

## 303.00 - FINANCIAL CRIMES UNIT

### 303.01 General Procedures

- (1) The Financial Crimes Unit is responsible for investigations relating to checks, financial transaction devices, forgeries, identity theft, criminal impersonation, fraud by check, non-return of rented property (excluding motor vehicles), and long-term con games.
  - a. During normal business hours, detectives of the Financial Crimes Unit are available for advice and assistance.
  - b. During the off duty hours, a call out list for Financial Crimes personnel is maintained by Communications Bureau personnel.
- (2) All suspects ordered into the Financial Crimes Unit will be directed to appear for the next business day at 0900 hours.
- (3) Only members of the District Attorney's Office or members of the Financial Crimes Unit shall be allowed to remove any file on any case from the Financial Crimes Office, except with the expressed permission of the supervisor of the Financial Crimes Unit or a command officer of the Criminal Investigation Division.

### 303.02 Stolen or Lost Checks

- (1) A General Offense report, DPD 250, will be completed when a person requests to report the loss or theft of a check. Reports shall be completed if the check was lost/stolen in Denver or if the account holder is a Denver resident. This is Colorado state law and is in compliance with C.R.S. §16-5-103. If that is the only property missing, and the loss is not a part of another offense such as burglary, theft, or theft from motor vehicle, a General Offense report, DPD 250, will be completed and entitled "Lost or Stolen" and specify "Checks". The same report should be taken from an account holder involving counterfeit checks or an electronic compromise. A description of the check should include the name of the bank, the account number, the missing check number(s), as well as the name of the account holder(s) as it appears on the check. The body of the report should include the information that the report was made "For Record Only." If the loss is a part of another offense or if items of value were taken, the report title should indicate the proper offense and the report shall be routed to the appropriate investigative unit for follow-up.
- (2) If the loss of a check is part of any other crime where a General Offense report, DPD 250, is to be completed, the check will be listed as stolen property and completely described, indicating the issuing bank, account number, check numbers, account holder information, etc.
  - a. Indicate if such checks are blank or have been filled out.
  - b. No dollar value is stated in the Value column of the General Offense report, DPD 250, as there is no actual value to the checks or financial transaction devices.
  - c. Additional documentation shall be sent to the Records Section to be scanned into RMS.
- (3) When any investigator, regardless of assignment, receives a General Offense report, DPD 250 in which checks were taken or lost, the investigator shall immediately notify the Financial Crimes Unit of the pertinent information.

### 303.03 Forgeries of Checks

- (1) Uniform officers will not complete a General Offense report, DPD 250, in cases involving the forgeries of checks, only the theft of checks unless the incident is fresh and a suspect is arrested.
  - a. Complainants shall be required to call the Financial Crimes Unit the following business day to make an appointment with a Financial Crimes Unit detective.
  - b. Financial Crimes Unit detectives will interview the complainant, determine if the case meets the statutory requirements, and complete any necessary reports, including the General Offense report, DPD 250.

- (2) Unless an arrest is made, all checks and other evidence pertaining to checks are to be left with the complainant. The complainant is then responsible to make an appointment with the Financial Crimes Unit and respond with the evidence.

### 303.04 Stolen, Lost, Counterfeited or Compromised Financial Transaction Devices

Financial transaction device means any instrument or device whether known as a credit card, banking card, debit card, electronic fund transfer card, ATM card, or guaranteed check card, or account number representing a financial account or affecting the financial interest, standing, obligation or to the account holder, that can be used to obtain cash, goods, property, services, or to make financial payments.

