

DEKALB POLICE DEPARTMENT

Subject: **Financial Crimes & Identity Theft**

Policy #: **402.6**

Effective Since: 8-21-03

Revision Effective: 1-1-19

FTO Training Task: # 38

Reference Material: ILCS; IACP "Identity Theft" Research Paper

ILEAP Standards Covered: NA

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PURPOSE: The purpose of this policy is to outline general procedures for investigating financial crimes, including: deceptive practices, forgery, credit card offenses, and financial identity theft.

POLICY: It is the policy of the department to investigate reports of financial crimes and identity theft, making arrests of offenders when appropriate and providing assistance and referral services to victims.

DEFINITIONS:

Deceptive Practices, 720 ILCS 5/17-1(d): A person commits a deceptive practice when, with intent to defraud and obtain control over property or to pay for property, labor or services of another...issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. (Other means of Deceptive Practices are also listed in this section.)

Forgery, 720 ILCS 5/17-3(a): A person commits forgery when, with intent to defraud, he knowingly: (1) makes or alters any document apparently capable of defrauding another in such manner that it purports to have been made by another or at another time, or with different provisions, or by authority of one who did not give such authority; or (2) issues or delivers such document knowing it to have been thus made or altered; or (3) possesses, with the intent to issue or deliver, any such document knowing it to have been thus made or altered. (Other means of Forgery are also listed in this section.)

Illinois Credit Card and Debit Card Act, 720 ILCS 250: lists definitions for credit card offenses, including common offenses such as Receiving a Credit Card of Another (250/4) and Unlawful Use of Credit Cards (250/8).

Financial Identity Theft, 720 ILCS 5/16G-15(a): a person commits the offense of financial identity theft when he or she knowingly uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property in the name of the other person.

PROCEDURE:

I. Investigating Deceptive Practices

- A. Meet with the victim/complainant and obtain their complete information.
- B. Most deceptive practice cases involve an account holder writing checks for which there are insufficient funds and/or the account has been closed.
- C. Determine what type of check or order was used for payment.
- D. The victim/complainant should follow the Bad Check Program as provided for by the State's Attorney's Office (officers can provide this form if necessary)
<https://dekalbcounty.org/departments/states-attorneys-office/bad-check-restitution/>
 1. The check in question becomes a CIVIL MATTER if any of the following occurred:
 - a. The check was pre-dated post-dated at time of acceptance
 - b. Payroll or credit card checks
 - c. Checks passed outside of DeKalb County
 - d. Partially repaid checks
 - e. Fraudulent checks or checks returned as lost/stolen/forged
 - f. The check is a two-party check
 - g. The complainant/victim agreed to hold or delay depositing the check

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- h. The check was received as repayment on a loan, contract, or civil agreement
 2. The check is not eligible for the State's Attorney's Bad Check Program if:
 - a. Any of the above items apply
 - b. Both parties knew there were insufficient funds at the time of transaction
 - c. The identity of the check writer is unknown
 - d. There is no amount, date, or signature on the check
 - e. The numeric and written amount on the check does not match
 3. To become eligible for the State's Attorney's Bad Check Program, the victim/complainant must:
 - a. Submit the check TWICE for payment at least seven days apart; and
 - b. Send a courtesy notice to the check writer, allowing a seven day grace period to pay off the check. Certified mail is recommended.
 - c. The check can then be submitted to the State's Attorney's Bad Check Program.
- E. The State's Attorney's Office, upon receiving checks eligible for the Bad Check Program, may forward the checks to the department for investigation of criminal charges.
- F. Detectives usually investigate deceptive practice cases; however, patrol officers may assist in the investigation, particularly when the identity of the suspect is known and/or is actively engaged in writing bad checks or committing other acts of deceptive practices. Patrol officers should check with the detective division to determine if a similar case is already being investigated.
- G. Investigating officers should make a complete investigation and take the appropriate action, including arrest of the offender if applicable and appropriate.

II. Investigating Forgeries

- A. Meet with the victim/complainant and obtain their complete information.
- B. Most forgeries involve someone forging an account holder's name on a check or other financial document.
- C. Determine what type of check or document was used:
 1. Obtain or attempt to obtain the original document
 2. Accept a copy if necessary and include with the report
 3. Log original documents into evidence
- D. Document all the details on a case report.
- E. Obtain complete information regarding the passing of the forged document:
 1. The identity of the suspect or potential suspects
 2. The location where the document was presented or passed
 3. The identity of the person who accepted the document
 4. Examine the document for anything the suspect may have used for identification purposes
- F. Attempt to obtain as much evidence as possible:
 1. Interview the person who accepted the document and determine:
 - a. If they recall the transaction.
 - b. If they have a description of the suspect.
 - c. If they checked for identification; and if so,
 - d. What identification the suspect used.

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- e. Any other pertinent information.
2. Obtain surveillance video tape if the transaction may have been recorded.
3. Try to determine how the suspect obtained the victim's information or documents.
4. Ensure that the victim reports the forgery with the financial institution.
5. See if the financial institution can determine if other forged checks may have been received; if so,
6. Determine if other officers or departments have investigated forgeries on the victim's account.
- G. Completely investigate all information of the case.
- H. A detective is usually assigned to the case. A patrol officer may investigate the case, particularly if the identity of the suspect is known or can be readily determined, and/or the suspect is actively engaged in attempting or committing acts of forgery. Patrol officers should check with the detective division to determine if a similar case is already being investigated.
- I. Take appropriate enforcement action, including arrest of the offender if applicable and appropriate.

