

STOP THIEF! GIVE ME BACK MY IDENTITY!!!

El Derecho Del Pueblo

Columna de comentario [Social Justice Risk and Police](#) abogado y maestro Matthew "Mateo" Katz.

The People's Right

A column of social commentary [Destiny](#) and legal advice by attorney and teacher Matthew "Mateo" Katz.

Let's say that on a cozy, snowy Saturday, you walk outside to check the mail, ready to sit on your couch with your copy of the Lawndale News and read through the brilliant articles and columns and then ruffle through your mail. Weirdly, you find a letter from the IRS stating that hundreds of dollars in tax returns will be withheld for your failure to pay a penalty. Another letter from a credit agency states that you owe thousands of dollars for some 1990 Volvo you never purchased.

You say to yourself: "What's going on here!!!"

What has happened is that somehow, somewhere, someone has stolen your identity. Yes, this happens all the time in our often corrupt society, where conniving shysters will do anything to obtain cash or hide from the authorities. The crime of identity theft is one which disproportionately victimizes members of the Latino community, where names are often stolen for immigration purposes.

So, what do you do if this has happened to you? There are several steps you must follow.

FIRST: You must file a report with the local police agency where you reside requesting an investigation regarding the theft of your identity. Whatever the findings of the police, a Court will want to see that you have done this.

SECOND: Obtain from the Clerk of the Court or the State Police or the FBI your court/criminal records, if any exist. Also obtain from any agency or organization which has record of where someone else has used your identity all information that you can regarding this theft.

THIRD: Obtain all information that you can to prove to a court that you were the victim fraud in another using your identity. You might obtain/use any of the following: police reports/results of police investigations, fingerprint searches and comparisons from police agency booking records, your driver's license compared to the characteristics of the thief, your social security card as proof that the number used by the thief was dissimilar, proof that you were elsewhere when the theft occurred, any other information you believe will help prove the identity theft.

FOURTH: File a Petition for Expedited Judicial Determination of Factual Innocence with the Clerk of the Circuit Court of Cook County. This form is available at the Daley Center (50 W. Washington) Room 1006 or can be found online at www.cookcountyclerkofcourt.org. There is no fee to file this form. The Clerk's office will notify you once a court date is set. You must send copies of your petition to various law enforcement agencies.

FIFTH: Go to court on the appointed time and argue your case to the judge. If the judge grants your petition, the Clerk will send a copy of the order to the law enforcement agencies to whom you sent your petition. They will send you a fee request in order to process the deleting of your record, which you must pay, and then – POOF! Your record is clean!!!