



FRAUDULENT CHECK PROCEDURES

Check fraud creates a problem for everyone. The Kennewick Police Department and the local prosecuting authorities do work hard to hold people accountable for these crimes. However, the first and most effective step toward reducing these offenses and making them prosecutable must be taken by you and your employees. Proper identification of the check writer is the single best way to protect your business from the loss of billions in revenue, and your customers from price inflation due to check fraud losses.

Identification verification is **MANDATORY** for all checks submitted for prosecution. Valid identification is defined as a state issued Driver's License or ID card with a photo. Identification must be verified by your employee even if the license/ID number is printed on the check. The front line defense for reducing check fraud begins at the cash register.

For more information and employee training resources to help prevent check fraud, please contact Mike Blatman in the Kennewick Crime Prevention Unit at 582-1351. You can also sign up to receive Kennewick Police Merchant Alerts at the same time.

PROCEDURES AND PROCESS:

1. The victim must process the dishonored check through the bank twice unless the check is stamped "Account Closed."
2. The victim must mail a letter to the suspect demanding payment of the check(s) in full within 10 days. The letter **must** be sent via U.S. Postal Service certified mail with a return receipt requested. A sample letter is provided for your convenience. Each check for which prosecution is sought must be listed on the demand letter. If subsequent checks come in after you have mailed the initial demand letter, an additional letter with the new check numbers must be sent via certified mail with a return receipt requested.
3. If payment of the dishonored check is received in full by the victim, there is no further need to pursue criminal charges. However, if the time allotted for payment lapses with no payment, you may submit the case to the appropriate prosecuting authority for review. Checks issued in the amount of \$750 or less must be referred to the Kennewick City Attorney's Office. If the check exceeds \$750, the case must be referred to the Benton County Prosecuting Attorney's Office. In instances where a victim has received several checks drawn on the same account, the value of each check can be aggregated to achieve the \$750 amount. ***NOTE: All suspected forgeries must be submitted to the Kennewick Police Department for criminal investigation.***
4. The Fraudulent Check Packet must include a copy of the demand letter, the signed return receipt **or** the unclaimed letter if it was returned, the Fraudulent Check Worksheet, and the Check Acceptance Worksheet, plus any video or photo evidence. You must submit a separate Check Acceptance Worksheet for each check submitted for prosecution. Prosecution will not be pursued on checks that do not have a corresponding Check Acceptance Worksheet attached.
5. If the prosecuting authority determines that the information provided is legally sufficient to proceed, the prosecutor will initiate a criminal action by filing a complaint in the proper court, either Benton County District Court or Benton County Superior Court.
6. The court will issue a summons ordering the suspect to appear to answer to the charge of Unlawful Issuance of Bank Checks. The defendant can either elect to have a trial on the matter, or the defendant can resolve the matter by way of a guilty plea based on a recommendation made by the prosecuting authority. Restitution will be ordered as a result of any resolution short of dismissal/acquittal. If the suspect fails to appear for court, a bench warrant will be issued and the matter will be adjudicated only after the suspect resolves the warrant.
7. Payment of the restitution to the victim does not result in automatic dismissal of the criminal case, nor does it relieve the defendant of his or her responsibility to appear in court and answer to the criminal charge.

For additional information, contact:

Kennewick Police Department, Crime Prevention Unit: (509) 585-4208
211 W 6th Avenue, Kennewick WA 99336

Kennewick City Attorney's Office: (509) 585-4274
210 W 6th Avenue, Kennewick WA 99336

Benton County Prosecutor's Office (509) 735-3591
7122 W Okanagon Place, Kennewick WA 99336

FRAUDULENT CHECK WORKSHEET

FORGERY ___ STOP PAYMENT ___ ACCOUNT CLOSED ___ INSUFFICIENT FUNDS ___

All checks submitted for prosecution must include VALID identification. Valid identification is defined as a state driver's license or identification card with photograph. **This form must be completed in its entirety or it will not be accepted.**

A. **COMPLAINANT/BUSINESS/VICTIM**

Name of person submitting complaint: _____

Name of business or victim: _____

Address: _____ Phone: _____

B. **BANK INFORMATION**

Bank and branch: _____

Date Check #1 was Submitted to Bank: _____

Date Check #2 was Submitted to Bank: _____

Date Check #3 was Submitted to Bank: _____

Date Check #4 was Submitted to Bank: _____

Date Check #5 was Submitted to Bank: _____

C. **CHECK INFORMATION** (only checks listed **and** included in the demand letter will be prosecuted)

Check # _____ Amount: _____ Handling Fees: _____ Total Loss: _____

Check # _____ Amount: _____ Handling Fees: _____ Total Loss: _____

Check # _____ Amount: _____ Handling Fees: _____ Total Loss: _____

Check # _____ Amount: _____ Handling Fees: _____ Total Loss: _____

Check # _____ Amount: _____ Handling Fees: _____ Total Loss: _____

TOTAL: _____ TOTAL: _____ TOTAL: _____

If the total of your checks without fees is \$750 or less, please submit to the Kennewick City Attorney's Office for gross misdemeanor charges.

If the total of your checks without fees is over \$750, please submit to the Benton County Prosecutor's Office for felony charges.

D. **SUSPECT INFORMATION**

Sex _____ Race _____ Age _____ Height _____ Weight _____ Build _____

Complexion _____ Hair _____ Eyes _____ Glasses _____

Distinguishing Features: _____

Comments: (any additional information which may assist with prosecution):

Is there videotape/photo available of this incident? Yes _____ No _____

If Yes—please submit with this packet.

*If the dishonored check was returned marked **FORGERY**, stop here and submit the forged document, with an affidavit of forgery, to the Kennewick Police Department at 211 West 6th Avenue. Please use caution in handling the document for purposes of preserving possible fingerprint evidence. If your document is not a forgery, please continue.*

CHECK ACCEPTANCE WORKSHEET

You must submit a worksheet for EACH check number for which prosecution is requested.

The following is to be completed by the person who accepted the check.

If that person is no longer in your company's employ, but you have access to them, please make an attempt to get them to fill out this information and provide us with contact information for trial purposes. If you do not have access to them, please indicate "No Longer In Our Employ" below and provide a last known address for trial purposes. Thank you!

I, _____, hereby state and would be able to testify in court that on _____ I received and initialed check number _____ in the amount of \$_____ drawn on _____ (name of bank) from an individual who identified himself as _____ with a current address of _____.

I looked at the person's driver's license with a photo and wrote down the entire license number on the check, and I compared the photo and other information on the driver's license with the person presenting the check, determining them to be one and the same. The license number I obtained was _____. The issuing state was _____.

I believe I would be able to identify this person in court.

Signed: _____
Name: (Please Print) _____
Home Address: _____
Home Phone Number: _____
Employer: _____

____ **No longer employed by our establishment.** Please indicate:

Employee Name: _____
Last Known Address: _____

ATTACHMENTS:

- ____ Original check showing that check has been processed twice by the bank and returned marked "Insufficient Funds" on both occasions, or returned once in the case of a "Closed Account."
- ____ Certified mail receipt showing mailing to signatory of check.
- ____ Copy of certified demand letter to signatory of check.
- ____ Return mail receipt.
- ____ Video or Photo Evidence (if available)
- ____ Affidavit of Forgery (if applicable).