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# The Phenomenon of Identity Theft

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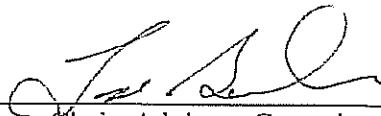
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THE PHENOMENON OF IDENTITY THEFT

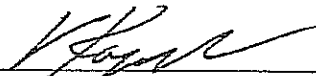
By

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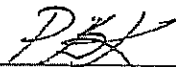
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THE PHENOMENON OF IDENTITY THEFT

By

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In partial fulfillment of the requirements  
for the degree of  
MASTER OF SCIENCE  
May, 2011

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## DEDICATION

This thesis is dedicated to my late grandmother

Mrs. Mary Elizabeth Sizemore

who only got to love me as a toddler and of whom  
my only memory is her voice. My endeavors for an  
invaluable education are in her honor.

## ACKNOWLEDGEMENTS

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## ABSTRACT

This research is a descriptive study of the prevalence of Identity Theft in the Commonwealth of Kentucky from 2004 to 2009 and the procedures used by the Kentucky State Police to deal with this crime. The data for this study is a combination of violation code use retrieved from Kentucky's Open Portal Solution (KYOPS) and complaint and case data retrieved from Computer Aided Dispatch (CAD). By gathering data from each of the 16 posts across the state of Kentucky, an evaluation of the prevalence of the crime of Identity Theft yields conclusive results. KYOPS Violation Code data showed a progressive climb and peak in the mid 2000's but has since continually declined. KSP CAD complaint data has, since installation in 2004, showed a progressive climb in complaints. Of all complaints made no more than 20% will result in an arrest and about 43% will have a case opened on them. In conclusion, the results show a continual climb in the prevalence of complaint data, meaning the amount of complaints of identity theft continue to rise. However, the amount of criminals charged with the crime, and the amount of Kentucky State Police cases opened are continually declining. Further research may reveal the reasoning behind this phenomenon.



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## INTRODUCTION

This research is intended to explore the depth and nature of the crime of identity theft. A critique of Kentucky State Police data will be the primary source for identifying the prevalence and response to the crime. The current policies and procedures regarding identity theft within the Kentucky State Police are used to help describe the crime and its potential harm to a victim.

This research is a descriptive study of the prevalence of Identity Theft in the Commonwealth of Kentucky from 2004 to 2009 and the procedures used by the Kentucky State Police to deal with this crime. The data for this study will be a combination of violation code use retrieved from Kentucky's Open Portal Solution (KYOPS) and complaint and case data retrieved from Computer Aided Dispatch (CAD).

This exploration uses a case study that will help define the phenomenon of identity theft. To do this we must look at four aspects of the crime using exploratory and descriptive research. Understanding when identity theft happens, why identity theft happens, how identity theft happens, and where identity theft happens will help define the problem itself. A law enforcement agencies understanding of a crime and the law is pivotal for the safety of innocent victims and the treatment and apprehension of guilty criminals. The Kentucky State Police's treatment of records associated with identity theft victims will help offer an understanding of how complicated identity theft can be. Interviews of personnel, the evaluation of the case data, charge data, and complaint data may allow us to better understand a crime that is continually growing.

Questions that this research will address are; “How often does identity theft occur in the state of Kentucky according to citizen complaints to the Kentucky State Police?”, “How many times each year does the Kentucky State Police open a case for the crime of Identity Theft?”, “How many times yearly does the Kentucky State Police charge an individual with Identity Theft?” By answering these questions, we can obtain a clear understanding of how prevalent the crime is and the agency’s response to the crime. This research will look at the Kentucky State Police’s awareness of and reaction to the crime. By answering these important questions, ultimately a greater purpose can emerge by finding better ways to deal with this crime and resolution to problems.

Previous research is a central beginning point to see what research has been done, what areas need more evaluation, and what reaction the criminal justice system has to identity theft. A focus on the literature available on identity theft has been highly researched (Slosarik, 2002; Newman, 2004). The criminal justice system is often perceived by the public to have the victim and innocent’s best interest in mind, but sometimes that is not possible in identity theft situations. The lines of obligation to protect the innocent are sometimes blurred by their duty to punish the guilty. A focused exploration into the reaction of the Criminal Justice system and the crime itself will shed some light on a crime that even you may be a victim of. The existing research, policy and practice in response to the crime have been vague to the effects and relationship to the Criminal Justice system. The past research done on this crime needs to be analyzed for the discovery of any lapse in coverage.

Prior to the 1990's there was very little knowledge about identity theft. It wasn't until the passing of The Identity Theft Assumption and Deterrence Act in 1998 that made it a federal crime. Reports from crime victim data show that in 2002 there were 923 complaints in Kentucky. Over the course of the past 4 years that number of complaints nearly doubled to 1766 victims in 2006.

According to Gartner, in 2006 the number of victims was at 15 million. "That means every minute about 28 ½ people become a new victim of this crime or a new victim in just over 2 seconds." (ITRC). Major business losses are also incurred. The same report generated that per name 40 to 92 thousand dollars are lost in fraudulent charges.

The Federal Trade Commission has broken down the ways in which a victim's information is misused into eight different categories. They report data on credit card fraud, phone or utilities fraud, bank fraud, employment related fraud, government documents/benefits fraud, loan fraud, other identity theft, and attempted identity theft. For the state of Kentucky in 2006 the highest reports were credit card fraud and other identity theft victims. The other identity theft category encompassed unknown, magazine, evading the law, bankruptcy, miscellaneous, email and internet, medical, property rental, insurance, and others.

When someone applies for a credit card using another person's identity, this is an obvious case of identity theft. But what if someone who is incarcerated uses another person's identity and associates their fingerprints with it? This too is identity theft but a different type. This study will answer questions regarding the nature of identity theft and the problems the crime poses. There are many questions regarding

this crime that have been answered and many questions that have gone unanswered. With every ounce of research something new can be learned about crimes. This thesis considers the victim as the most important part of the purpose. Everything we can learn about their past, current, and future victimization is to be used as a tool for policy reform and resolution to the problem.

To understand the severity of what an identity theft victim suffers, it is important to understand what is involved in identity theft resolution. Though research on identity theft is extensive, the understanding of how to deal with the crime is still in its infancy; and changing opportunities for identity theft will only make it a continually broadening subject and more difficult to investigate thoroughly.

One significant feature about a victim is that they are usually victimized by the perpetrator repeatedly (Newman, 2004). Often time's victims are individuals who know the perpetrator. Like other crimes, victims often have acquaintance or familial ties with perpetrators. There are of course cases where victims do not know the perpetrator. Often times these perpetrators are "dumpster divers" and have acquired the personal information through someone's trash. There are cases in which victims of identity theft are unaware they are victims. These cases can pose potential social harms to victims in the future.

Understanding identity theft in the state of Kentucky first begins by evaluating the allotted laws in Figure 1.1 and 1.2<sup>A</sup>. Kentucky has only two statutes regarding the crime and therefore two violations for which a criminal can be charged. The first addresses theft of ones identity and the latter, the trafficking of stolen

<sup>A</sup> *Figures are located in Appendix B.*



identities. For this research, we turn to the statutes for the definitions of identity theft.

All states in the country have some form of legislation on forms of identity theft crimes. Most differ in class and description, yet all are intended to address the same crimes. The methodology used in this study allows me to look at an individual department and how they handle the crime in the state of Kentucky.

## LITERATURE REVIEW

“Identity Theft is a new crime , facilitated through established, underlying crimes such as forgery, counterfeiting, check and credit fraud, computer fraud, impersonation, pickpocketing, and even terrorism” (Newman, 2004) Previous research defines identity theft in many different ways, however the consensus among most studies gives a definition that is all encompassing. When someone unlawfully acquires another individuals’ personal information to use it in the commission of criminal activity, the result is identity theft (Hoar, 2001; LoPucki, 2001; Slosarik, 2002) (Morris, 2006). It is further broken down by Perl into three categories. Financial identity theft, non financial identity theft, and criminal record identity theft are suggested to separate the different types of crime (Perl, 2003). Past scholarly research on identity theft has heavily focused on the financial aspect of the crime, including internet crimes involving identity theft and fraud, and the type of offenders and victims of identity theft (Allison, Schuck, & Lersch, 2005; Collins, Hinduja, & Hoffman, 2003; Hinduja, 2004; Yearwood, 2003; Gordon, Wilcox, & Rebovich, 2004). Financial identity theft occurs when the offender uses the victims’ personal information to access money through bank accounts, credit cards, loans, etc. and then defaults on them. This often leaves the victim with catastrophic credit problems. The FTC’s reports show that nearly half of identity theft complaints were for credit card fraud. This makes financial identity theft the most reported. If the offender uses the victims’ information to obtain things like utilities, government documents, etc it’s considered non financial identity theft. Though these things do not portray an obvious financial gain, the end result is often still money. According to Perl, if the

offender uses the victim's identity for the purpose of evading legal sanctions, it is criminal record identity theft (Perl, 2003). It could also be said that a victim performs this type of identity theft to protect their own criminal record from being amended or created.

There are many instances of research that focuses on the ways in which people can protect themselves against identity theft (Pinheiro, 2004). Guides, websites, and various corporations offer courses or documentation on how to protect yourself. The Federal Trade Commission and the Identity Theft Resource Center (ITRC) offer statistics, studies, and literature on how to protect you and your family from the crime, as well as, what to do if you are a victim. In 2002, 2003, and 2004 the Federal Trade Commission allocated a substantial amount of funds and time toward the research of identity theft. Their continued research led to the publishing in 2004 of an understand identity theft guide

Research has also projected ways for law enforcement to combat the crime (Wang, Yuan, Archer, 2006; Newman, 2004). Criminals have been stealing identities for centuries, however, the criminal justice system has only started recognizing it as a "crime" for the past couple decades. New and changing technology has attempted to reduce these crimes, but like most crime, will never completely obliterate it and can often only perpetuate the problem (Hatch, 2001.) A look at technology and the possibilities in making systems more secure and more dynamic could be a possible resolution to the problem. There is a need to consider any research on the process of treatment of criminal records for actual offenders and the removal of records for the innocent. Resolution of innocence and association of criminality are two aspects that

often get lost in the hype of other broader studies. Criminal record identity theft within the state of Kentucky will be the focus of this research.

Previous research has evaluated the current law and regulations on identity theft. It has become standard that credit companies and banks offer protection against “identity thieves” at additional costs to the consumer. This marketing scheme appears to show an obvious awareness by the business sector and consumers that the crime is a problem in our country. Initial concern for the victim has facilitated another way for companies to add additional costs to the consumer. Corporations have begun offering identity theft protections for marketing their products. Identity theft protection could be perceived as a money making opportunity for corporations. An individual can purchase “protection” or insurance, yet, can still become a victim of identity theft. Simply, they purchase peace of mind. Media panics are often a big payoff for companies that lend “services” to the fearful. For example, the company LifeLock offers protection to anyone willing to pay for it, however, they clause that if your identity does get stolen they will pay up to 1,000,000 dollars to help restore your name. According to their website, they will not cover “any direct losses as a result of the theft. Under the Terms and Conditions, NO money passes directly to our LifeLock members. (<http://www.lifelock.com/our-guarantee>).” A consumer pays them for “peace of mind” because the company acknowledges they may not be able to protect you completely from being a victim of identity theft. In many cases, whether you are a member of LifeLock or not, the consumer’s banks or credit cards will cover the losses incurred from identity theft. The continued protection that companies offer, along with privacy policies will never completely protect a victim

from the problems of identity theft. In some cases this is merely a false sense of protection. Personal information is necessarily used for everything to confirm identity, but in fact this practice makes personal information easy for thieves to access. As long as this information is readily available, the criminal community will make use of it.

Findings from one study (Allison, Schuck & Lersch, 2005) suggested that the “number of reported incidents of identity theft appeared to be growing at a greater rate than other theft-related offenses, and the clearance rate appeared to be declining.” Whether or not the number of identity theft cases are rising or declining may or may not be reflected by the numbers. It is not possible to determine the number or cases of identity theft at any given time because many are not even aware yet that they are victims. Depending on the circumstances, an individual may never realize the theft has occurred for days, weeks, months, sometimes years. For example, if a criminal has used someone’s personal information upon arrest, that information will be housed in a criminal database permanently. If this happened in the state of Kentucky and the victim decided to apply for a job that required a background check; that criminal arrest record would hit against the name and date of birth and he would show a criminal record. He would then be forced to go through the challenge process. There are cases where warrants could be issued in the name of the victim. Imagine driving down the road and being pulled over for having a taillight out and the next thing you know, you are being arrested on a bench warrant that has your name, date of birth, and social security number on it. You housed in jailed for the next three days because you were arrested on a Friday night, miss three days of work and get fired,

pay your way out of jail, and your battle has only begun! This can happen because someone stole your identity and used it upon a previous arrest.

So in many instances it can take a long time for a victim to realize their identity has been stolen. Therefore no case is opened yet, and the numbers would only reflect a percentage of actual cases. To find a better way to evaluate the number of clearances to the actual number of crimes committed may appear impossible but it would lend great possibilities to this area of research. This would tell us how many times the crime is committed and then of those crimes, how many were resolved and by what means. For instance, was an arrest made and how long did it take to clear the case? Is the case open and what is the average time it takes to clear the case? This would also shed light on whether or not the victim is being “heard” and how long it takes for their case to be resolved.

The Identity Theft Resource Center is a nationally recognized non profit agency operating off sponsorships, grants, and donations to help further the understanding and education of Identity Theft by helping victims at no cost, educating consumers and businesses on Identity Theft, and by providing consultations to those entities that need it. The most heard complaint by the Identity Theft Resource Center is "the police just don't care" (Newman, 2004). This is a reaction from victims that identifies a clear correlation to studies that have shown that a victim experiences severe emotional trauma from identity theft ([Sharp](#), [Shreve-Neiger](#) & [Fremouw](#); Buba, 2000.) Newman (2004) suggests that the longer it takes to identify the theft, the greater the victim’s loss and suffering. He also suggests that lower income, less educated victims take longer to discover and report the crime. Who is to blame for the

majority of this crime? According to Wiley (2004), not just the criminal but also “institutions designed to protect identities ...while corporate America-in choosing profits over privacy-has shirked much of its responsibility for the problem.” Personal information can usually be found in the trash or at an individual’s home. Previous research shows there are differing opinions about trusting others with personal information. Lopucki, (2001), makes suggestions of ways to combat identity theft through government identity repositories and Pinheiro, (2004) suggest that the use of technology that is able to handle trusted identifications would help alleviate the crime. The cost of this type of equipment is often so high that for most businesses it is unattainable. Specifically, biometric systems are able to positively identify an individual based on characteristics that are only unique to a single individual. Automated Fingerprint Identification Systems, Iris Scanners, Facial and Voice Recognition Systems, and DNA Analysis equipment are all types of devices that would clearly allow businesses to positively identify a known individual. Many of these systems, depending on how elaborate they are configured can cost millions of dollars.

In the late 1990’s publicity of more and more emotional and traumatized victims brought about several changes in the law because of public response (Fogerty 2002). Consequently legislation and awareness of identity theft is an area that has been heavily focused on in criminal justice research (Hoar, 2001; Holtfreter & Holtfreter, 2006; Gerard, Hillison, & Pacini, 2004; May & Headley, 2004).

The Identity Theft and Assumption Deterrence Act of 1998 (USDOJ, 2004) addressed not only victimization but also stiffened current legislation already in place

for Identity Theft. The Act provided for a “centralized complaint and consumer education service for victims of identity theft,” but most importantly made it a federal crime to “knowingly transfer [] or use [], without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law” (U.S. Library of Congress, 1998 H.R. 4151).

PITFALL (Prevent Identity Theft From Affecting Lives and Livelihoods) (U.S. Library of Congress, 2003 H.R. 3296) was a reaction to the victimization of an identity theft victim. The clear intent of this law is to allow the victim a “no-fault” resolution in the eyes of the creditors who carry debts incurred by the criminal. Upon receipt of this “no-fault” determination creditors are then forced to cease collection attempts and release the victim of financial obligations. In Newman and McNally's literature review in 2005, they discuss in depth the state and federal legislation imposed by both the Identity Theft Act and PITFALL. They also look at many more laws across the nation that have shaped the way we view Identity Theft as a crime, set standards for the treatment of consumers, and explored different typologies of victimization. Newman and McNally identify this crime as “an equal opportunity crime” however, they acknowledge several sets of individuals as frequent victims of identity theft; children, deceased, elderly, institutional, and repeat victims (2005). The common thread among these groups ...vulnerability.



