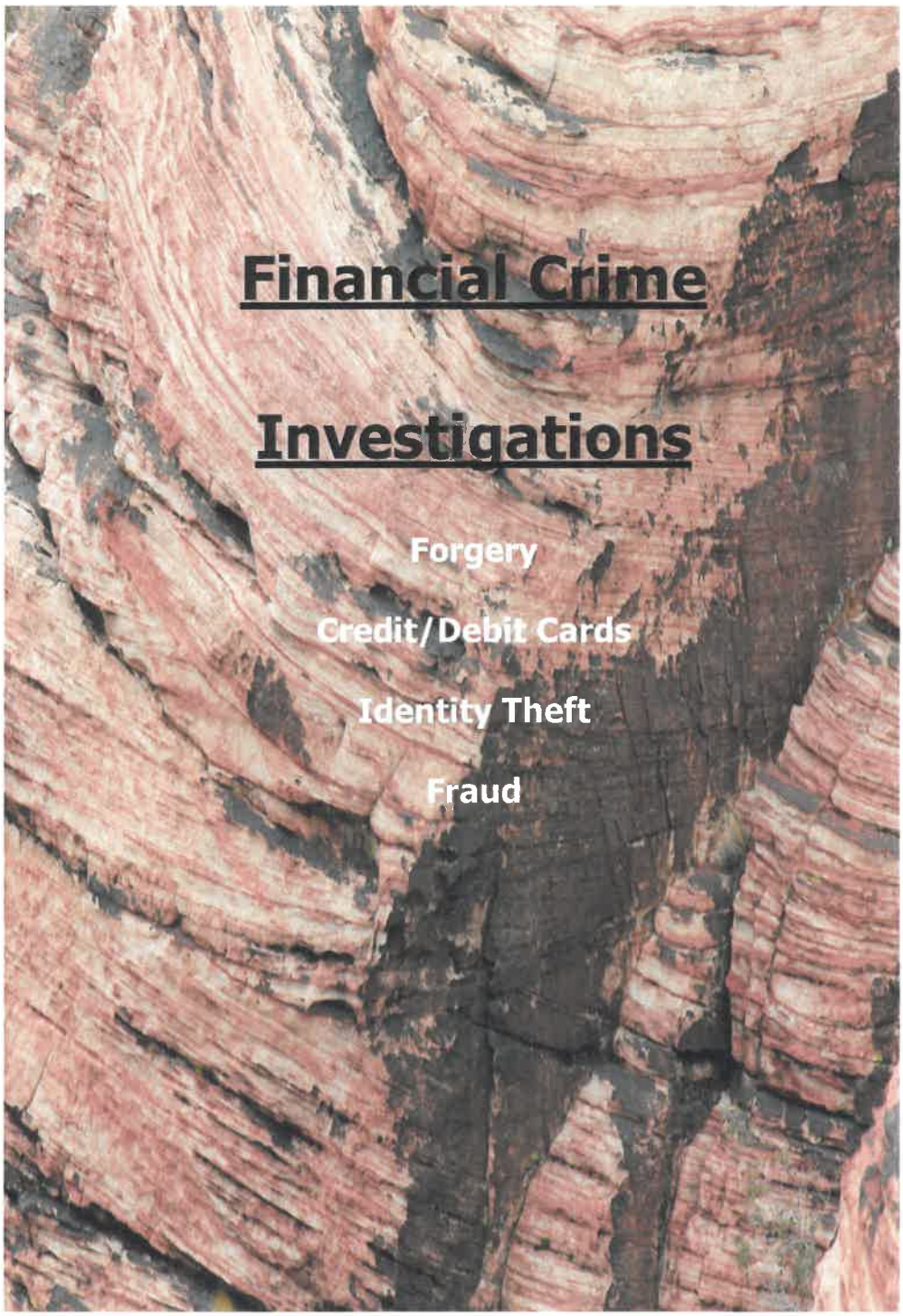
Financial Crime
Investigations
Forgery
Credit/Debit Cards
Identity Theft
Fraud

