

PROCESSING OF BAD CHECK COMPLAINTS

INSTRUCTIONS FOR THE COMPLAINANT

In order to process bad check complainants successfully, the following procedures must be followed. When a check is returned to you from the bank, or as soon as you have been notified that the account has insufficient funds, or is drawn on a closed account, you are required by law to send the maker of the check a certified, return-receipt-requested letter requesting restitution.

The following is a sample letter to send to the maker of the check:

Dear _____:

I/We have in our possession a check with the # _____ and dated __/__/__ and made payable to _____. The check is made in the amount of \$_____ and signed by _____ and in the bank account with _____.

This letter is to inform you that you have seven (7) business days upon receipt of this letter to make restitution in full for the above described check. If you fail to do so, a complaint will be filed with the Smithfield Police Department requesting criminal prosecution.

Signature _____

After the above information has been completed and if you have not received restitution for the check in question, it will be necessary for you to make an appointment with a member of the Detective Division at the Smithfield Police Department. A detective will take a complaining witness statement from you so that prosecution can be properly administered. Make sure you bring the check in question with you, along with the receipt from the post office showing that a certified letter was sent to the maker at his / her last known address. After the above instructions have been completed a detective will discuss the merits of the case with you.

The Smithfield Police Department will not be used as a collection agency. Parties who issue checks with insufficient funds, or on closed accounts, will be prosecuted to the fullest extent of the law. Should you have any questions please contact the Detective Division 8:00 AM - 4:00 PM, Monday through Friday.

Note: Do not accept a partial payment, as the matter will then become a civil case - not a criminal case, and the police will not be able to proceed with criminal prosecution.