



# Colorado Springs Police Department Standard Operating Procedure

## DL-1100-12 Identify Theft - Criminal Impersonation Resulting in False Prosecutions

### Section 1100 - Investigative Functions

Effective Date: 1/24/2022

Supersedes Date: 3/5/2013

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#### **.01 Purpose**

The purpose of this directive is to set forth the procedures to be used when there are reasonable grounds to believe that a specific person has been impersonated by another and as a result, that person has been subjected or may be subjected falsely to criminal prosecution.

#### **.02 Cross Reference**

[GO 150 Offense Reports](#)

[GO 820 Initial Investigation](#)

[GO 1510 Criminal Records Information](#)

#### **.03 Definitions**

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#### **.04 Procedure**

Whenever a member of the department is confronted with a situation where there are reasonable grounds to believe that a specific person has been impersonated by another and as a result, that person has been subjected to actual or threatened prosecution, the department has both an ethical and a legal obligation to respond and investigate. It is never sufficient to merely arrest the suspect and refer that individual to the court for possible redress.

CRS §16-5-103 (3) requires the department to undertake specific steps when a person has been the subject of an arrest, criminal proceeding, or prosecution in any form because another person has falsely assumed that person's identity. The requirement includes those cases where the criminal act took place in this jurisdiction, and cases where a victim is located in Colorado Springs and has been impersonated elsewhere, which has resulted in criminal proceedings.

Examples of situations where reasonable grounds exist to believe that a person has been the victim of such an event would include, but are not limited to, the following:

- Cases where a person is purported to be wanted for an offense but can conclusively demonstrate that they were not physically present at the location of the offense (such as being deployed overseas, prosecutions in other states when the individual can demonstrate they were in Colorado through work records, etc.).
- Cases where the name, date of birth, and social security number of an individual match those of a wanted person, but the physical description is conclusively different.
- Cases where there is a photograph and or fingerprints of the actual suspect from a previous arrest that do not match the person whose identity was falsely assumed.

When these or similar situations that constitute reasonable grounds to believe that the individual named did not commit the offense, but rather the offense was committed by someone who was unlawfully using their name and identifying information, CRS § 16-5-103(3) mandates the following:

- A case report will be taken for Criminal Impersonation, CRS § 18-5-113.
- A copy of the face sheet must be given to the victim at no cost at the time the report is taken. (This requirement is designed to assist the individual if they are stopped by another law enforcement agency.)
- The completed report will then be forwarded to the Financial Crimes Sergeant of the Technical Investigations Section who will assure that a copy of the complete report, including any dictated supplements is promptly mailed to the victim at no cost. This will be documented in the case report.
- The report will be evaluated for follow-up investigation. If the core elements of the offense occurred in another jurisdiction, a copy of the entire report will be forwarded to the law enforcement agency in that jurisdiction. This will be documented in the case report.
- If the incident has resulted in the issuance of a warrant for the arrest, active prosecution, or criminal conviction of a person falsely impersonated, this information will also be forwarded to the prosecutor's office involved in that prosecution so that the prosecution may be withdrawn. This will be documented in the case report. This may include having to hand deliver the report to have the warrant quashed in some circumstances.
- If there has been an entry made into the arrest records of the department where the suspect falsely impersonated the victim at the time of arrest, the Records and Identification Section

will be notified so that this can be corrected in accordance with the provisions of the Colorado Criminal Justice Records Act (CCJRA).

Additional information:

- Colorado Criminal Justice Records Act, CRS §§ 24-72-301 to 309