INTRODUCTION

All crimes listed in this section are a felony unless otherwise noted. The following is a general list of steps that need to be completed in the preliminary investigation. The statutes have numerous different theories under which a suspect can commit a crime. **If your scenario falls outside of those listed, contact financial crimes for guidance. Additional callout criteria is listed on page 160.**

1. Complete an ICR or worthless document report, items to be included are:
   a. The victim's full name and contact information.
   b. The full account numbers and description.
   c. If item(s) found in the possession of a suspect have already been reported as lost/stolen under another event number, articulate that information in your report and print a copy of the report to go in the arrest packet.
   d. Document the victims contact information used in that report on the witness list, **and**
   e. The name and contact information of those involved. If applicable the employee(s) that dealt with the suspect can use their business contact information in place of their personal contact info.

2. Make photo copies or photographs of the instrument(s), put the event number on the copy or input photos into DIMs. Include them in the arrest packet and impound the originals – Notate in the report if copies or photos were taken or not. When making copies or taking photos please remember the following:
   a. You must capture the front and back of checks, cards, currency and IDs.
   b. All paperwork with handwritten ID information or account numbers must be impounded as originals after copies/photo are made.

3. Document in the arrest report/DOA (in addition to the ICR/Worthless Document)
   a. All account numbers and detailed description of the item(s):
      i. **Checks**- Check number, account number, account holder name(s), Bank name, amount of the check and the type of check (Money order, payroll, cashier check or personal check)
      ii. **Identification**- From what state, ID/DL number, DOB, issued date, if the suspect matched the ID/DL.
      iii. **Credit/Debit Cards**- Full account number, type of card, name printed or embossed on the card.

   b. The factual basis of the charge - **Articulate:**
      i. Why the item(s) is counterfeit, forged, a misrepresentation or altered.
      ii. "***The bank/teller said so***" is not acceptable, you must explain why it is what it is.
      iii. Who is the victim? The person or business whose information is being forged or counterfeited or whose check was taken and altered or otherwise forged; generally this will be the account holder.
      iv. The suspects intent to utter, negotiate the item or the knowledge that the item is forged.

4. Obtain a voluntary statement from those involved and place their contact information on the witness list;
   a. If you only speak to the victim over the phone you still place their contact information on the witness list and ICR.
   b. The person(s) who assisted the suspect with the transaction, may need to testify to the utters or possession.

NOTE:
When taking a report from a victim for stolen property, include all relevant identifying information (account numbers if available and if not at least the names of the cards taken; Visa, MasterCard, etc.). If a suspect is later caught with that victim's credit card or property, it can be researched in P1 and the suspect can then be charged for the possession of the stolen id, credit card, check, etc.

Scenarios

In addition to the listed steps on the preceding introduction page, ensure that these steps are taken.

1. The suspect enters a bank or bank like establishment and attempts to negotiate a forged check. Officers arrive and place the suspect into custody.

- ❑ obtain a statement from the teller who assisted the suspect
- ❑ articulate what about the check was forged and how the teller knew (the amount and/or name was altered or the check is completely fraudulent but the account is legitimate)
- ❑ if the teller contacted the account holder of the check, obtain that contact information for the report, document in AR, add the teller to the witness list
- ❑ attempt to contact the account holder, asking what or who the check was intended for, when was it mailed or believed to be stolen
  - ❑ ask if they know the suspect
  - ❑ add the account holder to the witness list
- ❑ suspect statements, articulate how the suspect knew or should have know the check was forged
- ❑ for the report you should list the account holder as the victim of the forgery and the business is the victim of the burglary and attempted theft

CHARGES: **Burglary** (the suspects intent was to enter the bank to commit a felony), **Forgery**, and **Attempt Theft** (the suspect attempted to deprive the victim of their money or property).

See the appropriate section for the complete listing of the elements.

