



## San Diego County District Attorney's **Check Enforcement Program**

Contact the Check Enforcement Program at: **1-888-240-6495**  
or contact the website at: **[www.hotchecks.net/sandiego](http://www.hotchecks.net/sandiego)**

### **Dear San Diego County Business Professional:**

In an effort to address the impact dishonored check crime has on our community, the San Diego District Attorney's Office has implemented a Check Enforcement Program. This is a multi-part program to benefit our entire community.

This diversion program, implemented before the issuance of criminal charges, is designed to provide strong incentives for check writers to make good on their dishonored check(s), while lowering the burden on our legal system.

- **The Check Enforcement Program provides materials and resources that help merchants avoid accepting checks that are later dishonored.**
- **We have implemented a comprehensive approach to securing restitution quickly and distributing it efficiently.**
- **Check offenders are required to complete a newly designed educational course to gain control of their finances and avoid passing dishonored checks in the future.**

The Check Enforcement Program is funded entirely by the check offenders. There is no fee for merchants when submitting a bad check claim to the Program. My office is committed to alleviating the negative impact of bad checks on merchants. Please take the time to read the enclosed information. Knowing exactly what steps to take and when to take them can make a big difference in how successful we will be in recovering your money.

As this is to address criminal conduct, there are specific requirements that apply for a check to be entered into the Program. Use the enclosed information to educate management and staff on their responsibilities. Please post the materials to dissuade individuals who intend to defraud you. Use the Program to its fullest. The goal of the Program is to have you receive the full value of each dishonored check and up to \$15 of the bank charges incurred. It costs nothing and you will receive 100% of the value of every check we successfully recover.

We look forward to serving you.

Sincerely,

Bonnie M. Dumanis  
District Attorney

# Guidelines for Accepting Checks

In order to protect yourself from losses due to dishonored checks, there are certain “rules” you should follow. We suggest a helpful acronym ISLAND:

- ① **Id.** It is important that you get as much identification as possible from the check writer. Date of birth and photo ID number are most important. You should obtain the following:

- ✓ full name
- ✓ date of birth
- ✓ ID number
- ✓ street address (+ city/state/zip)
- ✓ phone number.

- ② **Signature.** Watch the person sign the check. Pre-signed checks are often trouble. Compare the signature against a photo ID that contains the person’s signature. A State-issued ID or Driver’s License is best - and record the ID or Driver’s License number on the check. Military ID’s are also good forms of identification.

- ③ **Look.** Look at the person writing the check and look at the ID. Make sure it is the same person.

- ④ **Amounts.** The check amount in numbers and the amount written in words must match. Your banking institution may not accept the check otherwise. Carefully read both versions of the amount. If they do not match, do not accept the check.

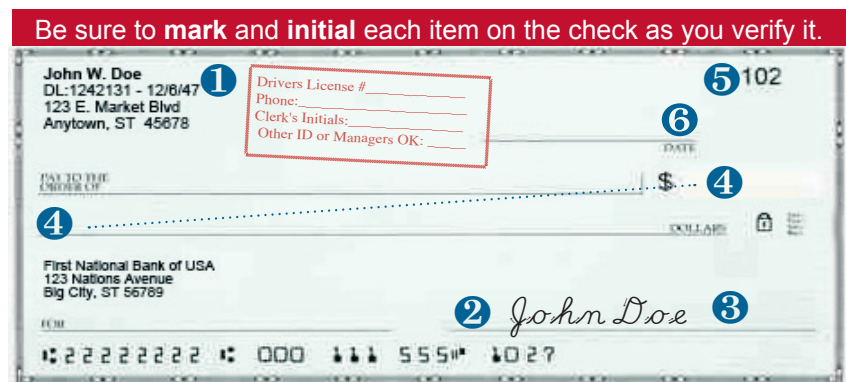
- ⑤ **Number** (of the check). Many dishonored checks are written on new accounts. Be especially attentive to checks that seem to be on a new account (i.e. Numbers in the “low 100’s” or “low 1000’s” or are starter checks with no number).

- ⑥ **Date.** Post-dated checks do not qualify for the Program. Make sure the date on the check matches the date you accept it.

Positive ID of the check writer must be established when accepting a check:

1. **The person who accepted the check MUST be noted.**  
**He or she should put their initials or employee number on the check.**  
– AND –
2. **The person who accepted the check MUST have verified the check writer’s identification.**

Complete, verified identification can influence the path that a check takes within the Program and the ability to successfully obtain restitution. Obtaining every part of the requested identification is not mandatory for checks to be submitted to the Program, but is a factor that will be considered in accepting checks into the Program. Furthermore, we may not be able to prosecute without proper, verified identification of the check writer.



