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Office of the District Attorney  
**Check Recovery Unit**  
Kings County Government Center  
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## BAD CHECK CRIME REPORT

\*\*\*\*\* **SUSPECT INFORMATION** \*\*\*\*\*  
(PLEASE PRINT CLEARLY)

Suspect name (FML): \_\_\_\_\_

Residence: \_\_\_\_\_ Telephone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Driver's License No.: \_\_\_\_\_ State: \_\_\_\_\_ Expiration date: \_\_\_\_\_

Other ID type & No.: \_\_\_\_\_

Suspect's Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ DOB (or age): \_\_\_\_\_

Suspect's employer name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Employee. address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Suspect's occupation: \_\_\_\_\_ Vehicle description and/or license number \_\_\_\_\_

FOR D.A. USE ONLY

Cru# \_\_\_\_\_

Entered \_\_\_\_\_

Loc \_\_\_\_\_

Ck rtnd vic \_\_\_\_\_

Pros \_\_\_\_\_

\*\*\*\*\* **WITNESS & CHECK INFORMATION** \*\*\*\*\*  
(TO BE COMPLETED BY PERSON WHO ACTUALLY ACCEPTED THE BAD CHECK)

Witness name: \_\_\_\_\_ Driver's license no.: \_\_\_\_\_ Home telephone: \_\_\_\_\_

Home/mailing address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Date & time check accepted: \_\_\_\_\_ Total amount of check: \$ \_\_\_\_\_ Amount of cash back \$ \_\_\_\_\_

Services or items purchased (model, serial no., value, etc.): \_\_\_\_\_

| Yes   | No    | Not Sure | Yes   | No    | Not Sure |  |
|-------|-------|----------|-------|-------|----------|--|
| _____ | _____ | _____    | _____ | _____ | _____    | Can the victim/witness identify the suspect on the basis of having conducted previous/subsequent business? |
| _____ | _____ | _____    | _____ | _____ | _____    | Did witness who accepted this check watch check writer sign check?   |
| _____ | _____ | _____    | _____ | _____ | _____    | Did witness who accepted the check initial the check as evidence of verifying Photo ID?                    |
| _____ | _____ | _____    | _____ | _____ | _____    | Was suspect compared with Photo ID?  |
| _____ | _____ | _____    | _____ | _____ | _____    | Was the check received by mail?  |
| _____ | _____ | _____    | _____ | _____ | _____    | Was there an agreement to hold the check?  |
| _____ | _____ | _____    | _____ | _____ | _____    | Was the check writer identification number recorded on the check at the time of accepting the check?       |
| _____ | _____ | _____    | _____ | _____ | _____    | Was the check post dated?  |
| _____ | _____ | _____    | _____ | _____ | _____    | Was the check predated?  |
| _____ | _____ | _____    | _____ | _____ | _____    | Was check writer information taken from file documents?  |
| _____ | _____ | _____    | _____ | _____ | _____    | Is it a payroll check?   |
| _____ | _____ | _____    | _____ | _____ | _____    | Was the check received in Kings County?  |
| _____ | _____ | _____    | _____ | _____ | _____    | Can you (the person who accepted the check) identify the suspect again?                                    |
| _____ | _____ | _____    | _____ | _____ | _____    | Does this matter involve a "two-party" check?  |
| _____ | _____ | _____    | _____ | _____ | _____    | Did person who accepted the check know the suspect?  |
| _____ | _____ | _____    | _____ | _____ | _____    | Did suspect return goods purchased with bad check?   |

**STAPLE ORIGINAL BAD CHECK HERE**  
\* One bad check per Crime Report

\*\*\*\*\* **VICTIM/BUSINESS INFORMATION** \*\*\*\*\*

Victim/Business name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Local contact person \_\_\_\_\_ Job title: \_\_\_\_\_ Phone if different: \_\_\_\_\_

Your file number: \_\_\_\_\_ Was any other payment received? \_\_\_\_\_ Was there a stop payment on

the check? \_\_\_\_\_ Did you run the check through the bank *twice*? \_\_\_\_\_ If no, explain \_\_\_\_\_

Amount of documented returned bad check bank fees up to a maximum of \$10 is \$ \_\_\_\_\_. Efforts made to contact bad check writer or additional information. List dates, methods and results: \_\_\_\_\_

If prosecution is not possible, do you wish to have the bad check returned to you to pursue civil proceedings or other? \_\_\_\_\_

The check in question is submitted for criminal prosecution. **By submitting this check for prosecution, I agree NOT to accept restitution from the suspect or his/her agent. I understand that if I do accept payment after submitting the check, the District Attorney's Office may charge the administration fee(s) to the victim/business.** In the event of prosecution, I understand that failure to appear when subpoenaed, may result in the case being dismissed. If after 60 days I have not received reimbursement or other notice from the District Attorney's Office, Check Recovery Unit, I may at that time contact the office for status. I certify that this report is true, accurate, and complete to the best of my knowledge.

Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

### NOTICE TO OUR CLIENTS

**The most common reasons a bad check may be returned to our clients are:**

1. The inability to prove who wrote the check. To prove who wrote the check, we rely completely on our clients. If the person accepting the bad check requires the check writer to show identification by requesting a valid California Driver's License (CDL) or California Identification Card (CID), we are halfway home. The check acceptor must witness the person signing the check. The acceptor must write and/or verify the CDL or CID number on the check and then initial the check to indicate they witnessed and/or verified this necessary identification. A problem may arise here when the check acceptor relies on the fact that the check has a CDL or CID already preprinted on the check or handwritten on the check by the check writer-- *this does not prove that the person's whose identification was used was the person who wrote the check*. The check acceptor should still require the check writer to show proper picture identification, verify the information and follow suggested check cashing procedures. If we have two checks that meet requirements including the verification information written on the check, we do not need to go any further to prove who the check writer was in order to prosecute.
2. The second reason is to prove intent to defraud by the bad check writer. If the bad check writer did not have the "specific intent" to write the bad check, he cannot be prosecuted. This "specific intent" is usually shown by the status of the check writer's account at the time the check(s) was written. This evidence we obtain from the bank or credit union when we request account information.
3. The third reason a check may be returned is due to the time limitations. If the check(s) written by one person totals less than \$200, we have one year from the date the check(s) is written to file misdemeanor criminal charges. If the check(s) total over \$200, we have three years to file felony charges. When these time periods expire, the checks are not useable for prosecution.
4. For different reasons, some bad checks may be considered noncriminal or statutorily ineligible for prosecution under this program. These include: two-party checks, income tax checks, insurance claim checks, payroll checks, stop-payment checks, post-dated checks and checks received through the mail.

## SUGGESTED CHECK CASHING GUIDELINES

Read every check carefully for the following eight points as shown below on the sample check:

1. MUST be personalized -- i.e. Complete name and street address preprinted by the bank. NO Post Office Boxes.
2. Date must be current -- NO post-dated or pre-dated checks.
3. Bank identification number
4. Payee must be you or your company if you are a business.
5. Dollar values written and numerical must be for the same amount.
6. Bank or credit union name and address must be printed on the check.
7. Bank or credit union number (should begin with 12 or 32) and customer computer number must be pre-printed on the check.
8. Customer signature - **Must be signed in your presence.**

|                                     |                                  |                            |                            |         |
|-------------------------------------|----------------------------------|----------------------------|----------------------------|---------|
| <i>Dan Q. Customer</i>              | ↔1                               | 3↔                         | 96-425                     | 2781    |
| <i>Suzy Q. Customer</i>             |                                  |                            | 1222                       |         |
| <i>123 Some Street</i>              |                                  | 2↔                         | <u>TODAY'S DATE</u> 19     |         |
| <i>Local Town, CA 90000</i>         |                                  |                            |                            |         |
| PAY TO THE ORDER OF                 | 4↔                               | PAYEE must be your company |                            | \$ 5    |
|                                     |                                  |                            | ↔ 5 ↔                      |         |
| 5↔                                  | Amounts must be exactly the same |                            |                            | DOLLARS |
| THE BANK                            | ↔ 6                              |                            |                            |         |
| 1 Account Closed St.                |                                  |                            |                            |         |
| Local Town, CA 90000                |                                  |                            |                            |         |
| Memo _____                          |                                  | 8↔                         | Customer's signature _____ |         |
| ∴ 1222-96425 0000123456 ∴ 2781 ∴ ↔7 |                                  |                            |                            |         |

### ASK TO SEE ONE OF THE FOLLOWING TYPES OF IDENTIFICATION:

1. Current California Driver's License (no expired ID's)
2. California ID Card

### ASK TO SEE ONE OF THE FOLLOWING SECONDARY IDENTIFICATIONS:

1. Military ID (write down Social Security Number)
2. Other ID card with number, photo or signature.
3. Bank Check Guarantee Card. (Current law does not allow you to ask for a credit card as identification.)

### ASK AND NOTE THE PERSON'S PLACE OF EMPLOYMENT.

### ALWAYS LOOK TO SEE THAT SIGNATURE ON THE CHECK AND ON THE ID MATCH.

### DO NOT ACCEPT OUT-OF-STATE CHECKS.

### DO NOT ACCEPT NON-PERSONALIZED CHECKS.

### CASH BACK CHECKS:

Personal checks should be for the amount of purchase, or the amount of purchase plus a maximum of \$25 cash back.

### **CHECK GUARANTEE CARDS:**

1. Can only be used on preprinted checks
2. Will not guarantee for more than \$100.
3. Must have the expiration date on the card.
4. Must be drawn on the same bank or credit union.

### **PAYROLL OR BUSINESS CHECKS:**

1. Payee must be local.
2. Company should be known.
3. The payee and maker should not be the same person.
4. Must be preprinted with company name and address.
5. Must be endorsed in your presence with name exactly as printed on the front of check.
6. One type of identification used should always be a California Driver's License, California ID or a Military ID

### **AVOID TAKING:**

1. Two-party checks.
2. Out-of-area checks.
3. Altered checks.
4. Income tax checks.
5. Insurance claims checks.
6. Pre-dated, post-dated or stale-dated checks.
7. Counter checks.
8. Non-personalized checks.

### ***REMEMBER ...***

1. Use common sense; if in doubt, call the bank and verify that the check is good.
2. Be doubly cautious on weekends and around holidays.
3. Do not permit yourself to become flustered by the shopper who is in a rush - be courteous, but careful.
4. Weigh the possible loss you may take against the gain.