NOTES

2. The suspect is found with a piece of paper containing hand written or typed credit/debit card information of <u>another person</u>.

- ❑ articulate that the suspect was willfully and unlawfully in possession of credit or debit card numbers and their intent to use, transfer or defraud another
  - ❑ suspect statements
  - ❑ suspect's prior arrests/convictions
- ❑ one charge for each account they are in possession of
- ❑ 205.690.3 when a person has in his or her possession or under his or her control **two or more** credit/debit cards issued in the name of another person they are presumed to have obtained and to possess the credit cards or debit cards with the knowledge that they have been stolen and with the intent to circulate, use, sell or transfer them with the intent to defraud

<u>CHARGE:</u> Possession of Credit or Debit Card without Consent of Cardholder

IF the suspect was found to be in control of a single credit/debit card with another's name. To charge that suspect with the ONE credit/debit card you will have to ask and articulate the following.

- ❑ conduct a records check in P1 in attempt to locate the cardholder
  - ❑ if a report is located in P1 this report will need to be added to your packet
  - ❑ contact the cardholder to confirm that your suspect did not have consent to be in possession of the card
  - ❑ obtain and place the cardholders statements and information in the report
- ❑ suspect statements :
  - ❑ how did they obtain the card
  - ❑ do they have permission to be in possession of the card
  - ❑ who does the card belong to
- ❑ the account number on the card, bank name and/or card vender name (VISA/MasterCard) will have to be in both your reports to identify the card

<u>CHARGE:</u> Possession of Credit or Debit Card without Consent of Cardholder

FORGERY CRIMES

There are numerous categories of records or instruments that can be forged under 205.090 that are not included below - refer to the statute and/or Financial Crimes for further clarification if your scenario falls outside of the listed elements.

1. **in addition to the elements listed for each crime below - document the following:**
   a. the factual basis that establishes the instrument is a "forgery:"
      i. it is a genuine check but the signature of the account holder was forged or falsely applied or the check and signature are genuine and the payee/ account was thereafter altered, etc.
   b. who the victim is:
      i. the person or business whose information is being forged/counterfeited or whose check was taken and altered or fraudulently completed
         1. generally this will be the account holder
      ii. document the name and contact information
         1. if you speak over the phone - document the verbal statement in the report and include the contact information in the report and witness list
   c. suspect statements
      i. where/how the instrument was received or made
      ii. intention to utter/pass
      iii. knowledge of the fact that it is a forged instrument

NOTE: **"Bank Bill"** – is currency
"Check"- means any check, draft or other negotiable instrument of any kind
"Draw"- means making, drawing, uttering, preparing, writing or delivering a check

NRS 205.090 **FORGERY (UTTER) NOC 50461**

1. utter, publish, pass or attempt to pass
2. as true and genuine
3. any matter listed in 205.090, including but not limited to:
   a. a false, altered, forged, or counterfeited check, draft, traveler's check, money order, deed, or lease, etc **-OR-**
   b. the counterfeited or forged seal or handwriting of another
4. **with the intent to prejudice, damage or defraud any person**

NRS 205.090 **FORGERY (MAKE) NOC 50461**

1. **falsely makes, alters, forges, or counterfeits:**
2. a check, traveler's check, money order, handwriting of another, etc
3. with the intent to damage or defraud any person

NRS 205.110 **FORGERY (POSSESS) NOC 50462**

1. has in his/her possession
2. a forged check, traveler's check, money order, credit card, or handwriting of another
3. with intent to utter, offer, dispose of it or put it off as true or genuine
4. knowing the same to be forged or altered
5. with **intent** to defraud

NOTE: In order to possess the instrument under **205.110 - the false making of the instrument must be punishable as a forgery under Chapter 205**

NRS 205.160 **POSSESSION OF FORGED INSTRUMENT OR BILL, NOC 50469**

1. possess
2. a forged bank bill (currency), promissory note, traveler's check, money order, or bill for the payment of money or property:
   a. completed or finished **-OR-**
   b. blank or unfinished, with the intent to fill up, complete, or finish
3. knowing it to be forged or counterfeited
4. with the intent to pass it or cause it to be passed
5. with the intent to defraud

NRS 205.46513 **ESTABLISHING OR POSSESSING FINANCIAL LABORATORY, NOC 50724**

A person shall not establish or possess a financial forgery laboratory with the intent to commit any unlawful act.

