



How to Use the California Identity Theft Registry

A Guide for Victims of “Criminal” Identity Theft

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What Is Criminal Identity Theft?

Any act of identity theft is a crime under California law. “Criminal identity theft” is a label given to a particular type of identity theft. Criminal identity theft occurs when a suspect in a criminal investigation identifies himself or herself using the identity of another, innocent person. For example, the suspect may give the police another person’s name or identifying information (such as a driver’s license number or a Social Security number). This creates a criminal record in the name of the innocent person, making the innocent person a victim of criminal identity theft.

If someone has committed a crime while pretending to be you, you can clear your name. This guide is designed to help you do that. If you follow the steps outlined here, and as provided by California law, you can get the court order you will need to have your name entered into the California Identity Theft Registry.

Police officers can check this Registry to confirm that you are not the person they are looking for. If you are stopped or questioned by authorities about a criminal record, you can give them a toll-free phone number and password that they can use to confirm your innocence. In addition, this process can help you clear up damaging, but mistaken, information that might interfere with your efforts to find housing or work.

You may want to get assistance from an attorney. See the Additional Resources section on page 9 for information on free and low-cost legal help.



How You May Have Become a Victim of Criminal Identity Theft

There are two main ways you might find your name involved with an identity thief in the criminal law system. One way you could get a criminal record is when an identity thief gets into trouble with law enforcement agencies while using your name. Another way you could get into trouble is when you get arrested because an identity thief has used your name while committing a crime.

A criminal record might be wrongly created in your name in one of the following ways:

- The thief was cited (in your name) for a crime.
- The thief was arrested (in your name) for a crime.
- The thief was prosecuted (in your name) for a crime. In other words, a county District Attorney or other prosecutor has filed a criminal complaint in court against the thief, but the complaint is in your name.
- The thief was convicted (in your name) of a crime.
- Your name has been somehow mistakenly associated with a record of a criminal conviction of some other individual.

In these instances, you can immediately ask a court for a Certificate of Identity Theft. See page 4.

What to Do in Case of Arrest

You might learn that you are victim of criminal identity theft if you are arrested for a crime committed by an identity thief who used your name. If you are arrested for a crime committed by an identity thief, you should use the form of petition provided by the California Department of Justice (DOJ). That form of petition is known as Petition to Seal and Destroy Arrest Records Pursuant to Penal Code Section 851.8. It is attached at the end of this guide.

You must first petition the arresting agency for a finding of factual innocence. This gives that agency an opportunity to voluntarily seal and destroy the erroneous records. You must do this before you can apply to a court for a court order (or certificate) that orders the agency to seal and destroy the records.

You should fill out the DOJ's Petition to Seal and Destroy Arrest Records form, which you will find in the Sample Forms section at the end of this guide. Make several copies of it and give copies to the law enforcement agency that arrested you and to the District Attorney of the county that has jurisdiction over the crime for which you were arrested. (See Penal Code § 851.8, which can be found at www.leginfo.ca.gov/calaw.html.)

The arresting agency and the prosecutor have 60 days after receiving your petition to decide if they will agree that you are factually innocent and seal and destroy the records relating to you. If they do not act in



60 days, or if they deny your petition, you will have to go to court and ask the court for a Certificate of Identity Theft.

The California Identity Theft Registry Application Process

The California Department of Justice maintains the Identity Theft Registry. Once you provide the proper information and your information is confirmed, DOJ will enter you in the statewide database.

You will find instructions and forms for applying for entry into the Identity Theft Registry on the DOJ Web site at <http://caag.state.ca.us/idtheft/packet.htm>. Or you can get a registration application packet by calling 1-888-880-0240.

The DOJ application process has six steps:

- Step 1 – Get court order/verification
- Step 2 – Get LiveScan fingerprints
- Step 3 – Complete registration application form
- Step 4 – Complete checklist for application
- Step 5 – Mail documents
- Step 6 – Receive registration notification

The challenge for many criminal identity theft victims is Step 1, getting a court order verifying that you are a victim of identity theft. This guide is intended to help you get that order from a judge stating that you are “factually innocent” of the crime on your record. The order is formally known as a *Certificate of Identity Theft: Judicial Finding of Factual Innocence*. We will refer to it here simply as a *Certificate of Identity Theft*.

After getting the Certificate of Identity Theft, you must continue with Steps 2 through 6 in the DOJ application process (outlined on pages 8-9). After the completion of all six steps, the DOJ will then enter your name into the Identity Theft Registry.

The First Step: Getting a Certificate of Identity Theft

In most cases of criminal identity theft, you will have to go to court to get your situation cleared up. To do this you will need to know a few critical pieces of information.

First, you need to know the numbers assigned to the legal matter or case. The numbers will likely be any or all of the following:

- A citation number
- An arrest warrant number
- A court file number



For the purposes of this guide, all of these numbers will be referred to together as the Case Number. In rare instances, you will obtain a new case number when you ask a court for a Certificate of Identity Theft. When you know the case number you will be able to help the court clerks, the judge, and the prosecutor's office find the information you need—the papers and other information related to that case number.

Second, in most of these instances a California state court will be involved. It will be the court that is responsible for resolution of the case—the legal matter involving the identity thief and you. If a court is involved, you will need to know the location and telephone number of the clerk of that court. The court clerk is usually at the county courthouse. You will also need to the location of the courtroom where your hearing may occur.

