

Welcome to our Fraudulent Check Diversion Program!

Authorized by N.R.S. 205.466, this program was established in 1992 to provide a DA-supervised and implemented program to help creditors and business operators in Washoe County collect monies due them from fraudulent or non-sufficient funds (NSF) checks or “account closed” checks.

Fraudulent checks written without sufficient funds to back them cost creditors and businesses of Washoe County hundreds of thousands of dollars in losses every year. As a tourist center with a fluid economy, the cities of Reno and Sparks suffer major financial harm when goods or services are stolen through the use of fraudulent checks.

Our program is designed to obtain full restitution for creditors or businesses by offering a DA-supervised payment program to fraud check writers in lieu of prosecution. Failure in the program results in prosecution.

Enclosed are the forms and information you will need to pursue a fraudulent check case with the District Attorney’s Office. Additional forms and information can be obtained by visiting our website at: www.washoecounty.us/da , or calling a representative of the program at (775) 789-7171.

The Fraudulent Check Diversion Program staff can be reached at the District Attorney’s Office Monday through Friday from 8:00 a.m. to 5:00 p.m., and are always available to answer questions, provide informational seminars, and assist persons interested in pursuing their legal remedies against fraud check writers. They are available to meet with you personally to explain the program in detail and answer any questions you may have.

We are here to serve you!

HANDBOOK FOR BUSINESSES

Welcome

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Fraudulent Check Complaint Form

I. CHECKS ELIGIBLE FOR THE PROGRAM

Any check written without sufficient funds in the bank to pay that check is a fraudulent or non-sufficient funds (NSF) check. The District Attorney's Fraudulent Check Diversion Program can accommodate only fraud check cases deemed **CRIMINAL** or **PROSECUTABLE** in nature.

Most businesses have adopted check acceptance procedures that, when followed, allow them to pursue a fraud check-writer **CRIMINALLY**, and take advantage of our Fraudulent Check Diversion Program.

However, it is important to understand that certain check acceptance practices can render a case **CIVIL** in nature, and therefore **NON-PROSECUTABLE** by the District Attorney.

Those checks found to be **CIVIL** or **NON-PROSECUTABLE** must be handled through appropriate civil means, small claims court or private collections.

II. CIVIL/NON-PROSECUTABLE CHECKS:

1. Checks that do not show payee, date, amount or signature.
2. Checks that are pre-dated or post-dated, or where an agreement was made to hold the check for later payment.
3. Checks for which identification of the passer cannot be made.
4. Checks not written or passed in Washoe County.
5. Checks involving an extension of credit, other than to a licensed gaming establishment.



7. Two-party checks, except payroll checks.
8. Checks for which you have later accepted partial payment.
9. Rent checks.

III. CRIMINAL/PROSECUTABLE CHECKS:

1. Generally, all checks received in exchange for money, property, goods, or services, that were thought to be good upon acceptance, and that are **NOT** classified as **CIVIL**, or **NON-PROSECUTABLE** as outlined above.

NOTE: We will attempt to collect restitution on any checks, regardless of the amount.

2. Before a check can be considered for prosecution, it must have been deposited; even if you suspect the check will not clear, deposit it.

If there is a doubt over a particular check after reviewing the above criteria, please contact our office or your local law enforcement agency's fraud division.

Suspected forgery, stolen checks, and counterfeit cases will be investigated by law enforcement and are not eligible for the Fraudulent Check Diversion Program.

IV. CHECK ACCEPTANCE PROCEDURES:

It is important that all businesses who accept checks as payment for goods and services establish an effective check policy for both customers AND employees.

Customers of businesses with established and well-posted check acceptance policies will rarely feel they are being treated unfairly if all customers are dealt with in a similar manner.

Employees who are properly trained in check acceptance procedures will help to better protect that business from fraudulent check losses.

It is a good idea to have all check procedures easily accessible to cashiers, clerks, and those employees responsible for accepting checks.