NOTE: "**Financial forgery laboratory**" means any computer, system, program or other electronic or mechanical device, or any combination thereof, that is specifically configured for the purpose of unlawfully:

1. Obtaining personal identifying information (PII) of another person to commit an unlawful act.
2. Manufacturing any forged or fraudulent financial instrument, document or item, including, without limitation:
   a. any negotiable instrument, check, draft, bond, credit card, debit card, stock certificate, annuity, bank bill or note, draft, bill of exchange, contract, promissory note, traveler's check or money order.

Contact Financial Crimes when a forgery lab is discovered

NRS 205.606 **POSSESSION OF SCANNING DEVICE OR RE-ENCODER NOC 50783**

1. A person shall not possess a scanning device or re-encoder with the intent to use the scanning device or re-encoder for an unlawful purpose.

NOTE: **Exempt persons** – Any person who, without the intent to defraud or commit an unlawful act, possesses or uses a scanning device or re-encoder:

1. In the ordinary course of his or her business or employment
2. Pursuant to a financial transaction entered into with an authorized user of a payment card who has given permission for the financial transaction.

"Scanning device" means a scanner, reader or any other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.

"Re-encoder" means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.

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"**Payment card**" means a credit card, charge card, debit card or any other card that:

1. is issued to an authorized card user
2. allows the user to obtain, purchase or receive credit, money, a good, a service or anything of value

Contact Financial Crimes when a scanning device or re-encoder is discovered

CREDIT AND DEBIT CARD CRIMES

NRS 205.690 **POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CONSENT OF CARDHOLDER, NOC 50790**

1. possess
2. a credit card, debit card, or handwritten card number **(see note 2)**
3. without the consent of the cardholder
4. with the intent to circulate, use, sell or transfer
5. the credit card, debit card, or handwritten card number
6. with the intent to defraud

NOTE: 1. 205.690.3 when a person has in his or her possession or under his or her control **two or more** credit cards or debit cards issued in the name of another person - they are presumed to have obtained and to possess the credit cards or debit cards with the knowledge that they have been stolen and with the intent to circulate, use, sell or transfer them with the intent to defraud
   a. articulate any statements showing the suspect's intent to use and lack of consent
   b. will ultimately require follow up for a statement and contact information
2. "**credit or debit card**" includes the card itself or simply the credit or debit card account number
3. document the full name and account number of any cards in the suspect's possession

NRS 205.740 **FORGERY OF CREDIT CARD OR DEBIT CARD, NOC 50794**

1. with the intent to defraud:
   a. **falsely makes** or **falsely embosses** a purported credit card or debit card **-OR-**
   b. utters such a credit card or debit card

NOTE: 1. a person who possesses **two or more** credit cards or debit cards that are falsely made or falsely embossed is presumed to have violated 207.740
2. articulate how each card is forged:
   a. description of the card
   b. numbers crooked, erased, last 4 embossed don't match the mag stripe (check receipt), printed on wrong issuing bank stock

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3. "**falsely makes**"- a credit card or debit card when the person alters a validly issued credit card or debit card or makes or draws, in whole or in part, a device or instrument which purports to be the credit card or debit card of a named issuer where the issuer did not authorize the making or drawing

4. "**falsely embosses**"- a credit card or debit card when, without the authorization of the named issuer, the person completes a credit card or debit card by adding any matter, except the signature of the cardholder, which the issuer requires to appear on the credit card or debit card before the credit card or debit card can be used by a cardholder

5. "**issuer**"- means the business organization, financial institution or a duly authorized agent of a business organization or financial institution which issues a credit card or debit card.

