

SNOHOMISH COUNTY PROSECUTOR'S OFFICE INVESTIGATIVE CHECKLIST

UNLAWFUL ISSUANCE OF A BANK CHECK

RCW 9A.56.060

ELEMENTS

1. The suspect made, drew, uttered, or delivered a check or draft to another person; AND
2. The suspect knew *at the time of such drawing or delivery* that the suspect did not have sufficient funds in, or credit* with the bank or depository, to meet that check or draft in full upon presentation; AND
3. The suspect did this with intent to defraud; AND
4. (For the Class C felony crime) the check or draft (or aggregate face value of checks that were part of a common scheme or plan) was for more than \$750.

*Credit means having an arrangement with the bank or depository for payment of the check or draft.

OR

1. The suspect made, drew, uttered, or delivered a check or draft to another person; AND
2. The suspect issued a stop-payment order on the check or draft; AND
3. The suspect failed to pay money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the check holder within 20 days of issuing the check or draft; AND
4. The suspect did this with intent to defraud; AND
5. (For the Class C felony crime) the check or draft (or aggregate face value of checks that were part of a common scheme or plan) was for more than \$750.

SPECIFIC REQUIREMENTS

- 1. Copy of the check(s) suspect presented, front and back.
- 2. Copy of the suspect's monthly bank statements for the period of the fraudulent activity. If account was only open for a short time, obtain total account history records.
- 3. Copy of the account signature card to show when the account was opened and who had authority to withdraw funds. If there is more than one signatory on the account, was suspect aware of other person's use of account funds at time of NSF check?
- 4. If account was closed, record of date account was closed, reason for closure and copy of any notice to suspect that account was closed.
- 5. Identify the custodian of records who can lay foundation that records are admissible as business records.
- 6. Statement from any bank employees who dealt with suspect regarding overdrafts.
- 7. If there is no single check over \$750, determine if there is a series of transactions that were part of a common scheme or plan that can be aggregated in one count of UIBC over \$750.

- [] 8. Proof that suspect is the person who presented the check: eyewitness identification, photo montage, handwriting comparison, thumbprint, surveillance photographs, videos, CCDR, etc.)
- [] 9. Written, detailed statement from the person who accepted the written instrument, describing the transaction, any identifying information about the subject, and any statements the suspect made during the transaction. Did suspect ask or expect the person to wait a period of time before cashing the check?
- [] 10. If possible, obtain suspect's side of the story after you have the bank records and copies of checks available, so you can review specific bank account activity with the suspect.