## METHODOLOGY

### 1. RESEARCH DESIGN

My research design is solely built on exploratory analysis and descriptive research through the lens of a case study. The nature of identity theft is at the forefront of this thesis. Non-reactive research looks only to point a finger at the conditions of the present situation. Identity theft is complex in that it has many avenues in which the crime will reveal itself. Previous research will play the standard role in finding out what type research like this has been done in the past. Existing documents or past research will not only bring out current understanding of the matter, but more importantly what is missing in the scope of previous studies. The criminal and victim typologies have been focused on in previous studies (Morris, 2006; Allison, S. F., Schuck, A. M., & Lersch, K. M., 2005) , but this study view the prevalence of identity theft as it occurs within the eyes of the Kentucky State Police.

Review of policies will allow the research to pinpoint critical steps in the criminality and resolution of identity theft. The most informative source of information for this particular research project will be administrators within the Kentucky State Police. Their information regarding laws, policies, and procedures for victims and criminals will be crucial for evaluating whether there is adequate attention to the crime, and whether the crime is a “problem.”

## 2. DATA AND SAMPLING TECHNIQUE

The past research done on identity theft helps create a foundation for the purpose of this project. Through unobtrusive measures the qualitative information gathered from several resources will compile the data needed to explore the phenomenon of identity theft within a current criminal justice organization, the Kentucky State Police.

The data compiled in this study will be a combination of violation code use retrieved from Kentucky's Open Portal Solution (KYOPS) and complaint and case data retrieved from Computer Aided Dispatch (CAD). By gathering data from each of the 16 posts across the state of Kentucky, an evaluation of the prevalence of the crime of Identity Theft yields conclusive results. Because each post dispatcher logs each call they take with codes, we will run a query containing the Identity Theft code in CAD. This query will yield a report that will show how many times a call was log using the Identity Theft code. By doing this for every Post, we can acquire a number statewide that will reveal how often a complainant calls in with a complaint of Identity Theft.

In KYOPS we can identify two separate sets of data relating to Identity Theft. First, we can find out how many times a year KSP opens a case on Identity Theft. This will reveal how many times a complainant called in and a trooper opened an investigation on the case. The second set of data we can collect is violation code use data. This data shows how many times the Kentucky State Police charged someone with the violation code that pertains to the statute of Identity Theft.

This case study will provide the agency results that can be used for a greater good. Policy reform and procedural operations are often changed through the revelation of research. For this thesis the key players are administrators and commanders within the agency. Their direction will link me to information, documents, statistical data, and bureaucratic records that are key to this research.

### 3. QUESTIONS TO BE ANSWERED

To operationalize my research concepts I will form particular questions to be answered in my research. Questions to be answered are; For the period of July 14, 2000 – October 28, 2009, How many times was 23310 used for all agencies statewide? For the same time period, how many times was 23310 used for KSP arrests? For those KSP arrests, how many occurrences were there for each county and each post district?

For the period of July 14, 2000 – October 28, 2009, How many times was 23311 used for all agencies statewide? For the same time period, how many times was 23311 used for KSP arrests? For those KSP arrests, how many occurrences were there for each county and each post district?

For the period of January 1, 2004 – October 28, 2009, How many CAD entries were there per year, and per post using the Identity Theft code?

For the period of July 14, 2000 – October 28, 2009, How many cases were opened by the Kentucky State Police for the purpose of an Identity Theft investigation?

I will use statistical data provided by crime reports to answer these questions. Through this data we can determine if identity theft an epidemic, responsiveness to the problem, and how many offenders are being arrested for these crimes?

It is important for agency personnel to fully understand the process of helping a victim of this crime because it will allow them to minimize the damage to the victim. For instance, how many data systems are infiltrated with a criminal record showing a victims information? Taking it out of one system, say LINK/NCIC is simple. But how many other systems are fed this information, including any out of state or across the nation? Is there a way to detract data from all systems that would leave a victim with no trace of a previous criminal arrest? Operationalizing these questions throughout this research will answer the biggest question of them all. We often hear the financial effects of identity theft, but is that really the most devastating effect this crime can have on a victim? What other effects can identity theft pose than just financial grief?

## RESULTS

### 1. DEFINITION OF TERMS

Post: The Kentucky State Police has placed Post's all across the state. Each Post is a logistically centralized workplace that houses staff and communications for a specific group of counties. Figure 2.1 shows Kentucky's 16 Posts all listed below with their respective county coverage's.

Post one area includes Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg counties. Post two area includes Caldwell, Christian, Crittenden, Hopkins, Muhlenberg, Todd, and Webster counties. Post three area includes Allen, Barren, Butler, Edmonson, Hart, Logan, Simpson, and Warren counties. Post four area includes Breckinridge, Bullitt, Grayson, Hardin, Jefferson, Larue, Meade, and Nelson counties. Post five area includes Carroll, Gallatin, Henry, Oldham, Owen, and Trimble counties. Post six area includes Boone, Bourbon, Bracken, Campbell, Grant, Harrison, Kenton, Nicholas, Pendleton and Robertson counties. Post seven area includes Boyle, Clark, Estill, Garrard, Jackson, Jessamine, Lee, Lincoln, Madison, Mercer, and Owsley counties. Post eight area includes Bath, Elliott, Fleming, Lewis, Mason, Menifee, Morgan, Montgomery, Powell, Rowan, and Wolfe counties. Post nine area includes Floyd, Johnson, Magoffin, Martin and Pike counties. Post ten area includes Bell, Harlan, and Knox counties. Post eleven area includes Clay, Laurel, McCreary, Pulaski, Rockcastle, Wayne, and Whitley counties. Post twelve area includes Anderson, Fayette, Franklin, Scott, Shelby, Spencer, and Woodford counties. Post thirteen area includes Breathitt,

Knott, Leslie, Letcher, and Perry counties. Post fourteen area includes Boyd, Carter, Greenup, and Lawrence counties. Post fifteen area includes Adair, Casey, Clinton, Cumberland, Green, Marion, Metcalfe, Monroe, Russell, Taylor and Washington counties. Lastly, post sixteen area includes Daviess, Hancock, Henderson, McLean, Ohio, and Union counties.

CAD: Computer Aided Dispatch is a program that assists that a law enforcement dispatchers in the performance of their job. The Kentucky State Police uses InteractCAD. InterActCAD, gives dispatchers the ability to collect and evaluate critical incident information and quickly ascertain not only details about the emerging scenario but background about individuals involved. As soon as incident information is presented to the system, InterActCAD automatically searches for the existence of prior incidents, BOLOs, and pre-fire data and can even search state and federal crime systems, such as NCIC and NLETS directly from InterActCAD using InterActCIS. InterActCAD also automatically queries InterActRMS and alerts the dispatcher of possible matches for stolen vehicles, caution codes, BOLOs, missing persons, warrants, or other criminal history to improve decision-making and enhance public safety (<http://interact911.com/products/Dispatch-Management>). The data that was used for the purpose of this study is defined as specific incidents that were encoded as incidents of Identity Theft in the CAD system.

Violation Codes and Kentucky Statutes were presented earlier in the Introduction of the study. Please refer Figure 1.1 for the defining characteristics of Theft of Identity in Kentucky. Please refer to Figure 1.2 for the defining characteristics of Trafficking in Stolen Identities in Kentucky

KYOPS: KYOPS stands for Kentucky's Open Portal Solution. It is a software program that allows for any Kentucky Law Enforcement Agency to submit their paperwork/reports electronically. It is comprised of E-NIBRS, E-CITATION, E-CRASH, E-CRIME, E-SCAN, and E-Courtesy Notice. For the purpose of this research E-Citation was queried for the data set that revealed the usage of violation codes 23310 and 23311 by the Kentucky State Police.

## 2. MAJOR FINDINGS

For this research there were three major sets of data compiled; Violation Codes (23310 and 23311) used Statewide from January 1, 2001 – November 1, 2009, Computer Aided Dispatch (CAD) Events per post from 2004-2009, and Kentucky State Police Cases opened January 1, 2004 – November 1, 2009. From these three sets of data the major findings were as follows:

- KYOPS Violation Code data showed a progressive climb and peak in the mid 2000's but has since continually declined.
- KYOPS Case data showed a progressive climb and peak in the mid 2000's but has since continually declined.
- KSP CAD complaint data has, since installation in 2004, showed a progressive climb in complaints. The numbers continually climb to date.
- Of all complaints made no more than 20% will result in an arrest and about 43% will have a case opened on them.

These results show a continual climb in the prevalence of complaint data, meaning the amount of complaints of identity theft continue to rise. However, the amount of criminals charged with the crime, and the amount of KSP cases opened are continually declining.

Preliminary discoveries of each set of data are as follows:

### **Analysis of Violation Code Data from KYOPS**

Violation Code 23310, Theft of another's identity.

- Statewide
  - This code was used 2610 times from 2001-2009 statewide.
  - Peak of statewide usage of theft of identity was in 2006/2007, both at 491 cases, but then a gradual decline has started.
  - 2008 showed a drop by 1% for the previous year.
  - 2009 data is for ½ the year, but shows a potential drop by 17% from the previous year.
- KSP
  - This code was used by KSP 651 times from 2001-2009.
  - Peak of KSP usage was in 2005 with 131 cases, 34% of that years' statewide usage.
  - For all years of the data, KSP was responsible for 25% of all cases.
  - Since 2005 there has been a gradual decline in KSP usage of this violation.



- 2009 data is for ½ the year, but shows a potential drop by 56% from the previous year.
- Historically these cases are more prevalent in Post 1 coverage area, with 12% all of KSP cases and 3% of all statewide cases.

#### Violation Code 23311, Trafficking in thefts of another's identity

- Statewide
  - A total of 15 cases for 9 years of data.
  - Peak of Usage was in 2006 when 4 cases were opened.
- KSP
  - A total of 6 cases, accounting for 40% of all cases for all years.
  - Historically these cases are more prevalent in Post 16 coverage area, with 50% of all KSP cases and 20% of all statewide cases.

### **Analysis of Case Data from KYOPS**

#### Violation Code 23310, Theft of another's identity.

- A total of 1422 cases were opened by KSP from 2004-2009.
- Peak of KSP cases opened was in 2007 with 275 cases.
- Since 2007 there has been a gradual decline in KSP cases opened.
- 2008 averages 22 cases a month, and 2009 data shows an average of 16.3 cases a month for 10 months of the year. This results in a potential drop by 26% from the previous year.
- Of all KSP cases opened, 46% resulted in charges.

- Historically these cases are more prevalent in Post 9 coverage area, with 14% (201 of 1403) of all cases.

#### Violation Code 23311, Trafficking in thefts of another's identity

- 2 cases opened for all years.
- Of all KSP cases opened, 33% resulted in charges.
- Historically cases only appeared in Post 1 and Post 15 coverage areas.

#### Where Incidents Occurred

- Statewide, the majority of cases, 51%, occurred at a home/residence.
- No identity thefts occurred, at a church, air/bus/train terminal, bar/night club, in a field/woods, or on a waterway in the state of Kentucky in the past five years.

#### **Analysis of Complaint Data from CAD**

- A total of 3254 complaints were received by the Kentucky State Police from 2004-2009.
- Post 7 and Post 9 shared the highest amount of complaints (375) over the course of five years. Each account for 12% of all complaints.
- Post 16 had the smallest amount of complaints with 62, about 2% of all complaints.
- 43% of complaints made resulted in an open case.
- 20% of complaints made resulted in charges made.

Table 2.1<sup>B</sup> and Figure 4.1 shows that in the state of Kentucky in 2005 there were 388 cases in which individuals were charged using the violation code 23310, theft of another's identity without consent. In 2007 it peaked at 491. A substantial increase, however, every year since has revealed fewer and fewer charges. Actual KSP charges have decreased dramatically, showing that in 2008 there were only 99 charges made, which is about 75% of 2005's peak amount of 131. In Table 1.5 and Figure 3.4 there were in 2004, 105 complaints made by citizens in KY. In 2008 (the most recent year with a complete data set) there were 783 complaints. This was a rise in complaints by 87%. If you consider a rise in complaints by 87%, but there has been a decrease in charges made by 25%, then it can be confirmed that the amount of complaints have risen substantially but the number of arrests made have decreased substantially.

To answer the earlier proposed question regarding whether identity theft is an epidemic or not; the answer would be no. According to the FTC Kentucky was 44<sup>th</sup> in rank for incidents per 100,000 victims. So by population we have fewer cases than the majority of other states in the country. This however does not mean the crime is not a problem. In fact each year there are more complications to resolving victims records. Reports from the ITRC show that an individual will now spend 600 hours devoted to the resolution of personal information.

This number is up from around 145 hours in 1999. This number is nothing comparable to other thefts and drug charges accumulated in the past years in the state

<sup>B</sup> Tables are located in Appendix A.

of Kentucky. To say the least identity theft is not the most prevalent crime in Kentucky, however it is still a problem given the nature of the crime. Even though the numbers are not as high as other theft or drug charges it does not mean that identity theft in Kentucky is not just as serious. The problem lies within the policies and procedures of identity theft, the victim's unknowingness, and the offender's ability to evade police.

One final evaluation of the data reveals some important information. By evaluating the relationship between the frequencies of violation code use to the characteristics of the post, we can determine if there are any variances to the expected result. A random year, 2008, will be evaluated to identify any noticeable characteristics.

The trend in the table 3.2 show an average of less than 1 violation code charge per county, with the exception of three posts. Post 9 shows an average of 1.4, Post 11 shows an average of 2.86, and Post 13 show an average of 3.2. Post 11 and Post 13 are substantially higher than the other posts. The difference in the average could be several things. The troopers in at Post 11 and 13 could be more focused on Identity Theft, there could be a higher event rate in those post areas, or there could be more local police departments handling the majority of Identity Theft complaints. No conclusive explanations can be drawn as to why Post 11 and 13 would have a higher average of complaints. Normal expectations would be to see higher averages out of Post 4, Post 12, and Post 6. These posts area are those which include the most heavily populated cities in Kentucky. Yet each of those Posts have an average of less than one charge per Post.

## DISCUSSION AND CONCLUSION

### 1. DISCUSSION

In most cases especially regarding the theft of a criminal identity there was very little knowledge among officers, administrators, and personnel. Each individual had something to add to the discussion but it took many individuals to explain their individual role in the case of an identity theft. The majority of officials involved in this case study were at times lost for answers to questions regarding the matter, often referring to other individuals within the agency who would then continue the cycle. It was very disturbing to find such a lack of understanding across the board from officials and administrators. Though bits and pieces were gathered to form the big picture, often unfinished trails of information were left hanging. In some cases authorities did not have specific reference information, but rather just a department within the justice sector (i.e., courts, lawyers, etc.). When asked what happens to a victim once they are arrested on a warrant that bears their stolen information yet there are no prints for exoneration KSP officials advised an investigation must be done. If an individual cannot afford a lawyer then their chances of fighting these allegations are far less promising. When a particular situation was presented often answers were very vague and inconclusive. For instance, administrators were asked what happens when an individual calls and says they are a victim of identity theft. Officials said they could only offer them the ability to have a comparison done against the fingerprints on file they were contesting. If no fingerprints were on file for the existing charges they would advise them they could not remove the record and refer

them to an officer. In all cases officials advised that a victim has to file a report at a post and have a case opened. Answers became very vague when questioning what happens to a victim if they have to appear for court on charges they never committed. I don't or I am not sure was often an answer. When asked about what databases are infiltrated with arrest data that may need to be removed officials could only advise Criminal History and NCIC, but speculated there may be more. When administrators were asked whether or not the cases of criminal record identity theft were complex they advised that all cases they had been a part of were very complex in nature. The most disturbing data collected was that even if an individual is verified against another's prints the original arrest holding their personal information is never deleted. Rather it is flagged case of identity theft and the name changed to John Doe. For the rest of their life the victims name will be associated with this criminals arrest as a possible alias.

Particularly the ID section was contacted to see just how prevalent the problem was and whether or not resolution for the victim is simple. A simple solution would entail a victim proclaiming innocence, offering their prints for comparison and then having no trace of a past criminal record. According to those administrators resolution of an identity that is stolen by a criminal is very complex and rarely, if ever, obliterated from all system databases. When asked whether the process was simple, they laughed and said "it is just the opposite." The majority of cases that have been seen through the ID section are often cases where the victim has had some previous acquaintance with the offender, thereby obtaining their information. In some cases, both had familial ties.

As suspected when asked, authorities in the ID section couldn't offer any real ideas for resolution to the problem of the treatment of victim's records or any ways to alleviate the problematic nature of the problem. However, they did project their concerns for a change in the way in which these cases are handled. They do understand clearly that the problem is complex in nature and is horrible for the victim to endure. An expected consistency in the cases of criminal record identity theft was expected; however, according to personnel these cases are not rare but less than an everyday occurrence. Ideas suggest that if criminals were more aware of how the system works and how it can be fooled, there would certainly be more incidents of criminal record identity theft.