NRS 205.760 **FRAUDULENT USE OF CREDIT CARD OR DEBIT CARD, NOC 50796**

1. with the intent to defraud:
2. uses a credit card or debit card to obtain money, goods, property, services or anything of value where:
   a. the credit card or debit card was obtained or retained without the cardholder's consent

      (can be obtained or retained in violation of 205.690- 205.750 inclusive)

   b. where the person knows the credit card or debit card is forged or is the expired or revoked credit card or debit card of another

IDENTITY THEFT CRIMES

"**Personal Identifying Information**" (referred to as "PII") in **205.4617** means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, **to identify a living or deceased person** or to identify the actions taken, communications made or received by, or other activities or transactions of a **living or deceased person, including, without limitation:**

1. the current or former name, driver's license number, identification card number, social security number, checking account number, savings account number, credit card number, debit card number, financial services account number, date of birth, place of employment and maiden name of the mother of a person
2. the electronic signature, unique electronic identification number, address or routing code, telecommunication identifying information or access device of a person
3. the personal identification number or password of a person
4. the alien registration number, government passport number, employer identification number, taxpayer identification number, Medicaid account number, food stamp account number, medical identification number or health insurance identification number of a person
5. the number of any professional, occupational, recreational or governmental license, certificate, permit or membership of a person
6. the number, code or other identifying information of a person who receives medical treatment as part of a confidential clinical trial or study, who participates in a confidential clinical trial or study involving the use of prescription drugs or who participates in any other confidential medical, psychological or behavioral experiment, study or trial
7. the utility account number of a person

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"Artificial person" means any corporation, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation or any comparable entity which is created and existing under the laws of this State, any other state, territory or foreign government, or the Government of the United States and which is doing business in this State. **Artificial person does not mean a fictitious person.**

When investigating identity theft crimes: document all relevant information

- ❑ factual details or suspect statements to show intent
- ❑ search the PII in P1, attempting to locate and contact the victim
- ❑ if the suspect is in possession of an identification card displaying victim information and the suspect photo is displayed on same card.
- ❑ interview the suspect trying to obtain a statement
- ❑ suspect has prior arrests or convictions for the same charges

NRS 205.463 **OBTAINING AND USING PERSONAL IDENTIFICATION INFORMATION OF ANOTHER, (OBTAINS GOODS/TO HARM/UNLAWFUL PURPOSE)**

1. a person who willfully, unlawfully and knowingly
2. obtains any personal identifying information
3. of another person
4. with the intent to commit an unlawful act
5. uses the personal identifying information:
   a. to harm that other person **-OR-**
   b. for any other unlawful purpose, including, without limitation, to obtain credit, a good, a service or anything of value in the name of that other person **-OR-**
   c. to represent or impersonate that other person to obtain access to any personal identifying information of that other person without the prior express consent of that other person

NOC and enhancements:

1. **50690**
2. **50720** PII belongs to an older or vulnerable person
3. **54970** uses the PII of 5 or more victims
4. **54971** causes the victim to suffer a financial loss of $3,000 or more

NOTE: 1. PII must always be of a real person (living or deceased)
2. will require follow up to obtain a statement and contact information from the owner of the PII
   a. articulate any statements by the suspect as to the owner of the PII (brother, friend, or unknown, etc)
   b. will ultimately require follow up for a statement and contact information

NRS 205.463.2 **OBTAINING AND USING PERSONAL IDENTIFICATION INFORMATION OF ANOTHER, (AVOID/DELAY PROSECUTION)**

1. willfully, unlawfully and knowingly
2. obtains any personal identifying information of another person
3. uses the personal identifying information to **avoid or delay** being prosecuted for an unlawful act

NOC and enhancements:

1. **50691**
2. **50720** PII belongs to an older or vulnerable person
3. **50721** to avoid or delay prosecution on a **Category A or Category B felony**

