

General Definitions for Financial Crimes

Deceptive Practices 5/17-1: When, with intent to defraud, passes or causes someone to pass (by threat, deception, etc.) a document capable of causing financial gain to self, or loss to another.

In these cases, a document is the key term. The prime example of this is empty envelopes deposited into an ATM. Also, soliciting funds via the internet, email, mail, or telephone with false pretenses also falls under deceptive practices. Examples of this would be the “you won the lottery, send X amount for processing and taxes via Western Union” or “your grandson was arrested in _____ City and needs \$2500.00 sent via Money Gram for bond”.

Collecting money based upon a fictitious agreement or contract (ie: I’ll put your company logo on t shirts for XYZ school for \$200.00, and the suspect is not affiliated with the school) is NOT deceptive practices.....this is a simple theft.

Depositing a check into your ATM account for a third party, withdrawing/providing cash to the third party, and later finding out the check was counterfeit/closed account/insufficient funds is NOT deceptive practices. This is a violation of bank policy (which typically is posted on every ATM), and is considered to be a loan to the third party, and to be handled by civil means.

Forgery 5/17-3: Making, altering a document capable of defrauding another/causing financial loss to another.

Examples of this would be changing the dollar amount of a check, “washing” the check and changing the payee, literally filling out a check and signing the account holder’s name, AND passing counterfeit bills. Additionally, creating fictitious checks (computer generated) falls under forgery. Using a company name, likeness, etc. as your own is NOT Forgery.....this falls under civil copyright infringement.

Financial Identity Theft: 5/16G-15: Literally as it sounds. Someone uses your personal information (name, social security number, etc.) to open accounts and/or services. Using your name on a website does NOT constitute Identity theft. It has to be for some form of or potential for financial gain (ie: opening a credit card account).

The use of personal information and/or social security number for tax refund/reporting purposes does fall under this. However, these investigations are done by the US Department of Treasury. An affidavit form is available, which is to be submitted to the Dept. of Treasury along with a copy of the complainant’s photo ID. <http://www.irs.gov/>

Credit Card Fraud 250 8 & 9: This can basically be broken into 3 categories;

Unlawful use of a Credit Card is the use of one’s credit card without the knowledge or consent of the card holder. This is normally the charge used if the suspect is known to the victim (child, relative, friend, etc.). When taking an original report with suspect unknown, use this as the charge.

Possession/use of the credit card of another is the charge to be used if the person is unknown to the victim.

Possession/use of the credit card *number* of another is if someone only has possession of the actual card number (not the card itself). These cases normally involve the use of a telephone or computer order using a stolen credit card number.

Checks that are returned by a bank, unpaid, and listed as “closed account” or “insufficient funds” should be **forwarded by the victim to the States Attorney Office Worthless Documents/Bad Check Diversion program, if the amount of the check is under \$2500.00.** (<http://hotchecks.net/peoria/>).

The victim needs to take the check copy and any other information (receipts, etc.) to the courthouse, and fill out the paperwork for the program. The SAO then sends correspondence to the account holder requiring payment plus fees. If no success is found through this program, the victim is notified by letter and a report/investigation is done at that time.

If any of these involve the internet for orders or email solicitation, refer the victim to <http://www.ic3.gov/default.aspxc3.gov> for additional reporting. This is the Internet Crime Complaint Center, and it is a federally governed reporting site for such purposes.