

ONEIDA COUNTY DISTRICT ATTORNEY

WORTHLESS CHECK DIVERSION PROGRAM

RESTITUTION GUIDE FOR
MERCHANTS AND RESIDENTS

DISTRICT ATTORNEY
ONEIDA COUNTY
Michael H. Bloom

Dear Oneida County Merchants and Residents:

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 increases 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 Oneida County merchants and residents in reducing the number of worthless checks 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,

Michael H. Bloom
Oneida County District Attorney

INTRODUCTION

The worthless check diversion 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 diversion program process is as follows:

1. Checks are entered into the FCS system.
2. Check writers are contacted by the FCS diversion 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 the Oneida District Attorney's Office if more checks are entered and prosecution review is done again.

Checks eligible for the Program

- Checks or other orders of payment falling under the statutory definition as set forth in Wisconsin Statute 943.24.
If your check exceeds \$2500.00 please report to law enforcement.
Rent checks up to \$1000.00
- NSF, Account Closed, Refer to Maker, Stop Payment, Business to Business, rent
- Worthless checks LESS THAN 120 DAYS from the date issued by the check writer.

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)

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.

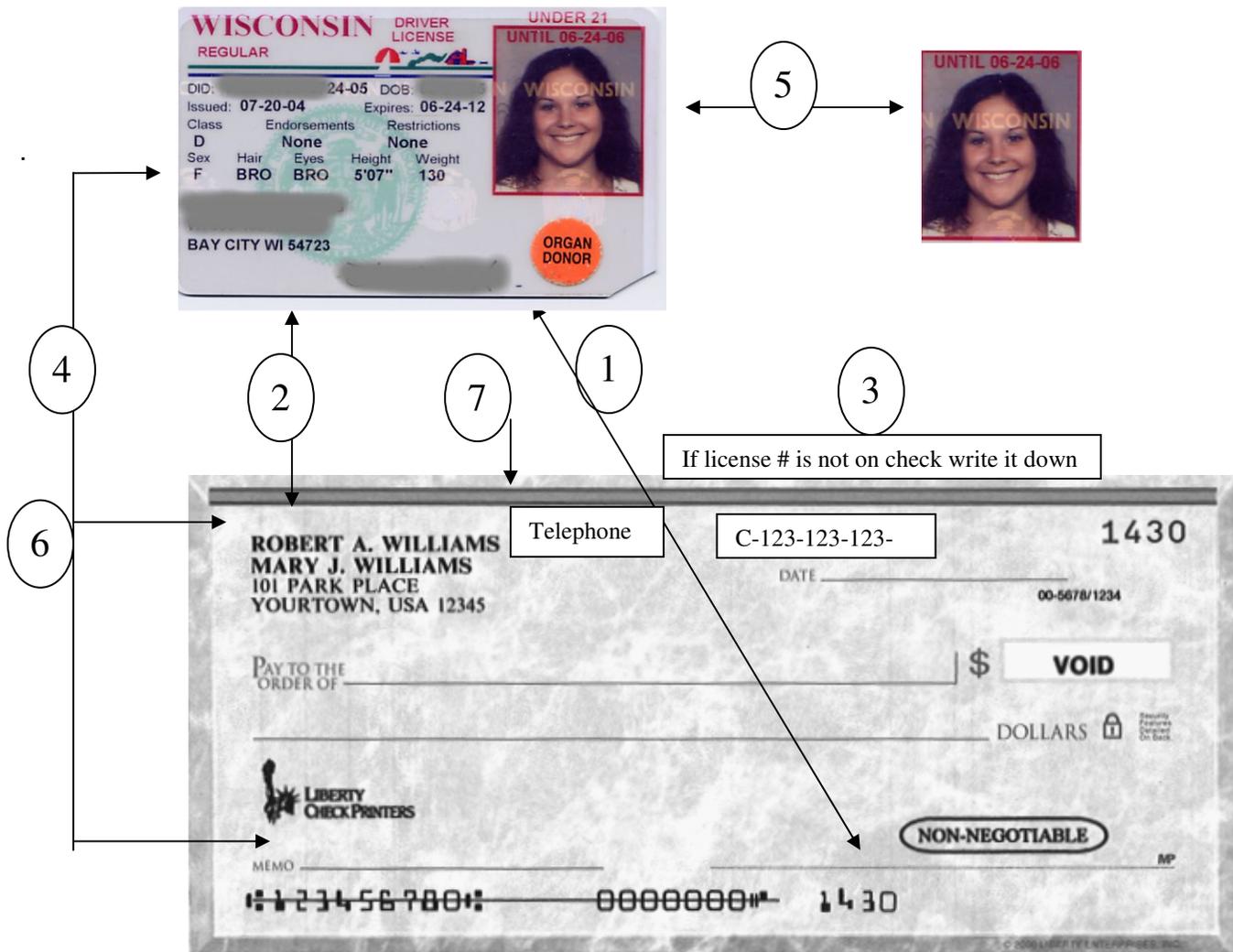
**IT'S AGAINST THE LAW TO WRITE A BAD
CHECK IN WISCONSIN**

**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 of the Check Writer

