

How to Fix Criminal Identity Theft on Your Pennsylvania State Police Record

What is “criminal identity theft?”

“Criminal identity theft” begins when a person who is arrested gives the name, date of birth, and/or Social Security number of another person. The person whose name and other information was fraudulently given to law enforcement (the “criminal identity theft victim”) then is saddled with the criminal record of all of the arrests, convictions and bench warrants that belong to the person who was arrested (“the identity thief”).

For example, let’s say that Sam Swindler, who already has a criminal record of burglary and assault, is arrested while driving a stolen car. Swindler tells the police officer that his name is Ira Innocent, who actually is Swindler’s brother and who has no criminal record. Swindler also gives Innocent’s date of birth to the police. The police, the district attorney or the court eventually learns that Swindler gave Innocent’s name as an alias. But Innocent’s name and date of birth remain in the records. When an employer does a background check on Innocent, Swindler’s record of burglary, assault, and now car theft, is given by the State Police as Innocent’s criminal record.

Will the State Police provide a correct record for a criminal identity theft victim?

In some cases, they will. The State Police has a computer program that will screen out the criminal record of the criminal identity thief when it responds to an employment or other background check request on the criminal identity theft victim. In other words, the correct record will be provided for the victim, if the victim has gone through the procedures described below.

The State Police will *not* correct the person’s record in the following cases.

- The person himself has been arrested and/or convicted in Pennsylvania
- Identity theft was committed against the person by two or more other people.
- The person’s Social Security number was used in the identity theft.
- “Coincidence cases,” where two people legitimately share the same name and date of birth. This usually only happens for very common names.

If I am a criminal identity theft victim in Pennsylvania, what can I do to try to get the State Police to provide the correct criminal record for me?

First, be sure that you are a criminal identity theft victim. Do you know what your State Police record shows? If not, you can order a copy on the State Police’s website, for \$10.00.

<http://www.StatePolice.state.pa.us/patch/site/default.asp> You must have a copy of your incorrect State Police record to get a corrected record.

Second, if criminal offenses are reported for you and you were not arrested for them, you will need to go to a State Police barracks for fingerprinting, so that your fingerprints can be compared to the fingerprints taken at the time of arrest. If your fingerprints differ, you will then get a State Police letter confirming that you are an identity theft victim.

You need to get authorized for an appointment through the State Police's Harrisburg headquarters. Call 888-783-7972 and press Option 2. They will provide your client with a piece of paper that allows the scheduling of an appointment for fingerprinting at the local barracks.

In Philadelphia, go for fingerprinting to the barracks located at 2201 Belmont Avenue. The telephone number of the Belmont Barracks is (215) 560-6200. Barracks locations elsewhere in the state are available on the State Police website:

http://www.portal.state.pa.us/portal/server.pt/community/psp/4451/public_services/517756.

When going for fingerprinting, take your incorrect State Police record and positive identification for yourself, such as your drivers' license or birth certificate.

What happens if I prove through my fingerprints that the criminal record is not mine?

Everyone whose record is incorrect will get a confirming letter from the State Police after the fingerprinting. Your State Police record also should be fixed as a result of the fingerprinting, unless you are in one of the four categories where they will not fix the record. The people whose records are corrected will not have to do anything special when an employer does a State Police check on them.

If the State Police does not correct your record, you will only get the correct record in response to a State Police background check if you give a copy of the State Police letter to the employer and the employer follows the instructions on the letter.

If you are not sure whether or not the State Police is issuing a correct record on you after your fingerprinting, you should order another copy of your record after the fingerprinting to see whether you get a correct version.

For all identity theft victims, even if the State Police fixes your record for employment and other background check purposes, it will not fix your record for criminal justice system purposes. In other words, law enforcement will still see the incorrect information. For instance, if you are pulled over by police, you could be detained if there is a bench warrant out for the other person but under your name. For this reason, you should keep the letter from the State Police indicating that you are a criminal identity theft victim with you at all times.

If you have any problems with criminal identity theft that you cannot fix using these instructions, please contact **Community Legal Services, Inc., in Philadelphia, by calling 215-981-3700.**

Prepared by Community Legal Services, Inc. (Updated 6/18/11)