Third, you should find out the name, mailing address and telephone number of the prosecutor, if any, assigned to the case. This may be a deputy district attorney who is prosecuting the identity thief. Be aware that the prosecutor may have its own, separate file number for your case.

Fourth, you should keep track of the formal name, address and telephone number of the police department or other law enforcement agency, if any is involved in the matter.

GETTING A CERTIFICATE OF IDENTITY THEFT BY INFORMAL REQUEST OF A COURT

If the person who stole and used your identity while committing a crime is arrested, you may be able to obtain the Certificate of Identity Theft from a court just by talking with (or petitioning) the judge in a court hearing during the thief's case. In each court a particular judge will make the determination of whether you are entitled to a Certificate of Identity Theft. You will need to find out if that judge will permit you to simply speak to him or her in open court (without preliminary paperwork) about the facts and circumstances that resulted in your problem.

To find this out, call the main clerk for the criminal court that is involved or call the clerk for the particular judge that will hold the hearing. Later in this guide (at page 7), the hearing process will be discussed further.

If the judge permits an informal procedure, you will only need to prepare a proposed Certificate of Identity Theft for the judge to sign after the hearing. (See Sample Forms after page 10.) Be sure to make a copy of the Certificate.

If the judge will not permit an informal procedure, you will have to use written documents to support your request for the Certificate of Identity Theft.

GETTING A CERTIFICATE OF IDENTITY THEFT BY FORMAL PETITION TO A COURT

If you need to use written documents to support your request for a Certificate of Identity Theft, you will have to follow the following general steps, which are discussed later in detail:

- Contact the clerk of the court and agree with the clerk to a date, time and location where the court will hold a hearing on your request. To locate a court, you can look at the California Courts Web site at www.courtinfo.ca.gov/courts/. You can also look up a court in local phone books.



- Prepare the following documents, examples of which are found in the Sample Forms section:
 - Petition Requesting Finding of Factual Innocence and Issuance of Certificate of Identity Theft
 - Proof of Service¹
 - Certificate of Identity Theft: Judicial Finding of Factual Innocence (CR-150)
 - Documents that support the Petition—as described in the Petition (declarations, warrants, complaints, etc.)
- Copy the documents. Make at least two copies of the Petition and the Certificate of Identity Theft (CR-150).
- File the original Petition with the court clerk. You will probably file the Petition either with the clerk assigned to the judge who will hold the hearing on your Petition or with a central intake clerk. The clerk will stamp your copy of the Petition to show that the original has been filed with the court. This is known as an endorsement stamp. You may make copies of the endorsement-stamped Petition for delivery to other parties.
- Arrange for the delivery of one endorsed-stamped copy of the Petition to the prosecutor, if there is one assigned to the case. Delivery may be performed by an adult who is not a party to the legal action. Keep the other copy for yourself.
- The person who delivers the Petition to the prosecutor must complete the Proof of Service showing that the Petition has been delivered to the prosecutor. Make a copy of the completed Proof of Service and file the original with the court. Again, the clerk will endorse-stamp your copy. Keep it for your records.
- Prepare for, and attend, the court hearing.
- Ask the clerk to have the judge sign the Certificate of Identity Theft, and ask the clerk to provide you with a certified copy of that Certificate of Identity Theft.

PREPARING THE PETITION SEEKING CERTIFICATE OF IDENTITY THEFT

The Petition (CR-150) does many things. It tells the court and the prosecutor that you are the person petitioning (asking) the court for a Certificate of Identity Theft. The Petition also tells the Court and prosecutor about the basic facts that support your request for the Certificate. And it informs them of the date, time and location of the court hearing of your Petition.

At the end of this guide, you will find a partially completed sample Petition.

SUPPLYING ADDITIONAL FACTS TO SUPPORT YOUR PETITION

This section will tell you how to prepare a statement of facts to provide additional support for your Petition. Paragraph 6 of the form Petition indicates that an attachment to the Petition may be provided. You may supply additional facts either (1) within, and as part of, paragraph 6 of the Petition, or (2) as a properly marked attachment to the Petition.² In either case, the statement of facts is considered part of the Petition.



The judge knows you're not a lawyer and won't punish you if your papers aren't perfect. But the judge needs to have enough facts to convince him or her that there is no reasonable cause to believe that you are guilty of the crime that was committed in your name.

Since each case is different, we can't tell you exactly what to include. Keep in mind that all statements of fact are statements made under oath. When you sign the Petition you will be agreeing that your statement of facts is true. Every individual who signs such a statement of facts is subject to penalties for any untrue statements made in it. Note the final statement in the Petition: "I declare under penalty of perjury under the laws of the State of California that the facts stated in this declaration are true and correct."

The focus of a statement of facts should be on facts. Avoid opinions, conclusions, or other statements about information that you do not know to be true, of your own personal knowledge.

Here are some examples of relevant, useful information to include in your declaration:

- A statement of facts that demonstrates and explains why you cannot be the perpetrator (for example, because you don't fit the description in the police report of the crime, or because you were out of town, at work, or with your friend at the time of the crime, etc.).
- Any other information that tends to show that someone stole your identity and used it when he or she was arrested for a crime.

