



KANSAS CITY, MO. POLICE DEPARTMENT

**PROCEDURAL INSTRUCTION**

DATE OF ISSUE

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NO.

19-06

SUBJECT

**Economic Crimes Offenses**

AMENDS

REFERENCE

National Incident Based Reporting System (NIBRS)  
Revised Statutes of Missouri (RSMo) Chapter 570

RESCINDS

PI 10-06; 12-01  
DM 05-12; DM 05-16

**\*I. INTRODUCTION**

This written directive provides procedures for incidents involving Forgery, Fraud, Counterfeit Currency, Identity Theft, and Failure to Return Leased/Rented Personal Property, including motor vehicles.

**II. TERMINOLOGY**

- A. **Counterfeit/Forgery** - The altering, copying, or imitation of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or, the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud.
- \*B. **Embezzlement** - The fraudulent appropriation of money or property by someone entrusted with its care on behalf of others, but who uses it for his/her own purposes.
- \*C. **Extortion/Blackmail** - To unlawfully obtain money, property, or any other thing of value, either tangible or intangible, through the use or threat of force, misuse of authority, threat of criminal prosecution, threat of destruction of reputation or social standing, or through other coercive means. If the extortion/blackmail incident is sexual in nature, contact the Special Victims Unit, if after business hours contact the on-call personnel.
- \*D. **Failure to Return Leased/Rented Personal Property** - A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, fails to return the property within the time specified in an agreement in writing providing for the leasing or renting of such personal property. Failure to return Leased/Rented motor vehicles occurs when the motor vehicle has not been returned within 72 hours after the expiration of the lease or rental agreement. A person commits the offense of Failure to Return Leased/Rented Personal Property when such property has not been returned within a seven (7) day period after written demand for return has been sent by certified mail.
- \*E. **Financial Exploitation** - Knowingly obtains control over the property of the elderly person or person with disability with the intent to permanently deprive the person of the use, benefit or possession of his or her property thereby benefiting the offender or detrimentally affecting the elderly person or person with a disability.

- \*F. **Fraud** - The intentional perversion of the truth for the purpose of inducing another person or entity in reliance upon it to part with something of value or to surrender a legal right.
- \*G. **Fraudulent Computer Intrusions (Hacking)** - Wrongfully gaining access to another person's or institution's computer software, hardware, or networks without authorized permissions or security clearances.
- \*H. **Fraudulently Stopping Payment** - With the purpose to defraud, stops payment on a check, draft, or debit device used in payment for the receipt of goods or services.
- \*I. **Fraudulent use of a Credit or Debit Device** - Uses a credit or debit device for the purpose of obtaining services or property, knowing that the device is stolen, has been revoked or cancelled, or for any other reason use of the device is unauthorized, or cancels such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri department of revenue.
- \*J. **Identity Theft** - Knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses or attempts to obtain, transfer or use, one or more means of identification not lawfully issued for his or her use.
- \*K. **Impersonation of a Person (Any Occupation that Requires a License or Certification, e.g., Police, Lawyer, Doctor, Nurse, etc.)** - Falsely representing one's identity or position and acting in the character or position thus unlawfully assumed to deceive others and thereby gain a profit or advantage, enjoy some right or privilege, or subject another person or entity to an expense, charge, or liability that would not have otherwise been incurred.
- L. **Passing Bad Checks** - Knowingly and intentionally writing and/or negotiating checks drawn against insufficient or nonexistent funds. This offense includes fraudulent checks and insufficient funds checks but not counterfeited checks or forged checks.
- \*M. **Possession of Forging Instrumentality** - For the purpose of committing forgery, makes, causes to be made, or possesses any plate, mold, instrument or device for making or altering any writing/non-writing.
- \*N. **Trafficking in Stolen Identities** - For the purpose of committing identity theft, manufactures, sells, transfers, or possesses, with intent to sell or transfer, means of identification.