The state of Kentucky's criminal history database works like most states in the way in which it is populated. Basically an individual who is arrested is booked in at a county jail. During that booking process the individual is fingerprinted via a LiveScan. The LiveScan is a device that captures digital images of the ridge detail and demographics. Once the fingerprinting is complete it is then sent electronically into the Automated Fingerprint Identification System and then onto the Federal Bureau of Investigation. That system either places that arrest under a new Kentucky State ID number if no previous arrests exist, or with a previously existing Kentucky State ID. If this is the case it means that the individual is a repeat offender. From that fingerprint submission the states Criminal History database is fed. So if for some reason the jail fails to fingerprint an offender, for the purposes of Criminal History that arrest will never exist. Example, if John Doe were arrested for sexual assault of a minor in Kentucky but was never fingerprinted via LiveScan or manually with ink

and card, then he would never show a previous arrest in Criminal History. If he were then to apply to be a teacher at the local elementary school he would pass the fingerprint supported background check because his fingerprints were never obtained.

So to tie this into identity theft you can see how it would be very simple for a first time offender to give someone else's name, date of birth, and social security number. There are two different scenarios then for that arrest: one where there are fingerprints, which could exonerate the innocent and another where no fingerprints were ever taken. I might note for this research that recent legislation in 2006 has required all county jails to fingerprint each individual before they are released from custody.

In the case where an identity is stolen and fingerprints are taken the same humiliation and mental anguish is suffered by the victim. There are many different scenarios in which identity theft victims have existed, however for the purpose of this study I will address one that will answer the earlier proposed question. Can an unknowing victim of identity theft be arrested on outstanding warrants that were issued in their name as part of an identity theft? In the collection of research every officer that was proposed this situation answered yes. To fully understand how simple this crime can be carried out it is necessary to set the scene. An individual is driving along and is pulled over for speeding. The officer takes them into custody, transports them to jail and they don't understand how this is possible. All along a victim is saying, "You have the wrong person." Unknowing to the officer and doing his job, this individual has truly never even been given a speeding ticket in the past. So how does this happen? In this case, a first time offender is arrested a year prior



and at the time of arrest gives the victims demographic information. That criminal is released and fails to show for legal hearing and now warrants are issued under the victims' name, date of birth, and social security number. Multiple databases now hold this information (i.e. LINK, NCIC, etc.). For the rest of the victims' life, they will be plagued with the irresolvable case of misidentification. If fingerprints were taken from the criminal at the time of arrest then the victim can submit their prints for comparison to exonerate himself. This does not mean however that they will not suffer through court hearings and subject themselves to the invasion of personal biometric information, after having already endured an arrest. In the state of Kentucky when a case of identity theft is found the original criminal record is never deleted. Rather it is flagged "case of identity theft." If the case were merely deleted then when the criminal offends again it would not be possible to tie them to the case of identity theft. According to officials there are no set rules for how a case of identity theft is handled. According to official each case is so intricate and unique in nature, no set policy has been scribed since each are handled differently.

One can only wonder what happens when fingerprints were never taken and the victim can not prove through biometric information that they are not the criminal. This makes the situation far worse and can only be untangled through an officer's investigation. In both situations Kentucky State Police officials have suggested that the victim carry with them a signed document stating that they have been a victim of identity theft that can be presented in the future. However, authorities advise that it is still an officer's discretion as to whether an individual is taken into custody.

It is often very unlikely that an individual would find out that are a victim of criminal record identity theft unless they experience some encounter with authorities. An individual who might find out they are a victim of this type identity theft might be very reluctant to walk into a police station with active warrants and say they are not the person the police are looking for. After all as one official put it, “That is what they all say.” So lastly to answer the question how does a victim of identity theft who has a criminal record go about having it resolved? Turn yourself in. Most likely they will still suffer immeasurable mental anguish, be plagued with it for years, and will have to be very patient in sorting out the details. In 2002, a memorandum was disbursed direct from the Commissioner of the State Police with information regarding the appropriate actions to take if a victim should come to the police for help. These suggestions are those that appear on most identity theft victim’s websites. Call the police and file a report, call the Federal Trade Commission, the Social Security Administration, and all three major credit reporting services. These are rules geared for a victim of financial identity theft. It is far different in that money lost is material, but freedom lost is irrecoverable.

The treatment of records and victims are not as forgiving as they should be. Known victims of identity theft experience severe mental anguish from a financial and social aspect. Entities, such as the authorities have the ability to help alleviate some of this punishment, but previous cases have shown no concrete attempt of authorities to put anything in place. Furthermore, authorities may not be sure of where to even start to try and alleviate the problems of identity theft. Technology is

always evolving and could be part of the solution to the problems of identity theft; the funds however present their own roadblock.

## 2. STRENGTHS AND WEAKNESSES

Because this research is an explorative analysis of current policies and records married with historical data sets from the Kentucky State Police it is very valid. Previous research on the crime of identity theft is very recent and therefore not, outdated. The reliability of this research can be deemed very reliable because the data is mere evidence of what is in place in response to a proposed crime. No alteration can be made to laws and regulations to a crime unless done so by legislation or high ranking commanders. Interviews in a study are extremely good because the response rate is excellent. One weakness that could be seen in interviews is the thoroughness of the information provided by the personnel.

Identity theft is a worldwide problem. Law enforcements agencies, small or large, will be able to analyze the results of this research and determine how it is similar or different to their agency and the way they react to identity theft law, policies, offenders, and victims. The nature of this research makes it possible to reevaluate the need for procedures and policies around the crime of identity theft. “More research into the nature of identity theft is warranted, therefore, to assess the issues appropriately and create effective solutions to the problem” (Slosarik, 2002.)

### 3. ETHICAL ISSUES

Upon initial concern for the research of the project, the agency for which one is employed can present an ethical situation. As always an agency does not wish to be reflected negatively upon due to the treatment of victims. However, the purpose of this research is not to point fingers toward an agency but rather to help identify what is necessary to be done within policy for those who become victims of criminal record identity theft. Through the allowed research educating not only current officials within the agency but also other agencies for whom this research is applicable is the desired outcome. The Kentucky State Police has according to their website “defined itself as a professional, detailed and efficient law enforcement agency dedicated to preserving law and order for the protection of its citizens.” For this reason no ethical concerns exist in the attempt to help shape the way in which they offer protection for their citizens. It would not be possible to have completed this research without participation from the agency that maintains the criminal history database and is the central repository for criminal history information. Though this was a case study there were no individual cases that were looked at. For this reason, there were no concerns for the protection of anonymity and confidentiality.

### 4. FUTURE RESEARCH AND IMPORTANCE’S

This research has many applications of importance. Current awareness of identity theft is centered on the bounds of financial theft. It is currently so marketed that it is impossible for an individual to get a credit card without being offered some form of identity theft protection. And perhaps the services those corporations offer are of

some good use, right down to the identity theft protection writing pen they offer that has ink that embeds itself to prevent check washing. However, the most significant purpose of this research is to make citizens aware of what can happen to a victim of identity theft and that anyone can be a victim of identity theft. Being subject to this type of crime is a traumatic experience. Victims undergo severe mental anguish and humiliation, with often no way to point a finger at the perpetrator. Through this research agencies may be able to reevaluate the way criminal records of victims are handled. Because this research can be generalized by other agencies it could help to formulate a way to detract data from multiple databases at one time. Law enforcement agencies as a whole should consider this research as a way to help shape and give direction to policy. It can also help identify and then create resolutions for policy flaws.

## 5. FINAL CONCLUSION

As technology grows more complex it seems that issues of identity theft should decrease. The ability for technical equipment to identify an individual through biometric information is at its peak. However, as long as human error is involved we will never be able to circumvent all cases of identity theft. The resolution of the problem is two-fold; first and foremost, the funding for education and the proper tools to document and follow up on citizen complaints of identity theft for dispatchers and officers. Secondly, the handling of criminal records is so tedious in that one person's innocence is a criminal's guilty past makes it impossible to just trash. An in depth look by the Kentucky State Police at how to resolve a victim's record may help

administrators form a procedural way to deal with criminal record resolutions. Currently, victims carry an irresolvable case of misidentification for the rest of their life with the constant fear that the ugly beast may again raise its head. And so the inspiration for this research comes from those victims of identity theft who do not yet know they are victims. It could be anyone, the poor or the rich. As always, the difference is, the poor have a worse road back to freedom and a smaller chance of getting there.

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## APPENDIX A

Table 1.1 IDENTITY THEFT CASE STATISTICS

Kentucky State Police Cases Opened Jan. 1, 2004-Nov. 1, 2009	
Number of Cases Opened by Violation Code	
Violation Code 23310 (Theft of Identity)	Violation Code 23311 (Trafficking in the Theft of Identities)
2004 – 201 Cases	2004 – 0 Cases
2005 – 261 Cases	2005 – 1 Case
2006 – 258 Cases	2006 – 0 Cases
2007 – 275 Cases	2007 – 0 Cases
2008 – 264 Cases	2008 – 1 Case
2009 – 163 Cases	2009 – 0 Cases

Source: Kentucky Open Portal Solution ENIBRS, Kentucky State Police, Nov. 2, 2009.

Table 1.2 IDENTITY THEFT CASES OPENED PER POST PER YEAR FOR 23310

Violation Code 23310			
2004			
Post 1 – 33	Post 5 – 11	Post 9 – 29	Post 13 – 9
Post 2 – 7	Post 6 – 8	Post 10 – 5	Post 14 – 4
Post 3 – 13	Post 7 – 15	Post 11 – 12	Post 15 – 28
Post 4 – 7	Post 8 – 12	Post 12 – 4	Post 16 – 4
2005			
Post 1 – 25	Post 5 – 20	Post 9 – 22	Post 13 – 15
Post 2 – 11	Post 6 – 10	Post 10 – 18	Post 14 – 13
Post 3 – 13	Post 7 – 8	Post 11 – 39	Post 15 – 22
Post 4 – 12	Post 8 – 12	Post 12 – 10	Post 16 – 11
2006			
Post 1 – 31	Post 5 – 16	Post 9 – 42	Post 13 – 13
Post 2 – 7	Post 6 – 8	Post 10 – 16	Post 14 – 9
Post 3 – 12	Post 7 – 21	Post 11 – 18	Post 15 – 12
Post 4 – 11	Post 8 – 17	Post 12 – 20	Post 16 – 5
2007			
Post 1 – 19	Post 5 – 15	Post 9 – 45	Post 13 – 30
Post 2 – 7	Post 6 – 14	Post 10 – 22	Post 14 – 13
Post 3 – 15	Post 7 – 24	Post 11 – 23	Post 15 – 16
Post 4 – 11	Post 8 – 11	Post 12 – 1	Post 16 – 9

Source: Kentucky Open Portal Solution ENIBRS, Kentucky State Police, Nov. 2, 2009.

Table 1.2 (Continued)

2008			
Post 1 – 23	Post 5 – 16	Post 9 – 39	Post 13 – 20
Post 2 – 8	Post 6 – 13	Post 10 – 15	Post 14 – 4
Post 3 – 20	Post 7 – 23	Post 11 – 15	Post 15 – 21
Post 4 – 3	Post 8 – 21	Post 12 – 13	Post 16 – 10
2009			
Post 1 – 14	Post 5 – 9	Post 9 – 24	Post 13 – 11
Post 2 – 5	Post 6 – 5	Post 10 – 11	Post 14 – 10
Post 3 – 5	Post 7 – 12	Post 11 – 10	Post 15 – 15
Post 4 – 4	Post 8 – 14	Post 12 – 10	Post 16 – 5

Source: Kentucky Open Portal Solution ENIBRS, 2009.

Table 1.3 IDENTITY THEFT CASES OPENED PER POST PER YEAR FOR 23311

Violation Code 23311			
2004			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2005			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 1 Case
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2006			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2007			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0

Source: Kentucky Open Portal Solution ENIBRS, Kentucky State Police, Nov. 2, 2009.

Table 1.3 (Continued)

2008			
Post 1 – 1 Case	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2009			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0

Source: Kentucky Open Portal Solution ENIBRS, 2009.

Table 1.4 IDENTITY THEFT CASES OPENED BY LOCATION

Cases Opened on Theft of Identity by Location 2004-2009		
23310		
00 – 27	09 – 21	18 – 5
01 – 0	10 – 0	19 – 1
02 – 53	11 – 57	20 – 710
03 – 0	12 – 10	21 – 5
04 – 0	13 – 97	22 – 1
05 – 23	14 – 4	23 – 6
06 – 1	15 – 10	24 – 18
07 – 33	16 – 0	25 – 288
08 – 51	17 – 1	
23311		
05 - 1		
18 - 1		

Source: Kentucky Open Portal Solution ENIBRS, Kentucky State Police, Nov. 2, 2009.

Table 1.5 COMPUTER AIDED DISPATCH EVENTS PER POST

Computer Aided Dispatch (CAD) Events Per Post from 2004-2009							
A CAD event occurs when a dispatcher takes a complaint from a caller and logs in it the Computer Aided Dispatch. The call is logged using the appropriate purpose code for the call. This data is the summation of events using the code IDENTHFT for all Post from 2004-2009.							
	2004	2005	2006	2007	2008	2009	Total
Post 1	0	8	29	26	31	27	121
Post 2	0	19	23	21	37	19	119
Post 3	0	7	36	31	52	13	139
Post 4	0	24	77	94	82	64	341
Post 5	5	31	35	47	44	37	199
Post 6	0	21	25	52	38	46	182
Post 7	8	36	76	97	100	58	375
Post 8	0	35	57	68	65	41	266
Post 9	15	38	68	83	97	74	375
Post 10	20	21	19	27	21	12	120
Post 11	15	28	19	39	29	37	167
Post 12	0	15	28	15	30	22	110
Post 13	29	61	62	55	56	55	318
Post 14	0	13	19	39	30	19	120
Post 15	13	35	43	47	62	40	240
Post 16	0	12	13	20	9	8	62
Total	105	404	629	761	783	572	3254

Source: Computer Aided Dispatch, Kentucky State Police, 2009.



Table 2.1 KYOPS USAGE OF VIOLATION CODE 23310

Jan 1, 2001- July 1 <sup>st</sup> , 2009	
Violation Code 23310 Theft of Identity	
<b>STATEWIDE USAGE</b>	<b>KSP USAGE</b>
2001 – 3 Cases	2001 – 0 Cases
2002 – 52 Cases	2002 – 29 Cases
2003 – 205 Cases	2003 – 69 Cases
2004 – 296 Cases	2004 – 97 Cases
2005 – 388 Cases	2005 – 131 Cases
2006 – 491 Cases	2006 – 100 Cases
2007 – 491 Cases	2007 – 99 Cases
2008 – 484 Cases	2008 – 99 Cases
2009 – 200 Cases	2009 – 21 Cases

Source: Kentucky Open Portal Solution, KYOPS ECITATION, July 7, 2009

Table 2.2 KYOPS USAGE OF VIOLATION CODE 23311

Violation Code 23311 Trafficking in the Theft of Identities	
<b>STATEWIDE USAGE</b>	<b>KSP USAGE</b>
2001 – 0 Cases	2001 – 0 Cases
2002 – 0 Cases	2002 – 0 Cases
2003 – 3 Cases	2003 – 2 Cases
2004 – 2 Cases	2004 – 1 Cases
2005 – 2 Cases	2005 – 2 Cases
2006 – 4 Cases	2006 – 0 Cases
2007 – 1 Case	2007 – 0 Case
2008 – 3 Cases	2008 – 1 Cases
2009 – 0 Cases	2009 – 0 Cases

Source: Kentucky Open Portal Solution, KYOPS ECITATION, July 7, 2009

Table 2.3 NUMBER OF TIMES VIOLATION CODE 23310 WAS USED BY EACH POST PER YEAR

Violation Code 23310			
2001			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2002			
Post 1 – 2	Post 5 – 0	Post 9 – 2	Post 13 – 1
Post 2 – 0	Post 6 – 3	Post 10 – 0	Post 14 – 5
Post 3 – 0	Post 7 – 1	Post 11 – 1	Post 15 – 3
Post 4 – 0	Post 8 – 0	Post 12 – 9	Post 16 – 2
2003			
Post 1 – 1	Post 5 – 2	Post 9 – 14	Post 13 – 2
Post 2 – 2	Post 6 – 0	Post 10 – 4	Post 14 – 2
Post 3 – 6	Post 7 – 4	Post 11 – 7	Post 15 – 5
Post 4 – 11	Post 8 – 5	Post 12 – 3	Post 16 – 1
2004			
Post 1 – 19	Post 5 – 3	Post 9 – 23	Post 13 – 4
Post 2 – 2	Post 6 – 4	Post 10 – 1	Post 14 – 1
Post 3 – 2	Post 7 – 6	Post 11 – 5	Post 15 – 13
Post 4 – 1	Post 8 – 7	Post 12 – 6	Post 16 – 0
2005			
Post 1 – 19	Post 5 – 8	Post 9 – 3	Post 13 – 6
Post 2 – 12	Post 6 – 1	Post 10 – 11	Post 14 – 13
Post 3 – 6	Post 7 – 3	Post 11 – 22	Post 15 – 8
Post 4 – 0	Post 8 – 9	Post 12 – 6	Post 16 – 4