V. AN ACCEPTANCE CHECK-LIST SHOULD INCLUDE THE FOLLOWING:

1. Is the check dated with today's date?

Pre-dated or post-dated checks cannot normally be prosecuted.

2. Was the check signed before the time of presentation?

Do NOT accept personal checks that have been previously signed. The signature should be made in the presence of the person accepting the check, and it should match the check writer's photo I.D. In the case of company checks, if the signature is difficult to read, it is helpful to record the signing individual's name on the check.

3. Is the address complete?

Require a street address, in addition to a P.O. Box number. Obtain a phone number, as well.

4. Is the check written on a new account?

Approximately 85% of all fraud checks are written on accounts only a few months old, and have check numbers between 101 and 150. Use caution.

5. Can you confirm the identity of the check writer?

All identification can be forged. The most reliable I.D.'s are those that contain a photo/physical description. If suspicious, take the I.D. in hand and ask questions regarding birthdates, addresses, etc. If the I.D. does not belong to the person, he or she may be thrown off guard.

6. Do written amounts and numbers correspond?

Banks will not honor checks with discrepancies between written amounts and numbers.

7. Is the check drawn on an out-of-state bank?

If so, this may have an impact on collection and prosecution efforts. It is even more crucial to record valid I.D. and address information.

8. Is the check written on an established account?

It is extremely risky to accept checks written on counter drafts, deposit slips, etc.

9. Will the check writer place his or her thumb print on the front or back of the check?

Our unit has print pads available that do not leave black ink on the fingers. This is of great assistance if the check case goes to prosecution.

10. Has the check writer passed a fraudulent check at your establishment in the past?

Do not accept check payment from this customer.

VI. DETECTING FORGED CHECKS

1. Look for perforations along at least one edge of the check.
2. Look at the magnetically coded routing numbers at the bottom of the check. This ink is dull in finish, never shiny.
3. Look at the coded routing number (usually to the left of the account number) at the bottom of the check to see if it begins with "12." This is the Federal Reserve Bank

code for the Western United States. Checks drawn on Savings and Loans will begin with “32.”

VII. IDENTIFICATION

Basic check acceptance procedures focus on obtaining and recording proper check-writer identification. Failing to obtain proper identification is perhaps the most common reason why fraud check cases are found to be non-prosecutable. We must be able to prove identity.

Remember that all forms of I.D. can be forged. Therefore, it is important to view identification in terms of “acceptable risk.”

In order of acceptable risk, the following types of I.D. should be obtained and recorded when the check is presented.

1. **DRIVER’S LICENSE**- In Nevada, driver’s licenses contain a photograph of the individual. A new 12 digit numbering system is used in addition to the 9 digit social security number system. Instruct employees to compare the information on the license with the person before them. Look at age, race, height, etc. Out-of-state driver’s licenses should be checked even more carefully.
2. **LOCAL WORK CARDS** (Gaming or Non-Gaming) – Work cards contain photographs, and the fingerprints of the person with the card are on file. Therefore, this is an adequate identification if the work card number is written on a check drawn on a Nevada bank, and the photograph has been checked against the person presenting the check.
3. **PASSPORTS** – Passports are good I.D. especially for non-United States residents. They are acceptable for the Fraud Check Diversion Program if the check is written on a Nevada bank account.
4. **MILITARY I.D.** – Due to the confidential nature of military service, it can be difficult to verify valid identification. However, this form of identification is acceptable if the check is drawn on a local bank.
5. **STATE PHOTO I.D. CARDS** - Most often, these are issued by the Department of Motor Vehicles. They are easily obtainable so it is preferable that you do not rely on them solely as a means of identification.
6. **LOCAL CREDIT AND BANK CARDS** – These cards often give a more clear indication of local status than national credit cards. They should be considered as a secondary form of I.D.