**III. TABLE OF ANNEXES**

This directive has been arranged in annexes for easy reference.

- Annex A      Forgery/Fraud Offenses
- Annex B      Counterfeit Currency
- Annex C      Identity Theft
- Annex D      Failure to Return Leased/Rented Personal Property

Richard C. Smith  
Chief of Police

Adopted by the Board of Police Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Nathan Garrett  
Board President

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**FORGERY/FRAUD OFFENSES**

A. Forgery/Fraud

- \*1. If a member is dispatched to a location on any call and determines that a forgery has occurred within the city limits, the member will prepare a report in the Records Management System (RMS) unless otherwise directed by the Economic Crimes Section (ECS).
- \*2. Prior to making an arrest, approval must be obtained from ECS personnel, or the on-call detective during non-business hours.
  - \*a. If an arrest is made, the suspect will be transferred to an appropriate detention facility.
  - \*b. An Investigation Arrest Approval, Form 176 P.D., will be completed and signed by ECS personnel, or an available supervisor.
- \*3. If a suspect is in-custody, contact ECS personnel, or the on-call detective during non-business hours, for instructions regarding the copies of the document(s).
- \*4. Members will make copies of all related documents and have them scanned into the incident report within RMS.
- 5. All original forged documents will be protected for fingerprints and recovered in accordance with the current written directives regarding recovered property. Forged documents will be processed by the Kansas City Police Crime Laboratory (Lab) for fingerprints only at the request of an investigative element.

\*B. Passing Bad Checks

- 1. If a member is dispatched to a location and a subject is being held for passing a bad check(s), the member will:
  - \*a. Determine if the check is stolen or counterfeit and has been used in an attempt to gain money or ownership of property. If so, a report will be completed entitled, "Forgery." The evidence will be recovered in accordance with the directive entitled, "Recovered Property Procedures."
  - \*b. Contact ECS personnel, or the on-call detective during non-business hours, for instructions regarding any enforcement activity.

\*c. Complete a report entitled, "Passing Bad Checks," if the check is not stolen or counterfeit. All pertinent details will be included in the report and evidence recovered.

2. If a subject is not in-custody, the reporting party will be advised to present the check to their appropriate County Prosecutor's Office for filing of any criminal charges. The Jackson, Platte, Clay, and Cass County Prosecutors' Offices investigate insufficient funds and account closed offenses without the need for a police report unless the check is verified as stolen, e.g., the legal owner of the check has been contacted and reports it to be stolen.

\*C. Stopped Payment Checks or Credit/Debit Devices

If a person, with the purpose to defraud, has stopped payment on a check or credit/debit device when goods or services have been received:

\*1. The victim must produce a certified/registered letter to the party that originally wrote the check or used a credit/debit device inquiring why payment was not made.

2. The victim must produce a certified/registered mail return receipt or original envelope with an "attempt to deliver notice" stamped on it by the Post Office, indicating that at least ten (10) days have elapsed since the letter was delivered or the last attempt to deliver was made.

3. If no response is received, no arrangement for payment is made, or the above listed requirements are met, a report entitled, "Fraud," will be completed.

## COUNTERFEIT CURRENCY

- A. Counterfeit Detection Pens
1. Counterfeit detection pens contain a chemical that reacts with the pH level in U.S. Currency and will only be used as a tool to detect counterfeit money.
  2. When authentic currency is written on, a gold or yellow color appears, which may or may not disappear.
  3. When counterfeit currency is marked on, a brown color will appear indicating a positive reaction.
  4. Members should remain cognizant that the pen serves as an initial indicator of counterfeit currency and may not be 100% accurate. Additional safety features, i.e., watermarks, security threads, fibers, color shifting numerals, etc., should be examined before determination is made that currency is counterfeit.
- \*B. Copies of all related documents will be scanned into the incident report within RMS.
- \*C. When recovering counterfeit currency, the currency serial number(s) will be listed in the property tab of the reporting system. The serial numbers must be itemized.
- \*D. Members coming into contact with suspected counterfeit currency, subjects attempting to pass suspected currency, or an in-custody subject prior to arrest, will notify ECS or the on-call detective during non-business hours. The member will be advised of the report title or classification and how to handle the currency.
- \*1. Possession of a single counterfeit bill (note) does not necessitate an immediate arrest nor does it require the direct notification of the Secret Service.
  - \*2. It will be the ECS detective's responsibility to refer the member to contact the Secret Service, when necessary.
- \*E. Motion picture money, replica money and hellnotes (Chinese writing) are examples of counterfeit currency. While it is not illegal to possess this type of currency, it is illegal to present it as genuine currency.