Source: Kentucky Open Portal Solution, KYOPS ECITATION, July 7, 2009

Table 2.3 (Continued)

2006			
Post 1 – 13	Post 5 – 7	Post 9 – 11	Post 13 – 5
Post 2 – 3	Post 6 – 7	Post 10 – 12	Post 14 – 0
Post 3 – 7	Post 7 – 1	Post 11 – 2	Post 15 – 6
Post 4 – 4	Post 8 – 12	Post 12 – 5	Post 16 – 5
2007			
Post 1 – 15	Post 5 – 0	Post 9 – 7	Post 13 – 19
Post 2 – 2	Post 6 – 4	Post 10 – 4	Post 14 – 7
Post 3 – 5	Post 7 – 5	Post 11 – 13	Post 15 – 4
Post 4 – 4	Post 8 – 5	Post 12 – 3	Post 16 – 2
2008			
Post 1 – 11	Post 5 – 1	Post 9 – 7	Post 13 – 16
Post 2 – 1	Post 6 – 2	Post 10 – 4	Post 14 – 3
Post 3 – 6	Post 7 – 7	Post 11 – 20	Post 15 – 5
Post 4 – 3	Post 8 – 2	Post 12 – 6	Post 16 – 6
2009			
Post 1 – 0	Post 5 – 0	Post 9 – 2	Post 13 – 2
Post 2 – 2	Post 6 – 1	Post 10 – 0	Post 14 – 2
Post 3 – 3	Post 7 – 4	Post 11 – 1	Post 15 – 1
Post 4 – 1	Post 8 – 0	Post 12 – 1	Post 16 – 1

Source: Kentucky Open Portal Solution, KYOPS ECITATION, July 7, 2009

Table 2.4 NUMBER OF TIMES VIOLATION CODE 23311 WAS USED BY EACH POST PER YEAR

Violation Code 23311			
2001			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2002			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2003			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 1	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 1
2004			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 1
2005			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 1
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 1

Source: Kentucky Open Portal Solution, KYOPS ECITATION, July 7, 2009

Table 2.4 (Continued)

2006			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2007			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2008			
Post 1 – 1	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0
2009			
Post 1 – 0	Post 5 – 0	Post 9 – 0	Post 13 – 0
Post 2 – 0	Post 6 – 0	Post 10 – 0	Post 14 – 0
Post 3 – 0	Post 7 – 0	Post 11 – 0	Post 15 – 0
Post 4 – 0	Post 8 – 0	Post 12 – 0	Post 16 – 0

Source: Kentucky Open Portal Solution, KYOPS ECITATION, July 7, 2009

Table 3.1 COMPARISON OF ALL STATISTICS RECOVERED FOR VIOLATION CODE 23310

Percentages of KSP Charges, Cases, and Complaint Data per Post for all Years						
Post	Complaints	Cases	Charges	% Com. vs. Cases	% Com. vs. Charges	% Cases vs. Charges
1	121	135	80	90	66	59
2	119	45	24	38	20	53
3	139	78	35	56	25	45
4	341	48	24	14	7	50
5	199	87	21	44	11	24
6	182	48	22	26	12	46
7	375	103	31	27	8	30
8	266	87	40	33	15	46
9	375	201	69	54	18	34
10	120	87	36	73	30	41
11	167	117	71	70	43	61
12	110	58	39	53	35	67
13	318	98	55	31	17	56
14	120	53	33	44	28	62
15	240	114	45	48	19	39
16	62	44	21	71	34	48
Total	3254	1403	646	43	20	46

Source: Kentucky Open Portal Solution, KYOPS ECITATION, July 7, 2009, KYOPS ENIBRS Nov. 2, 2009, Computer Aided Dispatch, 2009.

Table 3.2 COMPARISON OF VIOLATION CODE 23310 STATISTICS WITH COMPARED BY COUNTY AVERAGES FOR 2008

Post	Violation Code Usage	Counties Per Post	Average Per County
1	11	11	1
2	1	7	.14
3	6	8	.75
4	3	8	.38
5	1	6	.17
6	2	10	.2
7	7	11	.64
8	2	11	.18
9	7	5	1.4
10	4	5	.8
11	20	7	2.86
12	6	7	.86
13	16	5	3.2
14	3	4	.75
15	5	11	.45
16	6	6	1

Table 3.2 includes the Post Number, Violation Code Statistics, Counties Per Post, and Average Per County.

Source: KYOPS ECITATION, July 7, 2009, 2008 population statistics taken from [www.census.gov](http://www.census.gov).

## APPENDIX B



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**KRS 514.160**  
**Theft of identity.**

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(1) A person is guilty of the theft of the identity of another when he or she knowingly possesses or uses any current or former identifying information of the other person or family member or ancestor of the other person, such as that person's or family member's or ancestor's name, address, telephone number, electronic mail address, Social Security number, driver's license number, birth date, personal identification number or code, and any other information which could be used to identify the person, including unique biometric data, with the intent to represent that he or she is the other person for the purpose of:

- (a) Depriving the other person of property;
  - (b) Obtaining benefits or property to which he or she would otherwise not be entitled;
  - (c) Making financial or credit transactions using the other person's identity;
  - (d) Avoiding detection; or
  - (e) Commercial or political benefit.
- (2) Theft of identity is a Class D felony. If the person violating this section is a business that has violated this section on more than one (1) occasion, then that person also violates the Consumer Protection Act, KRS 367.110 to 367.300.
- (3) This section shall not apply when a person obtains the identity of another to misrepresent his or her age for the purpose of obtaining alcoholic beverages, tobacco, or another privilege denied to minors.
- (4) This section does not apply to credit or debit card fraud under KRS 434.550 to 434.730.
- (5) Where the offense consists of theft by obtaining or trafficking in the personal identity of another person, the venue of the prosecution may be in either the county where the offense was committed or the county where the other person resides.
- (6) A person found guilty of violating any provisions of this section shall forfeit any lawful claim to the identifying information, property, or other realized benefit of the other person as a result of such violation.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 175, sec. 8, effective July 15, 2002. -- Created  
2000 Ky. Acts ch. 174, sec. 1, effective July 14, 2000.

**Kentucky Violation Code**

23310 - THEFT OF IDENTITY OF ANOTHER W/O CONSENT Class D Felony

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Figure 1.1 KENTUCKY THEFT OF IDENTITY STATUTE

Source: Kentucky Revised Statutes, <http://www.lrc.ky.gov/krs/titles.htm>, April 2011

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**KRS 514.170**  
**Trafficking in stolen identities.**

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- 1) A person is guilty of trafficking in stolen identities when he or she manufactures, sells, transfers, or purchases, or possesses with the intent to manufacture, sell, transfer, or purchase the personal identity of another person or persons for any purpose listed in KRS 514.160(1). The personal identity of an individual includes any of the identifying information described in KRS 514.160(1).
- (2) Possession of five (5) or more separate identities shall be prima facie evidence that the identities are possessed for the purpose of trafficking.
- (3) Trafficking in stolen identities is a Class C felony. If the person violating this section is a business that has violated this section on more than one (1) occasion, then that person also violates the Consumer Protection Act, KRS 367.110 to 367.300.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 175, sec. 9, effective July 15, 2002. – Created  
2000 Ky. Acts ch. 174, sec. 2, effective July 14, 2000.

**Kentucky Violation Code**

23311 - TRAFFICKING IN STOLEN IDENTITIES FELONY Class C Felony

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Figure 1.2 KENTUCKY TRAFFICKING IN STOLEN IDENTITIES STATUTE

Source: Kentucky Revised Statutes, <http://www.lrc.ky.gov/krs/titles.htm>, April 2011

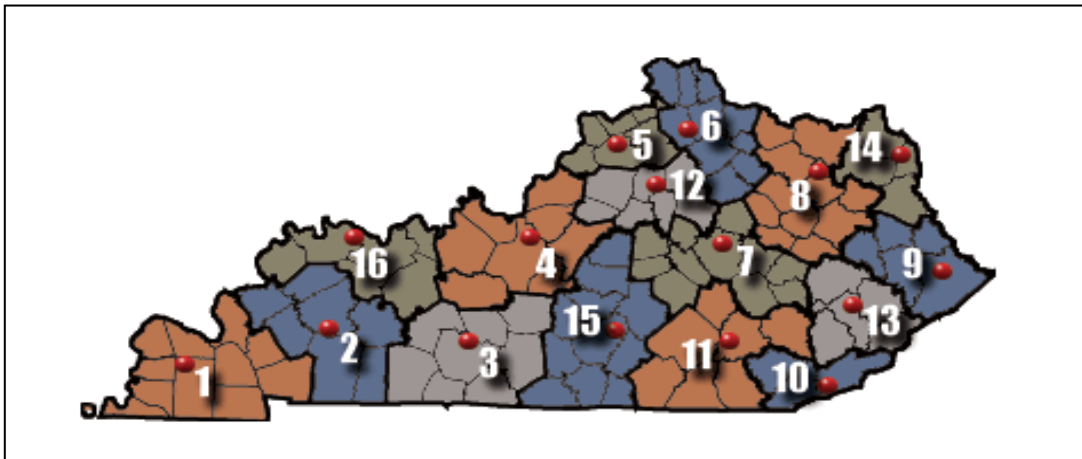


Figure 2.1 KENTUCKY POST AREAS

Source: Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011.