- (1) When an account holder discovers his card missing or has been billed for unauthorized charges, the account holder is to be advised to report the incident in writing to the banking, financial, or business institution which issued the card.
- (2) A General Offense report, DPD 250, will be completed when a person requests to report the loss of a financial transaction device. Reports shall be completed if the card was lost/stolen in Denver or if the account holder is a Denver resident. This is Colorado state law and is in compliance with C.R.S. §16-5-103. If that is the only property missing and the loss is not a part of another offense such as burglary, theft, or theft from motor vehicle, a General Offense report, DPD 250, will be completed and titled "Lost or Stolen" and specify "Financial Transaction Device." This is also true if the card was compromised in another matter and the account holder is still in possession of their card. A description of the financial transaction device should include the name of the bank and account number, as well as the name of the account holder as it appears on the financial transaction device. The body of the report should include the information that the report was made "For Record Only." Additional documentation shall be sent to the Records Section to be scanned into RMS.
- (3) The complainant shall be advised to:
- Report the missing or compromised financial transaction device to the banking, financial, or business institution issuing the card, and
  - Advise the complainant the loss of the financial transaction device will not be investigated, but that the unauthorized use of the financial transaction device will be investigated by the jurisdiction in which the usage occurred.
- (4) If the theft of a financial transaction device is part of any other crime where a General Offense report, DPD 250, is to be made or if items of value were taken, the report title should indicate the proper offense and the report shall be routed to the appropriate investigative unit for follow-up. The financial transaction device will be listed as stolen property having no value, including the name of the bank, account number, and name as it appears on the card.

### 303.05 Arrest of Suspects Involving Checks or Financial Transaction Devices

- (1) In cases of forgeries of stolen checks or financial transaction devices when it has been verified that the checks or financial transaction devices are stolen, the suspect will be arrested.
- The suspect will be charged with Investigation of Forgery when the offense involves checks.
  - The suspect will be charged with Investigation of Unauthorized Use of a Financial Transaction Device when the offense involves financial transaction devices.
- (2) The suspect and all evidence will be taken to the Financial Crimes Unit during the hours it is open.
- The arresting officer shall fill out a Statement Form, DPD 366.
  - The arresting officer will identify and obtain a written statement from the acceptor of the check or financial transaction device and any other potential witnesses to the event on DPD 366. The acceptor is the person to whom the suspect actually presented the check or financial transaction device (bank teller, sales clerk, cashier, etc.).
- (3) When the Financial Crimes Unit is closed, the following procedures will be followed:
- The suspect shall be processed according to OMS 104.01(24).
  - The officer will advise the suspect of his rights and attempt to obtain a verbal or written statement.

- c. The evidence will be initialed, dated, and placed in the secured lock box in the Property Bureau. Do not place checks, financial transaction devices, driver's licenses, or other documentary evidence in the Property Bureau.
  - d. A Statement Form, DPD 366, will be completely filled out by the arresting officer and left with the rest of the paperwork in the secured lock box located in the Property Bureau.
- (4) Suspects arrested on warrants involving checks or financial transaction devices will be processed as outlined in OMS 104.10. ]

### 303.06 Confidence Games

- (1) Long term confidence-fraud games involving the use of deception or misrepresentation to perpetrate a theft are investigated by the Financial Crimes Unit. The more common of these confidence games are the Lotto Scams, Nigerian Scams, Bank Examiners Swindle, Pigeon Drop, Jamaican Switch, and the Gypsy Swindle. ]
- (2) Officers shall complete a General Offense report, DPD 250, in cases of confidence fraud games and title the report "Theft (Confidence Game)". The report shall be hand carried immediately to the Records Section after being approved by a supervisor.
- (3) All persons arrested for Investigation of Theft (Confidence Game) shall be processed according to the procedures outlined in OMS 104.01(24).
- (4) Other, short term, confidence games, such as the Shell Game and Three Card Monte are similar to games of chance and will be handled by the Vice/Drug Control Section.

### 303.07 Non-Return of Rented Property

- (1) No General Offense report, DPD 250, shall be completed by uniform officers. ]
- (2) The complainant shall be advised to call the Financial Crimes Unit during normal business hours and make an appointment with a Financial Crimes Unit detective.
- (3) Complaints involving non-return of rented cars will be referred to the District Station Investigations Unit for appropriate action. See OMS 104.36(6).