# Submitting a Dishonored Check to the Check Enforcement Program

## Before You Refer a Check to this Program

Prior to referring a check to the Program, victims are required to notify the check writer by mail that a check has been dishonored and demand immediate payment of the check. If it is a joint account, all parties must be listed on the notification. If, after **10 days** from the notice, the matter has not been satisfied, you may refer the check to our office.

A **Sample Notification Letter**, containing text that is appropriate for demanding payment of a dishonored check is available on the back of this brochure. Remember, victims cannot make threats of prosecution - either written or oral - to enforce or enhance the collection or honoring of the check.

## Preparing Checks for Referral

- Enclose the original check or a bank-generated substitute check with the Check Complaint Form. Make a photocopy of both sides of the checks you are referring for your files.
- Enclose a copy of the notification letter that you sent to the check writer to demand payment of the dishonored check.
- Each check you refer to our office for enforcement must be accompanied by a Check Complaint Form. This form lists all the information needed to process the dishonored check. It is important that you fill out as much of the information as possible to assure effective enforcement. (If you do not know a piece of information you can still refer the check.)
- Provide a summary of the circumstances surrounding acceptance of the check.

## Eligible Checks

Checks eligible for the Check Enforcement Program include checks returned as:

- "Insufficient Funds"/"Non-sufficient Funds"
- "Closed Account"

## Follow-Up

This Program is intended for check writers who intentionally pass a bad check with intent to defraud. Checks submitted to the Program with insufficient

evidence of criminal intent will not be pursued. The Program may require a substantial amount of time and does not guarantee success.

If the check writer does not comply with the requirements of the Program, he or she faces potential prosecution. If this should be the case, you will be contacted about what action you may be required to take as part of that process.

We will do our best to make sure your bad checks are handled efficiently and promptly and will keep you apprised of the status of checks submitted to the program. If you have questions about this Program or any bad checks you have submitted, call toll-free: **1-888-240-6495**.

## Frequently Asked Questions

**What can I do about bad checks that don't qualify for the Check Enforcement Program?** All avenues for pursuing these checks are still available. If the check is considered part of a civil matter, you may wish to pursue the check writer in small claims court or with the help of a private attorney or a collection agency.

**Who do I contact with questions regarding a submitted check or any Check Enforcement Program questions?** Once a bad check has been submitted to the Check Enforcement Program, the Program is responsible for answering any questions regarding a specific check or the Program in general. Do not contact the District Attorney's main office, phone the Program at **1-888-240-6495**.

**What checks qualify for the Program?** Checks that are submitted to the Program go through a series of reviews. In order to ensure that your check is able to go through the review process, please provide any and all information about the check. You must include a brief summary of the circumstances surrounding the acceptance of the check before your check can be evaluated for inclusion.

**What do I do if I think a check is fraud or a forgery?** Forged or counterfeit checks do not qualify for this Program and should be immediately reported to your Sheriff's Office or local Police Department.

## San Diego County District Attorney's Check Enforcement Program

We will do our best to make sure your dishonored check(s) are handled promptly and efficiently. If you have questions about the Program or any of the dishonored checks you have referred, contact us at the phone number or internet address below.

P.O. Box 129011 | San Diego, CA 92112 | toll-free **1-888-240-6495** | [www.hotchecks.net/sandiego](http://www.hotchecks.net/sandiego)

# Sample Demand Letter

Victims of dishonored checks are required to make at least one attempt to notify a check writer to demand payment of a dishonored check that is returned. **This must be done by mail. The check writer must then be given ten (10) days to respond.** If, after that time, the matter has not been resolved, the check can be referred to the Check Enforcement Program. See the Program Guidelines for more details on referring a check.

The sample demand letter below is suitable to send the check writer. The language of the letter conforms to the requirements of the California Statutes.

**Note:** Victims of dishonored checks must not make any threats of prosecution (written or oral) to enforce or enhance the collection or honoring of the check.

**1** Be sure to date the letter.

**2** You can vary this text, but the text of a demand letter should "substantially conform to" this wording.

**3** You may require your usual, posted fee amount. Please note that the Check Enforcement Program can only collect up to \$15 of any fees imposed by your bank.

Keep a copy of the letter for your files.

If it is returned as undeliverable, you should enclose the undelivered letter when you submit the check to the Check Enforcement Program.

**◆** In the event you contact the check writer by phone, you should document your conversation.

You are free to discuss the matter with the check writer, but remember to avoid threats of prosecution.

(Company Letterhead)

**1** Date

Check writer  
Address  
City, State Zip

Re: Notice of Dishonored Check

**2** You are hereby notified that check number (ck #), issued by you on (date of check) drawn on (name of bank), and payable to (name of your business), has been dishonored.

**3** You have ten (10) days from the date of this notice to tender payment to the full amount of the check plus a fee of (\$ ) to the undersigned at (business mailing address)

You are further notified that in the event the above amount is timely paid in full, you will not be subject to legal proceedings, civil or criminal.

Sincerely,

(Signed)  
(Phone number)

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