VIII. STEPS FOR FILING A FRAUDULENT CHECK COMPLAINT FORM;

1. Obtain Fraudulent Check Complaint Forms from our website at: www.washoecounty.us/da, or from a law enforcement agency, or by contacting our office at (775) 789-7171.
2. Prior to filing the form with the law enforcement agency of jurisdiction, the victim must first notify the check-writer in writing by certified mail, extending the statutory grace period to pay off the check (s). Allow the check writer five (5) days to respond.
3. Review and complete the complaint form, recording all information as thoroughly and accurately as possible. Be certain to include any fees associated with the bad check, such as returned item fees charged by the bank and the cost of mailing a certified letter.
4. Use ONE COMPLAINT FORM PER SUSPECT, listing the check or checks involved.
5. If no I.D. was recorded on the check, but the check writer is personally known to the person accepting the check, include a witness affidavit with the case packet.
6. Attach all checks and other documentation as requested, and mail or file the complaint in person with the appropriate law enforcement agency.

For example, if the check was passed in Reno, file the complaint form with the Reno Police Department; if the check was passed in Sparks, file with the Sparks Police Department; all others should file with the Washoe County Sheriff's Department.

IX. LAW ENFORCEMENT MAILING INFORMATION:

RENO POLICE DEPARTMENT: FRAUD DIVISION
PO BOX 1900
RENO, NV 89505

SPARKS POLICE DEPARTMENT: FRAUD DIVISION
1701 E PRATER
SPARKS, NV 89434

WASHOE COUNTY SHERIFF'S DEPARTMENT: FRAUD DIVISION
911 PARR BLVD
RENO, NV 89512

X. LAW ENFORCEMENT PHYSICAL ADDRESSES:

RENO POLICE DEPARTMENT
455 EAST 2ND STREET
RENO, NV 89502

WASHOE COUNTY SHERIFF'S OFFICE
911 PARR BLVD
RENO, NV 89512

SPARKS POLICE DEPARTMENT
1701 EAST PRATER WAY
SPARKS, NV 89434

IMPORTANT – Do not accept payment or partial payment for the check once you have submitted the case to a law enforcement agency. Doing so will end all efforts by our office to obtain restitution on your behalf. If the check writer contacts you, refer him or her to the Fraudulent Check Diversion Program.

XI. FRAUDULENT CHECK DIVERSION PROGRAM CONTACT INFORMATION:

Mailing Address and Physical Address:

Washoe County District Attorney - attn: FCDP
1 SOUTH SIERRA STREET, 4TH FLOOR
RENO, NV 89501

Telephone: 789-7171

For detailed questions and support via computer: da-fcdpsupport@washoecourty.us

XII. RESTITUTION

Once the Fraudulent Check Complaint Form has been filed with law enforcement, they will conduct an investigation into the background of the check-writer, and review any other pertinent case information.

After this process is complete (approximately 3-6 weeks after receipt by the law enforcement agency), the complaint will be forwarded to the District Attorney's Office for review.

The case will either be placed in the Diversion Program, or prepared for prosecution, depending upon the results of the initial review.

If a case is selected for placement into the program, a letter will be sent to the victim advising of this fact. In addition, a letter is sent to the check-writer requesting the check-writer contact the District Attorney's Office within 10 days.

Depending on the amount of the fraudulent check (s), the check writer may commence monthly payments for up to a six-month period, as authorized by statute. The District Attorney's Office will then disburse the money to the victim as quickly as possible, usually within a month's time.

In addition to the face value of the check(s), the check writer is also responsible for victim costs, such as returned item fees charged by financial institutions, and certified mailing fees. The check writer is also required to attend a class in budgeting and finances with the goal of reducing repeat offenses.

If there is little chance of obtaining restitution from the check writer due to prior criminal history, unknown whereabouts, or high volume of additional complaints, the District Attorney will pursue immediate prosecution. If this occurs, the victim will be sent a letter stating that a complaint has been filed and an arrest warrant issued for the check writer.

