

MEDINA POLICE DEPARTMENT GENERAL ORDER

ORDER NO: 2016-003

SUBJECT: Bad Check
Complaints

EFFECTIVE DATE: 01 January 2016

RESCINDS ORDER NO: 00-09-01

DISTRIBUTION: All Sworn Personnel

PURPOSE: To establish standardized procedures for the handling of bad check complaints.

- I. **POLICY:** It shall be the policy of the Medina Police Department to investigate fully bad check complaints and to file all appropriate criminal charges.
- II. **PROCEDURE:**
 - A. No bad check complaints will be honored without the complainant having completed the necessary paperwork as provided by the Medina Police Department.
 1. Upon the request of criminal charges relating to a bad check complaint, the officer will issue both an instruction sheet and a sample letter to the complainant.
 2. No complaints will be accepted if the check(s) total less than \$25.00.
 3. No complaints will be accepted if the check(s) were written more than three months prior.
 4. The complainant shall be responsible for sending a certified letter to the drawer and obtaining a protest for the drafts. In cases where the account is closed, the complainant shall be responsible to provide proof of same on bank letterhead.
 5. The complainant is responsible for allowing the proper grace periods at each stage of the complaint.

B. Criminal Charges

1. Providing the criteria in II A(1-5) above have been meet, the officer will take from the complainant the protest form and or bank letter, a true copy of the letter sent to the drawer, and the certified mail receipt. A criminal card will be established for the complaint and an incident report completed. The paperwork will then be forwarded to the designated officer who will file the criminal complaint. Withdrawal of charges by the complainant will not be allowed.
2. Payment on a bad check complaint will be made to the Medina Police Department in the form of certified check or money order with the complainant's name on it. If payment has not been made prior to the court appearance, the court shall make any further attempts to obtain same at the time of disposition of the criminal charges.
3. In cases involving the forgery and/or larceny of checks, the complaint will be handled as a normal complaint/investigation

By Order Of:

Chad Kenward
Chief of Police

**BASIC EIGHT STEP PROCEDURE FOR A COMPLAINT
IN A BAD CHECK CASE TO FOLLOW**

Checks returned for Insufficient Funds:

- 1) Checks totaling less than \$25.00 or any third party check will NOT be accepted.
- 2) 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 and that criminal prosecution steps via the Police will now be undertaken.
- 3) Wait ten days for payment.
- 4) If there is no payment, protest the check. Protest should occur within thirty days of the utterance of the check.
- 5) Wait ten days for payment.
- 6) If there is no payment, bring:
 - a) The check and a copy of the protest form (with notary public seal)
 - b) A copy of the actual letter sent to the drawer.
 - c) The registered or certified mail return receipt to the Village of Medina Police Department, and file a complaint.
- 7) Charges must be filed no more that three months after the writing of the check.
- 8) Once charges are filed, the complainant may still accept payment for the check directly from the defendant. If no payment is made, the court will attempt to obtain same at the time of the disposition of criminal charges. Also, there will be no withdrawal of charges by the complainant.

Account Closed:

- 1) Follow step 4.
- 2) Obtain from the bank on bank letterhead a statement as to the actual date the account was closed.
- 3) Bring check, protest and letter to the Police Department.

SAMPLE LETTER

Date

Respondent

Address

Sir,

This is to inform you that a check(s) was uttered to (complainant) on (date) bearing number(s) _____ drawn on your account with (financial institution) located at (address of financial institution) and is in the amount of \$(true amount). Payment has been refused on this check(s) upon presentation by (complainant) due to (reason, i.e. insufficient funds, closed account, etc).

Before taking criminal action on this complaint, and to avoid further embarrassment on your behalf, (complainant) will allow you (10) days from the date of this notice to remit to (complainant) the monies due regarding this complaint. The total amount due is \$ (check + service fees) which is in addition to that amount of the check(s) includes any service charges and/or protest fees associated with the issuance of this check.

Kindly remit the exact amount due, either by cash, certified check or money order to (complainant). Your failure to respond to this notice will result in further criminal proceedings from the Medina Police Department pursuant to all applicable statutes of the New York State Penal Law.

THIS NOTICE IS TO BE SENT VIA CERTIFIED MAIL