4.13.1 PURPOSE

This policy provides guidance regarding the preparation of all Financial Crime reports made in the City of Topeka. It also provides direction to provide assistance to the victims of such crimes.

4.13.2 DEFINITIONS

**Financial Crimes** investigated by TPD - Theft, forgery, making false information, criminal use of a financial card, identity theft/fraud, giving of a worthless check, computer crimes, and embezzlement.

**Written Instrument** - any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

**Financial card** - an identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property or services or to conduct other financial transactions

**Check** - any check, order or draft on a financial institution;

**Financial institution** - any bank, credit union, savings and loan association or depository

**Notice** - includes oral or written notice to the person entitled thereto.

4.13.3 POLICY

Employees shall ensure that crimes involving identity theft, fraud and deceit are properly reported and investigated.
4.13.4 THEFT KSA 21- 5801

A. Theft can be misdemeanor or Felony.

1. Determine if the crime is a misdemeanor or felony
2. Complete necessary reports and determine whether an arrest, citation or KSOR only is appropriate.

4.13.5 FORGERY KSA 21-5823

A. Forgery is a felony.

1. Forgery is, with intent to defraud
   a. Making, Altering, or endorsing and written instrument.
   b. Issuing or distributing such written instrument.
   c. Possessing, with intent to issue or distribute, any written instrument.

2. The dollar amount of the loss is not a determination of this crime.

B. Stolen or Counterfeit Check

1. Determine if the Forged check is stolen or counterfeit.
   a. Identify and interview any witnesses and suspects present; and
   b. Complete an Offense Report.

   1) The Offense Report will list the individual, financial institution or business receiving the check in exchange of money, items or service and suffering the financial loss as the victim.
   2) The Offense Report may have a second victim listed if Identity Theft is also present.

2. If the original check is still at the location where it was passed and there is no suspect information:
   a. The collecting officer shall take precautions to protect the forged document in preparation for fingerprint examinations.
   b. The collecting officer shall photocopy the front and back of the check and any other documents and include them in the case file.
   c. The collecting officer shall also gather all other evidence, such as:
      1) Statements;
      2) Any additional Checks;
      3) Photographs, still images;
      4) Surveillance video;
      5) Cash register receipts, transaction printouts;
      6) Driver's license, other form of ID left behind…
3 If the check is not present because it has been processed by the bank or a check processing business (such as Check Rite, etc.): The Financial Crimes Unit will follow up with the financial institution if the case is assigned for further investigation.
   a. The Financial Crimes Unit may begin an investigation upon receipt of the forged document. Their investigation should follow the guidelines provided in G.O 4.16 Investigations and Crime Scenes.

4.13.6 GIVING OF WORTHLESS CHECK (KSA 21-5821) (UPOC 6.16)

A. Giving a worthless check is the making, drawing, issuing or delivering or causing or directing the making, drawing, issuing or delivering of any check on any financial institution for the payment of money or its equivalent with intent to defraud and knowing, at the time of the making, drawing, issuing or delivering of such check that the maker or drawer has no deposit in or credits with the financial institution or has not sufficient funds in, or credits with, the financial institution for the payment of such check in full upon its presentation.

B. You must have probable cause this situation is a criminal matter
   1 Document knowledge the account holder knew the account balance was less than outgoing checks.

   a. You must have evidence to prove intent to defraud and it is more than an Insufficient Funds case.
      a) Officers shall not arrest for insufficient funds; and
      b) Officers shall refer victims of these crimes to the DA’s Office.

4.13.7 IDENTITY THEFT (KSA 21- 6107)

A. Identity theft is obtaining, possessing, transferring, using, selling or purchasing any personal identifying information, or document containing the same, belonging to or issued to another person, with the intent to defraud that person, or anyone else, in order to receive any benefit.

B. Personnel shall complete a preliminary offense report for any incident in which a person knows or reasonably suspects that another has unlawfully used their personal information. The incident must have either occurred within the City or the victim was a resident of the City when the crime occurred.