DECLARATION BY ANOTHER INDIVIDUAL (WITNESS)

A declaration by a witness is similar to the statement of facts discussed above. A declaration is, essentially, a statement of facts made under oath. The form of Declaration included with this guide provides a format for such a declaration. The witness should (1) supply the specific facts that support your Petition, (2) date the Declaration, and (3) sign the Declaration.

Again, the focus of a declaration is on facts. The witness should avoid opinions, conclusions, or other statements about information that the witness does not know to be true, of the witness's own personal knowledge.

Useful information might be, for example, a statement by the witness that you were with the witness at the time the crime was committed by the identity thief. The conclusion that you could not have been the person committing the crime should NOT be stated by the witness, since a conclusion is not a fact.

PREPARING OTHER, INDEPENDENT DOCUMENTS

In addition, you can support your Petition with other, independent documents. Since these documents often contain highly confidential personal information, you should consider NOT filing these documents with the court. Rather, you should consider describing the documents in your Petition, with a promise that you will provide the judge with an opportunity to read the documents at the hearing on your Petition.

Documents that might support your Petition are described in the form Petition at the end of this guide. For example, such documents might be a copy of the police report you filed when you learned you were an identity theft victim. Or you may have a copy of the police report filed when the identity thief committed



the crime in your name, which may show that the thief does not fit your physical description or that the crime occurred when you were out of town, etc.

You should be prepared, at the hearing of your Petition, to share copies of the documents with the prosecutor and with the judge.

PREPARING FOR YOUR HEARING

Begin by collecting and arranging in logical order originals of your identification documents: birth certificate, Social Security card, driver's license, identity card, passport, and any other documents that contain your personal information. Some of these documents should have your picture on them. You will show these documents to the judge at your hearing. You should not have to provide copies of these documents to anyone.

You should be prepared to give the judge typical personal information, such as name, current address, date and place of birth, height, weight, skin color, natural eye color, and natural hair color. You should also be prepared to show your driver's license, state identification card or passport, and your Social Security card.

FILLING OUT A (PROPOSED) CERTIFICATE OF IDENTITY THEFT

The Certificate is called the CR-150 form. At the top of the page, as indicated, clearly print or type your name, address, and contact information, including a telephone number, so the court can contact you if necessary.

Put the defendant's name in the blank spot after "People of the State California vs." since the action is in the defendant's name. You are NOT the defendant. You are the petitioner in this action because there is a conviction or arrest warrant in your name or with your personal information. (It is understood that with this Petition, you are showing that you did nothing wrong and are being confused with someone else.)

The police agency in the city or county where the offense occurred will know the warrant number for any arrest warrants in your name. If you are falsely arrested, you can get the warrant number from the police agency. If there is a conviction in your name, there may not be a warrant number.

The violation date is the date the crime, of which you are falsely accused, occurred.

Enter your name, gender, height, weight, hair color, eye color, race, age and date of birth, and driver's license or other identification number in the spaces indicated.

The booking number is a number that is assigned to people when they are arrested. If you've been arrested for another person's offense, you will have a booking number. Also, the identity thief may have a booking number from the original arrest. You can get the booking number from the local police agency. If you can't find the booking number, leave this space blank.

You also need to place your fingerprint in the right bottom corner of the form. The person taking the print must fill out the information next to the box. The court bailiff may take this fingerprint from you at the



time the judge signs the order. If you are not appearing before the judge, you may need to go to a police agency to get fingerprinted. The way to do this is described below.

If you have presented enough information to the judge, the judge will check the appropriate boxes under the number (2) and will sign the form.

The Next Steps to Getting into the Identity Theft Registry

When you have your Certificate of Identity Theft from a court, you have completed the first step towards getting into the DOJ's Identity Theft Registry. The following Steps 2 through 6 are from the DOJ web site at <http://caag.state.ca.us/idtheft/packet.htm>.

STEP 2 – LIVESCAN FINGERPRINTS

You should be fingerprinted electronically at an official LiveScan fingerprinting site, such as a sheriff's office or police department. A listing of sites is available at <http://caag.state.ca.us/fingerprints/publications/contact.pdf> or call toll-free 1-888-880-0240.

When you call to schedule your appointment, ask for details on the fees being charged and your payment options. The LiveScan device will determine the total amount of fees to be collected or billed. There is no additional fee for the Identity Theft Registry.

If unable to make LiveScan fingerprint arrangements, you may have your fingerprints taken manually and mail the completed fingerprint card with the other required registration documents.

It is important that you write clearly and provide accurate information on your form because mistakes or omissions may result in the application being rejected by the device or the central site computer. To avoid such errors, you may wish before going to your LiveScan appointment to complete the applicant portion of the Request for LiveScan Service (applicant submission) form (BCII 8016).

The LiveScan operator will keep the original copy of the request form and return the second copy (Requesting Agency) and third copy (Applicant) to you. You will mail the second copy to DOJ at the conclusion of this process.

After you have had your fingerprints taken, proceed to Step 3.

STEP 3 – REGISTRATION APPLICATION FORM

Complete the Identity Theft: Application for Registration as Victim Form.

After you have completed the application form, proceed to Step 4.

