



Rockwood Police Department

Procedure for Bad Check Incidents

It is imperative that these directions be followed so that this process can be successful. If you have any questions, contact the Rockwood Police Department for assistance. If you wish to check on the status of an incident reported to this department, please make any inquiries to the attention of the officer that is investigating the case as other officers may not be familiar with the status and will be unable to assist you.

- 1) Complete the bad check packet questionnaire and return it to the investigating officer.
- 2) Complete the 5 day notice included in the packet and send it to the person whose name is on the account of the check via CERTIFIED MAIL RETURN RECEIPT REQUESTED.
- 3) When the post office returns the receipt or if the letter is returned unclaimed, call the department and leave a message for the investigating officer to pick up the receipt/letter.
- 4) Please be aware that it may take several months before the case may go to trial if prosecution is required. It would be in your best interest to appear at the arraignment and/or trial to request that the judge require restitution for the amount of the check.



ROCKWOOD POLICE DEPARTMENT
BAD CHECK REPORT

TO BE COMPLETED BY THE VICTIM:

Business Name: _____
Business Address: _____
Business Phone: _____
Person Filing Report: _____
Job Title: _____
Home Address: _____

A: CHECK INFORMATION:

1. Full address of the place where the check was accepted: _____

2. Check Number: _____ Amount of Check: \$ _____
3. Date the check was accepted: _____
4. Amount of service charge imposed on the victim, if any:, _____
5. Name of person who presented the check: _____

B: INFORMATION ON THE PERSON WHOM PRESENTED THE CHECK :

(TO BE COMPLETED BY THE PERSON WHO ACTUALLY RECEIVED THE CHECK.)

1. Your name: _____
2. Home address: _____
3. Home phone: _____
4. Description of the person who passed the check: _____
Race: _____ Age: _____ Height: _____ Weight: _____ Hair : _____
Hair Length: _____ Glasses: _____ Other: _____
5. Name given by passer: _____
6. Passer claimed employment at: _____
7. Phone number of passer: _ _____
8. Address of passer: _____



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9. Was photo identification used? () Yes () No
Was the photo compared to the passer? () Yes () No
Driver's license number: _____ State _____
Other identification used: _____
10. Description of vehicle used: _____
Model: _____ Color: _____
Other marks on vehicle: _____
License plate on vehicle: _____ State: _____
11. Description of any other person(s) with the passer, please include name if known:

12. Name and telephone number of other witness to the transaction: _____

C: PASSER INFORMATION
(Please circle the proper response)

1. Do you remember the transaction? () Yes or () No
2. Was the passer known to you? () Yes or () No
If yes, describe how: _____
3. As the person who accepted the check, can you identify the passer? () Yes or () No
If yes, describe how: _____
4. What did the passer obtain in exchange for the check?
(a) Credit for a bill _____ (b) Cash, amount: _____ (c) Service _____
(d) Merchandise (please list): _____
5. Was the check post-dated and/or did the passer ask you to hold the check to a future date?
() Yes or () No
6. Was there any conversation regarding the passer's ability to pay the check at the time it was passed?
() Yes or () No
7. Did the passer write the check and/or endorse the check in your presence?
() Yes or () No



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8. Did you initial, mark, or write on the check at the time you accepted it?

() Yes or () No

9. Did the passer make any statements about the check?

() Yes or () No

If so, what: _____

D: COLLECTION INFORMATION: (To be filled out by person making the report)

1. Please detail what steps you or your employees have taken to the contact the suspect and recover your losses: _____

When? _____ Where? _____

Results? _____

2. Has the passer attempted to make restitution? () No or () Yes If so, please detail: _____

3. Have you successfully served a five day statutory bad check notice on the passer?

() Yes or () No

() Certified Mail () Personal Service

If not served please explain _____

4. Do you feel that the passer of the check intended to defraud you when he/she passed the check? () Yes or () No

5. Have you retained an attorney or turned this matter over to a collection agency in an attempt to collect the check? () No Yes If Yes, Full Name _____

6. What conversation have you had with the passer regarding the passer's ability to pay the check at the time in which it was passed? _____

7. Was there any dispute over the quality of goods or service received by the passer?

() Yes or ()

No If so, please describe? _____

Five Day Notice

To: _____

From: _____

My business, _____, has received a check from you which has been returned by the bank. The check was numbered _____ and was made out in the amount of \$ _____. The bank indicated that the check was returned due to:

Insufficient funds

Account closed

Other, specify _____

Kindly mail a certified check or money order to my business at the address above. As an alternative, you may stop by and pay cash in person to _____
If this matter is not settled within the prescribed seven days, it may be deemed prima facie evidence that FRAUD was intended at the time the check was negotiated or the intent to pass a worthless check. At the end of the seven day period, we will refer this matter to the Rockwood Police Department for criminal prosecution or a criminal warrant will be obtained. Please contact us as soon as possible to avoid that result.

Signature

Date

Note to Victim:

The decision whether or not to prosecute the individual who passed the bad check will be made by a representative of the Ninth Judicial District Attorney's Office. This representative will take into account numerous factors including: what evidence exists of intent to defraud, identification of the person who passed the bad check and the availability of necessary bank records.

Criminal prosecution does not guarantee restitution as prosecution is designed to punish, not collect debts. If you agree to prosecute this defendant, you cannot drop the charge, if he/she offers to pay the check. If a criminal case cannot be proven, the check may be returned to you, upon request.

I hereby understand and agree that all the information contained in this document is to be used by and disseminated among all law enforcement agencies, the Office of the District Attorney and the Courts. I also understand that this check is being submitted for criminal prosecution and that if criminal prosecution is instituted, it will be necessary for those persons having knowledge of the facts to appear in court.

I hereby certify that no one has accepted full or partial restitution for this particular check as of this date, and I further agree that I will notify the Rockwood Police Department if restitution is made.

I hereby certify that I have read and understand the directions for this form, and that all of the facts written herein are to the best of my knowledge, true, accurate, and complete.

Date: _____

Signature: _____

Title: _____