

Criminal Justice Data Brief

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Identity Theft in Hawaii, 2008

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Act 140, Session Laws of Hawaii 2006, required the Department of the Attorney General to develop a statewide identity theft tracking program. Data derived from the program are herein reported for Calendar Year 2008 and are the focus of the first publication of *Identity Theft in Hawaii*. Presented are statistics on identity theft incidents reported to Hawaii's four county police departments during 2008, and on identity theft arrests made by those same agencies throughout the year. (In some cases, the arrests may be related to identity theft incidents that were reported to the police prior to 2008.) As additional data from subsequent years become available, it will be possible to include yearly trend analyses. The inclusion of data from a variety of federal agencies that also investigate identity theft-related offenses in Hawaii is beyond the scope of this State-level statistics reporting program.

The following Hawaii Revised Statutes pertain to identity theft and form the basis of this report:

§708-839.55 Unauthorized possession of confidential personal information. (1) A person commits the offense of unauthorized possession of confidential personal information if that person intentionally or knowingly possesses, without authorization, any confidential personal information of another in any form, including but not limited to mail, physical documents, identification cards, or information stored in digital form. (2) It is an affirmative defense that the person who possessed the confidential personal information of another did so under the reasonable belief that the person in possession was authorized by law or by the consent of the other person to possess the confidential personal information. (3) Unauthorized possession of confidential personal information is a class C felony.

§708-839.6 Identity theft in the first degree. (1) A person commits the offense of identity theft in the first degree if that person makes or causes to be made, either directly or indirectly, a transmission of any personal information of another by any oral statement, any written statement, or any statement conveyed by any electronic means, with the intent to: (a) Facilitate the commission of a murder in any degree, a class A felony, kidnapping, unlawful imprisonment in any degree, extortion in any degree, any offense under chapter 134, criminal property damage in the first or second degree, escape in any degree, any offense under part VI of chapter 710, any offense under section 711-1103, or any offense under chapter 842; or (b) Commit the offense of theft in the first degree from the person whose personal information is used, or from any other person or entity. (2) Identity theft in the first degree is a class A felony.

§708-839.7 Identity theft in the second degree. (1) A person commits the offense of identity theft in the second degree if that person makes or causes to be made, either directly or indirectly, a transmission of any personal information of another by any oral statement, any written statement, or any statement conveyed by any electronic means, with the intent to commit the offense of theft in the second degree from any person or entity. (2) Identity theft in the second degree is a class B felony.

§708-839.8 Identity theft in the third degree. (1) A person commits the offense of identity theft in the third degree if that person makes or causes to be made, either directly or indirectly, a transmission of any personal information of another by any oral statement, any written statement, or any statement conveyed by any electronic means, with the intent to commit the offense of theft in the third or fourth degree from any person or entity. (2) Identity theft in the third degree is a class C felony.

**Table 1: Identity Theft Cases, Offenses, Arrests,
and Charges, State of Hawaii, CY 2008**

Cases/Incidents	Individual Offenses	Hawaii Revised Statutes	Arrests	Arrest Charges
1,302	3,121	§708-839.55 Unauthorized Possession of Confidential Personal Information	164	282
		§708-839.6 Identity Theft in the First Degree	7	8
		§708-839.7 Identity Theft in the Second Degree	60	89
		§708-839.8 Identity Theft in the Third Degree	53	73
		Total	284	452

Table 1 (above) provides the statewide tally of identity theft cases (or incidents) reported to the police during 2008; the number of specific, individual identity theft offenses that were reportedly committed as part of the larger, overall cases/incidents (e.g., a case involving a stolen credit card may involve multiple illegal uses of that card); and annual tallies of arrests and the individual, identity-theft-related charges associated with those arrests (as is the case for reported incidents, a single arrest may result in multiple charges being filed against the arrestee).

As shown in Table 1, 1,302 identity theft cases were reported to Hawaii's police departments during 2008. These 1,302 cases allegedly involved a total of 3,121 individual identity theft offenses, yielding an average of 2.4 offenses per case. A total of 284 identity theft arrests were made throughout the year, resulting in a total of 452 identity theft-related charges being filed, for an average of 1.6 charges per arrest. The most prevalent arrest type was for the offense of Unauthorized Possession of Confidential Personal Information, which accounted for 57.8% (164) of the arrests and 62.4% (282) of the arrest charges. This pattern, however, is due solely to the data reported for the City & County of Honolulu, as arrests and arrest charges (as well as cases/incidents and individual offenses) in the other counties were more evenly distributed between the four statutes (see Tables 4, 5, and 6).

Table 2: County Distribution of Identity Theft Cases and Arrests*, State of Hawaii, CY 2008

County (% of State resident population, CY 2007)	Cases/Incidents	% of State Total	Individual Offenses	% of State Total	Arrests	% of State Total	Arrest Charges	% of State Total
Honolulu (70.6)	918	70.5	2,111	67.6	201	70.8	339	75.0
Hawaii (13.5)	233	17.9	777	24.9	64	22.5	73	16.2
Maui (11.1)	119	9.1	201	6.4	13	4.6	32	7.1
Kauai (4.9)	32	2.5	32	1.0	6	2.1	8	1.8
State Total	1,302	100	3,121	100	284	100	452	100

* Due to rounding, percentages may not total 100.0.