STEP 4 – COMPLETE CHECKLIST FOR APPLICATION

- Completed Application for Registration As Victim Form
- Court Order
- Second Copy – LiveScan Service Form (BCII-8016)



STEP 5 – MAIL DOCUMENTS

Mail the documents listed above to:

State of California
Department of Justice
BCIA/Command Center Rm G210
P. O. Box 903417
Sacramento, CA 94203-4170
Attn: ID Theft Registry

STEP 6 – REGISTRATION NOTIFICATION

You will be registered as a victim of identity theft in the Identity Theft Data Base after the Department of Justice verifies the information you submit, including your fingerprints, with the California Department of Motor Vehicles.

You and the individuals or agencies you designate will be notified of your registration via certified letter.

Additional Resources

For more information on criminal identity theft and court procedures, see the following:

Identity Theft Registry, California Department of Justice
<http://caag.state.ca.us/idtheft/general.htm>

“Fact Sheet 17g: Criminal Identity Theft,” Privacy Rights Clearinghouse
<http://www.privacyrights.org/fs/fs17g-CrimIdTheft.htm>

Free and Low-Cost Legal Help, California Judicial Council
<http://www.courtinfo.ca.gov/selfhelp/lowcost/>

List of Sample Forms

The following forms are attached:

1. Petition Requesting Finding of Factual Innocence and Issuance of Certificate of Identity Theft
2. Declaration
3. Proof of Service
4. Certificate of Identity Theft (CR-150) (also available at <http://caag.state.ca.us/idtheft/forms/cr150.pdf>)
5. Application for Registration as Victim (also available at http://caag.state.ca.us/idtheft/forms/r_04_26_2001.pdf)
6. Request for LiveScan Service (also available at http://caag.state.ca.us/idtheft/forms/bcii_8016.pdf)



7. Petition to Seal and Destroy Arrest Records (also available at http://caag.state.ca.us/idtheft/forms/bcii_8270.pdf)

The Office of Privacy Protection gratefully acknowledges the contributions to this information sheet of Director Jennifer Granick, Esq., and students Erica Platt and Kalpana Srinivasan, of the Center for Internet and Society at Stanford Law School.

This fact sheet is for informational purposes and should not be construed as legal advice or as policy of the State of California. If you want advice on a particular case, you should consult an attorney or other expert. The fact sheet may be copied, if (1) the meaning of the copied text is not changed or misrepresented, (2) credit is given to the California Office of Privacy, and (3) all copies are distributed free of charge.

1 [Your Name]
2 [Your address, telephone and fax numbers]

3
4
5 Petitioner In *Propria Persona*

6
7
8 California Superior Court, _____County

9
10
11 People of California,) Case No.: [**Case number**]
12)
13 Plaintiff,) Petition by [your name]
14 vs.) Requesting Finding of Factual
15) Innocence and Issuance of
16) Certificate of Identity Theft
17 [**Defendant's name as it appears**)
18) [Penal Code §§ 530.6 & 851.8,
19 **in Court records**],) California Rule of Court 4.601]
20)
21 Defendant

22
23 1. I, the Petitioner [insert your name] reasonably believe
24 that I am a victim of the crime of identity theft.

25
26 2. Based on the facts set forth below, I request:
27
28 a. A finding of factual innocence (Penal Code, §§ 530.6 and
851.8), and
b. Issuance of a *Certificate of Identity Theft: Judicial
Finding of Factual Innocence*. (California Rule of Court
4.601.)

1 3. If available, a copy of the report of the suspected crime of
2 identity theft relating to my identity will be presented to the
3 judge at the hearing of this petition. It is not attached here
4 in order to protect the confidentiality of the personal
5 information contained in that document.

6
7 4. The following circumstances support this Petition:

8
9 *[To Petitioner: Check boxes that apply to your circumstances and fill in*
10 *corresponding blanks. Fully describe documents and bring originals or true*
11 *and correct copies of the documents (certified if possible) to all hearings.]*

12
13 a. An identity thief was cited in my name. I was not the
14 person cited.

15 Date of citation: _____

16 Violation of Law Stated in Citation: _____

17 Citation Number: _____

18 Name and Address of Agency that Issued the Citation:
19 _____
20 _____

21 The original citation (or a true and correct copy of the
22 citation), if in my possession, will be presented to the
23 judge at the hearing of this petition. It is not attached
24 here in order to protect the confidentiality of the
25 personal information contained in that document.
26
27
28

1 b. An identity thief was arrested, in my name. I am not the
2 person arrested.

3 Date of arrest: _____

4 Name and Address of Arresting Agency: _____

5 _____

6 Arrest Warrant Number: _____

7 Name and Address of Agency that Issued the Warrant:

8 _____

9
10 A true and correct copy of the warrant, if in my
11 possession, will be presented to the judge at the hearing
12 of this petition. It is not attached here in order to
13 protect the confidentiality of the personal information
14 contained in that document.
15

16
17
18 c. An identity thief was convicted in my name of a crime. I
19 am not the person convicted.

