



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

410 – FINANCIAL CRIME COMPLAINTS

GENERAL ORDER: 2021-XX
ISSUED: March 15, 2021

EFFECTIVE: March 15, 2021

REVIEWED/APPROVED BY:

Inspector Paul Formolo
DATE: February 20, 2021

ACTION: Amends General Order 2012-04 (February 7, 2012)

WILEAG STANDARD(S): NONE

410.00 PURPOSE

The purpose of this standard operating procedure is to establish a protocol for reporting and investigating financial crimes to include embezzlement, forgery, identity theft, theft of trade secrets, and various forms of fraud.

410.05 DEFINITION

ISSUE OF WORTHLESS CHECK

Per Wis. Stat. § 943.24, an issuance of a worthless check occurs when a person issues a check(s) or other order of payment(s) that, at the time of issuance, he or she does not intend to pay.

410.10 GENERAL GUIDELINES – FINANCIAL CRIMES

A. PATROL BUREAU RESPONSIBILITIES

1. Patrol Bureau personnel who are dispatched to complaints of a financial nature shall:
 - a. Conduct an initial investigation sufficient to determine that a felony has occurred.
 - b. Complete the *Incident Notification* in the Records Management System (RMS) if a felony has occurred;
 - c. Notify the shift commander of the work location in which the alleged incident occurred if a felony has occurred;
 - d. The district shift commander shall notify the Criminal Investigation Bureau (CIB) who will determine if a member of the Financial Crimes Unit (FCU) will be assigned to investigate the incident;
 - e. If a FCU investigator is not assigned to the investigation, Patrol Bureau personnel shall obtain a case number and detail their investigative efforts in initial and supplemental reports.

- f. Seize and inventory any items of evidentiary value, such as financial documents in accordance with SOP 560 Property.
 - g. Investigative packets for forgery, identity theft, and worthless checks are available on the [FCU SharePoint page](#).
2. Patrol Bureau personnel who receive investigative packets at a district station for forgery, identity theft, and worthless checks shall:
- a. Review the packet, and if the financial loss is over \$50,000 the officer shall inform his/her district commander who shall make notification to the CIB in accordance with SOP 410.10(A).
 - b. If the financial loss is less than \$50,000, the officer shall forward the investigative packet(s) to the CIB for review.
 - c. If the member receives a *Financial Crimes Case Assignment* (form PF-7E) from the CIB, the member shall obtain a case number and detail their investigative efforts in initial and supplemental reports. The member shall also seize and inventory any items of evidentiary value, such as financial documents in accordance with SOP 560 Property.

B. CRIMINAL INVESTIGATION BUREAU RESPONSIBILITIES

1. The FCU shall investigate incidents where:
 - a. The amount of the loss exceeds \$50,000;
 - b. The victim is an entity which holds significance in the community (e.g., government entities, charitable organizations);
 - c. There is an incident involving a skimming device(s);
 - d. There is a clear need to case manage the investigation or there are a series of related financial crimes;
 - e. The victim or suspect is a dignitary, member of law enforcement, public official, or a person who the department should be cognizant of; or
 - f. There are cases that are deemed by the CIB shift commander to be complex in nature requiring specialized knowledge and training to investigate.
2. Additional solvability factors to be considered by the CIB shift commander when determining if the FCU shall investigate the incident include:
 - a. Suspect(s) is identified or in-custody;
 - b. Suspect(s) location is known;

- c. Suspect(s) vehicle is identified;
 - d. There is significant physical evidence;
 - e. A significant method of operation can be specified (e.g., use of a skimming device); and
 - f. A judgment that there is sufficient information available to conclude that with reasonable investigative effort the probability of solving the case is high.
3. CIB supervisors who receive investigative packets from the Patrol Bureau for forgery, identity theft, and worthless checks in accordance with SOP 410.10(A)(2) shall review the packet(s) and determine if the district sending the packet(s) will be assigned to investigate the incident in accordance with this subsection.
 - a. If the reviewing supervisor determines the CIB will investigate the incident, he/shall assign the case to a FCU detective.
 - b. If the reviewing supervisor determines the district sending the packet(s) will be responsible for the investigation, they shall send the *Financial Crimes Case Assignment* form to the responsible district / member.

410.15 GENERAL GUIDELINES – ISSUE OF WORTHLESS CHECK

A. SMALL CLAIMS COURT

When a complainant either appears in person at a district station or calls with a complaint, and their complaint meets one of the following criteria, the member shall refer the complainant to small claims court:

1. Post dated checks (checks dated after the occurrence of the transaction except for payroll purposes);
2. Checks issued for past consideration, except payroll checks;
3. Third-party checks;
4. Checks issued to the complainant more than one year ago;
5. Checks where the complainant intends to assess punitive damages;
6. Checks issued by someone other than the authorized account holders;
7. Checks turned over to a collection agency
8. Checks processed through account verification services;
9. Checks in which partial payment has been accepted;
10. Checks issued for all illegal activity;
11. Checks drawn on an out-of-state financial institution

B. ISSUE OF WORTHLESS CHECK INVESTIGATION

1. When a complainant appears in person at a district station and their complaint involves an issue of worthless check complaint, verify that the check is not stolen, counterfeit, or forged, and that it does not meet the small claims court referral

criteria in SOP 410.15(A). The investigating member may have to research that the check(s) is not stolen, counterfeit, or forged, by contacting the issuing financial institution.

2. If the check(s) is determined to be worthless (e.g., non-sufficient funds – NSF, account closed) or a telephone call complaint is received and the check(s) is not stolen, counterfeit, or forged, provide or advise the complainant with an *Issue of Worthless Check Packet* (form PI-33E). The IOWC packet, which contains the directions needed to file an IOWC complaint can be obtained at any police district station or at the [Milwaukee Police Department website](#).
3. If the financial loss is over \$50,000, the officer shall inform his/her district commander who shall make notification to the CIB in accordance with SOP 410.10(A).
4. The IOWC packet should be reviewed for acceptance for potential prosecution. Review should be based on the previously outlined IOWC policies and Wis. Stat. § 943.24 (see bottom of IOWC questionnaire, page 3 of 7).
5. Collect a copy of the five-day demand letter, certified mail receipt, and original check (or financial institution issued replacement check) from the complainant. Make two copies of each of these items and place originals on MPD inventory. The investigating member shall keep one copy for their investigation and send the other copy, along with the original IOWC packet to Open Records to be scanned into Intellinetics. The investigating member shall keep a copy of the IOWC packet for their investigation.
6. Contact the check writer by phone, in person, or letter to obtain his/her statement (suspect letter found on Directives Intranet under [IOWC link](#)). This may be all that is needed for the check writer to make restitution and resolve this matter. If the complainant agrees to a partial payment, the complaint becomes a civil matter. Formal IOWC charges should be filed if restitution is not made within a reasonable amount of time.
7. When formal charges are to be filed, make a request for financial institution records on the check writer's account (fax letter found on Directives Intranet under [IOWC link](#)).
8. If financial institution records show that the check was worthless at the time the check was written, proceed with a formal complaint (generally an order-in) at the Milwaukee County District Attorney's Office.



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