Table 2 shows the distribution of identity theft cases and arrests across Hawaii's four counties, compared against the county distribution of Hawaii's resident population. In 2008, Hawaii County accounted for 13.5% of the State's resident population; handled 17.9% of the reported identity theft cases and 24.9% of the individual identity theft offenses; and made 22.5% of the arrests, covering 16.2% of the individual arrest charges. The rest of the table can be read in similar fashion. Generally speaking, identity theft reports and arrests occurred more frequently in Hawaii County than would be anticipated based on its population size, occurred less frequently in Maui and Kauai Counties, and occurred in the City & County of Honolulu in equal proportion to its population size.

Due to an incompatibility in the City & County of Honolulu Police Department's (HPD) reporting procedures as compared to the other departments' procedures, it is only possible to provide statewide arrest and charge statistics that are based on the four specific, Hawaii Revised Statutes (HRS) pertaining to identity theft. For statewide cases and offenses, a single, overall identity theft category must be used (as shown in Table 1). This is because HPD's records management system does not use HRS codes for reported offenses, and instead uses two of the national Uniform Crime Report (UCR) codes (specifically, "ID Fraud" and "Unapproved Use of Personal Identification"), as shown below in Table 3. It is not possible to impose this same, two-code categorization scheme upon the other three police departments' data, thus the limitation of reporting only a single, overall category for statewide tallies of reported cases and offenses (as shown in Table 1).

Table 3: Identity Theft Tallies, Reports and Arrests, City & County of Honolulu Police Department, CY 2008

UCR Offense Categories	Cases/Incidents	Individual Offenses	Hawaii Revised Statute	Arrests	Arrest Charges
"ID Fraud"	434	1,302	§708-839.55 Unauthorized Possession of Confidential Personal Information	140	246
			§708-839.6 Identity Theft in the First Degree	3	3
"Unapproved Use of Personal Identification"	484	809	§708-839.7 Identity Theft in the Second Degree	37	53
			§708-839.8 Identity Theft in the Third Degree	21	37
Total	918	2,111	Total	201	339

In 2008, a total of 918 identity theft cases involving 2,111 identity theft offenses were reported to the City & County of Honolulu Police Department (HPD), with an average of 2.3 offenses per case (Table 3). HPD made 201 identity theft arrests throughout the year, resulting in a total of 339 identity theft charges, for an average of 1.7 charges per arrest. Alleged offenses of Unauthorized Possession of Confidential Personal Information comprised the largest proportion of identity theft arrests (140, or 69.7%, of 201 total arrests).

For the other three counties, it is possible to report cases and offenses by HRS codes, as shown below in Tables 4, 5, and 6. As noted earlier, the cases/incidents, individual offenses, arrests, and arrest charges for these counties were in general more evenly distributed across the four statutes than was the case for the City & County of Honolulu.

**Table 4: Identity Theft Tallies, Reports and Arrests,
Hawaii County Police Department, CY 2008**

Hawaii Revised Statute	Cases/Incidents	Individual Offenses	Arrests	Arrest Charges
§708-839.55 Unauthorized Possession of Confidential Personal Information	32	73	18	22
§708-839.6 Identity Theft in the First Degree	8	12	3	4
§708-839.7 Identity Theft in the Second Degree	64	142	15	18
§708-839.8 Identity Theft in the Third Degree	129	550	28	29
Total	233	777	64	73

As shown in Table 4, a total of 233 identity theft cases involving 777 identity theft offenses (yielding an average of 3.3 offenses per case) were reported to the Hawaii County Police Department (HcPD) during 2008. HcPD made 64 identity theft arrests throughout the year, resulting in a total of 73 identity theft charges and an average of 1.1 charges per arrest. For both cases and arrests, the offense of Identity Theft in the Third Degree accounted for the largest proportions (55.4% and 43.8%, respectively) of police activity.

**Table 5: Identity Theft Tallies, Reports and Arrests,
Maui Police Department, CY 2008**

Hawaii Revised Statute	Cases/Incidents	Individual Offenses	Arrests	Arrest Charges
§708-839.55 Unauthorized Possession of Confidential Personal Information	29	51	5	13
§708-839.6 Identity Theft in the First Degree	13	23	1	1
§708-839.7 Identity Theft in the Second Degree	61	111	6	16
§708-839.8 Identity Theft in the Third Degree	16	16	1	2
Total	119	201	13	32

A total of 119 identity theft cases involving 201 identity theft offenses were handled by the Maui Police Department (MPD) during 2008, resulting in an average of 1.7 offenses per case (Table 5). MPD made 13 identity theft arrests throughout the year, leading to 32 identity theft charges and an average of 2.5 charges per arrest. The offense of Identity Theft in the Second Degree accounted for the largest proportion of both cases (51.3%) and arrests (46.2%).

