



***Des Moines County Attorney's
Check Offender Program***

Dear Citizen:

The Des Moines County Attorney's Office handles hundreds of bad checks totaling thousands of dollars monthly. As a service to you, I have developed and implemented the Des Moines County Attorney's Check Offender Program, and I encourage you to use this free program. My staff and I are committed to holding bad check writers accountable for their actions.

Patrick C. Jackson
Des Moines County Attorney

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- A. Any merchant or individual who receives an "account closed" or "non-sufficient funds" (NSF) check may use the **Check Offender Program (COP)**. There is no cost to you to use the program.

You are the first line of defense in this problem; therefore, your roles are as follows:

Require that your clerks take precautions when accepting checks.

1. Obtain two forms of an ID: photo ID's are best (Driver's License, business check cashing card, etc.) and be sure that the clerk writes these ID numbers on the check (A firearm owner's ID card by itself is not sufficient).
 2. Check cashing cards are appropriate, but only if the presenter on the card is, in fact, the person named on the card.
 3. It is very important to compare the ID picture and the person who is presenting the check.
 4. Verify the correct address and telephone number and make any corrections on the check.
 5. Be sure that the clerk puts his/her initials on the check to show who made the identification.
 6. Do not accept non-personalized checks or counter checks.
 7. Do not accept a post-dated check and never agree to hold a check.
 8. Never cash a two-party check or a check made out to someone else other than you or your business.
 9. Take extra precaution on accepting checks written on new accounts, generally checks numbered less than 500.
 10. Be sure all writing on the check is legible.
 11. Requests for prosecution in bad check cases are to be submitted within 90 days from the date of issuance of the check. Prosecution may be declined if not submitted for prosecution within 90 days of the date of issuance.
 12. The complaining witness shall agree to voluntarily appear at trial without the necessity of subpoena upon receipt of the notice of trial, or the case will be dismissed. If the complaining witnesses are not available for trial, or if a change in trial date is required, the County Attorney's Office shall be notified immediately.
 13. To reduce losses, you may choose to implement a policy of accepting checks for only the amount of merchandise purchased.
- B. If the check is returned, you should call the check writer. If you are

unable to speak directly with the offender, you must send the check writer a **DEMAND LETTER** for payment plus any service charge your store charges. Many bad checks are a result of careless bookkeeping, and a letter from you will solve the problem.

- C. If you do not receive payment after the phone call or demand letter deadline, you may choose to utilize the **DES MOINES COUNTY ATTORNEY'S CHECK OFFENDER PROGRAM**, 215 Columbia Street, Burlington, IA 52601.
- D. To utilize the program you must submit the following documentation:

Exhibit 1. Copy of the original check issued and the original check for examination only. Bank documentation showing that the check was presented twice on a non-sufficient funds check, or once on a closed account. (This is usually on the check itself).

Exhibit 2. Copy of the approved CERTIFIED NOTICE, which is your written demand letter.

Exhibit 3. The Proof of Service card (green card) which will either come back signed, or be attached to the CERTIFIED NOTICE that was sent by you, the Merchant.

Exhibit 4. A completed and notarized AFFIDAVIT OF PROBABLE CAUSE. (Notary Publics are available at the Des Moines County Attorney's Office.)

- E. Direct all inquiries about the check(s) that you have submitted to the C.O.P. Office by calling (319) 753-8209. Because of the confidential nature of the subject matter, only the undersigned or authorized representative will be provided the information.
- F. Once a check has been turned over to the C.O.P. Office, **you cannot accept payment or restitution** on the bad check directly from the offender. Restitution and appropriate fees can only be paid to C.O.P. The offender who wishes to pay on a check that has been sent to C.O.P. should be directed to call 319/753-8209.
- G. When a Merchant signs this agreement, they will be provided a copy of the Check Policy of the **DES MOINES COUNTY ATTORNEY'S CHECK OFFENDER PROGRAM**.
- H. Any failure to abide by this agreement will result in the discontinuance of a merchant's or individual's participation in the **CHECK OFFENDER PROGRAM**.
- I. Restitution received from the check writer (offender) will be forwarded

by the C.O.P Office to the merchant upon full payment.

- J. Once a check has been turned over to the C.O.P office, you may not commence civil legal proceeding in circuit court against the offender without the express written consent of the **CHECK OFFENDER PROGRAM**.
- K. This agreement may be amended from time to time by the C.O.P and such amendments shall be effective upon mailing of a notice to the undersigned party.

The Merchant acknowledges this is a voluntary program of the Des Moines County Attorney's Office. No liability is assumed by the above parties in connection with this program nor are said parties guaranteeing the payment or collection of any amounts from the offender. The Merchant's only remedy shall be to request return of the check from the program.

(10/2007)