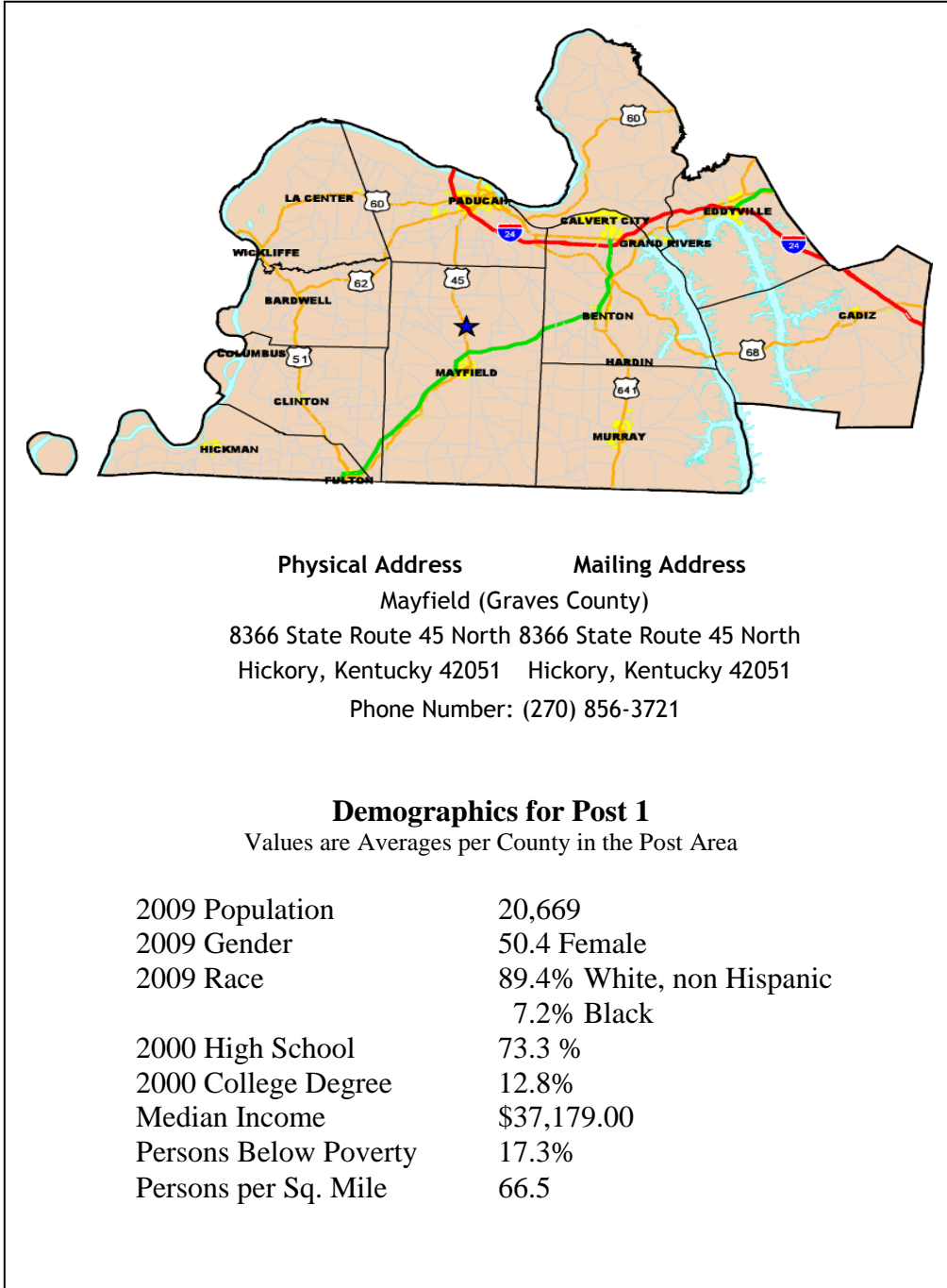


Figure 2.2 KENTUCKY POST 1 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

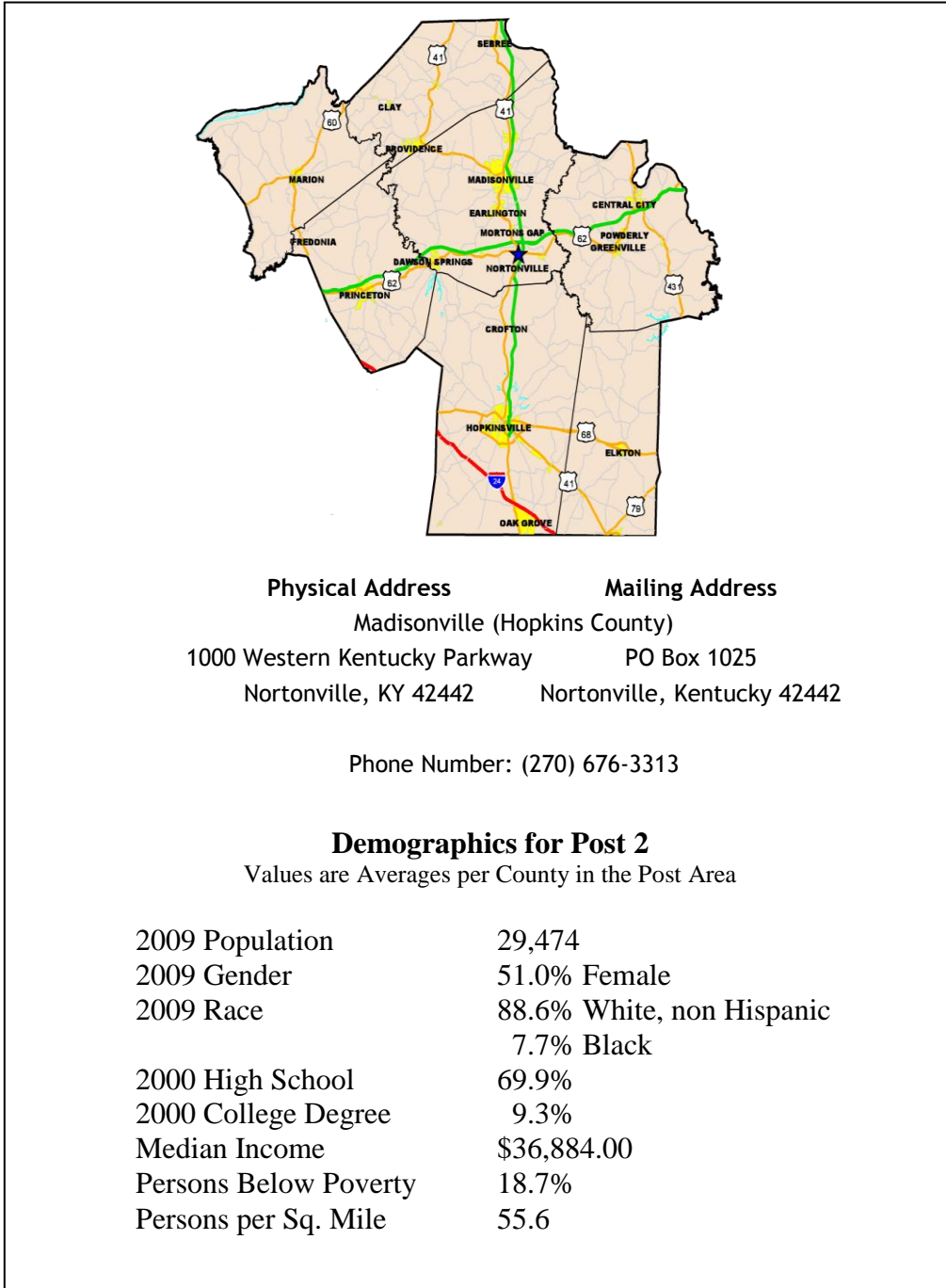


Figure 2.3 KENTUCKY POST 2 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

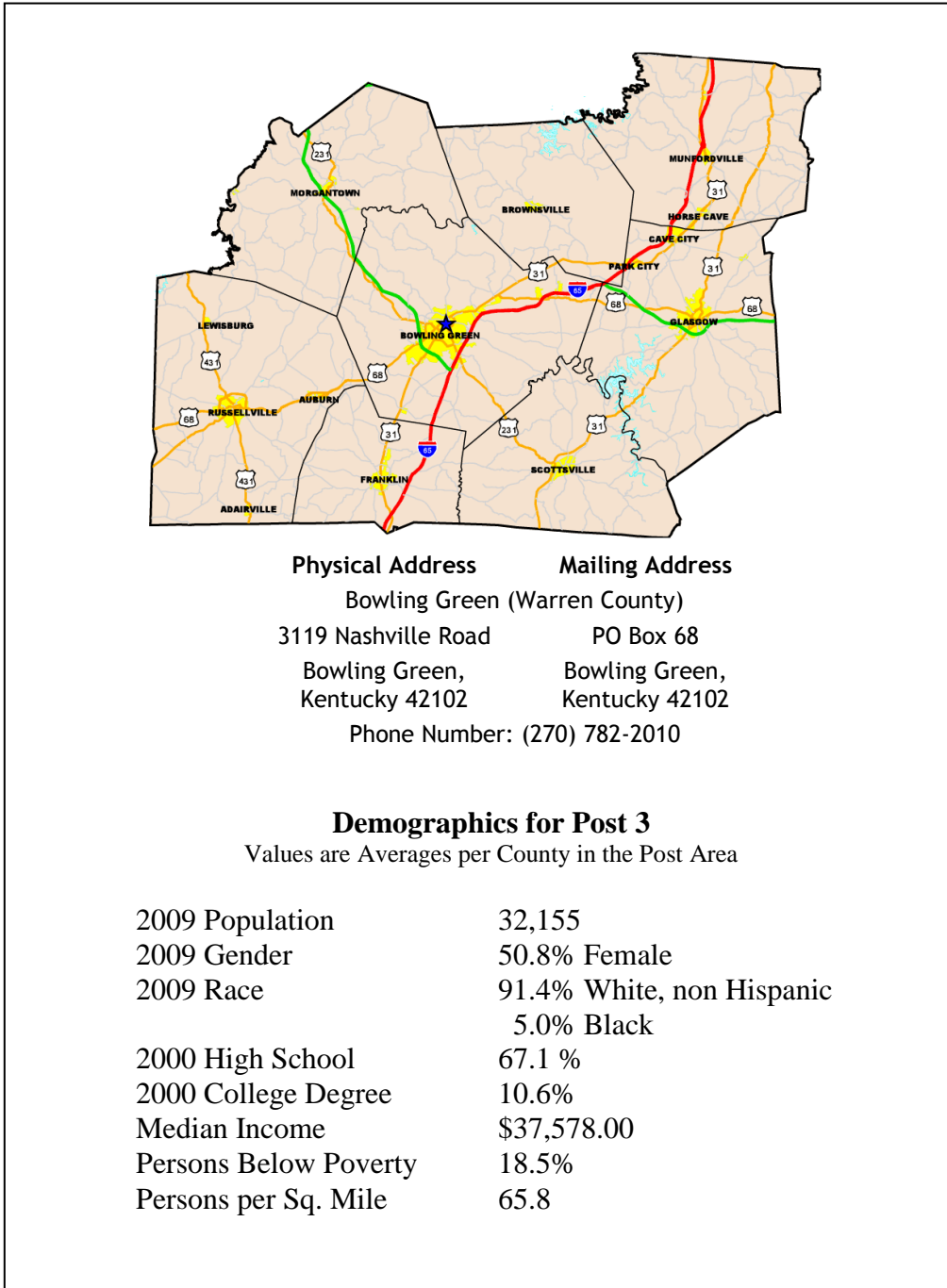


Figure 2.4 KENTUCKY POST 3 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

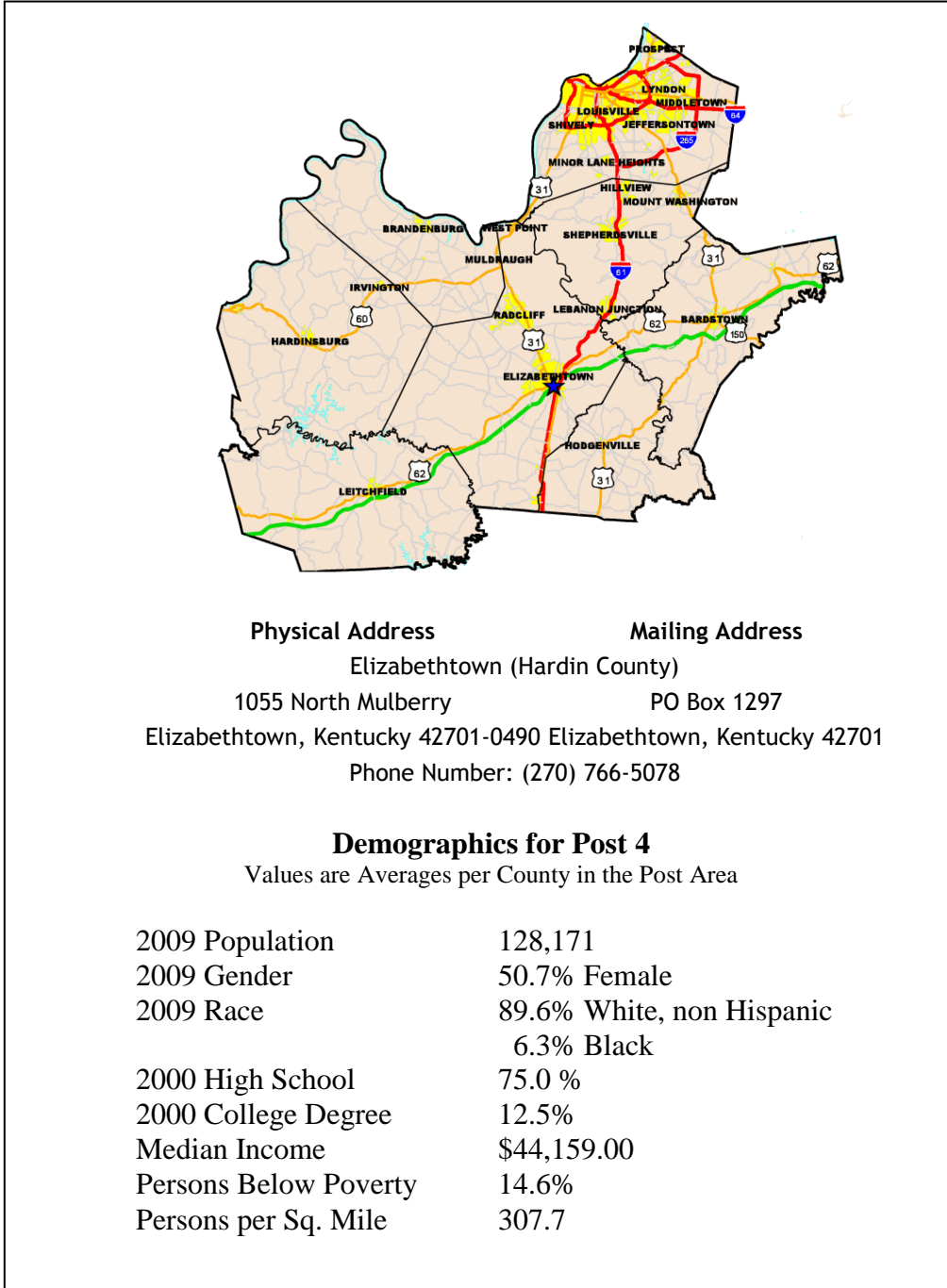


Figure 2.5 KENTUCKY POST 4 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

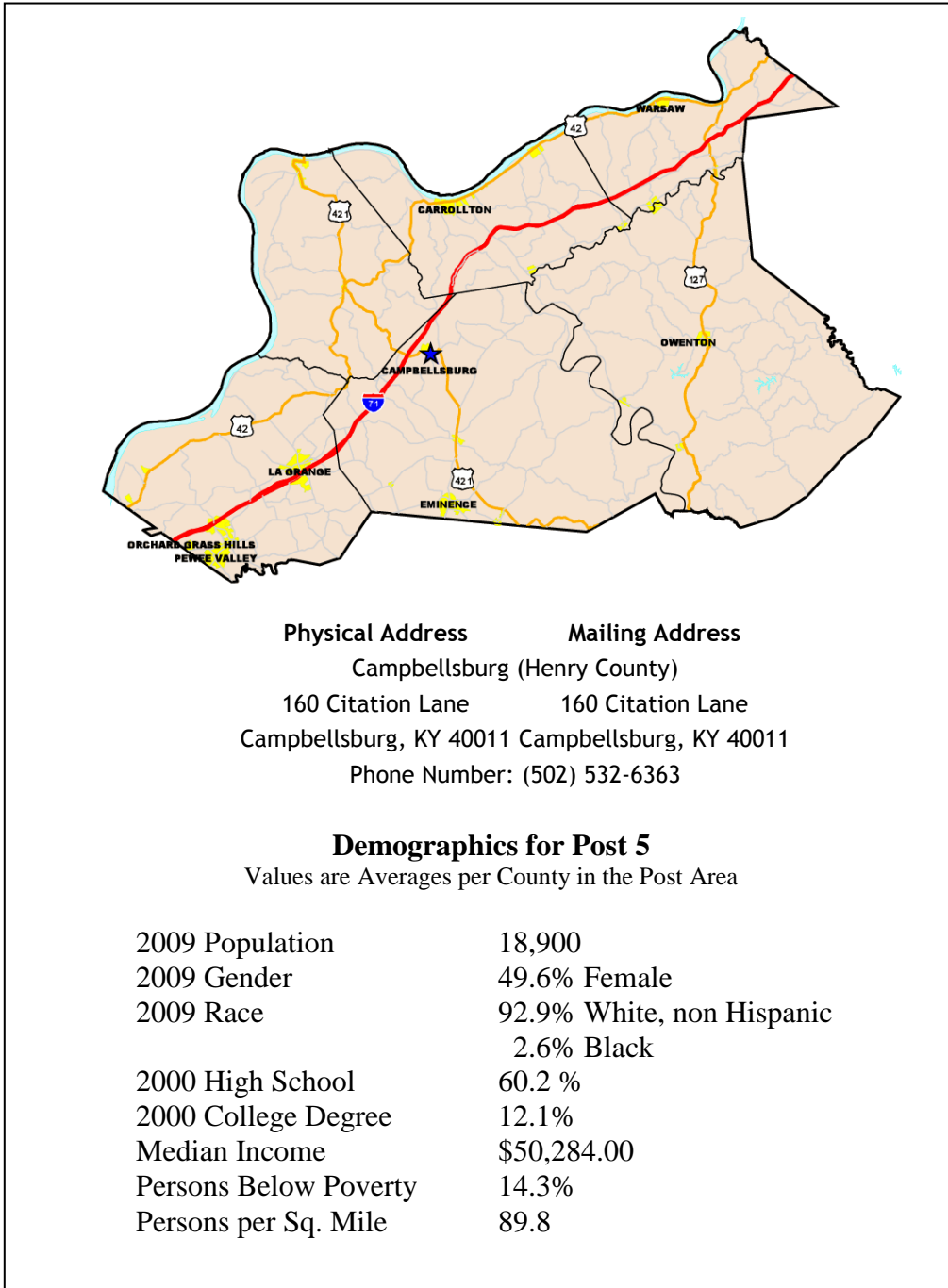


Figure 2.6 KENTUCKY POST 5 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

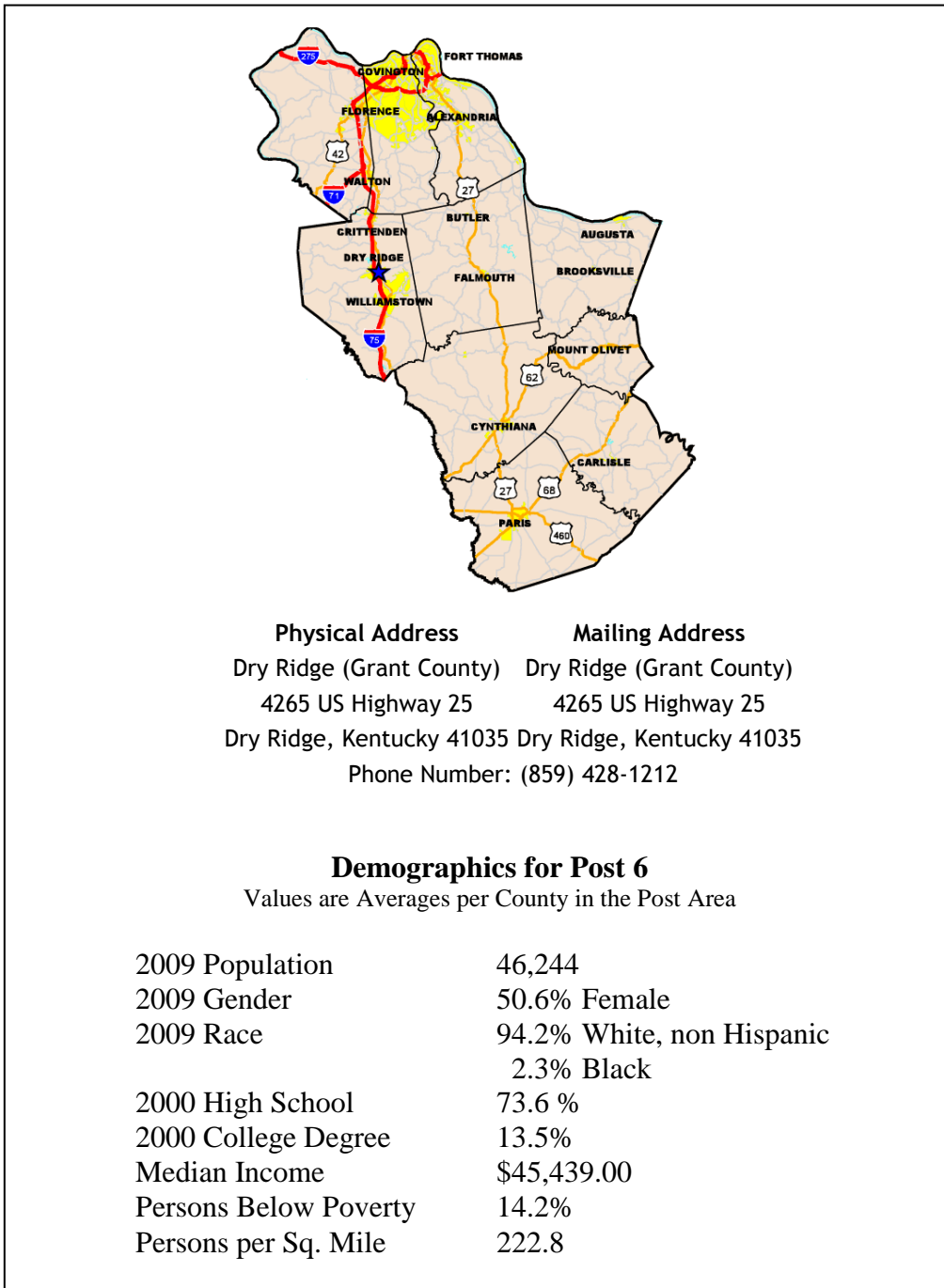


Figure 2.7 KENTUCKY POST 6 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.