NOTE: 1. **PII must always be of a real person (living or deceased)**

2. will require follow up to obtain a statement and contact information from the owner of the PII
   a. articulate any statements by the suspect as to the owner of the PII (brother, friend, or unknown, etc)
   b. will ultimately require follow up for a statement and contact information

NRS 205.465 **POSSESS DOCUMENT OR PII TO ESTABLISH FALSE STATUS OR IDENTITY**

1. possesses
2. any document **or** personal identifying information
3. for the purpose of:
   a. **NOC 50697** establishing a false status, occupation, membership, license or identity for himself or herself or any other person
   b. **NOC 50696** establishing a false status, occupation, membership, license or identity for himself or herself or any other person to commit any crime(s) as set forth in 205.085 to 205.217, inclusive, 205.473 to 205.513, inclusive, or 205.610 to 205.810 **-OR-**
   c. **NOC 50698 (M)** establishing a false status, occupation, membership, license or identity for himself or herself or any other person **for the sole purpose** establishing false proof of age, including, without limitation, establishing false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products

NOTE: 1. possession of "a document" to establish the false status - can be fictitious
   a. any real or ficticious driver's license or state issued identification, real or fictitious, social security card, birth certificate, government issued IDs, etc.

2. **suspect's intent must be articulated**:
   a. possession of the PII of five or more persons (real persons) permits a rebuttable inference that the suspect intended to use that information in violation of this statute (***not just possession of "documents"***)

3. describe each document in the report
4. articulate if, after a records search, the document was listed as stolen and under what circumstances
5. articulate the suspect statement's regarding obtaining the document and/or intent to use

FRAUD CRIMES

NRS 205.380 **OBTAINING MONEY UNDER FALSE PRETENSES**

1. willfully, unlawfully, knowingly and designedly
2. by any false pretense
3. obtains from any other person any money, property, service or thing of value of another person not his/her employee
4. with the intent to cheat or defraud the other person
5. valued at:

   a. **NOC 62008** $1,200 but less than $5,000 **-OR-**
   b. **NOC 62006** under $1,200 **(M) City of Las Vegas 62007**

NOC and enhancements:

1. **XXXXX** Victim 60 or over and valued at $1,200 but less than $5,000

NRS 205.300 **EMBEZZLEMENT**

1. any bailee of any money, goods or property
2. who converts it to his or her own use
3. with the intent to steal it or to defraud the owner or owners thereof
4. where the property is:

   I. **NOC XXXXX** Vehicle

   II. Valued at:
      a. **NOC 62158** valued at more than $5,000 but less than $25,000
      b. **NOC 62155** valued at more than $1,200 but less than $5,000
      c. **NOC 62154** less than $1,200 (M)

   III. **NOC XXXXX** Firearm

NOC enhancements:

1. E/VOP and where the property is valued at:
   a. **NOC XXXXX** valued at more than $5,000 but less than $25,000
   b. **NOC XXXXX** valued at more than $1,200 but less than $5,000

-OR- any:

a. agent, manager or clerk of any person, corporation, association or partnership **-OR-**
b. any person with whom any money, property or effects have been deposited or entrusted

2. who uses or appropriates the money, property or effects part thereof
3. in any manner or for any other purpose than that for which they were deposited or entrusted
4. where the property is:

   I. **NOC XXXXX** Vehicle

   II. Valued at:
      a. **NOC 62518** valued at more than $5,000 but less than $25,000
      b. **NOC 62155** valued at more than $1,200 but less than $5,000
      c. **NOC 62154** less than $1,200 (M)

   III. **NOC XXXXX** a firearm

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NOTE: 1. "**Bailee**," means all persons with whom any money, goods or property has been deposited, all persons to whom any goods or property has been loaned or hired, all persons to whom any goods or property has been delivered, and all persons who are, either as agent, collector or servant, empowered, authorized or entrusted to carry, collect or receive any money, goods or property of another.

