



COUNTY OF KENOSHA

OFFICE OF THE DISTRICT ATTORNEY

Kenosha County DA “Diversionsary/Accountability” Worthless Check Program

**RESTITUTION GUIDE FOR MERCHANTS AND
RESIDENTS**



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As consumers and taxpayers, we all pay higher prices because of the losses associated with people issuing worthless checks. Our office and law enforcement spend significant resources investigating and prosecuting people who issue worthless checks. Along with this, the number of worthless check cases increase every year.

In response to concerns regarding worthless checks, my office and your local law enforcement, in conjunction with Financial Crimes Services (FCS) have implemented a worthless check diversion program.

The main goals of the program are:

- Restitution for victims
- Increase accountability of people who issue worthless checks
- Educate and assist Kenosha County merchants and residents in reducing the number of worthless check written
- Reduce the costs for investigating and prosecuting worthless check cases

The program is at no cost to the taxpayer or area merchants. It is solely supported by the people who issue the worthless checks.

If you have further questions after reviewing this packet, please contact the Financial Crimes Services, Inc. (FCS) check diversion program at 1-800-906-8182.

Very truly yours,

Robert D. Zapf
District Attorney

INTRODUCTION

The worthless check restitution program has four main goals. They are:

- Increase the amount of restitution returned to victims of bad checks
- Increase the accountability of all worthless check writers, regardless of the amount of the check
- Promote to local merchants more effective check acceptance and protection procedures
- Reduce the risk of repeat worthless check activity through proper training

Program Summary

The restitution program process is as follows:

1. Checks are entered into the FCS system.
2. Check writers are contacted by the FCS restitution program regarding the checks. Three scenarios are then possible:
 - A. Check writer pays the Check Diversion Program - 100% of the face value of the check is returned to the merchant plus bank fees if paid.
 - B. Offender completes a financial counseling program offered by the Check Diversion Program.
 - C. Check writer fails to pay – the check is sent for prosecution review and proceedings.
 - D. If check is not at prosecutable limit check writer is red flagged. The system will then notify if more checks are entered and prosecution review is done again.

Checks eligible for the Program

- NSF, Account Closed, Stop Payment, Refer to Maker, Debit card charge backs, ACH NSF's and Electronic Checks received within Kenosha County that do not exceed \$2500.00.
If your check exceeds \$2500.00 please report to law enforcement.
- Worthless checks LESS THAN 120 DAYS from the date issued by the check writer.
(exception: first time program users can send checks up to 2 years old)

Checks not eligible for the Program

- **Promissory notes and/or arrangement to hold the check for deposit or credit extensions.**
- **Second party checks**
- **Payroll Checks**
- **Checks that are currently in collections by a collection agency or attorney (law firm)**
(checks can be forwarded to check diversion program after agency has sent them back)

STEPS TO FILING A COMPLAINT FORM

The two documents below must be completed before any checks can be processed in the program.

1. The “**Memorandum of Understanding**”. Send this with your first checks.
You need to send this in one time only.
2. A completed “**Preliminary Worthless Check Report**” form must accompany each batch of check(s) submitted.
You must submit the original check(s) or copy (if checks are imaged) stamped by the bank with the reason it was returned to you.

Mail checks to : **Kenosha County DA Program**
 PO Box 190
 Hager City, WI 54014-0190

WORTHLESS CHECK PROGRAM REPORTING

Once a worthless check has been entered into the program:

1. For information on checks sent in call 1-800-906-8182 or visit www.financialcrimes.net

1. Restitution recovered will be handled as follows:
 - Paid in full restitution will be deposited into a trust account and paid back weekly
 - Payment plans will be deposited into a trust account and paid back after final payment is received.
 - All reports will be available on line and only payments will be mailed.
(there will be no reports sent out – you must sign on for online reporting to review activity)

WHEN TO CONTACT YOUR LOCAL LAW ENFORCEMENT AGENCY

Report:

- Counterfeit check(s)
- Altered checks
- Forged checks of any amount
- Checking account opened using fraudulent information
- Stolen checks
- Payroll checks
- Second party checks

You must report these crimes immediately upon knowing.

SIGNAGE

The following signage is required by Wisconsin law to allow merchants to enforce collection of service charges and civil penalties. This must be posted where your customers can see the service charge at the time the check is accepted by the merchant. Copy as needed.