C. Identity theft investigations may require the coordination of efforts with other jurisdictions. If after taking the initial report, it is determined that the City is not the proper jurisdiction for prosecution of the case, the case will be referred to the proper jurisdiction and the department will assist as needed.
4.13.8 MAKING FALSE INFORMATION KSA 21-5824

A. Making False Information is a felony.
   1 Making, generating, distributing, or drawing (or causing to be) any written
      instrument, electronic data, or entry into a book of account with knowledge it
      misrepresents a material matter with intent to defraud, obstruct the detection
      of a theft, felony offense or induce official action.

B. Three Elements of Making False Information
   1 Written Instrument, electronic date or entry into book of account
   2 Knowledge that the written instrument, electronic date or entry into book of
      account isn’t what it’s supposed to be.
   3 Intent to defraud

4.13.9 CRIMINAL USE OF FINANCIAL CARDS KSA 21-5828 OR UPOC 6.7

A. Criminal use of Financial Card is
   1 Severity level 7, nonperson felony if the money, goods, property or services
      obtained within any seven-day period are of the value of $25,000 or more;
   2 Severity level 9, nonperson felony if the money, goods, property or services
      obtained within any seven-day period are of the value of at least $1,000 but
      less than $25,000; and
   3 Class A nonperson misdemeanor if the money, goods, property or services
      obtained within a seven-day period are of the value of less than $1,000.

B. Applies to cases involving the unauthorized use of a financial card, or financial
   card number (possession of the physical card is not a determination of this
   crime), using a financial card that has been revoked or canceled, (must show
   notice) or a financial card that has been mutilated, altered, or has a non-
   existent number.

C. If a suspect uses multiple cards, only one Offense Report shall be completed,
   listing all victims and it shall list the total amount of financial loss.

D. Knowingly using someone else’s PIN with intent to defraud constitutes a
   separate count of identity theft in violation of KSA 21-6107. Officers and
   detectives should attempt to determine whether the suspect, who unlawfully
   used a financial card, used the cardholder’s Personal Identification Number
   (PIN).

E. In the case of a financial card crime an officer will be dispatched to:
   1 Collect all necessary evidence;
2. Obtain a case number, complete an Offense Report listing the victim's; and
3. If a suspect is present, make any appropriate arrests.

F. Financial Crime investigators when assigned a case will:
   1. Conduct a follow up investigation in accordance with Department policy and procedures.

4.13.10 PROVIDING INFORMATION AND ASSISTANCE

A. Officers taking reports of identity theft shall take those steps reasonably possible to help victims resolve their problem. This includes providing victims with the following suggestions where appropriate:

1. Contact the Federal Trade Commission (FTC) for information and to file a report (The FTC acts as the nation’s clearinghouse for information related to identity theft crimes and can provide assistance in resolving related problems.):
   a. At www.identitytheft.gov or, 
   b. By phone at 1-877-IDTHERFT (1-877-438-4338).

2. Close the accounts that have been or are believed to have been tampered with or opened fraudulently;
3. Recommend that the victim contact the fraud department of one of the three major credit reporting agencies, Equifax, Experian, or Trans Union and:
   a. Ask them to put a fraud alert on the account and add a victim’s statement requesting creditors to contact the victim before opening new accounts in his or her name; and
   b. Request copies of credit reports and regularly review them.

4. If a driver's license is involved, contact the Kansas Department of Motor Vehicle or other issuing agency to obtain a new number;
5. If a social security number is involved check with the Social Security Administration to determine the accuracy and integrity of accounts; and
6. Provide sample letters declaring fraudulent activity for creditors.

B. The Financial Crimes Unit shall provide public information on the prevention of identity theft, fraud, and financial crimes through financial crime presentations. Members of the Financial Crimes Unit are available upon request for presentations to community and civic groups.