III. Investigating Credit Card Offenses

- A. Meet with the victim/complainant and obtain their complete information
- B. Most credit card offenses involve someone using the account holder's credit card or credit card number for the purchase of goods or services.
- C. Document the information of the credit card:
 1. Type of card: credit, debit, or both;
 2. Issuer of card: name of bank or financial institution to which payments are made
 3. Credit supplier: VISA, MasterCard, Discover, etc.
 4. Credit card number and/or account number
- D. Obtain as much transaction information as possible:
 1. The identity of the suspect or potential suspects
 2. The location where the card was presented or used
 3. The identity of the person who performed the transaction
 4. For telephone or computer transactions, where the goods were delivered to
 5. Examine any receipts or transaction documents for anything the suspect may have used for identification purposes
 6. Obtain originals or copies of receipts, credit card statement, or other pertinent transaction documents and include them with the report. Original documents should be logged into evidence.
- E. Attempt to obtain as much evidence as possible:
 1. Interview the person who performed the transaction and determine:
 - a. If they recall the transaction.
 - b. If they have a description of the suspect.
 - c. If they checked for identification; and if so,
 - d. What identification the suspect used.
 - e. Any other pertinent information.
 2. Obtain surveillance video tape if the transaction may have been recorded.
 3. Try to determine how the suspect obtained the victim's card or account number.

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4. Ensure that the victim reports the unauthorized credit card use with the financial institution.
 5. Check with the financial institution to determine if their fraud department has been notified and what measures they are taking to investigate the matter.
 6. See if the financial institution can determine if other unauthorized transactions may have been made; if so,
 7. Determine if other officers or departments have investigated forgeries on the victim's account.
- F. Completely investigate all information of the case.
- G. A detective may be assigned to complicated cases. A patrol officer may investigate the case, particularly if the identity of the suspect is known or can be readily determined, and/or the suspect is actively engaged in attempting or committing acts of unlawful credit card use. Patrol officers should check with the detective division to determine if a similar case is already being investigated.
- H. Take appropriate enforcement action, including arrest of the offender if applicable and appropriate.

IV. Investigating Financial Identity Theft

- A. Meet with the victim/complainant and obtain their complete information. If the victim is a resident of the City of DeKalb, a police report and investigation can be made, even if the actual fraudulent use of their information took place elsewhere. If necessary, other agencies in the appropriate jurisdictions will assist in the investigation.
- B. Most financial identity theft involves someone using the victim's personal identity (such as Social Security number, Driver's License number, etc.) to obtain goods, services, financial services, credit, loans, or other items of value.
- C. Financial identity theft is punishable under state law, as listed in Definitions on Page 1 of this policy.
- D. Financial identity theft is also punishable under federal law "when any person knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a felony under any applicable state or local law and state law." 18 U.S.C. S 1028(a)(7)
- E. Document the nature of the fraud or other crime committed in the victim's name. A standard incident report should be used.
- F. Determine what types of personal identifying information may have been used and whether any identification documents have been lost, stolen, or potentially misappropriated.
- G. Document any information concerning where the crime took place, the financial institutions or related companies involved, and the residence or whereabouts of the victim at the time of the offense.
- H. Determine whether the victim authorized anyone to use his or her name or personal information.
- I. Determine whether the victim has knowledge or belief that a specific person or persons have used his or her identity to commit fraud or other crimes.

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- J. Assisting victims; provide victims with the following suggestions where applicable and appropriate:
 - 1. **Provide the victim with an Identity Theft packet** .
 - 2. Have them contact the bank or financial institution(s) involved and cancel affected accounts.
 - 3. Have them contact issuers of the identification documents used, such as the Social Security Administration and Secretary of State.
 - 4. Have them contact the Federal Trade Commission (1-877-IDTHEFT), which acts as the nation's clearinghouse for information related to identity theft crimes; they offer assistance from trained counselors in resolving credit-related problems.
 - 5. Have them obtain a credit report.
 - 6. Have them obtain a fraud alert on their credit; these are the three major credit reporting agencies:
 - a. Equifax, 1-800-525-6285
 - b. Experian, 1-888-397-3742
 - c. TransUnion, 1-800-680-7289
 - 7. Have them take other security measures as needed.
- K. Completely investigate information regarding the case and take appropriate enforcement action.
- L. Investigative assistance; depending on the nature of the case, other agencies may be able to provide assistance:
 - 1. Federal Trade Commission (1-877-IDTHEFT); their Consumer Sentinel law enforcement database network may have investigative leads.
 - 2. U.S. Postal Inspection Service
 - 3. FBI or U.S. Secret Service
 - 4. Other governmental or federal agencies
- M. Officers should coordinate their investigation with other agencies as necessary, establishing a liaison with the outside agency and providing mutual assistance as appropriate.
- N. The department periodically conducts public forums regarding prevention of identity theft and other related scams and frauds. Officers are encouraged to offer security tips consistent with this policy to help prevent identity theft.

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police .

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.