### 303.08 Theft of Lodging/Meals

- (1) Process Theft of Lodging/Meals involving Checks or Credit Cards according to OMS 303.05 and route all cases to the Financial Crimes Unit. ]

### 303.09 DELETED 7/08 - Misdemeanor Theft of Lodging or Meals Using Check or Financial Transaction Device (under \$1,000.00) ]

### 303.10 Fraud by Check

The below listed guidelines will be used to handle calls involving fraud by check.

*Note: These guidelines do not apply to cases involving counterfeit checks, stolen checks or use of a fake or fictitious identity or identification. Such conduct involves potentially serious criminal charges on the felony level (forgery, criminal impersonation, among others) and should be handled accordingly.*

- (1) Fraud by check deals with checks refused for payment by the bank. The two reasons for refusals are: ]
  - a. Insufficient funds
  - b. Account closed, or

(Refer to Maker and Stop Payment checks are usually civil in nature.) ]
- (2) If the suspect is not present, and it is determined that the check or checks are not counterfeit, the complainant will be advised to do one of two things.

- a. If the total of the check(s) is \$5,000.00 or less, the complainant will be advised to contact the Denver District Attorney's Bad Check Restitution Program. They can do this by calling (800) 574-5378, or on the Internet at [www.denverda.org](http://www.denverda.org) to file their complaint.
  - b. If the total of the check(s) is over \$5,000.00, the complainant will be advised to contact the Financial Crimes unit during normal business hours at (720) 913-6752.
- (3) If the suspect is at the scene of a possible fraud by check violation, officers will make every attempt to verify that the check in question is not a forgery. If the officer is unable to establish that the check is a forgery, but can establish that the account is closed, or the check is insufficient funds, the following procedure shall be followed:
- a. If the complainant has not sustained any monetary loss from the attempted Fraud by Check:
    - 1. The officer will advise the suspect that the account is closed, or has insufficient funds, and not to write any more checks.
    - 2. The check that was tendered, and a letter detailing the circumstances will be delivered to the Financial Crimes Unit, during normal business hours, or placed in the evidence box located in the Property Bureau after hours.
    - 3. If the check was written on a closed account only (not insufficient funds), any other checks on that account in the suspects possession will be taken and turned over to the Financial Crimes Unit per the instructions in OMS 303.10(3)a,2 above.
  - b. If the complainant has checks that were previously tendered by the same person, on the same account and the total of the check(s) is \$5,000.00 or less:
    - 1. The complainant will be advised to contact the Denver District Attorney's Bad Check Restitution Program by calling (800) 574-5378, or on the Internet at [www.denverda.org](http://www.denverda.org).
    - 2. The checks that had been tendered will be left with the complainant.
    - 3. If the check was written on a closed account only (not insufficient funds), any other checks on that account in his possession will be taken and turned over to the Financial Crimes Unit.
  - c. If the suspect has presented a check(s) that total more than \$5,000.00:
    - 1. The identity of the suspect should be verified and the suspect ordered in to the Financial Crimes Unit for the next business day at 0900 hours.
    - 2. Seize all evidence, including the original check(s), receipts, and the suspect's identification(s).
    - 3. The arresting officer will identify and obtain written statement(s) on DPD 366 from the complainant and/or acceptor of the check and any other potential witnesses to the event.
    - 4. Officers will instruct the complainant to contact the Financial Crimes Unit as soon as possible at (720) 913-6752.
    - 5. Advise the suspect of his/her rights and attempt to obtain a verbal or written statement.
    - 6. A statement will be completely filled out by the reporting officer, using DPD 366.
    - 7. During normal business hours, the reporting officer will hand carry all evidence, documents and statements directly to the Financial Crimes Unit. If the Financial Crimes Unit is closed, the reporting officer will place all evidence, documents, and statements into the locked evidence box located in the Property Bureau.