20 Date of conviction: _____

21 Crime involved (include section of law if known):

22 _____

23 Name and address of Court: _____

24 _____

25 Case Number: _____

26
27 A certified copy of the Judgment of conviction will be
28 presented to the judge at the hearing of this petition. It

1 is not attached here in order to protect the
2 confidentiality of the personal information contained in
3 that document.
4

5
6 d. A criminal complaint has been filed against an identity
7 thief in my name. I am not the person named in the
8 complaint:

9 Name and address of Court: _____
10 _____
11

12 Case Number: _____

13 Date Complaint was filed: _____

14 A certified copy of the Complaint will be presented to the
15 judge at the hearing of this petition. It is not attached
16 here in order to protect the confidentiality of the personal
17 information contained in that document.
18

19
20 e. My identity has been mistakenly associated with a record
21 of criminal conviction. I am not the person named in the
22 record.

23 Date of conviction: _____

24 Name and address of Court: _____

25 Crime involved [include section of law if known]: _____
26 _____
27 _____
28

1 A true and correct copy of the record of criminal
2 conviction, if in my possession, will be presented to the
3 judge at the hearing of this petition. It is not attached
4 here in order to protect the confidentiality of the
5 personal information contained in that document.
6

7
8 f. I was arrested for a crime committed by an identity thief
9 using my name. I did not commit the crime.

10 Date of Arrest: _____

11 Name and Address of Arresting Agency:
12 _____
13

14 Arrest Warrant Number: _____

15 Agency that Issued the Warrant: _____

16 A copy of the warrant, if in my possession, will be
17 presented to the judge at the hearing of this petition. It
18 is not attached here in order to protect the
19 confidentiality of the personal information contained in
20 that document.
21

22
23 Date I served the petition (required by Penal Code section
24 851.8) on the arresting agency: _____

25 Date I served that petition on the district attorney:
26 _____
27

28 Date that petition was denied: _____

1 A true and correct copy of the petition required by Penal
2 Code section 851.8 (including any attachments) will be
3 presented to the judge at the hearing of this petition. It
4 is not attached here in order to protect the
5 confidentiality of the personal information contained in
6 the document.
7

8
9 5. There is no reasonable cause to believe that I committed the
10 offense for which he identity thief was arrested, cited,
11 convicted, or was the actual subject of a criminal complaint in
12 my name; or there is no reasonable cause to believe that my
13 identity has not been mistakenly associated with a record of
14 criminal conviction.
15

16 6. I will provide, to the judge, my basic personal
17 identification information, such as my full name, date of birth,
18 gender, weight, height, natural hair color, natural eye color,
19 race, and age, as well as my driver's license, identification
20 card, and passport (if available). However, such information is
21 not included in this Petition in order to protect the
22 confidentiality of that information.
23

24 7. The following additional facts and/or described documents
25 support this Petition: _____

26 (If necessary, attach a separate page marked "Attachment to Petition by [your
27 name] Seeking Certificate of Identity Theft, Supporting Paragraph Number 6".)
28

1 I declare under penalty of perjury under the laws of the state
2 of California that the foregoing is true and correct.

3
4 Dated this: **[Date]** _____

5 [Your name]
6
7
8
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14
15
16
17
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28

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name and Address</i>): 	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>): NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:		
DECLARATION		CASE NUMBER:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
 (TYPE OR PRINT NAME)

 (SIGNATURE OF DECLARANT)
 Petitioner/Plaintiff
 Respondent/Defendant
 Attorney
 Other (*specify*):

(See reverse for a form to be used if this declaration will be attached to another court form before filing)

PLAINTIFF/PETITIONER:	CASE NUMBER:
DEFENDANT/RESPONDENT:	

This form must be attached to another form or court paper before it can be filed in court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
 (TYPE OR PRINT NAME)

▲

 (SIGNATURE OF DECLARANT)

- Petitioner/Plaintiff
 Respondent/Defendant
 Attorney
 Other (*Specify*):

(See reverse for a form to be used if this declaration is not to be attached to another court paper before filing)

1 [Your Name]
2 [Your address, telephone and fax numbers]

3
4
5 Petitioner In *Propria Persona*

6
7
8 California Superior Court, _____County

9
10
11 People of California,) Case No.: [**Case number**]
12)
13 Plaintiff,)
14)
15 vs.) Proof of Service
16)
17 [**Defendant's name as it appears**)
18)
19 **in Court records**],)
20)
21 Defendant)

22
23 1. I am 18 years of age or over and not a party to this action.

24 2. I personally delivered to the person identified in section 4,
25 below, a copy of all documents checked below:

26 a. ? Petition by [your name] Requesting Finding of Factual
27 Innocence and Issuance of Certificate of Identity Theft

28 b. ? Declaration of _____

c. ? Other (*specify*): _____

3. I gave copies of the documents checked in section 2, above,
to the person identified in section 4, below, on:

a. Date: _____

b. Time: _____ ? a.m. ? p.m.

1 c. At this address: _____

2 4. Identity of person to whom documents checked in section 2,
3 above, were delivered:

4 Name: _____

5 Position/Title: _____

6 5. Identity of the Person who served the documents checked in
7 section 2, above:

8 Name: _____

9 Address: _____

10 Telephone: _____

11 *(If you are a process server):*

12 County of registration: _____

13 Registration number: _____

14

15 I declare under penalty of perjury under the laws of the State
16 of California that the information above is true and correct.