- F. When members collect the U.S. Currency of \$10, \$20, \$50, and \$100 bills, for bonds or services rendered, they will use the counterfeit detection pen to help determine the bills' authenticity. When practical, the member will check the currency out of the citizen's line-of-sight.
1. If the mark indicates a positive reaction and/or the member believes they may have a counterfeit bill in their possession, a supervisor will be notified immediately, who will further inspect the currency and make a determination if additional investigation is warranted.
  2. If the supervisor believes the currency is counterfeit, an on-duty patrol officer will be called to the scene and conduct an interview with the citizen who had possession of the money.
    - a. The officer will complete an incident report entitled, "Forgery," and recover the currency according to the written directive entitled, "Recovered Property."
    - b. If the subject leaves the scene, the member will provide detailed information to the officer for the offense report (e.g., subject's physical description, any companion information, vehicle description, the name of the party for whom the subject attempted to post bond, etc.).
  3. If the supervisor is in doubt regarding the authenticity of the currency, the currency will be recovered according to the written directive entitled, "Recovered Property," and an incident report entitled, "Forgery," will be completed.

**IDENTITY THEFT**

- \*A. The term “means of identification” is considered, but not limited to, any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any name, social security number, date of birth, official state or government issued driver’s license or identification number (United States v. Hanson, 2009). The unauthorized use of any “means of identification” for the purpose of appropriating credit, money, goods, services, or other property should be reported on an incident report entitled, “Identity Theft.”
  - 1. Citizens wanting to make an initial report should be advised to respond to a division station. These reports will be completed on a phone-in or walk-in basis.
  - 2. The report location must be a Kansas City, Missouri address and only one (1) “Identity Theft” report should be taken per victim.
  - \*3 If the victim lives in Kansas City, Missouri, use their address as the location of occurrence, otherwise use the address of the theft or transaction.
  - \*4. When an individual responds to a police facility with supporting documentation (e.g., credit report, bill invoice, etc.), contact ECS personnel for direction.
  - 5. The pages of the individual’s photocopied documentation will not be numbered, and it will not be considered part of the original report.
  
- B. When completing an incident report entitled, “Identity Theft,” “Identity” will be listed as the victim’s property in the property section with “No Value” placed in the estimated value column.

**FAILURE TO RETURN LEASED/RENTED PERSONAL PROPERTY**

- \*A. According to NIBRS, when property is leased/rented through an agreement, the lessee is given lawful possession of the property. If through deceit, the property is kept and not returned as agreed upon, the offense will be classified as failure to return.
- B. Offense reports regarding the failure to return leased/rented personal property will be filed by rental agents (or their representatives) on a walk-in basis only at any patrol division station or police headquarters.
- \*C. Follow-up investigations will be the responsibility of ECS.
- D. Failure to Return Leased/Rented Motor Vehicles
  - 1. The lease/rental agency must produce the original signed lease/rental agreement before a report is taken.
    - a. Members will make copies of all related documents and have them scanned into the incident report within RMS.
    - b. All original documents will be recovered in accordance with the current written directive entitled, "Recovered Property Procedure."
  - \*2. Complete a Failure to Return Report
    - \*a. The reporting member will notify the Stolen Auto Desk and advise that the offense is a "Failure to Return." The reporting member will provide the lessee's name and identifiers. The Stolen Auto Desk will be advised the vehicle is a "failure to return leased/rented property" for inclusion in the remarks section of the computer entry.
    - b. The Stolen Auto Desk will enter the above information into the computer system.
  - \*3. When a vehicle responds with a felony want for "Stolen Auto" and is documented as a "failure to return leased/rented property" with a KCPD ORI members will:
    - \*a. Identify any occupants. If the lessee named on the original report is present, probable cause exists for the arrest of that subject only. Notify ECS.

