

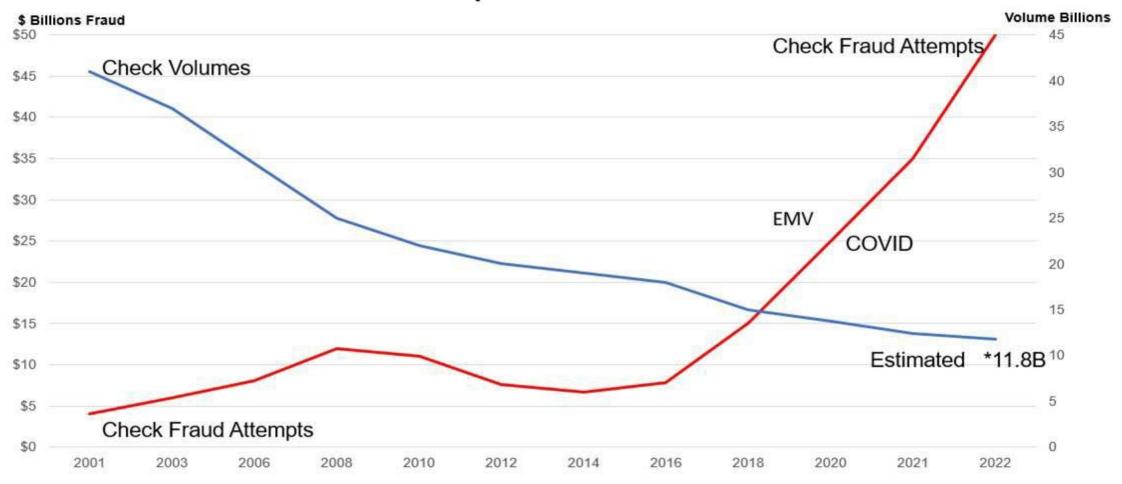
Building Success. Together.

# Check Fraud What is Old is New Again

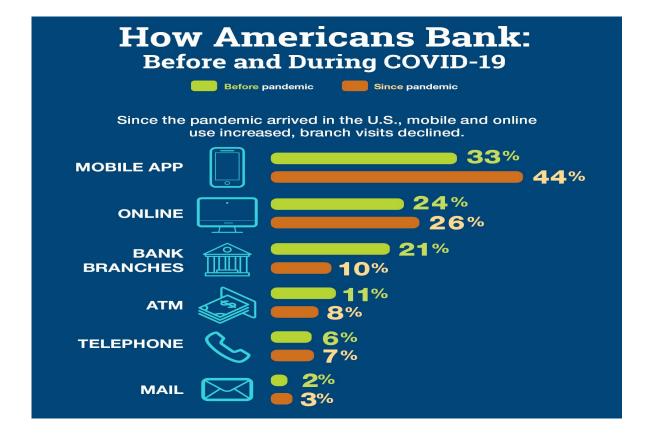
VBA & TBA

February 21, 2023

#### **Estimated Fraud Attempts**

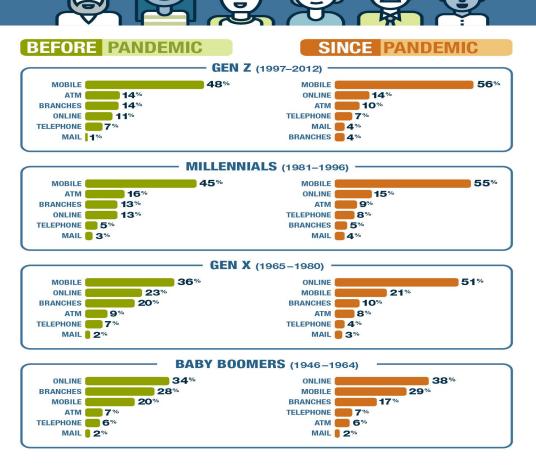


# Shift to Digital Defenses



# Bank Differently

**Different Generations** 



ABA Sponsored Morning consult poll Oct 2021

# Took Eye off the Basics - Check Fraud

#### **Problem**

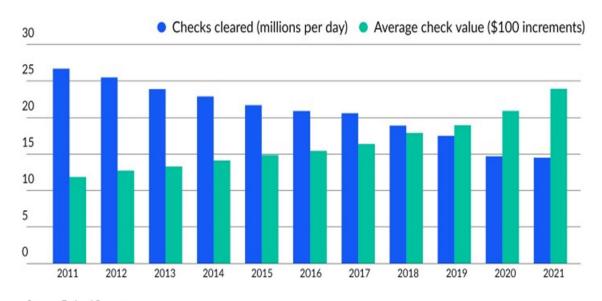
 Per Catalyst Corporate, who represents 1,400 Federal Credit Unions, Check fraud accounted for 66% of payment fraud, followed by 39% for wire transfers in 2021

#### **Challenges**

- Creating backlogs in check warranty claims
- Availability of funds (Rec CC & Check 21)
- Average check value doubled last decade

