

FAIRPORT POLICE DEPARTMENT
[District Attorney's Office]

BAD CHECK PROCEDURE

Complainant

1. Send a letter to the drawer by registered or certified mail, return receipt requested, notifying him or her that the check was returned from the bank.
2. Wait ten days for payment.
3. If there is no payment, protest the check. Protest should occur within thirty days of the utterance of the check.
4. Wait ten days for payment.
5. If there is no payment, assemble:
 - a) a copy of the protest form
 - b) a copy of the actual letter sent to the drawer
 - c) the registered or certified mail return receipt

Contact the Fairport Police Department at 223-1740 or 911.

6. Charges must be filed no more than three (3) months after the writing of the check.
7. **Once charges are filed, the complainant will not accept payment for the check directly from the defendant, because payment will be made through the court at the time of the disposition of criminal charges. Also, there will be no withdrawal of charges by the complainant.**

Police Officer

1. Give copy of the "Bad Check Procedure" to complainant. Write Miscellaneous Incident Card.
2. After the complainant has completed first five steps, initiate criminal proceedings for fraud check. If the owner is not available, i.e. franchise business, then person from the next level of administration must sign the complaint. That person must be in a policy-making position.

AN EXAMPLE OF THE TYPE OF LETTER WHICH A PAYEE IN A BAD CHECK CASE SHOULD SEND TO THE DRAWER

DATE_____

DEAR_____

You have written the following check(s) (at our store) (to me) and (it has) (they have) been returned to us for the indicated reason:

<u>Check No.</u>	<u>Date on Check</u>	<u>Amt.of Check</u>	<u>Name of Bank</u>	<u>Reason for Return</u>
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Please take note that "Issuing a Bad Check" is a crime under the New York Penal Law 190.05. If you are convicted, you may face up to three months imprisonment and up to \$ 500.00 in fines.

(We) (I) must insist that you make restitution (to us) (to me) for the above mentioned check immediately. If you do not pay (us) (me) within ten days of the date of this letter, (we) (I) will have no choice but to file a criminal complaint against you.

An arrest warrant will be issued by the court and it will be served upon you.

(We) (I) urge you, therefore, not to delay in paying (us)(me). Once criminal charges are filed, (we) (I) will under no circumstances withdraw the charges.

Sincerely,

If you have any questions, please contact_____at_____.