XIII. NEVADA REVISED STATUTES

NRS 205.466 Creation and operation of program; acceptance of person in program.

1. A district attorney may create within his office a program for restitution for persons referred to the district attorney by a law enforcement officer who has probable cause to believe the person violated paragraph (i) of subsection 1 of [NRS 205.0832](#) or [NRS 205.130](#) or [205.380](#). The program may be conducted by the district attorney in conjunction with the county sheriff, police department or any other law enforcement agency in whose jurisdiction a violation of paragraph (i) of subsection 1 of [NRS 205.0832](#) or [NRS 205.130](#) or [205.380](#) has occurred, or by a private entity under contract with the district attorney.

2. The district attorney may adopt standards for the law enforcement agency which indicate the minimum requirements of investigation by the agency for its referral of a person to the district attorney for acceptance in the program.

3. If such a person is referred to the district attorney, the district attorney shall determine if the person is appropriate for acceptance in the program. The district attorney may consider:

(a) The amount of the check or draft drawn or passed without sufficient money or credit to pay it in full;

(b) The prior criminal record of the person;

(c) Prior referrals of the person to the program;

(d) The number of times the person has violated paragraph (i) of subsection 1 of [NRS 205.0832](#) or [NRS 205.130](#) or [205.380](#);

(e) Whether other allegations of drawing or passing checks or drafts without sufficient money or credit to pay them in full are pending against the person; and

(f) The strength of the evidence, if any, of the person's intent to defraud the alleged victim.

4. Except as otherwise provided in [NRS 205.469](#), this section does not limit the authority of the district attorney to prosecute violations of paragraph (i) of subsection 1 of [NRS 205.0832](#) or [NRS 205.130](#) or [205.380](#).

(Added to NRS by 1989, 607; A 1989, 1206; [2001, 3025](#))

NRS 205.467 Notice to persons accepted into program.

1. After the acceptance of a person to the program for restitution, a notice must be sent by registered or certified mail to that person by a representative of the program.

2. The notice must contain:

(a) The date and amount of the check or draft the person is alleged to have drawn or passed;

(b) The name of the payee;

(c) The date before which the person must contact the designated representative of the program concerning the check or draft;

(d) A demand for full restitution of the face amount of the check or draft and any fees authorized pursuant to [NRS 205.469](#) and [205.471](#); and

(e) A statement that failure to pay restitution and fees may result in criminal prosecution.

(Added to NRS by 1989, 607)

NRS 205.468 Actions required of persons accepted into program. A person accepted to the program for restitution must:

1. Voluntarily agree to participate in the program; and
2. Contact the designated representative of the program concerning the check or draft on or before the date required in the notice pursuant to subsection 2 of [NRS 205.467](#).

(Added to NRS by 1989, 608)

NRS 205.469 Agreement to suspend prosecution of person accepted into program: Entry; conditions; completion.

1. The district attorney may enter into an agreement with a person accepted to the program for restitution to suspend prosecution for a period to be determined by the district attorney, but in no case to exceed 6 months, pending the following:

(a) Completion by the person of a class conducted by the district attorney, his designee or a private entity under contract with the district attorney, which offers instruction in dealing with a checking account and developing a budget;

(b) Payment by the person of the fee required to participate in the class;

(c) Full restitution made to the alleged victim; and

(d) Full payment of the fee authorized by [NRS 205.471](#), if required.

2. As additional consideration for the agreement, the district attorney shall agree not to file criminal charges if the person accepted to the program completes the conditions of the agreement.

(Added to NRS by 1989, 608)

NRS 205.471 Collection of fee from offender; amount and disposition of fee.

1. The district attorney, the designated representative of the program for restitution or a private entity under contract with the district attorney, may collect a fee from any person who draws or passes a check or draft in violation of a provision of this chapter, if the office of the district attorney collects and processes the check or draft.