- b. Recover the vehicle in accordance with the current written directive entitled, "Towing/Protective Custody of Vehicles and Contents," unless evidence is presented which indicates the vehicle is under lawful possession of the driver.
  - \*c. Complete a supplemental report entitled, "Recovered Stolen Auto," listing the identity of any occupants. Members should consider the age and physical condition of the passengers, familiarity of the area, time of day, and use good judgment concerning the disposition of occupants.
  - d. Notify the Stolen Auto Desk to cancel the felony want on the vehicle.
- \*4. When a vehicle listed in the computer with a felony want is recovered by an outside agency, the Stolen Auto Desk will ensure the felony want is cancelled and will notify ECS.
- \*5. When a vehicle responds with a felony want for "Stolen Auto" and is documented as a "failure to return leased/rented property" with another jurisdiction's ORI, members will identify the occupants.
- a. The member will attempt to contact the originating department to verify the lessee listed on the original report is present and whether the originating department still wants the party. Once it is determined the originating department wants the party, the member will:
    - (1) Contact ECS and the Stolen Auto Desk.
    - (2) Recover the vehicle for safe keeping in accordance with the current written directive entitled, "Towing/Protective Custody of Vehicles and Contents."
    - \*(3) Complete a "Recovered Stolen Auto" report.
  - b. When the member cannot verify the lessee is listed on the original report, the member will:
    - (1) Not make an arrest.
    - \*(2) Identify all occupants and complete a "Recovered Stolen Auto" report.
    - (3) Notify the Stolen Auto Desk.

- (4) Recover the vehicle for safekeeping in accordance with the current written directive entitled, "Towing/Protective Custody of Vehicles and Contents."

E. Failure to Return Leased/Rented Property Other Than Motor Vehicles

1. The reporting party must produce the following documents:
  - a. A copy of the signed lease/rental agreement.
  - b. A notice containing a statement that failure to return the property may subject the lessee to criminal prosecution addressed and sent by certified or registered mail to the lessee at the address listed with the lease/rental agreement.
  - c. The certified/registered mail return receipt (or original envelope with an attempt to deliver notice stamped on it by the Post Office) indicating that at least ten days have elapsed since the letter was delivered (or the last attempt was made to deliver).
2. Members will make copies of all related documents and have them scanned into the incident report within RMS.
3. All original documents will be recovered in accordance with the current written directive entitled, "Recovered Property Procedure."
4. The report classification will be determined by the results of the preliminary investigation.
  - \*a. When the lessee fails to return leased/rented property to the place of rental within the time specified in the rental agreement and no other offense has occurred, a "Failure to Return" report will be completed.
  - b. If the leased/rented property was stolen in conjunction with another offense (e.g., theft by deceit, fraudulent use of a credit card, etc.), the report classification will be based upon the primary offense.
5. When coming into contact with persons or property associated with a "failure to return leased/rented property" offense, members will:
  - \*a. Identify the person(s) found in possession of the property. If the lessee named on the original report is present, probable cause exists for the arrest of that subject. Contact ECS for further direction.

- b. Recover the leased/rented property in accordance with the current written directive entitled, "Recovered Property Procedure," provided that the property is not located in or about a private premise. Absent written or verbal consent, a search warrant is required if the leased/rented property is located on or about a private premise. If questions should arise, contact ECS.
- c. Complete the appropriate supplemental report.