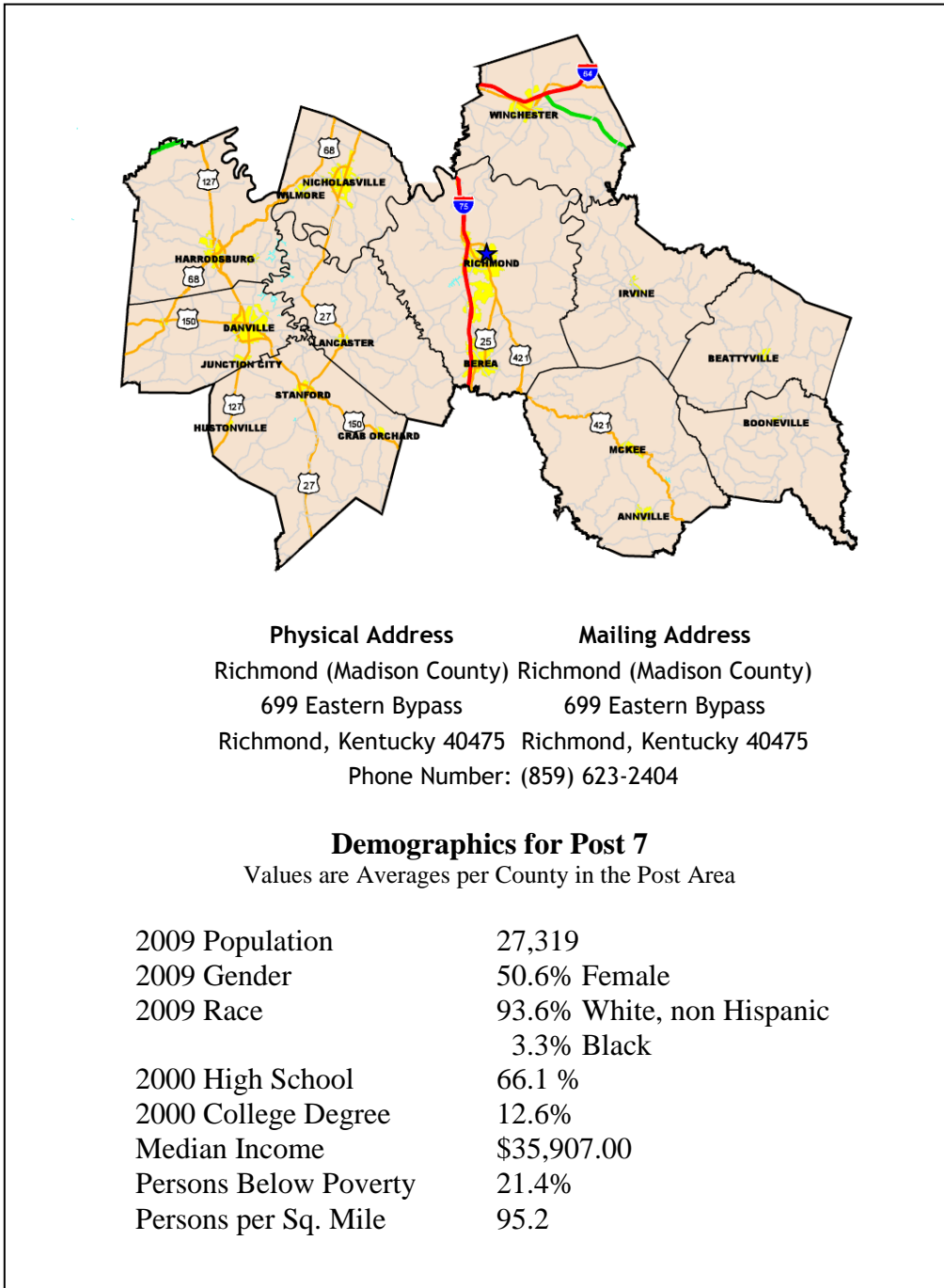


Figure 2.8 KENTUCKY POST 7 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

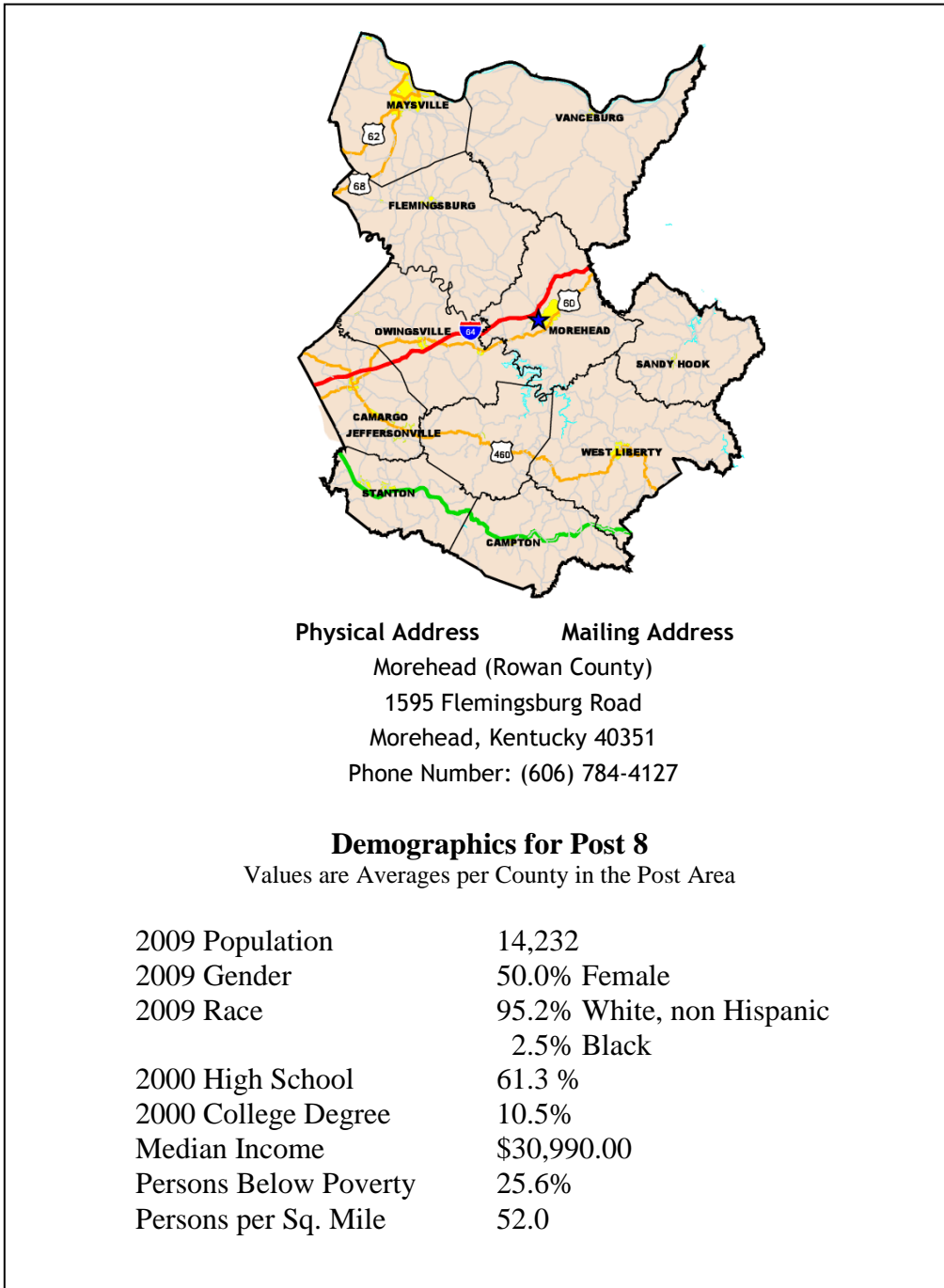


Figure 2.9 KENTUCKY POST 8 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

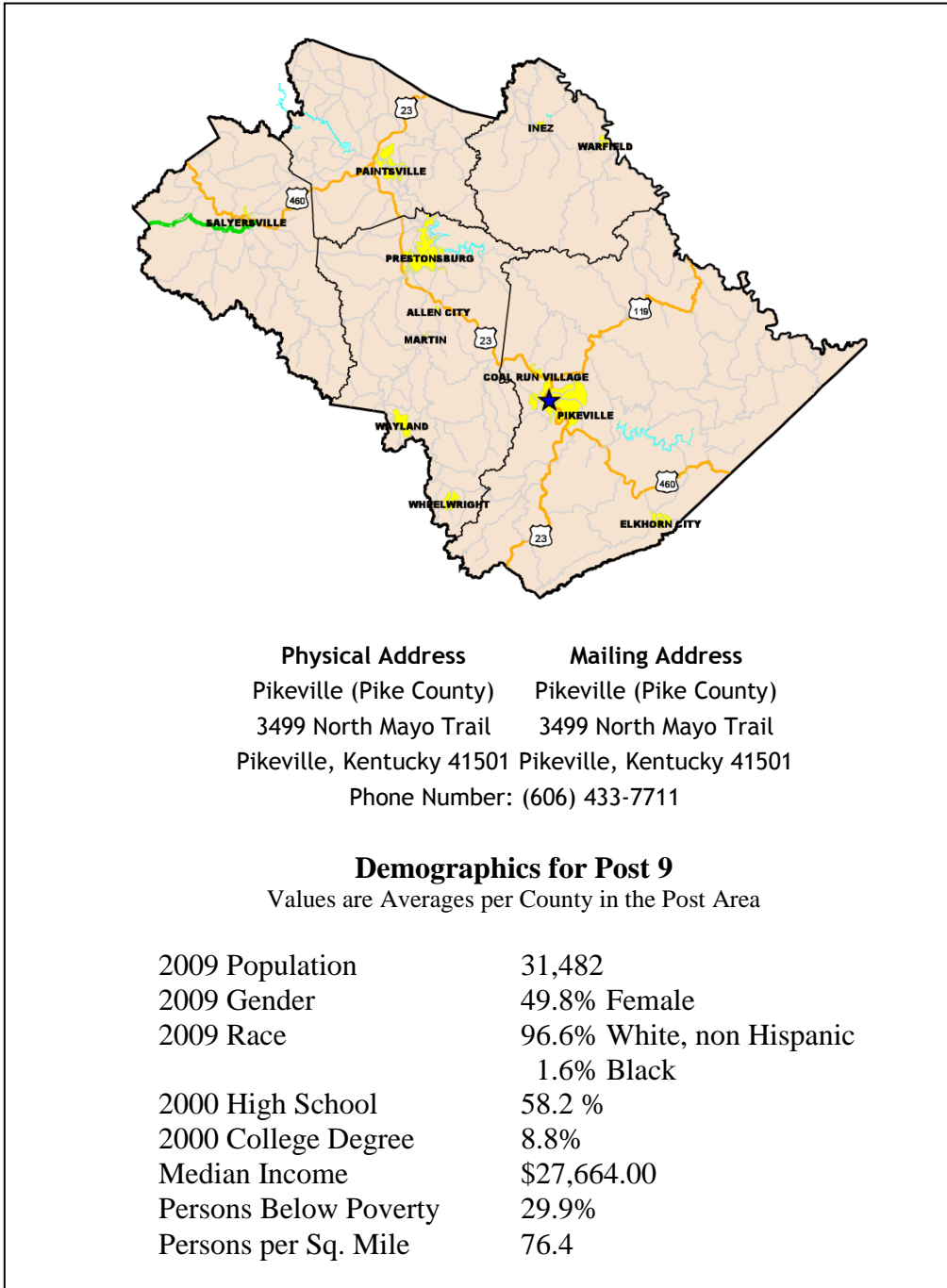


Figure 2.10 KENTUCKY POST 9 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

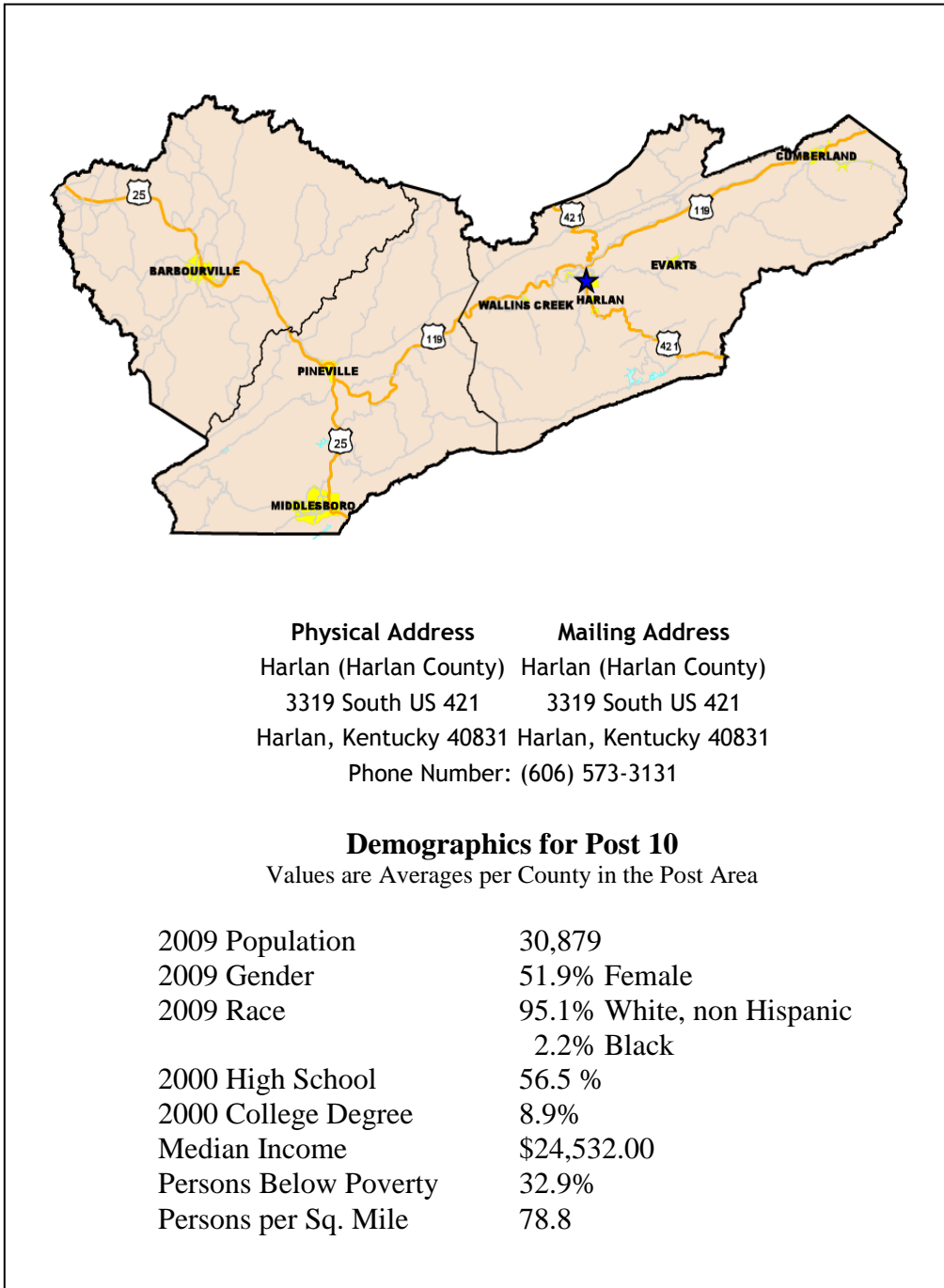


Figure 2.11 KENTUCKY POST 10 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

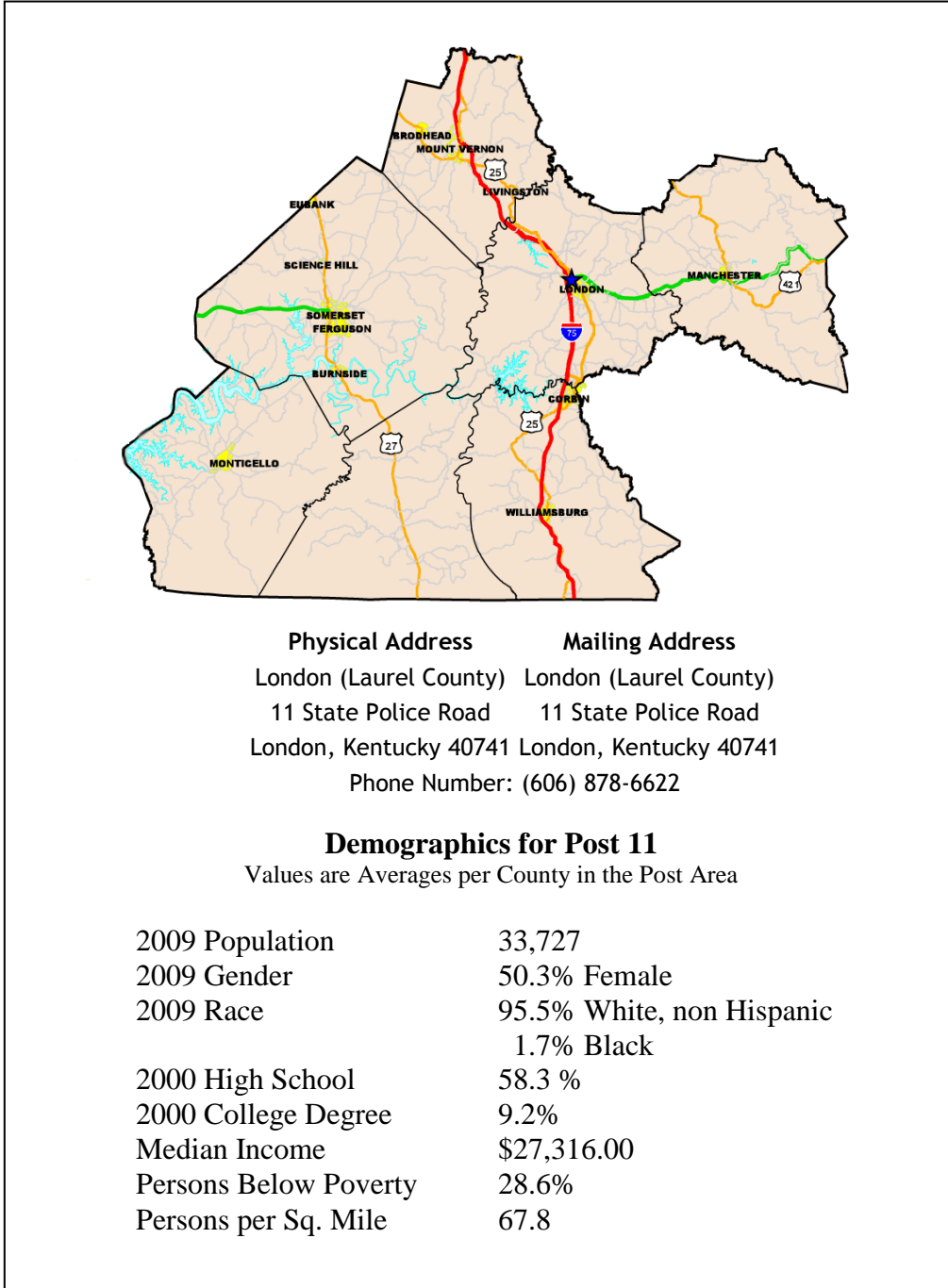


Figure 2.12 KENTUCKY POST 11 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