2. The amount of the fee must not exceed:

(a) Twenty-five dollars if the face amount of the check or draft does not exceed \$100;

(b) Fifty dollars if the face amount of the check or draft is greater than \$100 but does not exceed \$300;

(c) Seventy-five dollars if the face amount of the check or draft is greater than \$300 but does not exceed \$1,000;

(d) One hundred and fifty dollars if the face amount of the check or draft is greater than \$1,000 but does not exceed \$2,500;

(e) Five hundred dollars if the face amount of the check or draft is greater than \$2,500 but does not exceed \$10,000; or

(f) Ten percent of the face amount of the check or draft if the face amount of the check or draft is greater than \$10,000.

3. Money collected pursuant to this section must be deposited in the county treasury in an account to be administered by the district attorney. The district attorney may use the money in the account only to:

(a) Carry out the purposes of [NRS 205.466](#) to [205.472](#), inclusive;

(b) Defray the cost of:

(1) A program of instruction in managing a checking account and developing a budget; or

(2) Any other program of education or instruction designed to prevent the drawing or passing of a check or draft in violation of the provisions of this chapter; and

(c) Assist a victim of a crime. As used in this paragraph, "victim" has the meaning ascribed to it in [NRS 176.015](#).

(Added to NRS by 1989, 608; A 1997, 177)

NRS 205.472 Statements by person referred to or participating in program inadmissible in civil and criminal proceedings. No statement made by a person referred to the program for restitution in connection with the determination of his eligibility for participation in the program and no statement made or information given by that person while participating in the program is admissible in any civil or criminal action or proceeding.

(Added to NRS by 1989, 608)

Affidavit of Witness for Checks or Markers (Sample)

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

_____ does hereby swear under information and
(name of witness)
belief and penalty of perjury that the assertions of this affidavit are true.

1. That I am an employee of _____.
(name of business)
2. That in the scope of my employment, I cashed checks or
markers for _____, on _____.
(name of check writer) (Date)
2. That I did not write a driver's license number on the marker, or obtain a fingerprint
because **(1)** _____
(name of check writer)
is a known customer of _____, and that I personally
(name of business)
know _____ from previous transactions at
(name of check writer)
_____, or **(2)** I followed all security procedures
(name of business)
in place at _____ for proving identity of the
(name of business)
person requesting to cash a check or marker.

(name of witness)

Subscribed and sworn to before me this _____ day
of _____, 2005.

NOTARY PUBLIC

Affidavit of Witness for Checks or Markers

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

_____ does hereby swear under information and belief and penalty of perjury that the assertions of this affidavit are true.

1. That I am an employee of _____.
2. That in the scope of my employment, I cashed checks or markers for _____, on _____.
3. That I did not write a driver's license number on the check or marker, or obtain a fingerprint because (1) _____ was a known customer of _____, and that I personally know _____ from previous transactions at _____, or (2) I followed all security procedures in place at _____ for proving identity of the person requesting to cash a check or marker.

Subscribed and sworn to before me this _____ day
of _____, 2005.

NOTARY PUBLIC

SAMPLE FORM OF THE 5-DAY NOTICE LETTER

(Must be sent to check writer by certified mail only)

ANY BUSINESS
1234 Any Street
RENO, NV 89123

August 21, 2007

Ms. Check Writer
123 S. Draft Street
Reno, NV 89123

Re: Your check, number _____, dated _____, drawn on the
_____ bank, in the amount of \$ _____, payable to _____.

Dear _____,

This above listed check has been returned to us by your bank marked, "insufficient funds (or other reason)." Pursuant to NRS 205.130, issuing or passing a check, knowing that there are not sufficient funds in the account to pay the check, is a criminal offense.

This letter constitutes your five (5) day written notice that your check was returned unpaid. Unless you make restitution on this check by August 26, 2007, we will submit this matter to the Washoe County District Attorney for legal action as provided by Nevada law.

Restitution within the next five (5) days should be made directly to the undersigned.

Sincerely,
Business Owner
Business Name
1234 Any Street
Reno, NV 89123

