

I Haven't Broken The Law, So Why Do I Have a Record? The Pains of Criminal Identity Theft

By Roy Niedermayer

Introduction

One day or evening your front doorbell rings and you answer it. There is a police officer with a warrant for your arrest. Or maybe you receive a summons in the mail to appear in a criminal or traffic matter and you are the defendant! But you are not a criminal. You are a law abiding citizen and have done nothing, including getting any traffic violation tickets.

What's going on? What was done by a criminal with your identity?

You may be the victim of a criminal giving your stolen identity to government authorities or police when ticketed for a traffic violation or arrested. In extreme criminal identity theft cases, if someone is arrested, they might use your name and personal information in criminal identity theft. The consequences of identity theft is not merely inconvenient or annoying, it can seriously affect your financial and personal well-being.

What should I do to repair the damage?

Acting quickly to limit the harm is critical. Besides taking the basic four steps outlined in the Financial Identity Theft blog, you should take the steps.

Step 1: If you learn someone is arrested and uses your name or personal information, you may need to find out where the thief was arrested. Check court records and contact the law enforcement agency that arrested the identity thief.

- File a report about the impersonation.
- Give copies of your fingerprints, photographs, and identifying documents.
- Ask the law enforcement agency to:
 - Compare your information to the imposter's information.
 - Change all records from your name to the imposter's name (if you know it).
 - Give you a "clearance letter" or "certificate of release" to declare your innocence.
- Keep the clearance letter or "certificate of release" with you at all times.
- Write down who you contacted and when.

Step 2: If a court prosecutes an identity thief using your name, contact the court where the arrest or conviction happened.

- Ask the state or district attorney for records to help you clear you name in court records.
- Provide proof of your identity.
- Ask the court for a "certificate of clearance" that declares you are innocent.
- Keep the "certificate of clearance" with you at all times.

Step 3: Contact your State Attorney General.

- Ask if your state has an “identity theft passport” (a tool you can use to resolve financial issues related to the identity theft) or some other special help for identity theft victims.
- If you get an identity theft passport, keep it with you at all times.

Step 4: Consider hiring a criminal defense lawyer.

Step 5: Ask the law enforcement agency that arrested the thief which information brokers buy their records.

- Write to the brokers. Ask them to remove errors from your file.

Information brokers buy criminal records and sell information to employers and debt collectors. Write down who you contacted and when. Keep copies of any letters you send.

Conclusion

We have discussed criminal and financial identity theft, but there are still many other types of identity theft to address. If you still feel you need help, consult a lawyer with experience on these matters.