### 303.11 Lost or Stolen Money Orders

Unlike checks and credit cards, Money Orders are recognized by the Denver District Attorney's Office as a thing of value. As a result, cases involving the loss or conversion of a Money Order are handled as follows:

- (1) If the money order was blank at the time of the loss, the money order is considered the same as cash and will be investigated as any other theft investigation. Venue in the blank money order scenario is at the point of conversion.

- (2) If the money order was filled out at the time of the loss and altered in any way, the investigation will be handled as any other forgery investigation. Venue in the altered money order scenario can be either at the point of loss or at the point of conversion.

### 303.12 Criminal Possession of a Financial Transaction Device C.R.S. §18-5-903

NOTE: Criminal Possession of a Financial Transaction Device was repealed in 2006 as part of C.R.S. §18-5-902 and replaced the Criminal Possession of a Financial Device. "Financial Device" means any instrument or device that can be used to obtain cash, credit, property, services, or any other thing of value or to make financial payments, including but not limited to:

- a. A credit card, banking card, debit card, electronic fund transfer card, or guaranteed check card;
- b. A check;
- c. A negotiable order of withdrawal;
- d. A share draft; or
- e. A money order

- (1) Persons in possession of stolen financial device(s) can be charged and jailed for Investigation of Criminal Possession of a Financial Device as follows:
- a. If the suspect is in possession of one stolen financial transaction device, the suspect can be jailed for investigation of Criminal Possession of a Financial Device, C.R.S. §18-5-903, a Class 1 Misdemeanor.
  - b. If the suspect is in possession of two or more stolen financial devices, the suspect can be jailed for investigation of Criminal Possession of a Financial Device, C.R.S. §18-5-903, a Class 6 Felony.
  - c. If the suspect is in possession of more than four stolen financial devices issued to different account holders, the suspect can be jailed for investigation of Criminal Possession of a Financial Device, C.R.S. §18-5-903, a Class 5 Felony.
- (2) The suspect and all evidence will be taken to the Financial Crimes Unit during normal business hours.
- a. Advise the suspect of his rights and attempt to obtain a verbal or written statement.
  - b. The evidence will be initialed, dated and given to the investigating detective.
  - c. The arresting officer shall fill out a Statement Form, DPD 366, detailing how the evidence was discovered and seized. The arresting officer will also indicate how it was determined the financial device was verified as stolen, identifying any person providing, and verifying that the card(s) are stolen.
- (3) When the Financial Crimes Unit is closed, the following procedures will be followed:
- a. The suspect shall be processed according to OMS 104.01(24).
  - b. Advise the suspect of his rights and attempt to obtain a verbal or written statement.
  - c. The evidence will be initialed, dated, and placed in the Document Box located in the Property Bureau. Do not place checks, financial devices, driver's licenses, or other documentary evidence in the Property Bureau.
  - d. The arresting officer shall fill out a Statement Form, DPD 366, detailing how the evidence was discovered and seized. The arresting officer will also indicate how it was determined the financial transaction device was verified as stolen, identifying any person providing and verifying that the card(s) are stolen.
  - e. Any bank or financial institution requesting additional information regarding evidence seized in relation to the investigation should be directed to call the Financial Crimes Unit the following business day.

**303.13 Examinations of Questioned Documents**

- (1) Request for document examinations will be reviewed on a case-by-case basis by the Crime Laboratory Bureau and the submitted to the Colorado Bureau of Investigations for document analysis.
- (2) Request for examinations of documents will be made on a Request for Laboratory Analysis Template, DPD 341. Completed requests must be returned to the Crime Laboratory Supervisor.
- (3) Only requests approved by a supervisor or command officer of the Crime Laboratory Bureau will be processed and forwarded to CBI.