17

18 Date: _____

_____ *[process server signs above]*

19

_____ *[print process server's name]*

20

21

22

23

24

25

26

27

28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA VS. DEFENDANT:	
CERTIFICATE OF IDENTITY THEFT: JUDICIAL FINDING OF FACTUAL INNOCENCE (Penal Code § 530.6)	CASE NUMBERS:

Warrant No. (if any): _____	Violation Date: _____
-----------------------------	-----------------------

1. Petitioner Information:

Name: _____ Date of Birth: _____

Sex: M F Ht.: _____ Wt.: _____ Hair Color: _____ Eye Color: _____ Race: _____ Age: _____

Booking No.: _____ Driver's License or Identification No.: _____

Other Identifying Information: _____

2. The court finds that:

Another person was arrested for or convicted of a crime under the identity of the petitioner in this case.

The petitioner's identity has been mistakenly associated with a record of the criminal conviction in this case.

The petitioner is not the person for whom the warrant in this case was issued.

Accordingly, the court finds that the petition is meritorious and that there is no reasonable cause to believe that the petitioner committed the offense in this case, and that the petitioner is factually innocent of that offense.

Date: _____

JUDICIAL OFFICER

<p style="text-align: center;">CERTIFICATION</p> <div style="border: 1px solid black; width: 150px; height: 100px; margin-bottom: 10px; display: flex; align-items: center; justify-content: center;">(SEAL)</div> <p>I certify that this document is a correct copy of the original on file in my office.</p> <p>Date: _____</p> <p>Clerk, by _____ (DEPUTY)</p>	<p>1. The box to the right contains the petitioner's <input type="checkbox"/> right thumbprint <input type="checkbox"/> other print (specify):</p> <p>2. The print was taken on (date):</p> <p>3. The print was taken by a. Name: b. Position: c. Badge or serial No.:</p> <div style="border: 1px solid black; width: 150px; height: 100px; margin-top: 20px;"></div>
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ANY ALTERATION RENDERS THIS FORM VOID.

IDENTITY THEFT: Application for Registration as Victim

Complete form carefully and completely. Type or print neatly. All information is **mandatory** unless noted otherwise. If you have any questions, please call toll free: 1 (888) 880-0240.

1. FULL NAME AND MAILING ADDRESS				2. RETURN TO: CALIFORNIA DEPARTMENT OF JUSTICE P.O. BOX 903417 SACRAMENTO CA 94203-4170 ATT: IDENTITY THEFT REGISTRY (G-210)			
3. FINGERPRINTING							
9 LiveScan			S Date Printed _____		9 10-Print Card Enclosed		
4. MAIDEN NAME/ALIASES							
5. SEX		6. BIRTH DATE		7. HEIGHT		8. WEIGHT	
9 M 9 F							
9. EYES			10. HAIR				
11. BIRTHPLACE		12. SOCIAL SECURITY NUMBER (OPTIONAL)			13. DRIVER LICENSE NUMBER		
14. ORDER PURSUANT TO SEC. 530.5(c) P.C.							
9 Yes 9 No		Court Name / Location			Date		
15. ORDER PURSUANT TO SEC. 530.6(b) P.C.							
9 Yes 9 No		Court Name / Location			Date		
16. ORDER OF FACTUAL INNOCENCE—CASE NO.							
9 Yes 9 No		Court Name / Location			Date		
I certify that the information given here is true and accurate and provided to facilitate my entry in the Identity Theft Victim Registry maintained by the California Department of Justice as outlined in California Penal Code section 530.7							
17. SIGNATURE					18. DATE		
19. HOME PHONE			20. WORK PHONE			21. PASSWORD	
()			()			. 222222222-	
22. QUESTION/ANSWER KNOWN ONLY TO YOU:							
23. DESIGNATED RELEASE AUTHORIZATIONS							
Authorization #1				Authorization #2			
NAME OF COMPANY OR INDIVIDUAL				NAME OF COMPANY OR INDIVIDUAL			
STREET ADDRESS OR PO BOX				STREET ADDRESS OR PO BOX			
CITY, STATE, ZIP				CITY, STATE, ZIP			
CONTACT PERSON		PHONE		CONTACT PERSON		PHONE	
Authorization #3				Authorization #4			
NAME OF COMPANY OR INDIVIDUAL				NAME OF COMPANY OR INDIVIDUAL			
STREET ADDRESS OR PO BOX				STREET ADDRESS OR PO BOX			
CITY, STATE, ZIP				CITY, STATE, ZIP			
CONTACT PERSON		PHONE		CONTACT PERSON		PHONE	
DOJ USE ONLY:		ENTRY DATE/ INITIALS		VERIFICATION DATE/INITIALS			