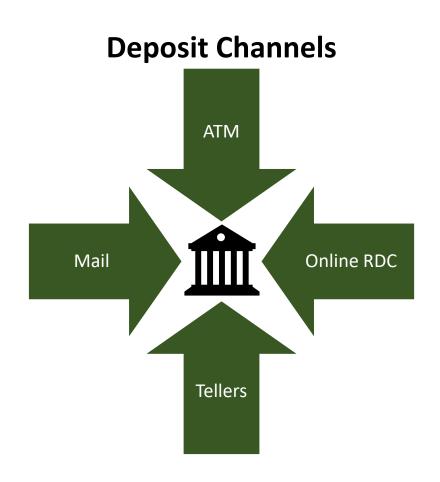
#### **Suspicious Activity Suspicious Activity** 2014 2020 2021 Category Type Fraud **ACH** 24,904 143,269 176,911 Check **96,786 216,963** 249,802 Credit/Debit card 75,496 132.925 140,327

FinCEN SAR Statistics



Source: Federal Reserve

# Numerous, Unique Deposit Channels Present Detection Challenges & Delays



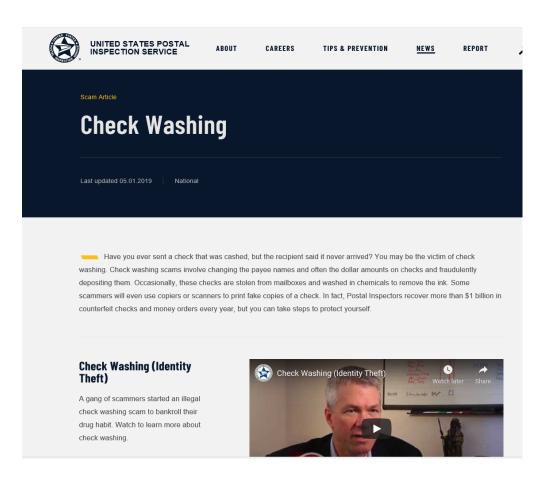
#### **Types / Trends**

- 1. Stolen Checks
  - "Washed", altered or forged
- 2. Counterfeit
  - Difficult to detect (All Channels)
- 3. Remote Deposit Capture
  - Anonymity & Easy
- 4. ATM Deposit
  - No Real Time Interaction
  - Less Monitoring

# What's Happening on the Street







#### **Postal Assaults**

# 'We need more protection': Mail carriers sound alarm over surge in robberies

Between 2018 and 2021, robberies of letter carriers more than tripled, and robberies involving a gun more than quadrupled.

#### CBS4 confirms an uptick in violence against mail carriers

A public record request through the US Postal Inspection Service showed 7,290 reports of violent criminal activity involving mail carriers in the fiscal year 2020. The USPIS said the statistics included two homicides of on-duty USPS employees, at least 140 robberies, 202 burglaries, and 631 credible assaults and threats.

#### Postal Inspection Service responding to increase in violence against mail carriers

In Fiscal Year 2020, Inspectors responded to 7,190 reports of violent crime activity nationwide, ranging from threats to assaults, burglaries, robberies, suicides and homicides. Included in this total were:



Chart: Jacob Burbrink • Source: U.S. Postal Inspection Service • Created with Datawrappe

Another public record showed 261 robberies against mail carriers in 2021. CBS4 counted 13 wanted posters the USPS has issued so far in 2022, each for assault against a carrier. One wanted poster was issued in Indianapolis after someone robbed a mail carrier at gunpoint on April 1st. It happened around 7:20 pm along South Reisner Street on the southwest side.

"This is not a one-off," Paul Toms, the president of the National Association of Letter Carriers Branch 39, said in an interview. "In the last four or five months or so, there have been four other carriers in the Indianapolis area that have been robbed."

Toms said the criminals were after the carriers' arrow keys.

"This is the worst it's ever been," he said.



#### Mail carriers are being assaulted at an alarming rate as crime rates rise

August 11, 2022

The problem isn't just exclusive to Florida, either. Thousands of postal carriers have been assaulted or robbed during the past several years, according to U.S. Postal Inspection Service data. Last month, six mail carriers in the D.C. and Maryland area were targeted in a 24-hour span.

