



Cases involving fraudulent checks are a concern to business owners, financial institutions, and law enforcement agencies. There are many types of checks presented to businesses and banks, including personal checks, business checks, and payroll checks.

The law enforcement agencies in Clallam County have created this brochure to assist area businesses in minimizing the acceptance of worthless documents. Additional information in this brochure includes Unlawful Issuance of Bank Check (UIBC) requirements and an overview of law enforcement procedures if a bad check is accepted for investigation.

Remember:

Your company is not a bank or lending institution. You have the right to accept, reject, limit, and determine conditions that must be satisfied before accepting a check.



In an effort to assist area retailers, we have prepared this material to help reduce the likelihood of being a crime victim.

**A Law Enforcement guide for
retailers in Clallam County**

Unlawful Issuance of Bank Check (UIBC)

Check Acceptance Guide

- *Have employees initial every check accepted.*
- *Accept only a Washington State Driver's License as positive identification. Compare the photo on the license with that of the person who is passing the check. Write the driver's license number on the check.*
- *Do not accept two-party checks or checks that are post-dated.*
- *Do not accept checks that show any changes.*
- *Verify that the name, address, and phone number on the check are valid and current. If they are not, write the correct information on the check.*
- *Do not accept checks that have a P.O. box or General Delivery as an address.*
- *Accept checks for the amount of purchase only.*
- *Deposit checks promptly.*

Local merchants have a choice when a check has been returned from the bank marked either “account closed” or “insufficient funds.”

If only restitution is desired by the merchant

The Prosecuting Attorney sponsors a CHECK ENFORCEMENT PROGRAM. Deborah Kelly, Clallam County’s elected Prosecutor, says *“Our primary goal is to assure full restitution for the victim – without adding to the financial burden of the criminal justice system. Merchants in Clallam County benefit from the program because they receive restitution without paying any fees.”*

To register for the program, merchants should contact either the Check Enforcement Program at 1-888-301-2798 or the Clallam County Prosecuting Attorney’s Office at 360-417-2368. Information and forms are available at www.hotchecks.net/Clallam.

The Check Enforcement Program makes efforts to collect funds from the check writer. We are successful in about 40% of cases. If the Check Enforcement Program is unsuccessful in collecting funds, the merchant may file a report with their local law enforcement agency if the check meets the requirements of that agency. Prior to filing the report, the merchant must obtain the information pertaining to collection attempts from the Check Enforcement Program.

Deborah S. Kelly
Clallam County Prosecutor

If the merchant desires to file a report with the appropriate law enforcement agency for investigation and possible prosecution of the check writer

Local law enforcement agencies will accept only unlawfully issued bank checks for investigation when they meet all of the conditions below:

- The check, or combination of checks, must exceed \$100.
- If submitted as NSF, the check(s) must have been refused twice by the bank, and the check must show those refusals.
- The check must be without irregularities; e.g., post-dated or incomplete.
- The check writer/passer must be identifiable by the victim or employee taking the check.
- A letter of Notice of Dishonor on your letterhead, together with the Affidavit of Service By Mail, must be sent by certified mail to the drawer at his or her last known address. You can pick up a sample letter at the your local law enforcement agency.
- After 15 days from the date of the letter, if the check is not satisfied, it may be filed as a criminal complaint. This must be done within 30 days of the check’s being refused by the bank.
- A copy of the check, both front and back, must be provided if the check is less than \$250. If needed for court, the original check or checks may be subpoenaed. If the check is more than \$250, which constitutes a felony, the original check must be submitted to the law enforcement agency.
- All forgeries will be investigated.
- No two-party checks will be accepted.

- In addition to the check or copy of the check, the merchant must submit a copy of their letter to the writer, plus the certified mail receipt, to the law enforcement agency in their jurisdiction. Merchants must also complete a Worthless Document Report for the agency.
- Checks are accepted for prosecution only. Restitution is not guaranteed in criminal cases. If only restitution is desired, please pursue civil action.

If any of the following conditions exist, no police investigation will occur, but the standard demand letter will be sent.

- The merchant has held the check for more than 60 days.
- The merchant is unable to identify the writer.

The merchant failed to follow the policy as outlined.

If your check does not meet the above criteria, we encourage you to make use of our area collection agencies, or you may file a Small Claims Court case at :

Clallam County District Court

223 East Fourth Street, Suite 10

Port Angeles, WA 98362

Be sure to ask Court personnel about filing and service fees.