**GUIDELINES FOR COMPLETING
IDENTITY THEFT: APPLICATION FOR REGISTRATION AS VICTIM
FORM**

1. **FULL NAME AND MAILING ADDRESS:** If already filled in by DOJ, proofread this box carefully and make any corrections. "NMI" means "No Middle Name".
2. **RETURN TO:** Already completed by DOJ. Mail completed packet to this address.
3. **FINGERPRINTING:** If you are fingerprinted electronically at a LiveScan site, they will send the information directly to DOJ. Check the "LiveScan" box and write in the date that you were printed. If you are unable to go to a LiveScan site and must be fingerprinted in ink, you must attach the card to this form and check the "10-Print Card Enclosed" box.
4. **MAIDEN NAME/ALIASES:** Please list all names you have used. This includes Maiden Name, former married names, etc.
5. **SEX:** Check box for Male (M) or Female (F).
6. **BIRTHDATE:** Month, Day, Year of your birth.
7. **HEIGHT:** Height in feet and inches to nearest inch.
8. **WEIGHT:** Weight in pounds to nearest whole number.
9. **EYES:** Color of eyes.
10. **HAIR:** Color of hair.
11. **BIRTHPLACE:** If born in the United States, Mexico, or Canada, write in the name of the state or province. If born in a country other than the United States, Mexico, or Canada, write in the name of the country only.
12. **SOCIAL SECURITY NUMBER:** *(Optional)*
13. **DRIVER LICENSE NUMBER:** California Driver License or DMV-issued identification, or Military Driver License.
14. **ORDER PURSUANT TO SECTION 530.5(C) PC:** If you have obtained a court order under this Penal Code section, check the "Yes" box and write in the name of the court and the date of the order. If you have not obtained a court order under this Penal Code section, check the "No" box.
15. **ORDER PURSUANT TO SECTION 530.6 (B) PC:** If you have obtained a court order under this Penal Code Section, check the "Yes" box and write in the name of the court and

the date of the order. If you have not obtained a court order under this Penal Code section, check the “No” box.

16. **ORDER OF FACTUAL INNOCENCE PURSUANT TO SECTION 851.8 PC:** If you have obtained an Order of Factual Innocence, check the “Yes” box and write in the name of the court and the date of the order. If you have not obtained a court order under this Penal Code section, check the “No” box.
17. **SIGNATURE:** Your signature.
18. **DATE:** Date you completed and sent in this form.
19. **HOME PHONE:** Your home phone number including Area Code.
20. **WORK PHONE:** (*Optional*) Your work phone number including Area Code.
21. **PASSWORD:** Password you create to identify you when you contact DOJ in the future to change information or add Designated Release Authorizations. You must use at least six and no more than ten characters - letters and numbers, capitals and lower case. No spaces or special characters (!@#%&*+) are allowed.
22. **QUESTION/ANSWER KNOWN ONLY TO YOU:** Additional verification for DOJ to identify you. You must create a short (no more than 45 characters) question and answer that should only be known to you. For example: “*What is my favorite hobby?*” - “*Snowboarding*” or “*What is my favorite movie?*” - “*BackDraft*”.
23. **DESIGNATED RELEASE AUTHORIZATIONS:** Any company or individual that you designate and authorize the DOJ to verify your registration status as a victim of identity theft in the DOJ data base. DOJ will mail certified letters to you and your designees once you are registered. If you wish to make any changes to your personal data or your designated release authorizations, you may do so at any time by calling or writing to the DOJ. Designees may call to verify your status at any time.

REQUEST FOR LIVE SCAN SERVICE

Applicant Submission

ORI: CA0349412 Type of Application: (check one) Employment License, Certification, Permit Volunteer
Code assigned by DOJ
Job Title or Type of License, Certification or Permit: VICTIM OF IDENTITY THEFT

Agency Address Set Contributing Agency:

DEPARTMENT OF JUSTICE

Agency authorized to receive criminal history information

06168

Mail Code (five-digit code assigned by DOJ)

P.O. BOX 903417

Street No. Street or PO Box

COMMAND CENTER

Contact Name (Mandatory for all school submissions)

SACRAMENTO

City

CA

State

94203 - 4170

Zip Code

(916) 227 - 3244

Contact Telephone No.

Name of Applicant: _____
(Please print) Last First MI

AKA's: _____
Last First

CDL No. _____

DOB: _____ SEX: Male Female

Misc. No. BIL - NONE
Agency Billing Number (if applicable)

HT: _____ WT: _____

Misc. No. _____

EYE Color: _____ HAIR Color: _____

Home Address: (Applies only if Youth Org/HRA or Public Utility submission)

POB: _____

Street or PO Box

SOC: _____

City, State and Zip Code

Your Number: N/A
OCA No. (Agency Identifying No.)

Level of Service DOJ FBI

If resubmission, list Original ATI No. N/A

Employer: (Additional response for Department of Social Services, DMV/CHP licensing, and Department of Corporations submissions only)

N/A
Employer Name

Street No. Street or PO Box

Mail Code (five digit code assigned by DOJ)

City State Zip Code

()
Agency Telephone No. (Optional)

Live Scan Transaction Completed By: _____ Date _____
Name of Operator

Transmitting Agency

ATI No.

Amount Collected/Billed

**GUIDELINES FOR COMPLETING
REQUEST FOR LIVE SCAN SERVICE APPLICANT SUBMISSION FORM**

NAME OF APPLICANT: Enter applicant's full name.

AKA'S: Names (if any) the applicant has used.