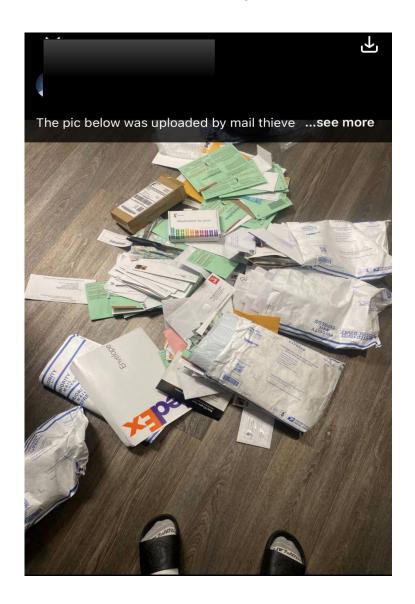
# Dark Marketplace

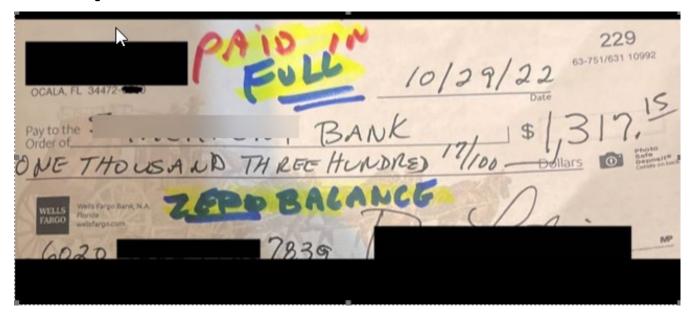
#### Anonymous interaction using TOR

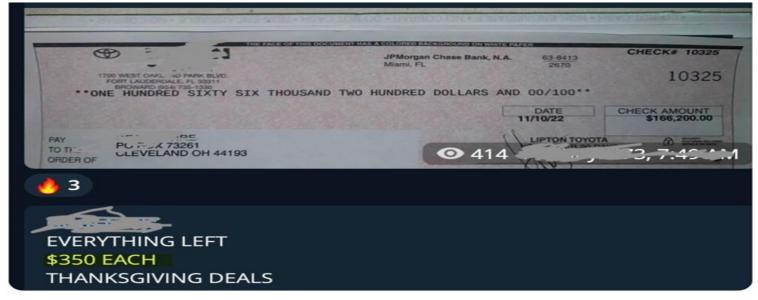
- Phishing kits
- Ransomware as service
- "Credit Card number sells for \$2 on the black market while a health record goes for \$20 or more..." -Peter B. Nichol, PMP, CSSMBB
- "Social Security Number sells for \$1.00 and a drivers license \$20..." -FiVerity
- Cashout/Mule Services
- Counterfeit & Stolen Checks
  - Customized "washing" service

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# Card Shops To Check Shops



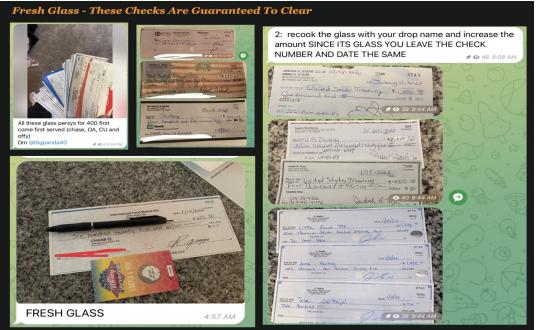




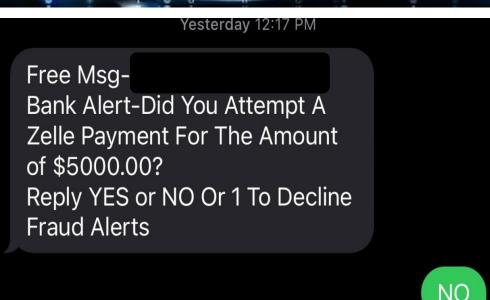
### Oldest Fraud in America Meets New...



#### **Telegram**







# Check laws re checks not properly payable

- UCC law
- Responsibilities and liability and timing for returns and warranty breach claims vary depending on the reason the check is not payable

# Reasons for check not being payable

 Altered (3-407) – An unauthorized change in a check that modifies the obligation of a party (e.g., altered amount or payee)

 Counterfeit – A fraudulently created check with a forged drawer signature (1-201(41) unauthorized signature)

Fraudulent endorsement

## Paying bank responsibility to payor

Paying bank may only pay a check that is properly payable

 Altered, counterfeit, and fraudulently endorsed checks are not properly payable.

#### Midnight deadline to return checks

- If check contains a forged or unauthorized signature
- Paying bank must meet "midnight deadline"
  - "Midnight deadline: Paying bank has until midnight of the next banking day following the banking day of receipt) to pay or begin the return of the check
- If fail to meet midnight deadline, paying bank liable
- No presentment or transfer warranty

#### Altered and fraudulently endorsed checks

#### Presentment and Transfer Warranties (UCC 4-207, 4-208)

- Warranties:
  - Check is not altered
  - Endorsements are not forged or unauthorized
  - The person being is paid is entitled to payment
  - Depositary bank has no knowledge that the check contains a forged drawer signature
- Paying bank makes warranty breach claim directly with the depositary bank, typically up to 3 years, but may vary

#### The Ever-Present Conflict

Depositary bank claims counterfeit

Paying bank claims alteration

• Who is correct?

### So what action is required?

Action by Drawee Bank The Midnight Deadline	Action by Bank of First Deposit  Breach of Warranty Claim		
Forged Drawer Signature	Altered Items		
Counterfeit Item	Forged Payee Endorsement		

Every financial institution will face both situations!

Be a good citizen!

### Rule 9:ECCHO Forged and Counterfeit Warranties

- Depositary bank warrants to paying bank
  - Signature of the purported drawer is not forged or otherwise unauthorized
  - The related physical check is not counterfeit
- Only available for electronic checks exchanged under ECCHO Rules by ECCHO members who have agreed to use the Rule and not opted out
- Rule 9 shifts liability in some cases when there are sufficient funds in the depositor's account

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