



Pomona Police Department  
**DFTC TRAINING MEMORANDUM**

*No. 2024-009*

**Date:** May 29, 2024

**To:** Police Department

**From:** Paul Harvey, Detective

**Subject:** Fraud & Financial Crimes

Please see the below training flyer from Detective Harvey. If you have any questions, please contact Detective Harvey or Sgt. Jensen.

Supervisors please go over this training during your squad briefings and document in your monthly training logs.

<b>Prepared by:</b>	Sgt. Paulson
Approved by:	Sgt. Paulson



# Pomona Police Department

## Detective Bureau

### Fraud and Financial Crimes

This training bulletin is intended to assist you with properly documenting fraud and financial crimes with the most appropriate criminal statutes. Subsections of specific statutes should **ALWAYS** be listed in police reports because most subsections are separate and distinct crimes with unique elements. Do not depend on Central Square as an accurate cheat sheet!

#### THEFT (Money, Labor, Real or Personal Property)

§ 484(a) PC (M)—Petty Theft (\$950.00 and under)

§ 487(a) PC (F)—Grand Theft (Over \$950.00)

The above two statutes can be used to document **ALL** theories of theft (Larceny/Theft by False Pretenses/Theft by Trick or Device/Embezzlement by Non-employee). There is no need to use more specific statutes, which are often inapplicable based on the circumstances of the case and/or more restrictive.

For example, § 532(a) PC—Theft by False Pretenses is frequently used to document all types of “scams;” however, although most “scams” are thefts by fraud, not all scams are committed by means of false pretenses. Additionally, § 532(a) PC—Theft by False Pretenses requires that the false pretense be documented in writing and/or witnessed by two or more persons, which is not always present or known at the time of the initial investigation.

#### THEFT BY AN EMPLOYEE (EMBEZZLEMENT)

§ 484(a) PC (M)—Under \$950.00.

§ 487(b)(3) PC (F)—\$950.00 or more in a consecutive twelve-month period.

*The felony threshold for theft by a “servant, agent, or employee” is \$950.00—the difference of \$.01 from § 487(a) PC, which requires the theft to exceed \$950.00 (i.e., \$950.01 or more).*

Refrain from using § 503 PC, which is the legal definition of embezzlement and not a chargeable offense.

#### FRAUDULENT USE OF AN ACCESS CARD (CREDIT/DEBIT CARD)

§ 484g PC (M/F)—Use of a forged, expired, or revoked access card.

If the value of all money, goods, services, and other things of value obtained in violation of this section exceeds \$950.00 in any consecutive six-month period, then the same shall constitute grand theft. However, all violations of § 484g PC are also felony violations of § 530.5(a) PC—Identity Theft.

Prepared By: Detective P. Harvey

FOR TRAINING PURPOSES ONLY

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#### IDENTITY THEFT

- § 530.5(a) PC (F)—Unauthorized use of personal identifying information (PII) for any unlawful purpose.
- § 530.5(c)(1) PC (M)—Unauthorized possession of PII with intent to defraud.
- § 530.5(c)(2) PC (F)—Unauthorized possession of PII with a prior conviction.
- § 530.5(c)(3) PC (F)—Unauthorized possession of PII of 10 or more persons with intent to defraud.
- § 530.55(b)—Definition of personal identifying information (PII):

"any name, address, telephone number, health insurance number, taxpayer identification number, school identification number, state or federal driver's license, or identification number, social security number, place of employment, employee identification number, professional or occupational number, mother's maiden name, demand deposit account number, savings account number, checking account number, PIN (personal identification number) or password, alien registration number, government passport number, date of birth, unique biometric data including fingerprint, facial scan identifiers, voiceprint, retina or iris image, or other unique physical representation, unique electronic data including information identification number assigned to the person, address or routing code, telecommunication identifying information or access device, information contained in a birth or death certificate, or credit card number of an individual person, or an equivalent form of identification."

#### CHECK FORGERY

- § 470(d) PC—Pass or attempt to pass an altered or forged check.
- § 475(c) PC—Possession of a completed check with intent to defraud.
- § 476 PC—Pass or attempt to pass a fictitious or counterfeit check.
- § 476a (a) PC—NSF ("Non-sufficient Funds") check.
- § 496(a) PC—Possession of stolen property.

Criminal statutes associated with the passing of fraudulent checks are specific intent crimes. Before an arrest can be made, or before a suspect can be listed as an offender, specific intent must be established by the suspect's statement and/or circumstantial evidence that would lead a reasonable person to believe the suspect should have known the check was altered, forged, stolen, counterfeit/fictitious, written against a closed account, or NSF. The value of the check determines whether the crime is a felony or a misdemeanor (i.e., over \$950.00 is a felony).

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#### INVESTIGATIVE AND REPORT WRITING CONSIDERATIONS

- Interview all victims, witnesses, subjects, suspects, and offenders and list them as involved parties in the case report. It is imperative to obtain complete names, birthdates, identification numbers, addresses, and telephone numbers so involved parties can later be contacted by Detectives and subpoenaed to court if necessary.
- **ALWAYS** document how a suspect/offender was identified in the narrative of the report (CDL, CalPhoto, in-field lineup, photo lineup, booking photos, etc.).
- Collect all evidentiary documents that substantiate the reported crime and loss amount. Explain the nature and relevancy of any collected documents. Do not collect exorbitant amounts of documents without context.
- Book original documents as evidence into Property. Copies of documents can be attached directly to the case report without being booked as evidence.
- **Attach copies of all documents booked as evidence to the case report. Photographs of documents will not suffice!**
- Watch all surveillance videos and summarize them in the narrative of the report. If video evidence exists but cannot be collected or provided at the time of the initial investigation, **ALWAYS** complete a CSI request to collect the video, even if you record the video onto your department cell phone or camera. Also, ensure to upload all photographs and videos to DEMS before EOW. The DA's Office will not file a case without complete copies of photographs and videos.

As always, if you have any questions or need assistance with an initial investigation, please do not hesitate to contact the Detective Bureau. We are always available to support you.

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