**Table 6: Identity Theft Tallies, Reports and Arrests,
Kauai Police Department, CY 2008**

Hawaii Revised Statute	Cases/Incidents	Individual Offenses	Arrests	Arrest Charges
§708-839.55 Unauthorized Possession of Confidential Personal Information	1	1	1	1
§708-839.6 Identity Theft in the First Degree	2	2	0	0
§708-839.7 Identity Theft in the Second Degree	16	16	2	2
§708-839.8 Identity Theft in the Third Degree	13	13	3	5
Total	32	32	6	8

As shown in Table 6, the Kauai Police Department (KPD) handled 32 identity theft cases during 2008, involving a total of 32 identity theft offenses (for an average of 1.0 offense per case), and made six identity theft arrests that resulted in a total of eight identity theft charges (for an average of 1.3 charges per arrest). The most common case type was for Identity Theft in the Second Degree, and the most common arrest type was for Identity Theft in the Third Degree (50.0% of total arrests for each measurement, respectively).

Table 7: Distribution of Identity Theft Cases, within Agency, by Statute, CY 2008

Hawaii Revised Statute	Hawaii Co. PD (n=233 cases)	Maui PD (n=119 cases)	Kauai PD (n=32 cases)
§708-839.55 Unauthorized Possession of Confidential Personal Information	13.7%	24.4%	3.1%
§708-839.6 Identity Theft in the First Degree	3.4%	10.9%	6.3%
§708-839.7 Identity Theft in the Second Degree	27.5%	51.3%	50.0%
§708-839.8 Identity Theft in the Third Degree	55.4%	13.4%	40.6%

Table 7 shows the proportions of reported identity theft cases handled by the Hawaii, Maui, and Kauai County Police Departments (HcPD, MPD, and KPD, respectively) during 2008, by specific offense type (i.e., statute). (As explained on page 3, these measurements are not possible for the City & County of Honolulu Police Department.) As compared to the other agencies, a substantially larger proportion of MPD's cases were for Unauthorized Possession of Confidential Personal Information (24.4% for MPD, versus 13.7% and 3.1% for HcPD and KPD, respectively); a much smaller proportion of HcPD's cases were for Identity Theft in the Second Degree (27.5% for HcPD, versus 51.3% and 50.0% for MPD and KPD, respectively), and a much smaller proportion of MPD's cases were for Identity Theft in the Third Degree (13.4% for MPD, versus 55.4% and 40.6% for HcPD and KPD, respectively). While it may be the case that the nature of identity theft in Hawaii varies a great deal by county, it is also possible that differences exist between the police departments' classification of cases per Hawaii's recently enacted identity theft statutes.

Table 8: Distribution of Identity Theft Arrests, within Agency, by Statute, CY 2008

Hawaii Revised Statute	Honolulu PD (n=201 arrests)	Hawaii Co. PD (n=64 arrests)	Maui PD (n=13 arrests)	Kauai PD (n=6 arrests)
§708-839.55 Unauthorized Possession of Confidential Personal Information	69.7%	28.1%	38.5%	16.7%
§708-839.6 Identity Theft in the First Degree	1.5%	4.7%	7.7%	0.0%
§708-839.7 Identity Theft in the Second Degree	18.4%	23.4%	46.2%	33.3%
§708-839.8 Identity Theft in the Third Degree	10.4%	43.8%	7.7%	50.0%

Table 8 shows the proportions of reported identity theft arrests made by Hawaii's police departments during 2008, broken down by statute. As compared to the other departments, a far larger proportion of HPD's arrests were for the offense of Unauthorized Possession of Confidential Personal Information (69.7% for HPD, versus 28.1%, 38.5%, and 16.7% for HcPD, MPD, and KPD, respectively). HPD and MPD made comparatively few arrests for Identity Theft in the Third Degree (10.4% and 7.7%, respectively), while arrests for this offense accounted for roughly half of the other two departments' total arrests (43.8% for HcPD and 50.0% for KPD).

Table 9: Proportions of Arrests to Cases, by Agency, CY 2008

Honolulu PD (918 cases/201 arrests)	Hawaii Co. PD (233 cases/64 arrests)	Maui PD (119 cases/13 arrests)	Kauai PD (32 cases/6 arrests)
21.9%	27.5%	18.8%	10.9%

Table 9 shows the proportion of arrests that were made relative to the number of cases that were handled by each of the police departments during 2008. It is important to note that the cases and arrests for which these calculations were made all occurred during Calendar Year 2008, and thus may not be directly linked to one another; some of the arrests may be associated with cases that occurred prior to January 1, 2008, and some of the cases may have resulted in arrests subsequent to December 31, 2008.

This report is available in PDF format from the Crime Prevention & Justice Assistance Division's web site at hawaii.gov/ag/cpja

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