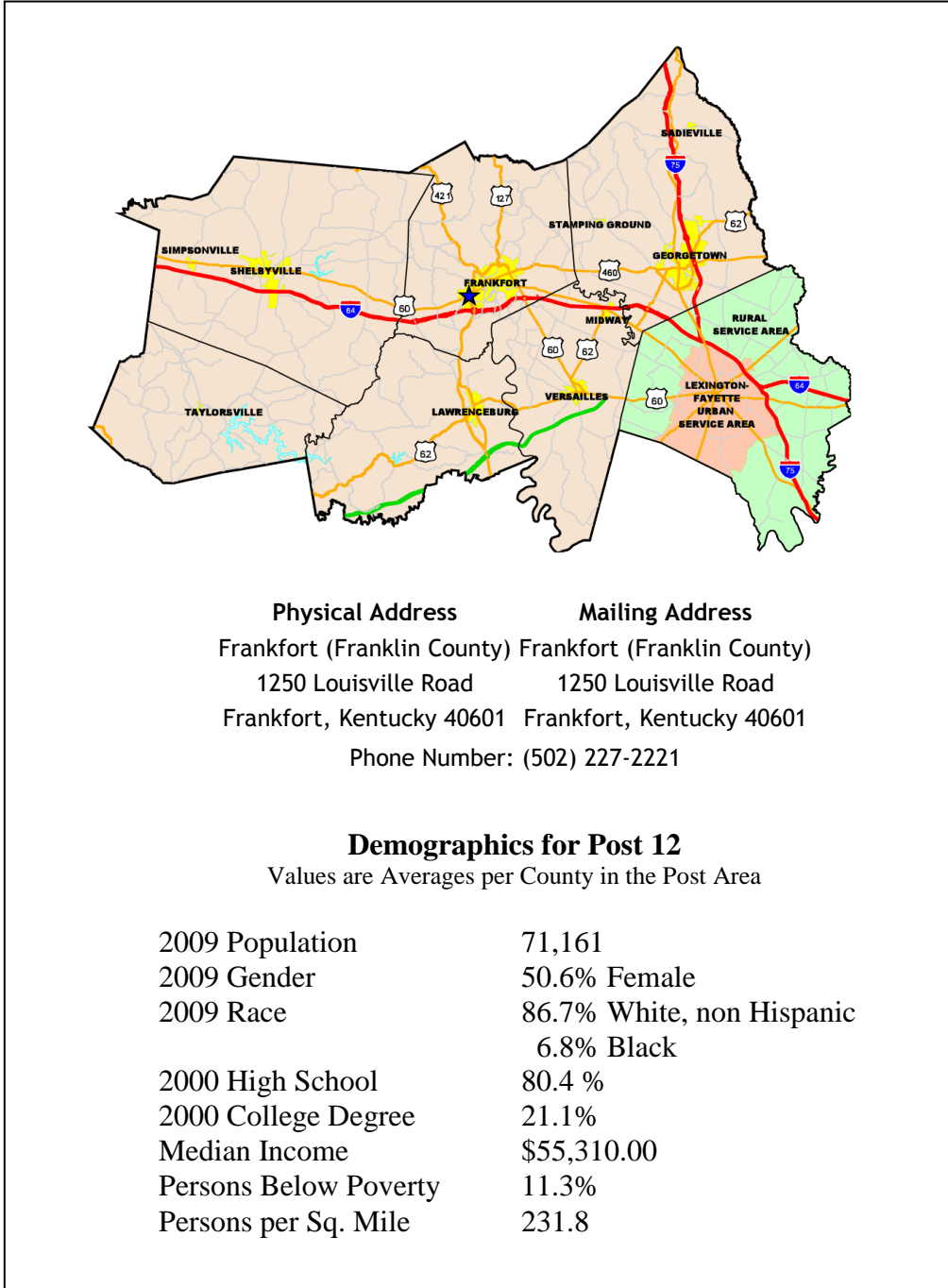


Figure 2.13 KENTUCKY POST 12 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

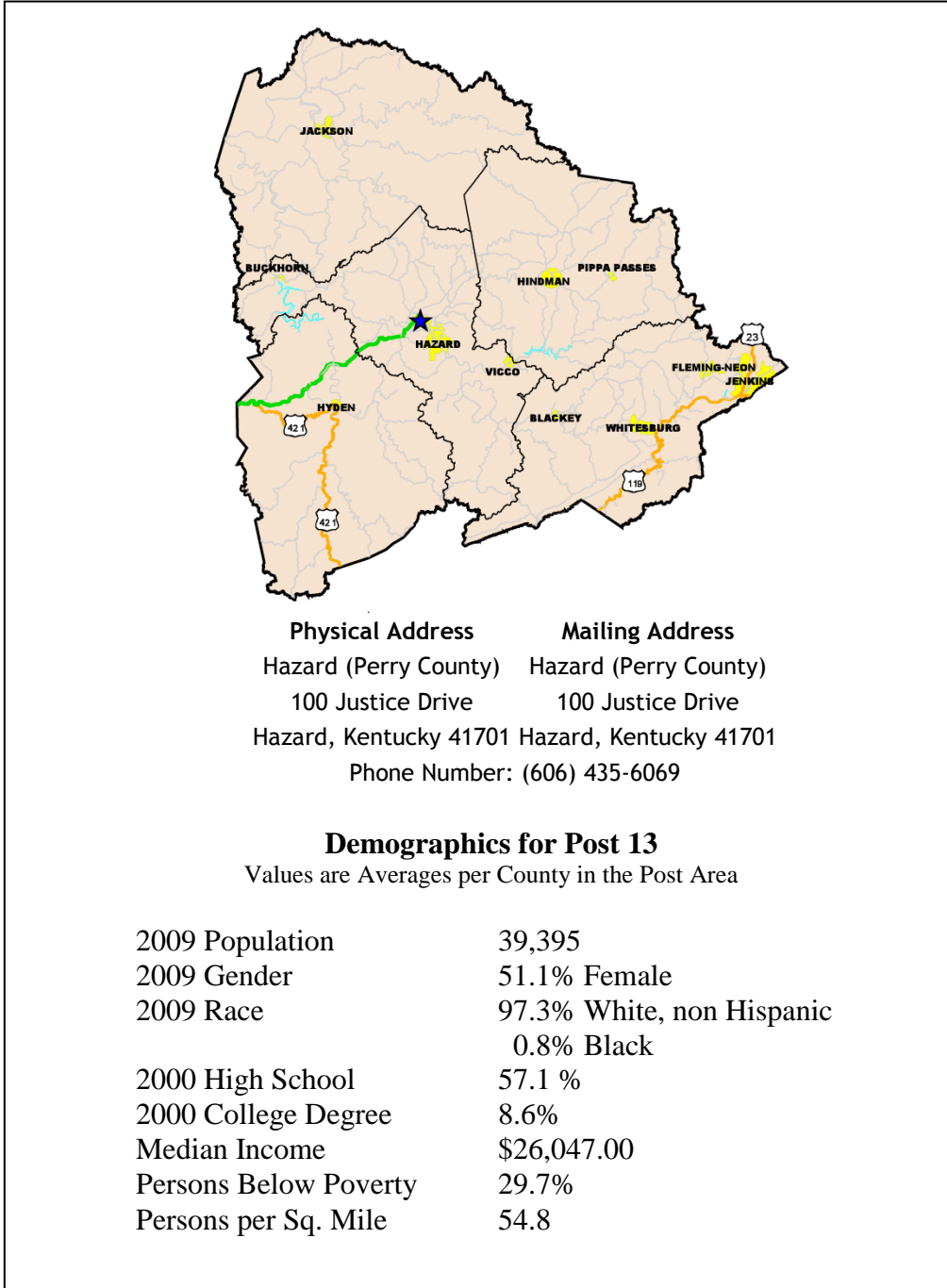


Figure 2.14 KENTUCKY POST 13 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

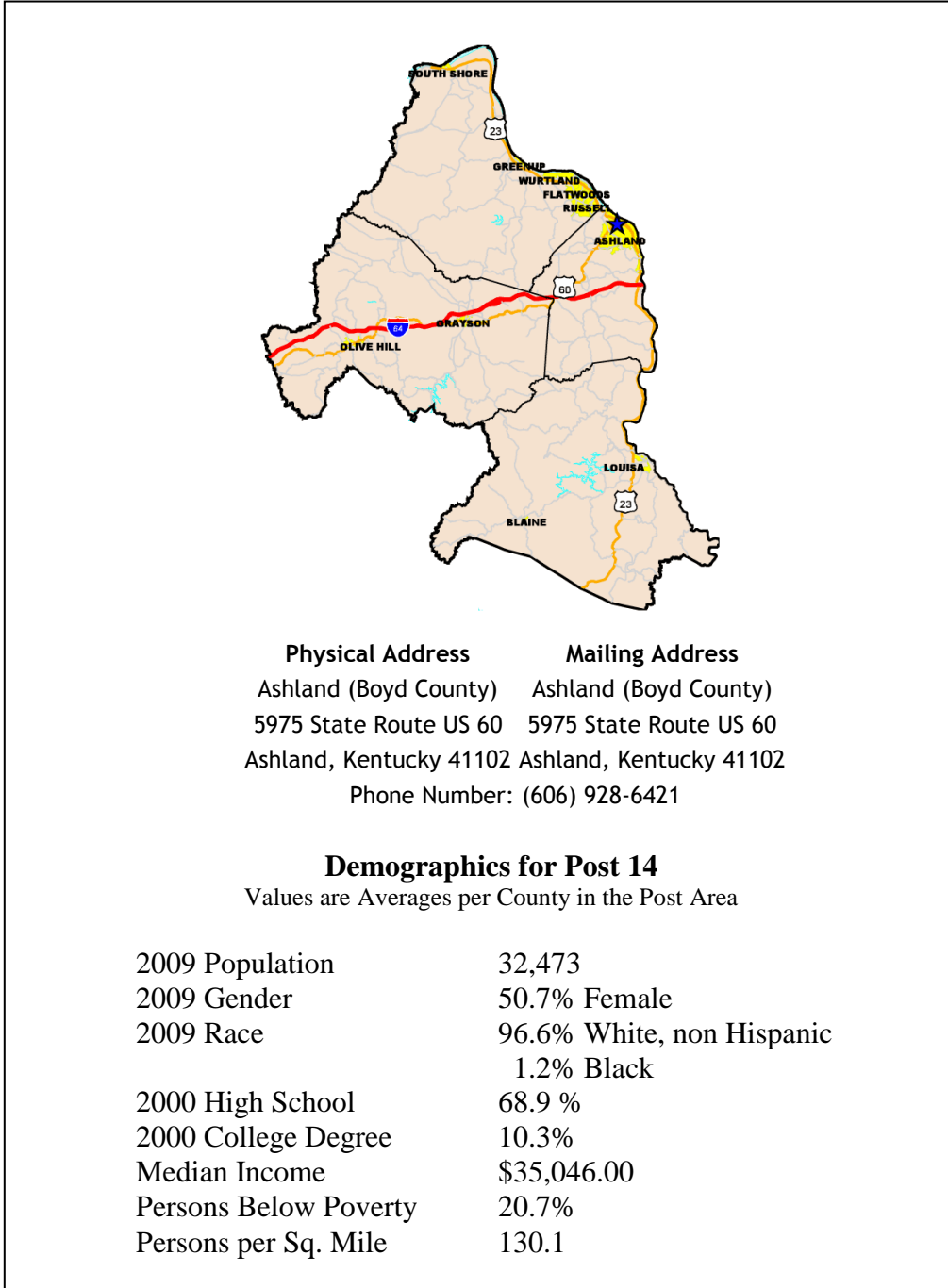


Figure 2.15 KENTUCKY POST 14 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.



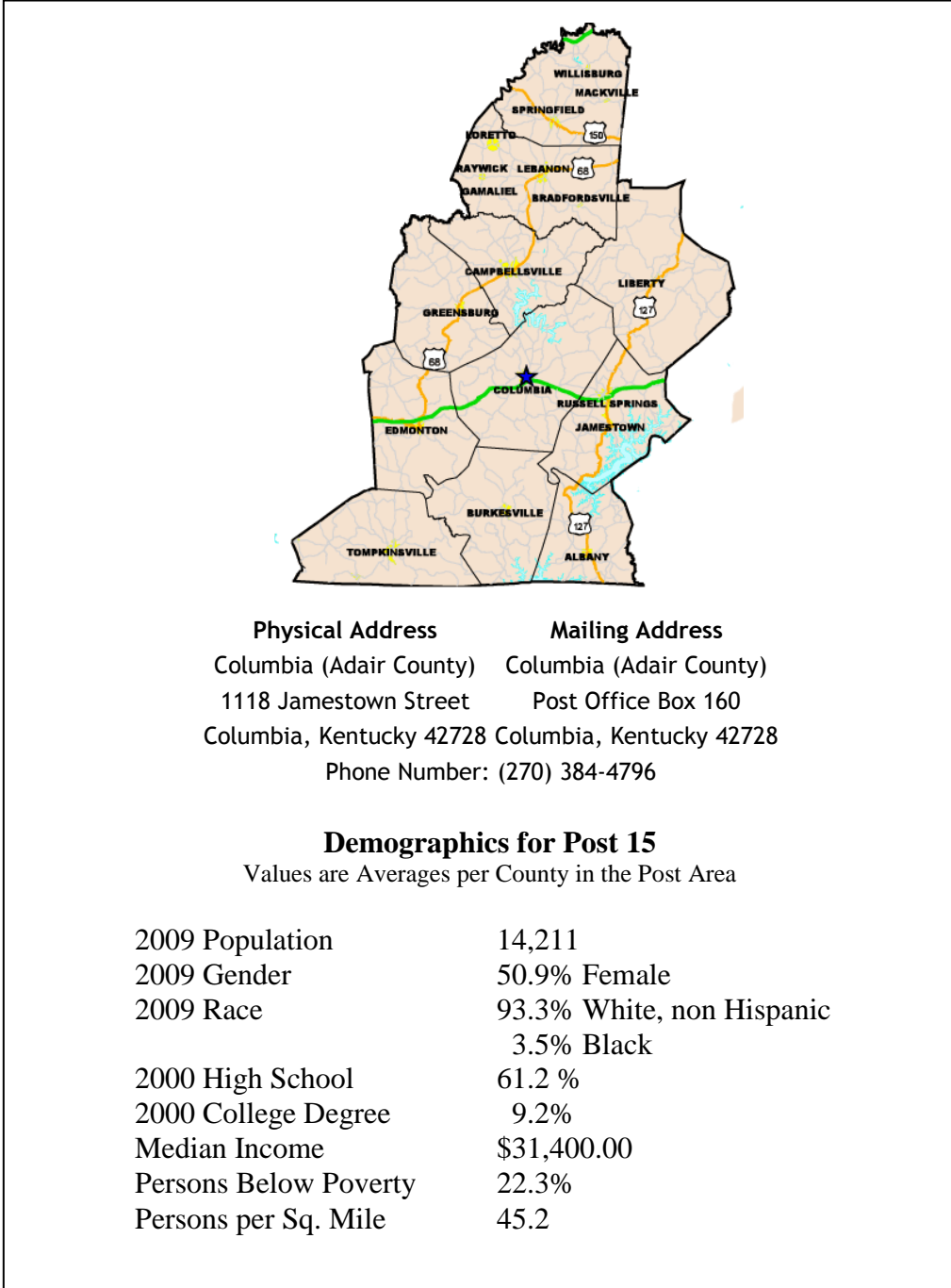


Figure 2.16 KENTUCKY POST 15 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