CDL NO: California Driver's License Number

DOB: Date of Birth **SEX:** Gender (male or female)

MISC. NO. BIL: *COMPLETED BY DOJ.*

HT: Height **WT:** Weight

MISC. NO.: Enter other identifying numbers (e.g. Other State Driver's License Number)

EYE COLOR: Eye Color **HAIR COLOR:** Hair Color **HOME ADDRESS:** Home Address

POB: Place of Birth

SOC: Social Security Number (*optional*)

THE LIVE SCAN OPERATOR WILL COMPLETE THE BOTTOM OF THE FORM AND COMPLETE THE FINGERPRINT PROCESSING. THE OPERATOR WILL KEEP THE ORIGINAL COPY OF THIS FORM AND GIVE THE APPLICANT THE SECOND AND THIRD COPIES. THE APPLICANT WILL RETAIN THE THIRD COPY FOR THEIR PERSONAL RECORDS.

IT IS IMPORTANT THAT THE APPLICANT INCLUDE THE SECOND COPY OF THIS REQUEST FORM WITH THE OTHER REQUIRED/COMPLETED DOCUMENTS OF THE APPLICANT PACKET WHEN MAILING TO THE DEPARTMENT OF JUSTICE.

**PETITION TO SEAL AND DESTROY ARREST RECORDS
PURSUANT TO PENAL CODE SECTION 851.8**

PETITIONER: Please type or print the following information.

Information relating to the arrest:

Name Last		First	Middle	
Maiden or Alias Name Last		First	Middle	
Street Address			Phone No.	
City, State, Zip Code			Date of Birth	
Driver's License No.		Social Security No. (voluntary—for ID only)		
Date of Arrest	Arresting Agency	Agency Number	Charge(s)	Disposition

Petitioner's Signature _____ Date _____

TO BE COMPLETED BY LAW ENFORCEMENT AGENCY OR COURT HAVING JURISDICTION OVER THE OFFENSE

I have verified the above information to be accurate.

Signature of Agency Court Officer _____ Date _____
 Agency or Court Name _____ Agency or Case No. _____
 Petitioner's CII No. _____ FBI No. _____

Law Enforcement Agency having jurisdiction under Penal Code 851.8(a)

Signature of Agency _____ Date _____ * Petition Granted
 Petition Denied
 Typed Name and Title _____

Court having jurisdiction under Penal Code 851.8(b), (c), or (d)

Signature of Judge _____ Date _____ * Petition Granted
 Petition Denied
 Typed Name _____

Waiver: Time restriction on filing is being waived under Penal Code 851.8(l).

Signature of Agency or Judge _____ Date _____
 Typed Name and Title _____

* Having jurisdiction in the matter, the law enforcement agency or court has determined that the above-named petitioner is **factually innocent** of the arrest indicated and is hereby exonerated. Hereafter, the arrest shall be deemed not to have occurred, and the petitioner may answer any questions relating to this arrest accordingly.

Copies to: Department of Justice
 District Attorney
 Petitioner

IMPORTANT
 See reverse side for additional information
 pertaining to Penal Code Section 851.8

**PETITION TO SEAL AND DESTROY ARREST RECORDS
PURSUANT TO PENAL CODE SECTION 851.8**

PETITIONER:

Penal Code Section 851.8 provides that a person who has been arrested or detained and is determined to be factually innocent may petition the law enforcement agency or court having jurisdiction over the matter to provide for the sealing and destruction of the record of that arrest. Petitions concerning arrests occurring on or after January 1, 1981, or accusatory pleadings filed on or after January 1, 1981, may be filed for up to two years following the arrest filing date. Until January 1, 1983, petitions can be filed for arrests which occurred or accusatory pleadings which were filed up to five years prior to the statute's effective date of September 29, 1980.

PENAL CODE SECTION 851.8(a) PROVIDES IN PART:

"In any case where a person has been arrested and no accusatory pleading has been filed, the person arrested may petition the law enforcement agency having jurisdiction over the offense to destroy its records of the arrest. A copy of such petition shall be served upon the district attorney of the county having jurisdiction over the offense."

PENAL CODE SECTION 851.8(b) PROVIDES IN PART:

"If, after receipt by both the law enforcement agency and the district attorney of a petition for relief under subdivision (a), the law enforcement agency and district attorney do not respond to the petition by accepting or denying such petition within 60 days after the running of the relevant statute of limitations or within 60 days after receipt of the petition in cases where the statute of limitations has previously lapsed, then the petition shall be deemed to be denied. In any case where the petition of an arrestee to the law enforcement agency to have an arrest record destroyed is denied, petition may be made to the municipal or justice court.* A copy of such petition shall be served on the district attorney of the county having jurisdiction over the offense at least 10 days prior to the hearing thereon."

PENAL CODE SECTION 851.8(c) PROVIDES IN PART:

"In any case where a person has been arrested, and an accusatory pleading has been filed, but where no conviction has occurred, the defendant may, at any time after dismissal of the action, petition the court which dismissed the action for a finding that the defendant is factually innocent of the charges for which the arrest was made. A copy of such petition shall be served on the district attorney of the county in which the accusatory pleading was filed at least 10 days prior to the hearing on the petitioner's factual innocence."

It is the responsibility of the petitioner to submit any declarations, affidavits, police reports or other evidence which may exist to support the petition to appropriate arresting agency or court and to serve a copy of the petition and supporting papers on the district attorney.

* *In this case the petitioner shall be responsible for obtaining the original petition from the law enforcement agency and submitting it to the court of jurisdiction.*