**303.14 Identity Theft and Criminal Impersonation**

C.R.S. §18-5-902 ratified an Identity Theft statute, C.R.S. §18-5-902, and is a Class 4 Felony. Identity Theft is defined as a person knowingly using or processing (with the intent to defraud) another person's personal identifying information, financial information, financial identifying information, or financial device with permission or lawful authority to obtain cash, credit, property, services, any other thing of value, or to make a financial payment.

- (1) Officers shall complete a General Offense report, DPD 250, from victims of Identity Theft if the offense occurred in Denver or if they are resident of Denver. This is Colorado state law and is in compliance with C.R.S. §16-5-103. Reports shall be taken despite limited information from the victim including offense location. The victim's home address can be used as the offense location for Denver residents. The report shall be titled "Identity Theft" and any additional documentation shall be forwarded to the Records Section to be scanned into RMS.
  - a. Victims can also report incidents online at [www.denvergov.org/policereport](http://www.denvergov.org/policereport)
  - b. Victims of Identity Theft involving only a Traffic Violation including City Charges or Criminal Summons and Complaint state misdemeanors shall be referred to the Traffic Investigations Bureau.
- (2) Suspects arrested for Identity Theft shall be processed according to OMS 303.05.
- (3) C.R.S. §18-5-902 repealed several statutes including Unlawful Possession of Personal Identifying Information, however, Forgery, Possession of Forged Instruments, Possession of Forgery Devices, and Unauthorized Use of a Financial Transaction Device remained unchanged.
- (4) Criminal Impersonation, C.R.S. §18-5-113, also remains unchanged and is defined as a person knowingly assuming a false or fictitious identity and does an intentional act for the purpose of gaining a benefit or if such act might subject the victim to harm. Criminal Impersonation is a Class 6 Felony.
  - a. Denver Revised Municipal Code 38-40, False Information, should be cited in the vast majority of cases involving a suspect giving a false or fictitious name during police contact to avoid arrest or other reason. False Information should be charged regardless of the seriousness of any discovered warrant, significant steps taken to identify the suspect, or if the false name is an actual person.
  - b. Every attempt shall be made by officers in all arrests and order-ins to properly identify suspects including obtaining fingerprints to avoid creating identity theft victims.

**303.15 Forged Identifications**

- (1) Officers recovering fake or forged identifications including state licenses or IDs, Military IDs, Social Security cards, and various IDs from Mexico, shall make every attempt to verify if the ID is legitimate or forged before any enforcement action is taken. No ID shall be seized without verification and without applicable charges. Financial Crime's detectives are available during normal business hours and the ID shall be transported to headquarters, room 106, for verification.
  - a. After normal business hours, a night-shift detective or an Identification Bureau technician shall review the ID for legitimacy. A training manual will be available in the Identification Bureau.
  - b. An ID determined to be legitimate shall be returned to the owner and only placed into the Property Bureau, as personal property, if the owner is no longer available.

- (2) If an ID is determined to be forged, the suspect should be charged with Investigation of Possession of a Forged Instrument, C.R.S. §18-5-105, a Class 6 Felony, and Identity Theft if applicable. The evidence shall be placed into the Financial Crimes locked evidence box, and the suspect processed according to OMS 303.05.
  - a. If a suspect tenders a fake insurance card, bus pass, or other document of this nature, Denver Revised Municipal Code 38-8, Use or Offer of False Identification, can be charged. Documents shall be placed into the Property Bureau and the incident number documented on the General Sessions Summons and Complaint, DPD 236. DRMC 38-3 does not apply to possession cases. Traffic charges may also apply.

### **303.16 Undercover Operations and Notifications of the Financial Crimes Unit**

- (1) All undercover operations or use of informants regarding any Financial Crimes, Forged IDs, or Identity Theft cases generated from the Financial Crimes Unit shall be conducted in cooperation with the Special Investigations Unit. Any such operation outside Pattern Crimes will require notification of the Financial Crimes Unit and Special Investigations.

