recommendations

In accordance with California Penal Code §933 and §933.05, each recommendation requires a response from the government entity to which it is addressed. The 2003-2004 Orange County Grand Jury developed the following three recommendations for the Sheriff-Coroner. Beneath each is the Sheriff's Department response to that recommendation:

Recommendation 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.

Response:

The recommendation has not been implemented. The Orange County Sheriff's Department has met with members of the District Attorney's Office regarding the issue of developing an Identity Theft Task Force. An Identity Theft Task Force would be highly beneficial to all agencies in Orange County. Funding, staffing, and facilities are looming issues for all agencies in the county. If these issues could be addressed and met, the process of creating an Identity Theft Task Force could go forward. The Orange County Sheriff's Investigation Division has undergone staffing cuts that have reduced investigative forces by 17 positions for an overall investigative staffing reduction of 14%. The Orange County Sheriff's Department will seek additional funding from the Board of Supervisors for a task force. If funding is approved, the Orange County Sheriff's Department will meet with the Orange County District Attorney's office, members of the Orange County police agencies, federal law enforcement agencies, and members of regional task forces already in place to seek their participation for this task force.

Recommendation 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.

Response:

The recommendation has already been implemented. The Federal Trade Commission offers downloadable pamphlets and guides that are excellent in providing both preventative and corrective information (<http://www.consumer.gov/idtheft/>). Many agencies have incorporated the content of these documents in whole or in part. These documents can be reproduced and given to the public fulfilling the recommendation for standardized information. Each department in the county tailors their respective materials for the public they serve. However, the materials all have the same basic information with some agencies adding preventative tips to their pamphlets describing how to avoid becoming a victim.

Recommendation 5:

Orange County city police departments and the Orange County Sheriff-Coroner Department adopt a standardized identity theft reporting form, possibly modeled after forms now in use by several police agencies.

Response:

The recommendation will not be implemented. A "standardized identity theft crime reporting form" will not aid in faster criminal investigations, filings or prosecutions and will not further aid victims of identity theft. The current forms used by departments in Orange County provided the District Attorney's office with the necessary information for filing criminal complaints. Creating a "standardized identity theft crime reporting form" as noted in this recommendation would require agencies to change existing reporting forms at a substantial cost without enhancing prosecutions or convictions.

There are definite benefits when victims of identity theft immediately receive a copy of a "specialized identity theft crime reporting form" as noted in Finding 5 of this report and this practice is recommended. This allows victims of identity theft to immediately notify their creditors and banking institutions of a police investigation and assist them in receiving faster resolution in restoring their credit and accounts. The Orange County Sheriff's Department Economic Crimes detail will work towards achieving this "specialized identity theft reporting form" with an expected completion time of November 2004.