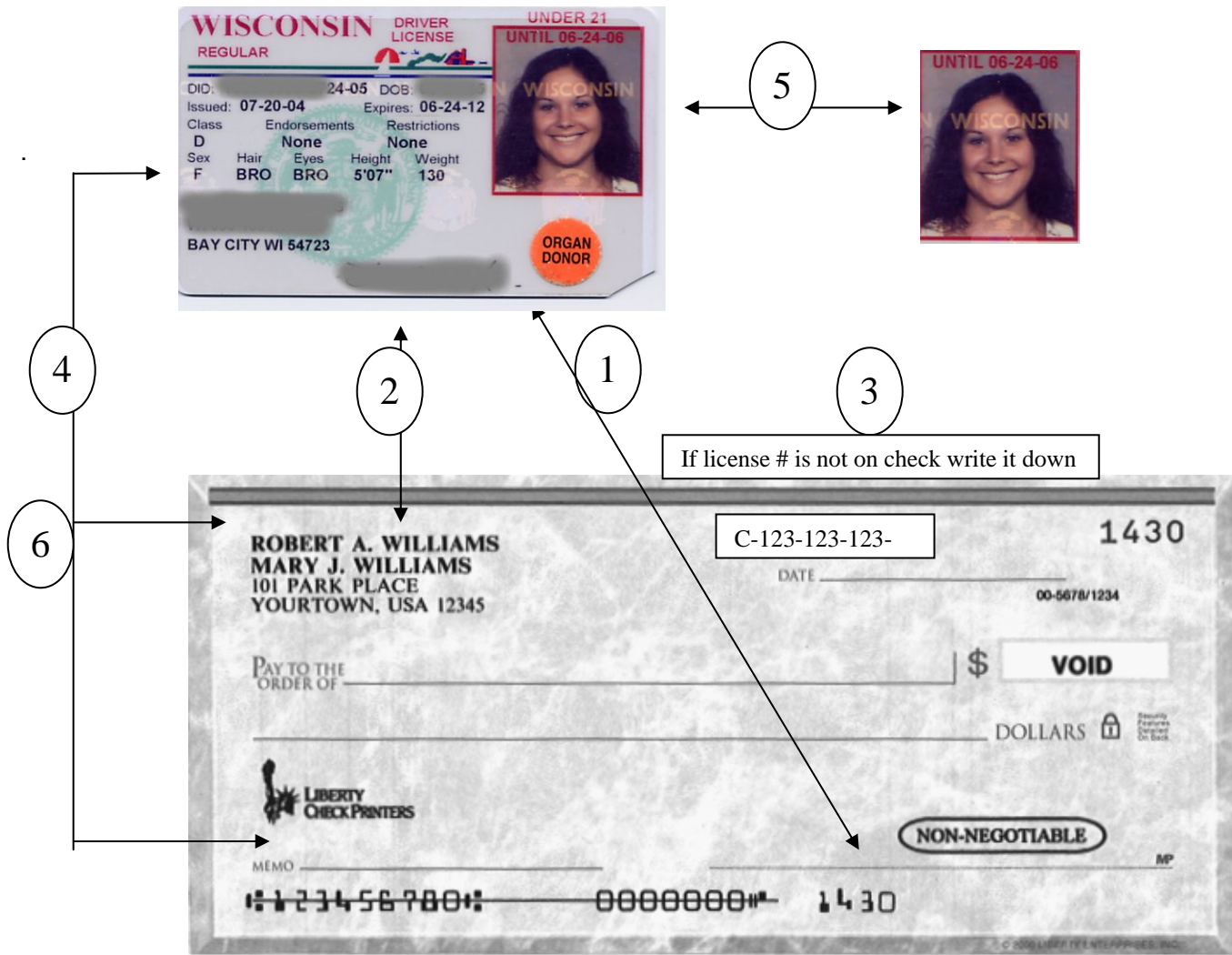
IT'S AGAINST THE LAW TO WRITE A BAD
CHECK IN WISCONSIN

Checks returned to us for nonpayment
are subject to a service charge of

\$30

**Additional civil penalty may be imposed
on checks returned for nonpayment after 30 days.**

CHECK ACCEPTANCE PROCEDURES



1. Check the signatures on the identification card and match this signature to the signature on the check (endorsement line). If these signatures do not match, acceptance should be declined
2. Make sure the identification card matches name and address on the check
If time permits write down good address as indicated by customer
3. Record or circle the Drivers License number or identification number
4. Record date of birth (i.e. DOB 1/29/72)
5. Make sure photo on identification card matches customer
6. Have employee initial upper left corner
7. Telephone number