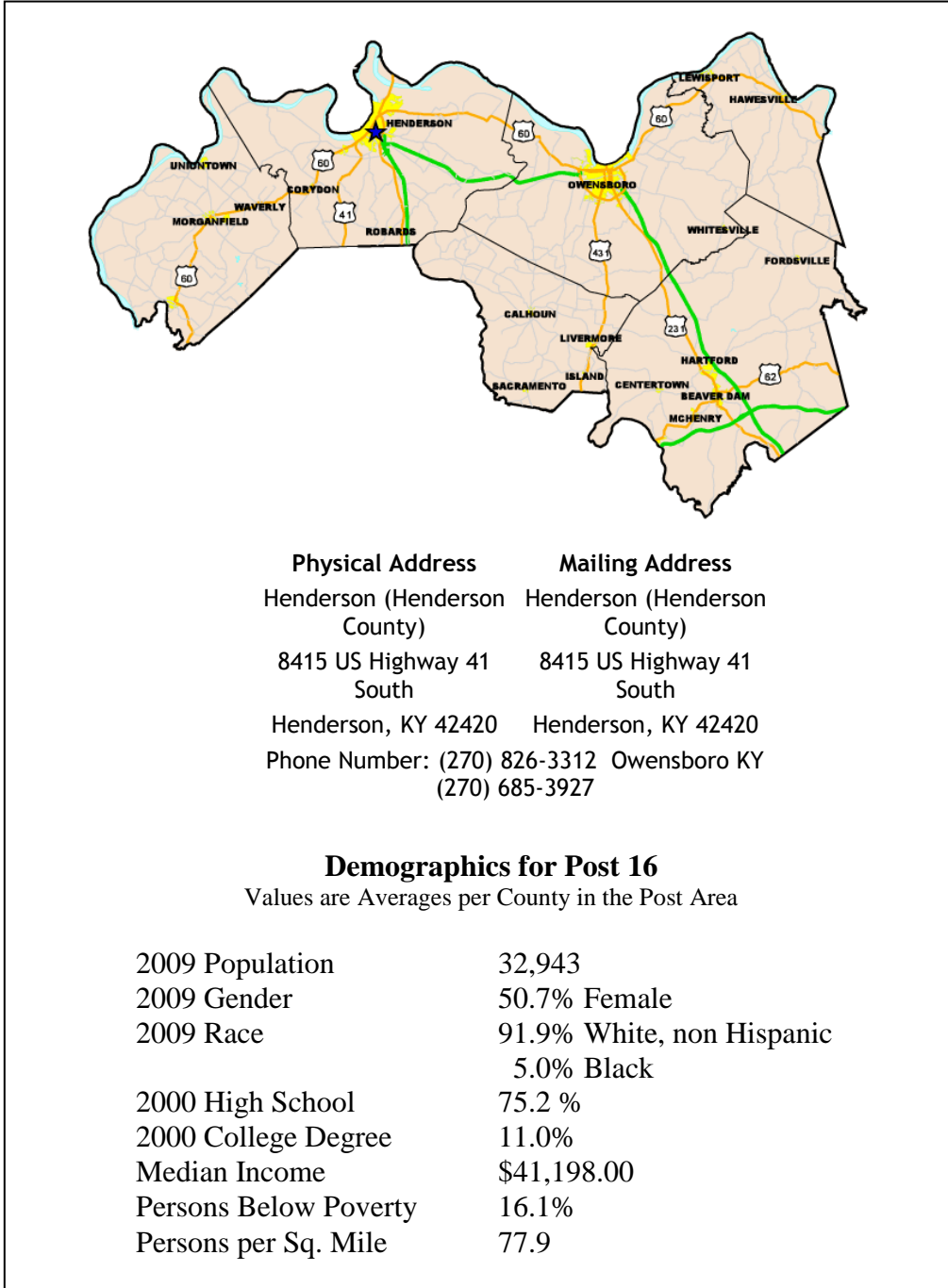


Figure 2.17 KENTUCKY POST 16 AREA

Source: Image and Contact Information from the Kentucky State Police Website, [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org), April 2011. Demographic data from [www.census.gov](http://www.census.gov), April 2011.

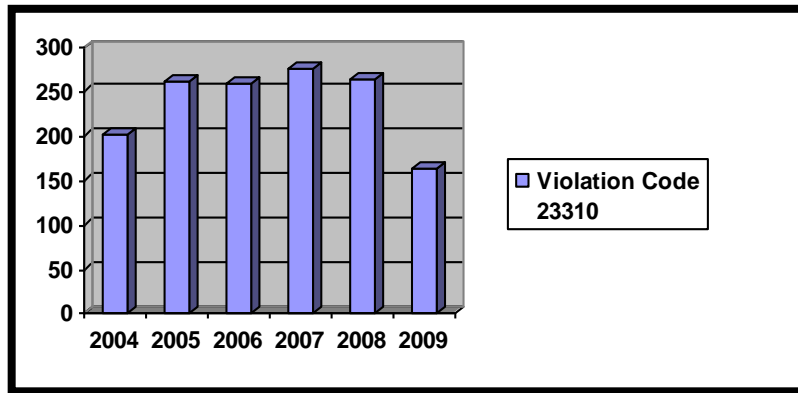


Figure 3.1 CASES OPENED IN ENIBRS FOR VIOLATION CODE 23310

Source: Kentucky Open Portal Solution ENIBRS, Kentucky State Police, Nov. 2, 2009.

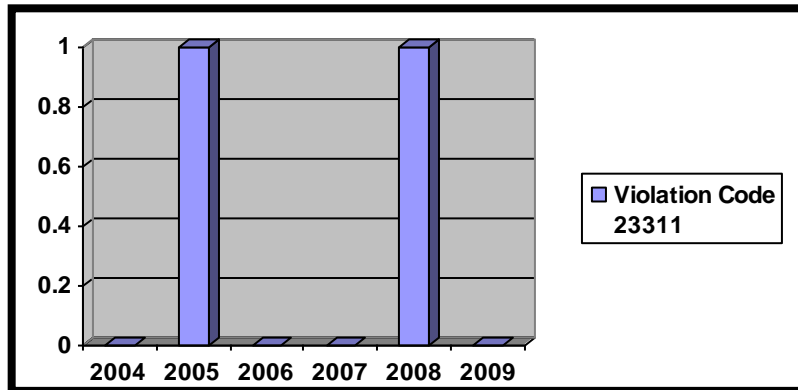


Figure 3.2 CASES OPENED IN ENIBRS FOR VIOLATION CODE 23311

Source: Kentucky Open Portal Solution ENIBRS, Kentucky State Police, Nov. 2, 2009.

**Legend Values**

- |   |   |
|---|---|
| 00 – N/A                                  | 14 – HOTEL/MOTEL/ETC.                     |
| 01 – AIR/BUS/TRAIN TERMINAL               | 15 – JAIL/PRISON (INCLUDES PENITENTIARY)  |
| 02 – BANK/SAVINGS AND LOAN                | 16 – LAKE/WATERWAY                        |
| 03 – BAR/NIGHT CLUB                       | 17 – LIQUOR STORE                         |
| 04 – CHURCH/SYNAGOGUE/TEMPLE              | 18 – PARKING LOT/GARAGE                   |
| 05 – COMMERCIAL/OFFICE BUILDING           | 19 – RENTAL STORAGE FACILITY              |
| 06 – CONSTRUCTION SITE                    | 20 – RESIDENCE/HOME                       |
| 07 – CONVENIENCE STORE                    | 21 – RESTAURANT (INCLUDES CAFETERIA)      |
| 08 – DEPARTMENT/DISCOUNT STORE            | 22 – SCHOOL/COLLEGE (INCLUDES UNIVERSITY) |
| 09 – DRUG STORE/DOCTOR’S OFFICE/HOSPITAL  | 23 – SERVICE/GAS STATION                  |
| 10 – FIELD/WOODS                          | 24 – SPECIALTY STORE                      |
| 11 – GOVERNMENT/PUBLIC BUILDING           | 25 – OTHER/UNKNOWN                        |
| 12 – GROCERY/SUPERMARKET                  |   |
| 13 – HIGHWAY/ROAD/ALLEY (INCLUDES STREET) |   |

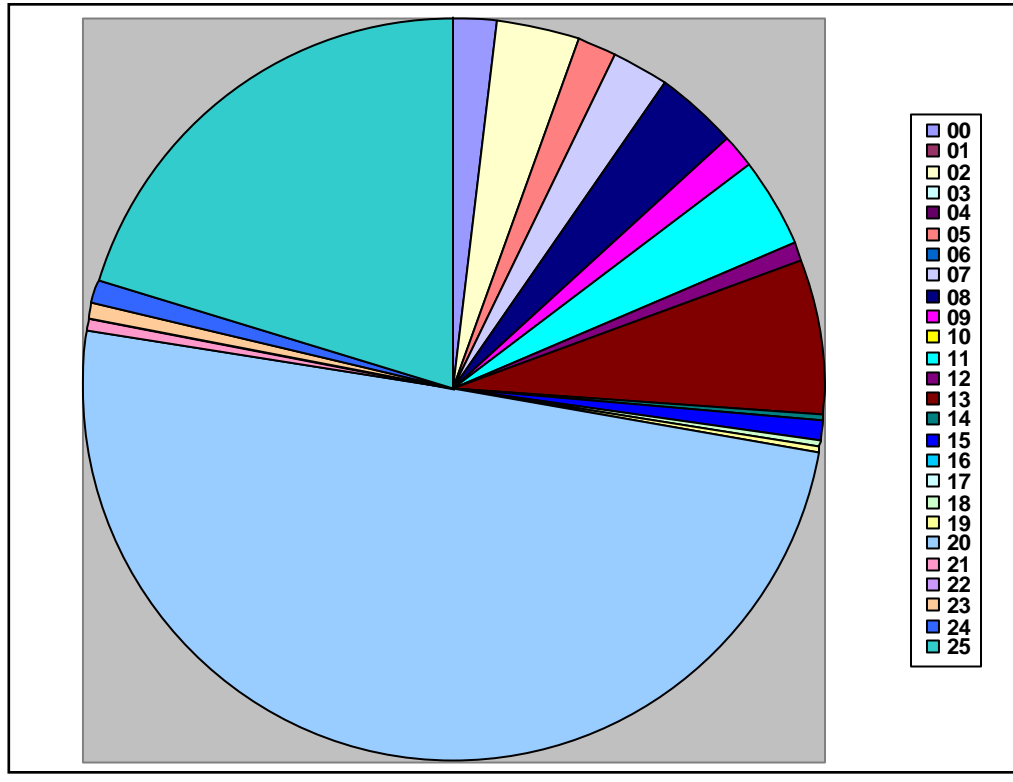


Figure 3.3 CASES OPENED FOR VIOLATION CODE 23310 BY LOCATION 2004-2009

Source: Kentucky Open Portal Solution ENIBRS, 2009.

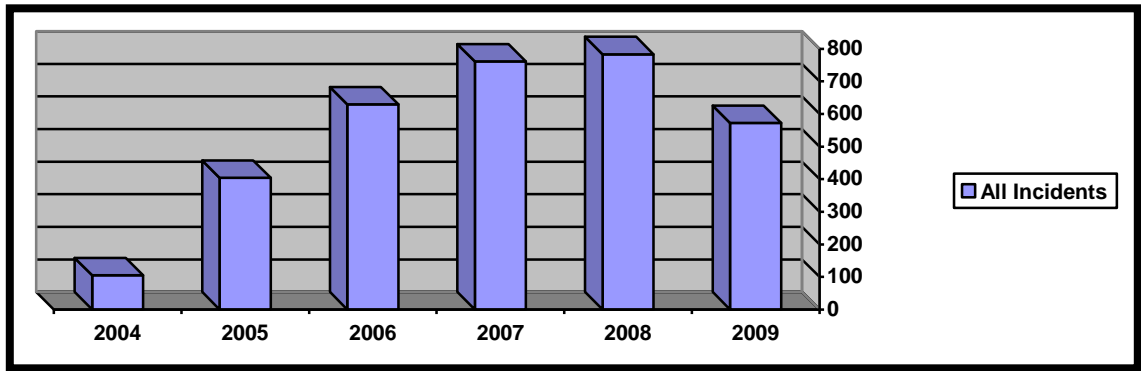


Figure 3.4 COMPUTER AIDED DISPATCH (CAD) EVENTS PER POST FROM 2004-2009

Source: Computer Aided Dispatch, Kentucky State Police, 2009

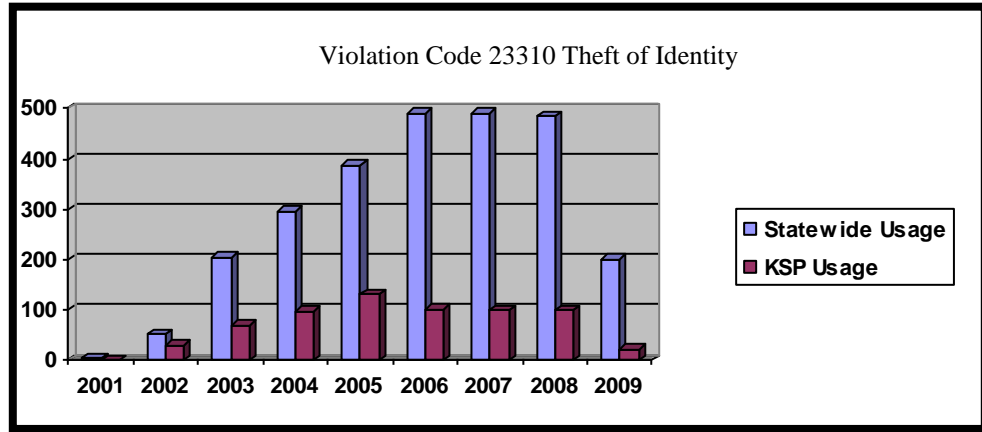


Figure 4.1 STATEWIDE AND KSP USAGE OF VIOLATION CODE 23310

Source: Kentucky Open Portal Solution, KYOPS ECITATION, July 7, 2009

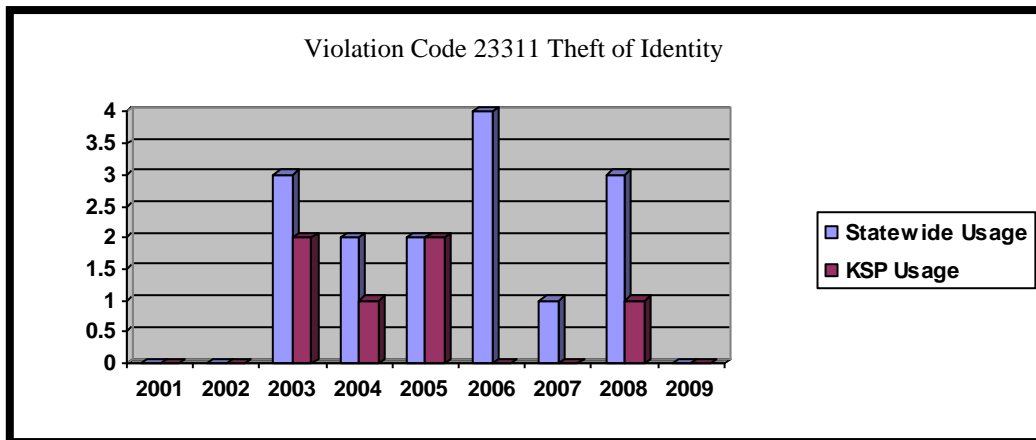


Figure 4.2 STATEWIDE AND KSP USAGE OF VIOLATION CODE 23311

Source: Kentucky Open Portal Solution, KYOPS ECITATION, July 7, 2009

## VITA

Hollie Reni Freeman was born in London, Kentucky on December 12, 1981. She attended elementary school at Sublimity Elementary and graduated from South Laurel High School in May, 2000. The following August she entered Cumberland College in Williamsburg, Kentucky where she attended three semesters until December, 2001. For one semester starting in January 2002 she attended Somerset Community College, finishing up her general education requirements. In August, 2002, Hollie entered Eastern Kentucky University and graduated in May, 2006, with a Bachelor of Science degree in Criminal Justice. She then reentered Eastern Kentucky University in May 2006 and received a Master of Science degree in Criminal Justice in May, 2011. She is presently employed with the Kentucky State Police in Frankfort, Kentucky performing as a Fingerprint Specialist and an Automated Fingerprint Identification System Administrator.