2. **Embezzlement of Auto is under NRS 205.312**

a. **NOC XXXXX**

Whenever any person who has leased or rented a vehicle **willfully and intentionally** fails to return the vehicle to its owner within 72 hours after the lease or rental agreement has expired, that person may reasonably be inferred to have embezzled the vehicle.

- ❑ **The date of the embezzlement is the date the vehicle was due to be returned.**
- ❑ When taking the embezzled auto report; the rental company should have attempted to make contact with their listed suspect and it should be mentioned in the report.
- ❑ Since the high volume of embezzled autos are rented with false identities, you should check P1 and see if a report for identity theft, auto burglary or home burglary has been filed by your listed suspect.
- ❑ A photo lineup should be conducted to confirm your listed suspect as the renter of the vehicle, if surveillance footage isn't available.
- ❑ Attempts should be made to contact the listed suspect. In the report it must be notated that the suspect is in fact the one who rented the vehicle.

NRS 205.0832 **THEFT**

205.0835

1. willfully and knowingly
2. without lawful authority:
   a. controls any property of another person with the intent to deprive that person of the property **-OR-**
   b. converts, makes an unauthorized **transfer** of an interest in, or without authorization **controls** any property of another person or uses the services or property of another person entrusted to him or her or placed in his or her possession for a limited, authorized period of determined or prescribed duration or for a limited use **-OR-**
   c. obtains real, personal or intangible property or the services of another person by a **material misrepresentation** with intent to deprive that person of the property or services **-OR-**
   d. obtains services, which the person knows or, should have known are available only for compensation without paying or agreeing to pay compensation or diverts the services of another person to his or her own benefit **-OR-**
   f. draws or passes a check, and in exchange obtains property or services, if the person knows that the check will not be paid when presented
      i. **DO NOT ARREST FOR NON-SUFFICIENT FUNDS – ACCOUNT CLOSED CHECKS.** The store must send check to bank and have bank stamp the check as to the reason the check was dishonored. They must send a demand letter to the suspect at the address on the check and wait 10 days to allow the suspect to make the check good. **After 10 days the store must contact the District Attorney's Bad Check Diversion Unit at (702) 671-4701.**
      ii. The only exception to the above is where a suspect pays his hotel room bill or food bill with a NSF or Account Closed Check. The hotel can decline to accept the check and make a demand for payment in cash. If suspect cannot pay the bill, he may be arrested for **"Defrauding a Proprietor of Accommodation" NRS 205.445, NOC 56097.**

3. where the property is valued at:
   a. **NOC 61958** valued at more than $5,000 but less than $25,000
   b. **NOC 61955** valued at more than $1,200 but less than $5,000
   c. **NOC 61953** less than $1,200 **(M)-or- 61954 City of Las Vegas**

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NOTE: 1. The statute has numerous different theories under which a suspect can commit a theft - reference the full statute for any scenario not falling entirely within the above listed elements.

2. NRS 205.0834 - amounts involved in different thefts committed pursuant to a **scheme or continuing course of conduct**, whether from one or more persons involved in the scheme or conduct, may be aggregated in determining the grade of the offense.

   a. NRS 205.0831 "**value**"

      i. the fair market value of the property or services at the time of the theft

3. **205.0832.1c** - "**material misrepresentation**"- the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property or services. The pretense may be verbal or it may be a physical act.

4. **205.083** - "**transfer**"- to change the possession or control of property

5. **205.0823** - "**control**"- to act so as to prevent a person from using his or her own property except on the suspect's terms

NRS 205.08345 **ORGANIZED RETAIL THEFT**

1. If a person who, either alone or with another, commits a series of thefts of retail merchandise valued at over $3,500 over a period of 90 days:
2. against one or more merchants in this **state with the intent** to return the merchandise or resell.
3. **where the value of the property is:**
   a. **NOC 55986** $3500 but less than $10,000
   b. **NOC 54963** $10,000 or more

Contact RAPP detail through dispatch for assistance, or refer to page 154 for call out criteria.